

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 126



Dreier Housing & Planning Consultants, LLC

Peter Dreier
Consultant

DHP

June 12, 2007

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

Dear Ms. Gitelman:

Thank you for the opportunity to publicly comment on the Napa County draft General Plan and its companion Draft Environmental Impact Report (DEIR) prepared to assess the potential impacts of the draft General Plan and proposed required mitigation measures.

Although I know that a dedicated group of citizens on the County General Plan Update Steering Committee have worked hard over a number of months with staff and consultants to create this draft General Plan and DEIR for release for public review and comment, I believe that the draft Plan and DEIR does not address a number of critical potential impacts both within the County unincorporated area and surrounding municipalities, particularly the cities of Napa and American Canyon, and the development of appropriate mitigation measures to mitigate these significant impacts as required by law.

Additionally, I believe that the General Plan Update process initiated by the County of Napa has not complied with a variety of legal requirements contained in the State of California Government Code required to be met by Napa County as part of its preparation of an adequate draft General Plan and DEIR and adoption of a final General Plan and EIR.

Finally, I believe that the draft General Plan and DEIR does not fully identify and minimize fiscal impacts to surrounding municipalities, particularly the cities of Napa and American Canyon, as a result of the draft General Plan and also fails to fully identify and mitigate any significant physical environmental effects that might be experienced in these municipalities as a result of the County draft General Plan.

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Following are my specific concerns and questions related to the County of Napa draft General Plan and DEIR:

REQUIREMENT TO EVALUATE IMPACT OF GENERAL PLAN UPDATE ON HOUSING ELEMENT TO INSURE INTERNAL CONSISTENCY (SEE GOVT. CODE SECTION 65300.5)

As part of the General Plan Update, the County of Napa decide not to review and evaluate whether it was necessary to update any of the stated goals and policies of its Housing Element as part of the major and significant update of its outdated General Plan. This decision was based upon the County's statement that it was not necessary to review and evaluate the Housing Element since it was recently amended in 2005 and is not required to be updated until 2009 in accordance with State of California Housing Element law. (See page_____ of draft General Plan.)

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Nor has the County of Napa as part of its General Plan update process provided the public with data and analysis regarding the ongoing adequacy of its Housing Element in light of significant revisions to other required Elements and then provided the public with appropriate opportunities to publicly comment on potential impacts of the proposed revisions of other General Plan elements on the Housing Element.

Nor does the Draft Environmental Impact Report (DEIR) adequately assess the potential impacts of the draft General Plan Update and associated actions and policies on the adequacy of its Housing Element.

I believe that the decision by the County of Napa to not review, discuss the impact of proposed revisions in other required General Plan elements on the Housing Element, particularly the Land Use Element, to provide opportunities for public comments on the ongoing adequacy of its Housing Element and to make any appropriate revisions to mitigate identified impacts to insure internal consistency between the various General Plan elements is not consistent with State law and is a fatal flaw in the County's General Plan update process.

I believe that this decision not to evaluate the impact of the General Plan Update on the Housing Element, one of the key required components of all General Plans ,exposes the County to potential legal challenges regarding the adequacy of an adopted new General Plan that does not address these issues, provide additional opportunities for public comments once this additional information is available to the public and revise its Draft Environmental Impact Report (EIR) to address any additional identified impacts and proposed mitigation measures .

One of the basic tenets of California General Plan law requires all jurisdictions in the adoption or amendment of its General Plan to evaluate and insure internal consistency between all elements of the General Plan.

Government Code Section 65300.5 states as follows: "...the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency."

I do not believe that the County of Napa can comply with Govt. Code Section 65300.5 without evaluating the impact of the draft General Plan on its Housing Element.

Please clarify how the County is going to meet the requirement for internal consistency between all elements of the General Plan, particularly the Housing Element and Land Use, required by Govt. Code Section 65300.5.

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REQUIREMENT TO UPDATE HOUSING ELEMENT AS PART OF GENERAL PLAN UPDATE PROCESS (SEE GOVT. CODE SECTION 65588(a))

Furthermore, I believe that the County of Napa is incorrect in its statement that its Housing Element is not required to be updated until 2009. State law establishes a maximum time period between mandatory updates of jurisdictions Housing Elements which is tied to the State providing updated Regional Housing Needs Allocation (RHNA) to jurisdictions for the next periodic planning period which jurisdictions are then required to incorporate with revised goals and policies in to its Housing Element to insure ongoing compliance with Housing Element law.

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However, jurisdictions are also required to conduct periodic reviews between the mandatory periods for updates of Housing Elements and are required to revise their Housing Elements more frequently if as a result of that review it is determined that it is appropriate to insure ongoing compliance with Housing Element law and internal consistence between other elements of the General Plan.

I believe that the current County of Napa General Plan update process which has not been undertaken since 1983 and proposes significant changes to the Land Use element that will also impacts the Housing Element triggers a requirement under state law that the County undertake a review and update of its Housing Element as part of the current General Plan update process and not wait until 2009.

Government Code Section 65588(a) requires "each local government to review its housing element as frequently as appropriate to evaluate all of the following: (emphasis added)

- (1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
 - (2) The effectiveness of the housing element in attainment of the Community's housing goals and objectives.
 - (3) The progress of the city, county, or city and county in Implementation of the housing element.
- (b) **The housing element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review.** (emphasis added)
- (c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

Please clarify how the County is going to meet the requirements of Govt. Code Section 65588(a).

COUNTY VIOLATION OF STATE LAW REQUIREMENT TO CONDUCT ANNUAL EVALUATION OF ADOPTED HOUSING ELEMENT & IMPACT ON GENERAL PLAN UPDATE PROCESS (SEE GOVT. CODE SECTION 65400 (a))

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I am also very concerned and perplexed why the County of Napa has continuously made the decision to violate the state law requirement to conduct an annual evaluation of its Adopted Housing Element goals, programs, implementation plans and progress toward meeting its share of regional housing needs and not provide the public and interested agencies an opportunity to review and comment on this required annual evaluation report.

Govt. Code Section 65400(a) states the following:

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) **Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:**

- (A) **The status of the plan and progress in its implementation.**
- (B) **The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.**

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2). (emphasis added)

(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(b) For the report to be filed during the 2006 calendar year, the planning agency may provide the report required pursuant to paragraph (2) of subdivision (a) by October 1, 2006."

According to my review of public records, it appears that the County of Napa has been in violation of this state law since at least 1992. I can not find any annual reports that have been filed with the State of California by the County of Napa on its progress in implementing its Housing Element as required by Government Code Section 65400 (a) (2).

Most germane to the current General Plan update process, the County of Napa has failed to conduct an annual evaluation of its current adopted Housing Element for 2004, 2005 and 2006 and provide this information to the public as part of the General Plan update process and other required State of California agencies. This violation of state law to annually report on the County's progress in implementing its Housing Element is also a violation of the June 2004 Deharo Stipulated Agreement on the lawsuit regarding the adequacy of the County's Housing Element.

Finally, the County has violated its agreement with the California Department of Housing & Community Development (HCD) when HCD certified the County's current Housing Element. In an HCD letter dated December 14, 2004 from Cathy Creswell, Deputy Director, to Nancy Watt, Ms. Creswell specifically reminded the County of Napa of its responsibility to comply with Government Code Section 65400 to conduct annual evaluations and provide the reports to the public and other required state agencies. Ms. Creswell stated in the referenced letter the following:

"The County should use its forthcoming general plan implementation progress reports (pursuant to Government Code Section 65400) to provide status of the County's overall implementation actions. Annual implementation reports are required to be completed and

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submitted to the local legislative body and this Department by October 1 of each year. Failure to submit forthcoming annual reports by the due dates will trigger an automatic review by the Department on the status of these programs and the compliance of the element."... (See Attached 12/14/04 HCD letter)

In my opinion, it does not appear that the County of Napa has taken responsibility for actively monitoring the implementation of the various programs and goals in its adopted Housing Element and annually preparing a report on its progress that is available to the public in accordance with state law. Which County department or departments are responsible for monitoring the Housing Element and preparing the required reports to insure that the County complies with state law? Why has the responsible County staff not prepared these required reports? Is it the Planning Department, the Community Partnership Department or County Council Office or a combination of the three departments that are responsible for these required evaluations and reports?

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Bottom line, the public has a right to know which County staff are responsible for conducting the required annual progress report, why the report has not been prepared and will the responsible County staff be held accountable for violating state house element law?

How can the public, community organizations and other effected governmental agencies adequately evaluate and comment on the draft County of Napa General Plan and DEIR when state law required information on the County's progress in implementing one of its most important elements is not provided for public review, comment and evaluation in accordance with State housing law? How can the County certify and adopt a new General Plan and required DEIR with a new vision for the next 25 years including goals and programs to implement that vision in the various elements when it continues to violate state housing law and fails to include any information about what it has and has not done in the past three years regarding implementing the stated goals and programs in its Housing Element and what it will do in the future to insure ongoing adequacy of the Housing Element?

I do not believe that the County of Napa can continue with its General Plan update process until it comes into compliance with Govt. Code Section 65400 (a) laws and prepares the required Housing Element evaluation reports.

It may then be necessary, based upon the Housing Element evaluation reports, to revise goals and implementation programs in the various draft General Plan elements, including revising the Housing Element, to insure internal consistency and an ongoing adequate Housing Element. It will also require revising the DEIR to properly assess any additional potential impacts, associated actions and proposed mitigation measures identified as a result of complying with Govt. Code Section 65400 (a).

It is important for the County to clearly understand that continual violation of this law and failure to prepare the required Housing Element evaluation reports will expose the County to potential litigation to compel compliance and appropriate sanctions as determined by a court and possible decertification of its Housing Element by the State Department of Housing & Community Development. It also could call into question the legality of the adoption of a new General Plan prior to meeting the requirements of Govt. Code Section 65400 (a) and incorporating any appropriate revisions into the various elements of the General Plan. The County has a requirement to insure the adequacy of its Housing Element, General Plan and other relevant mandatory elements required by law. See Article 5 (commencing with Section 65300) and Govt. Code Section 65400 (c).

Please clarify why the County of Napa has failed to comply with Govt. Code Section 65400 (a), what departments are responsible for meeting this requirement, when will the County prepare the required reports for 2004, 2005 and 2006 and hold the appropriate public hearings, indicate if the County will suspend further processing of the General Plan until it has complied with this section of Govt. Code law and what other actions the County will undertake to comply with Govt. Code Section 65400 (a) and to come into compliance with State housing law.

LACK OF A DRAFT IMPLEMENTATION & MONITORING PLAN FOR EACH OF THE ELEMENTS OF THE COUNTY OF NAPA DRAFT GENERAL PLAN

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As part of the General Plan Update, the County of Napa decided not to develop a draft Implementation and Monitoring Plan for each of the Elements of the Draft General Plan. This decision was based upon the County's statement that it was not necessary to include a Draft Monitoring Plan in the Draft General Plan. The Draft Plan states that "the monitoring plan will be developed **after public review of the draft element and DEIR**". (Emphasis added) (See page 23 of draft General Plan.)

I believe that the decision by the County of Napa to not include a draft Implementation and Monitoring Plan for each of the Elements of the Draft General Plan and to not provide opportunities for public comments on the adequacy of the draft Monitoring Plan to access the implementation progress of each of the stated goals and programs in the various elements **as part of the public review process of the draft General Plan and DEIR prior to final adoption of the General Plan and certification of the Final EIR** is not consistent with State law and is a fatal flaw in the County's General Plan update process.

I believe that a draft Implementation and Monitoring Plan that clearly identifies how the County of Napa will monitor the proposed major goals and programs in each of the elements of the General Plan, what indicators will be used to measure the County's progress toward achieving stated goals and policies, when the monitoring plan will be implemented, which County department and identified staff is responsible for monitoring the various elements and an annual time table for preparation of a Monitoring Plan Progress Report to the Board of Supervisors and the public with opportunities for public review and comment needs to be developed as part of the General Plan update process and included in the public review process of the draft General Plan and DEIR. The draft Implementation and Monitoring Plan needs to be included in the draft General Plan in order to provide an opportunity for public comment on the adequacy of the Implementation and Monitoring Plan to effectively measure and access progress on effectively mitigating required mitigation measures identified in the DEIR and to effectively monitor progress on implementing major goals and programs in each of the elements of the General Plan.

The need for a draft Implementation and Monitoring Plan as part of the General Plan update subject to public review and comment is paramount to insure public accountability on implementing the new General Plan given the County of Napa's previous history of not complying with State housing law to develop and adopt a certified Housing Element until sued and forced to comply, failure to conduct required State law annual reviews and public hearings on progress of implementing its Housing Element and failure to develop monitoring program for its own ordinance on privately operated farmworker housing.

One of the basic tenets of California General Plan law requires all jurisdictions in the adoption or amendment of its General Plan to evaluate and insure internal consistency between all elements of the General Plan, including an Implementation and Monitoring Plan to access ongoing consistency between the elements over time and to take any appropriate corrective actions.

Government Code Section 65300.5 states as follows: "...the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency."

I do not believe that the County of Napa can comply with Govt. Code Section 65300.5 without evaluating and including a draft Implementation and Monitoring Plan in the draft General Plan.

Please clarify how the County is going to meet the requirement for internal consistency between all elements of the General Plan, including an Implementation and Monitoring Plan to access

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ongoing consistency between the elements over time and to take any appropriate corrective actions, required by Govt. Code Section 65300.5.

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COMMENTS ON AGRICULTURAL PRESERVATION & LAND USE ELEMENT

LAND USE PLANNING IN NAPA COUNTY (P 27-28)

This section of the General Plan purports to summarize the key milestones in the history of Napa County planning activities but neglects to include a number of key significant events that occurred from 1992 to the present that have had a major impact on the current County planning environment and the proposed draft General Plan. The following key events should be added to this section to more fully describe the history of Land Use Planning in Napa County to the public:

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- 1992 Decertification by the State of California of Adopted County Housing Element due to lack of adequate housing policies and goals consistent with State Government Code.
- 2003. County sued for failure to revise and adopt a legally adequate Housing Element since 1992 in accordance with Government Code 65585.
- 2004. County signs a Stipulated Agreement in the Deharo lawsuit to take specific actions to adopt a Certified Housing Element.
- 2004. County negotiates and executes separate Memorandums of Understanding with the Cities of Napa and American Canyon to assist the County in meeting its affordable housing needs by agreeing to revise their respective Housing Elements and add nearly 1,000 County housing units into their respective Housing Elements.
- 2005. State of California certifies the County of Napa Housing Element based upon revised Housing Elements by the County, Napa City and American Canyon in accordance with the MOU agreements.

AGRICULTURAL PRESERVATION & LAND USE GOALS (P 33)

The County draft General Plan probably comes the closest to stating the key political motivation for all of the proposed goals and polices throughout the General Plan with the comment on page 31 about the various AG/LU policy goals and polices as follows: "...policies which are collectively intended to perpetuate a policy framework that sets agricultural preservation as the immovable foundation for sound decision making within Napa County".

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However, such a policy framework that sets agricultural preservation as the immovable foundation for Napa County land use decisions diminishes the County's ability to meet other required land use requirements of state law on its own resulting in social and fiscal consequences and environmental impacts caused by such a policy being shifted onto the surrounding municipalities.

Therefore, the County of Napa also has a responsibility in its General Plan and DEIR to incorporate goals and polices that specifically identify the social and fiscal consequences and environmental impacts on surrounding municipalities and adopt appropriate mitigation measures.

The draft General Plan and DEIR needs to be revised to identify these social and fiscal consequences and environmental impacts and incorporate appropriate mitigation measures, goals and polices.

The draft Agricultural Preservation & Land Use Element only contains six goals, primarily focused on preservation of agriculture. None of the existing goals address land use goals around the surrounding municipalities, appropriate mitigation measures and how conflicting proposed land uses between the County and its municipalities will be resolved.

The Memorandum of Understandings executed by the City of Napa, American Canyon and the County of Napa (MOU) which forms the basis for the County's ability to maintain a certified Housing Element contained specific commitments by the County for cooperative joint planning with the City of Napa and American Canyon of non-agricultural land uses on unincorporated areas adjacent to these municipalities.

Those MOU commitments are summarized below:

- **CITY INVOLVEMENT IN DECISION MAKING AT THE AIRPORT INDUSTRIAL AREA AND A LIMIT ON LAND USES AT THE AIRPORT TO INDUSTRIAL/CORPORATE USES RATHER THAN TOURISM/COMMUNITY OR REGIONAL RETAIL UNLESS MUTUALLY OTHERWISE AGREED TO.**
- **CITY INVOLVEMENT IN THE COUNTY GENERAL PLAN UPDATE PROCES.**
- **COUNTY COMMITMENT TO NOT PURSUE DEVELOPMENT OR INTENSIFICATION OF USES IN THE SYAR AREA UNTIL A STUDY OF THESE PROPERTIES IS COMPLETED AS PART OF THE COUNTY'S GENERAL PLAN UPDATE.**

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The Agricultural Preservation & Land Use Element goals need to be revised and expanded to incorporate the MOU commitments into specific land use goals in the County General Plan, with the emphasis on a coordinated and cooperative joint planning process between the County of Napa, and cities of Napa and American Canyon in the South Napa area of non-agricultural land uses on unincorporated areas adjacent to these municipalities.

The County of Napa needs to adopt a balanced Agricultural Preservation & Land Use Element that not only acknowledges the commitment and priority to the preservation of agriculture lands but also acknowledges the County' responsibility to mitigate resulting social and fiscal consequences and environmental impacts on surrounding municipalities.

Furthermore, the County needs to commit to a public mechanism for the direct involvement of the elected representatives of the cities of Napa and American Canyon in land use decisions of non-agricultural uses on unincorporated areas adjacent to these municipalities.

The battle for preservation of agricultural land in Napa County has been won with the recurring commitment of all jurisdictions in Napa County for the priority of agricultural uses on unincorporated agricultural zoned land and the voter initiated protections provided by Measures J and A.

The battle ground in the next 25 years on County land use will be focused on the South Napa area between the cities of Napa and American Canyon. The 91,000+ citizens living in the two cities, which represent 68% of Napa County population, have a right to have their voice heard regarding land use decisions to insure appropriate mitigations are addressed to reduce the impact on the quality of their life and to insure that the ability of the municipalities to provide basic services to existing citizens is not compromised by land use decisions by the County on non-agricultural land uses on unincorporated adjacent areas.

Therefore, I recommend that the County of Napa add the following AG/LU goal:

- **Creation of a Joint South Napa Planning Area Joint Powers Authority composed of elected representatives of the County of Napa, the City of Napa and American Canyon which will have the authority to make decisions on land use applications of non-agricultural uses on unincorporated areas adjacent to the cities.**

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TRANSITIONAL LAND USE CATEGORY (P 40,41,47,48,74,75,92)

The Napa County draft General Plan proposes applying this new Land Use category to only two specific existing Industrial sites called the Napa Pipe site and the Boca/Pacific Coast parcels south of the City of Napa.

AG/LU-28 states that the purpose of creating this new land use category is to provide the County with "a variety of strategies to address its long term housing needs and to meet the State and regional housing requirements...". It will include "Re-use of former industrial sites designated as "Transitional" on the Land Use Map to provide for a mix of use, including affordable and market rate work force housing as appropriate".

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AG/LU-47 states that the intent of the Transitional Land Use Category is that it "provides for flexibility in the development of land, allowing either industrial, or commercial and residential uses. This designation is intended to be applied only to the Napa Pipe site and the Boca/Pacific Coast parcels in the unincorporated area south of the city of Napa, **where sufficient infrastructure may be available to support this type of development.**" (emphasis added)

At this time, the major problem with the creation of this new "Transitional Land Use" category is that there is no evidence in the record that the underlying assumption for creating this category, namely to assist the County in meeting State and regional housing requirements, will be achieved. There are no identified control measures that a proposed developer would have to meet regarding percentage of affordable units, type and size of units, affordability levels, rental vs. ownership and a requirement to construct the affordable housing units concurrently with the market rate components of a given project.

Nor is there any evidence in the record to support the assumption that there is sufficient infrastructure available to support major mix use projects on these two identified sites without significant and costly capacity expansion of several million dollars of existing water and sewer utility systems operated by the City of Napa and the Napa Sanitation District

Finally, no where in the draft General Plan is there a County commitment to mitigate resulting social and fiscal consequences and environmental impacts on surrounding municipalities as a result of the creation of a Transitional Land Use category nor evidence in the record that even if there was a commitment that the County had the ability to effectively mitigate the resulting impacts on the quality of life of citizens in surrounding communities and to insure that the ability of the municipalities to provide basic services to existing citizens is not compromised by land use decisions by the County on non-agricultural land uses on unincorporated adjacent areas.

Basically, the creation of a new Transitional Land Use category in the County of Napa General Plan is premature and poor environmental planning because the County lacks empirical evidence and hard data that the County or a proposed developer can effectively mitigate resulting social, fiscal and environmental impacts.

If the County were to adopt this Transitional Land Use category as part of its new General Plan it would convey significant new development rights (the rights for mixed use commercial, residential uses) worth millions of dollars to the developers of these two sites **prior to fully identifying any potential impacts and determining that these impacts can be successfully mitigated on the surrounding communities.**

Therefore, I recommend that the County of Napa delete the proposed Transitional Land Use category and replace it with the following Study Area category:

- **South Napa Study Area:** a Study Area category that would maintain only the industrial land use for these two sites on the Land Use Map but would allow for the development of a Specific Plan for each site including potential mixed use of commercial and residential uses contingent upon an Environmental Impact Report and other required reports at the expense of the developer identifying all social, fiscal and environmental impacts on surrounding communities and a determination that identified impacts can be effectively mitigated.

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Additionally, it would require revision to AG/LU-90 replacing Transitional with Study Area and deleting the reference to reuse and revitalization via a mix of uses and replacing Transitional with Study Area in Table AG/LU-B, deleting references to commercial and residential zoning.

The existing evidence in the public record clearly demonstrates that the current Transitional Land Use category was developed to facilitate the review and potential approval of a specific mixed use proposal on the Napa Pipe site by Napa Redevelopment Partners LLC. I believe that it is inappropriate and not consistent with state law for a General Plan Land Use category to be developed for the specific benefit of a given developer. It is not in the public interest to allow a given developer to determine the appropriate uses for its site nor the conditions under which an application will be processed.

The purpose of a General Plan is to insure that the public interest is protected and those land use decisions are made in compliance with appropriate state laws. The deletion of the Transitional land Use category and replacement with a Study Area category will achieve those goals. It will still allow the developer to submit an application, conduct the appropriate environmental and other required reports and then demonstrate how his proposed project will benefit the public at the same time it mitigates identified impacts. But the burden of proof is on the developer to demonstrate that his proposed project can accomplish these goals prior to changing the underlying land use authority on the site. This approach using a Study Area insures the public integrity of the review and approval process and insures what ultimately may get approved on these sites mitigates its impacts and has the support of the community not only now but over the 25 year period of the General Plan..

COMMENTS ON PROPOSED NAPA PIPE GENERAL PLAN AMENDMENT AND IMPACT ON GENERAL PLAN UPDATE PROCESS AND ABILITY TO MAINTAIN A CERTIFIED HOUSING ELEMENT

On June 5, 2007, the Napa County Board of Supervisors voted 3-2 to process a General Plan amendment under its current adopted General Plan on the Napa Pipe site submitted by Napa Redevelopment Partners LLC. The majority of the public that commented on the request to process a general plan amendment were opposed citing a variety of reasons, but basically all agreeing that if the Board allowed the proposal to go forward it was circumventing its own existing processes prior to the new general plan update being completed.

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The question is why would Supervisors Luce, Dodd and Moskowite support approving the processing of this general plan amendment prior to the required public hearings and a final determination of the draft new General Plan, final EIR and whether or not this new proposed Transitional land use category is adopted into the final General Plan?

It is enlightening to take a look at some of the public comments these Supervisors have made in Napa Valley Register articles on the Napa pipe proposal to identify their underlying motivation. These comments need to be part of the official record on the update of the General Plan so the public can better evaluate the merits of this proposal and understand that it appears that the majority of the Board of Supervisors is more interested in short term political goals than carefully evaluating the Napa Pipe proposal through a process focused on the public interest of identifying and mitigating the impacts that

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such a project would have on the 91,000+ citizens living in the cities of Napa and American Canyon over the 25 year period of the General Plan.

Listed below are comments made by the various Board of Supervisors regarding the Napa Pipe proposal:

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SUPERVISOR MARK LUCE

- "That MOU has cost the county \$10 million to date and will cost far more in coming decades, Supervisor Mark Luce said. The county can't afford to have the city continue to take its housing allocations under such financially onerous conditions, he said. The closure of Napa Pipe's manufacturing plant, and developer Keith Rogal's plan for a large-scale residential development, are like "God's gift to our frustration," Luce said. Future housing allocations could be assigned to Napa Pipe, eliminating the need for the county to pay the city, he said. (March 4, 2007 Register Article)
- "This would be insurance against a housing lawsuit like the one in 2003 that cost the county \$400,000 to settle, Luce said. In the future, the county wouldn't have to attempt to squeeze housing into sensitive areas like Monticello Road, where neighbors rallied in opposition, he said. (March 4, 2007 Register Article)
- Because housing opportunities now present themselves at Napa Pipe, the 2003 MOU is essentially defunct, Luce said. The wheels have come off, he said. (March 4, 2007 Register Article)
- Supervisor Mark Luce said the time was right to start the studies for Napa Pipe, arguing that he needed more specifics about the plan before making an informed decision, and that an environmental review would provide specifics. (June 6, 2007 Register Article)

SUPERVISOR BILL DODD

- Supervisor Bill Dodd agreed that the MOU "has run its course. "The county can't afford to have Napa take its housing allocations under those 2003 terms, he said. (March 4, 2007 Register Article)
- The door is wide open to make it work for everyone, Luce said. If the city took the county's housing share without financial compensation, a revised MOU could be approved, Luce and Dodd said. (March 4, 2007 Register Article)
- Supervisor Bill Dodd said it was important that the county work with the city of Napa, which, if the development goes through, will likely be asked to provide water service at the very least. But Dodd emphasized that expensive housing agreements with the cities could not be sustained again. Then there were other pressures. Napa County will continue to be subject to expensive litigation if we do not go through this process," he said. (June 6, 2007 Register Article)

SUPERVISOR HAROLD MOSKOWITE

- I just image that any development will eventually go into the city limits, said board of supervisors Chairman Harold Moskowitz. It's just common sense and makes for good government. I just don't know how we'll do it.
- Supervisor Harold Moskowitz said he agreed with Luce. We just need to go ahead and separate the wheat from the chaff," he said. (June 6, 2007 Register Article)

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In my opinion, Supervisors Luce, Dodd and Mosowite are essentially saying to the 91,000 citizens of Napa and American Canyon the following message:

"Thank you very much for agreeing to enter into the 2003 MOUs that facilitated settling the Deharo lawsuit and getting the County a certified Housing Element. But with the Napa pipe property proposal we don't think we need your help anymore; don't want to abide by the previous agreements to mitigate County impacts on the cities that we agreed to and we don't want to have to squeeze future housing into sensitive areas like Monticello Rd. (we really mean expensive rich areas of the county). Instead, we would like to create a county island on the border of Napa of 3,200 homes, 500,000 square feet of offices, 50,000 square feet of retail and a 150 unit hotel on our own because we know how to do urban planning. We don't think it will cause a big problem for you. It certainly has reduced the County's frustration, we now know where we can put future housing allocations and won't have to pay the cities any money or mitigate impacts on the cities. By the way, we hope the city will provide the water for our great plan and agree to continue to take some of the county's housing share without any financial compensation."

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In a more serious vein, I hope that all members of the Napa County Board of Supervisors take time to step back and re-evaluate their attitude and approach toward the cities of Napa and American Canyon and their legitimate concerns about the draft General Plan, DEIR; the appropriate process and safeguards that should be followed in the review and decision making process about both the Napa Pipe and the Boca/Pacific Coast parcels south of the City of Napa and the appropriate RUL line for American Canyon and complying with other requirements contained in their respective MOUs with the County of Napa.

I do not believe that it is time to cast aside the MOU agreements between the County of Napa and the cities of Napa and American Canyon as Supervisors Dodd and Luce are advocating. Rather, I believe that the commitments contained in those MOUs regarding collaborative and joint planning for land use decisions in unincorporated areas in South Napa between the two cities need to be reaffirmed and institutionalized in the County's General Plan by the creation of a Joint South Napa Planning Area Joint Powers Authority as previously discussed.

I acknowledge that the original MOUs were costly to the County of Napa. But in reality the required financial contributions were appropriate mitigation measures to the respective cities for already having provided a good portion of the housing for employees working in unincorporated Napa County.

Since 1992, the County of Napa has provided very little housing in unincorporated areas affordable to new employees hired to fill new jobs created in the Airport Industrial area as required by state housing laws. The County of Napa has never had an adequate jobs housing balance where it has produced new housing in relationship to the percentage of new jobs that have been created in unincorporated areas. Future MOU remain to be negotiated and the appropriate level of financial contributions between the parties can be determined at that time.

I would caution the Napa County Board of Supervisors about not complying with the MOU agreements. As I have previously discussed, The Memorandum of Understandings executed by the City of Napa, American Canyon and the County of Napa (MOU) forms the basis for the County's ability to maintain a certified Housing Element and contained specific commitments by the County for cooperative joint planning with the City of Napa and American Canyon of non-agricultural land uses on unincorporated areas adjacent to these municipalities which apply to both the Napa Pipe and Boca/Pacific Coast sites and to acknowledge and respect the RUL line established by American Canyon in its General Plan.

I believe that the actions the County of Napa is taking relative to the proposed creation of a Transitional Land Use category in its draft General Plan, approving the processing of a General Plan amendment for the Napa Pipe site prior to completion of the General Plan update, not establishing a collaborative and joint planning process regarding land use decisions in unincorporated areas in South Napa between the two cities and failing to acknowledge and respect in its draft General Plan the RUL line established by American Canyon in its General Plan provides sufficient cause for both cities to make a

3.0 COMMENTS AND RESPONSES TO COMMENTS

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determination **“that insufficient progress has been made by the parties in reaching consensus and agreements as described herein, then either party on or after June 30, 2006 may terminate further obligations under this MOU.”(section 26.Right To Terminate. City of Napa MOU)**

If either of the MOUs is terminated for cause, the County of Napa will lose its ability to maintain a Certified Housing Element and be subject to decertification by the State of California. Upon decertification of the County Housing Element, the County would be out of compliance with the Stipulated Agreement on the Deharo lawsuit and subject to reinstatement of that lawsuit and potential other lawsuits regarding the adequacy of its Housing Element. Decertification of its Housing Element would again, effectively shut down the County's ability to issue any other use permits or building permits until it could develop another Certified Housing Element acceptable to the State of California and the courts.

126-9E/P
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Such a scenario is not my wish. I remain a strong supporter of the MOUs and the commitments expressed for collaborative and joint planning for land use decisions in unincorporated areas in South Napa between the County of Napa and its two largest cities

As previously discussed, the draft General Plan already contains a strong commitment to agricultural, with **“policies which are collectively intended to perpetuate a policy framework that sets agricultural preservation as the immovable foundation for sound decision making within Napa County”**.

This agricultural preservation commitment needs to be strengthened and tempered with a corollary commitment to share decision making land use powers with the cities of Napa and American Canyon on the Napa Pipe and Bocca/Pacific Coast sites. The creation of a Joint South Napa Planning Area Joint Powers Authority will significantly improve the County General Plan and the County's ability to continue its strong support for agricultural preservation and also to effectively meet its housing allocation over the next 25 year period of the Plan working cooperatively with the cities of Napa and American Canyon.

As a community, we have one opportunity to get it right on deciding what type of development should be approved on both the Napa Pipe and Bocca/Pacific Coast sites. If we get it wrong, the consequences and resulting negative impacts will affect Napa County citizens forever. I believe that a slow public interest focused review and approval process involving shared decision making of all affected communities will provide the best land use decisions for these sites.

I am not opposed to the concept of mixed use, with a variety of residential, commercial and retail on these two sites. I am opposed to a political process that attempts to fast track the approval of a specific development proposal for short term political goals without fully understanding all of the potential social and fiscal consequences and environmental impacts on surrounding municipalities and insuring that appropriate mitigation measures can be adopted to mitigate those impacts and that fails to meet existing commitments in MOUs for shared decision making.

My fear is that the Board of Supervisors will reject out of hand the concept of sharing decision making land use powers with surrounding cities. It was politically painful for the existing Board members to provide the concessions contained in the MOUs and they are concerned about having to continue to provide concessions in the future to meet County housing allocation needs. It is a foreign concept for most politicians to diminish their own authority by agreeing to share it even if the resulting decisions better reflect the best outcome for the community.

My hope is that the Board of Supervisors will realize that they have an opportunity to demonstrate true political will, responsibility, leadership and courage by endorsing a commitment to share decision making land use powers that will result in decisions that better reflect meeting all of the needs for the community over the next 25 years.

As I reflect on this current situation and debate, I am reminded of what it must have been like for the past Board of Supervisors when they debated the pros and cons of the development of the agricultural preserve and supporting the measure J referendum to share their land use powers with the voters of the County of Napa. They did not know what the ultimate outcome would be of that decision, but they supported it believing that it would help insure the agricultural predominance of Napa County and that it would be better for future citizens of Napa. That decision to support Measure J is now heralded in the draft General Plan as the foundation of land use decisions in Napa County.

126-9E/P
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It is now time for this Board of Supervisors to strengthen that foundation of agricultural predominance by committing to share decision making authority on land use decisions by the County on non-agricultural land uses on unincorporated adjacent areas in South Napa with the elected representatives of Napa and American Canyon. It is the right political decision, and more importantly the right decision for the future of all of Napa County citizens and I believe will result in better land use decisions over the next 25 year life of the new General Plan.

Finally, I would like to make one final comment on this issue. If the Board of Supervisors decides not to support the concept of sharing land use authority and slowing down the review process on the Napa Pipe development proposal, I believe that there are a number of organizations and citizens of Napa County that are very concerned about the current process related to both the update of the General Plan and review of the proposed Napa Pipe development.

If the current Board fails to respond to the wishes of the community to change course there are the following two available alternatives to the citizens of Napa County:

1. It would then be appropriate to discuss the possibility of working together with all interested parties to put a referendum on the June 2006 ballot to either require the Board of Supervisors to create a Joint South Napa Planning Area Joint Powers Authority as part of the General Plan or to create a Measure J type referendum for non-agricultural land uses on unincorporated adjacent areas in South Napa so that the voters of Napa County have the final decision on what type of developments will ultimately be approved and built on these critical undeveloped areas.
2. There are three Board of Supervisor seats that are up for election in June 2006. Hopefully, among those candidates will be viable new candidates willing to respond to the wishes of the community to change course on the General Plan and the process for reviewing development proposals on the Napa Pipe and Boca/Pacific Coast sites.

NAPA PIPE POTENTIAL SOCIAL, FISCAL AND ENVIRONMENTAL IMPACTS

126-10E/P

It is important for the public record to summarize some of the obvious potential social, fiscal and environmental impacts that will be created by the proposed Napa Pipe development and will need to be analyzed and require a determination if appropriate mitigation measures can be developed to mitigate those impacts. Also, I will discuss reasons why this area should remain a Study Area with no change in the underlying Industrial zoning until all of the potential impacts are identified and appropriate mitigation measures developed to mitigate those impacts.

Listed below are the key impacts that will need to be analyzed:

IMPACT ON JOBS/HOUSING BALANCE:

One of the main reasons touted by both the developer and the majority of the members of the Board of Supervisors for supporting the Napa Pipe proposal and rezoning this site to Transitional is that it will provide a site along with the Boca/Pacific Coast site sufficient for the county to meet its future housing allocations required by the State of California.

3.0 COMMENTS AND RESPONSES TO COMMENTS

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As previously stated, at this time, the major problem is that there is no evidence in the record that the underlying assumption for creating this category, namely to assist the County in meeting State and regional housing requirements for all of the various required income levels of very low, lower, moderate and above moderate required by the State of California, will be achieved. There are no identified control measures that a proposed developer would have to meet regarding percentage of affordable units, type and size of units, affordability levels, rental vs. ownership and a requirement to construct the affordable housing units concurrently with the market rate components of a given project so that the housing created on this site will correspond to the housing allocation requirements that the county will be required to incorporate into its Housing Element and meet in the future to comply with state housing law.

In fact, in my opinion rezoning these two industrial sites to Transitional which will allow a mixed uses of commercial, retail and residential uses as proposed in the Napa Pipe proposal **will most likely result in ABAG being required to revise the preliminary housing allocation that will be assigned to Napa County for the next 5-7 year planning period and increasing the housing allocation to take into consideration the new significant proposed jobs that will be created on this site within that planning period.**

Right now, the ABAG preliminary draft housing allocation numbers for Napa County are based upon the existing Industrial zoning on these two sites and do not include any additional housing demand that would be generated from the Napa Pipe proposal because the proposed mixed uses are not allowed under the current General Plan.

If the County adopts the proposed Transitional land use category in its new General Plan, **ABAG will most likely be required to revise the housing allocation number for Napa County to reflect the new jobs that will be created as a result of 500,000 square feet of office space, 50,000 square feet of retail/commercial space and a 150 unit hotel. ABAG would also have to calculate new job demand that would be generated for the Boca/Pacific Coast site by the allowable mixed use designation and the corresponding housing demand would also need to be relected in the housing allocation for Napa County.**

The potential of ABAG most likely revising upwardly the housing allocation of the County of Napa can be avoided by designating these two sites as Study Area with the underlying industrial zoning unchanged as part of the new General Plan.

At this point in time, neither the developer nor the County of Napa have adequate empirical data to demonstrate that rezoning this site to Transitional will provide a site along with the Boca/Pacific Coast site sufficient for the county to meet its future housing allocations for all of the various required income levels of very low, lower, moderate and above moderate required by the State of California. There is no data to even indicate if the developer can meet its own housing demand generated by the proposed new jobs created on this site, let alone help meet some of the housing demand generated by other jobs created in the unincorporated area.

A detailed Jobs/Housing analysis of the Napa Pipe proposal is required to assist in answering these questions, including a breakdown of the type and number of jobs that will be created for each proposed use, the income level associated with each type of job, the type and affordability of housing required for each type of job and an analysis of the proposed 3,200 housing units and whether that housing will provide the type of housing required to meet the housing needed for the new jobs. Additionally a detailed update Jobs/Housing analysis of job creation at the rest of the Napa County Airport Industrial Area is needed to identify the remaining housing demand that will be generated and where that housing will go to meet the County's requirement for a Jobs/Housing balance.

It is very questionable that the current proposed housing, 3,200 for sale condominiums, will provide the type of housing required by the new job demand for the site, even with the developer's commitment to set aside 20% as affordable. The 20% affordable for sale units will be targeted for families at 100% and

126-10E/P
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120% of median income, ranging from an annual income of \$75,800 to \$90,960 for a family of four in accordance with the County Inclusionary requirements.

But, the problem is that based upon previous studies of the type of jobs that will be required by the proposed mixed uses for this proposal, it is likely that anywhere from 40% to 60% of the new jobs will be lower income and very low income jobs targeted at families with an annual income ranging from around \$35,000-\$60,000. Unless the developer is prepared to provide or the County require as a mitigation measure significant discounted subsidy to these very low and lower income new workers at Napa Pipe, they will not qualify to purchase any of the proposed 20% affordable units and they will have to look else where to find a place to live.

126-10E/P
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In essence, this impact of the lack of housing affordable to very low and lower income families in the current proposal on the Napa Pipe site will be shifted to the cities of Napa and American Canyon without appropriate mitigation measures. And, for those very low and lower income Napa Pipe job holders who can not find adequate housing in Napa and American Canyon and have to commute, it will impact the surrounding local and regional transportation system without appropriate mitigation measures.

Once a detailed Jobs/Housing analysis is prepared on the Napa Pipe proposal to provide answers to these questions, it most likely will be necessary to significantly revise the current proposal if appropriate mitigations measures are to be addressed, including possibly increasing the affordable component higher than the proposed 20%, the addition of an apartment component affordable to very low and lower income workers and reductions in the amount or possible outright deletion of some of the proposed residential, office space, commercial/retail and hotel uses to create a better Jobs/Housing balance on this site, thus reducing the impacts on the surrounding communities.

Until detailed empirical data is available on the Jobs/Housing balance impact of the proposed Napa Pipe proposal and how it will effect the county ability to meet future housing allocations, it would be appropriate for the developer and some members of the Board of Supervisors to refrain from claiming that rezoning this site to Transitional along with the Boca/Pacific Coast site is sufficient for the county to meet its future housing allocations required by the State of California.

IMPACT OF NAPA PIPE PROJECT PHASING

The current Napa Pipe proposal is expected to be developed over a number of years, with three to five distinct development phases. The early development phases are focused on the build out of the 500,000 square feet of office space, 50,000 square feet of commercial/retail and the 150 unit hotel use. The later stages are focused on the build out of the 3,200 residential for sale homes.

126-11E/P

The problem with the proposed project phasing is that it focuses on developing the commercial and retail component of the project that provides the greatest level of profit for the developer that will generate all of the new jobs and demand for new housing prior to the development of the new housing to meet the demand for housing that will be generated by the project.

Again, this type of project phasing will have a negative impact on the surrounding cities of Napa and American Canyon's available housing stock. It will create increased pressure for escalating housing costs for both homeownership and rental housing as a result of the increased demand for local housing created by the job growth on the Napa Pipe site prior to the availability of sufficient housing on the Napa Pipe site to help meet this demand.

In the worst case scenario, the Napa Pipe developer completes all of the commercial and retail components along with a minimal amount of the residential component of the project that generate the majority of the profit margin for the entire development and then sells off the remain residential components to another developer who then extends the time period to complete build out of the residential components in order to maximizes their new investment return in the project. The delay in the availability of housing with rising demand will cause significant problems on affordability of the

3.0 COMMENTS AND RESPONSES TO COMMENTS

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existing housing in Napa and American Canyon. I am sure that the current Napa Pipe developer will proclaim that is not his intent on this project. But if the County of Napa does not include adequate controls on the phasing of the project, the developer will have the option of taking this type of action. It has occurred in the past in other jurisdictions that did not require adequate mitigation measures on the phasing of mixed use projects.

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Therefore, I recommend that the County needs to develop mitigation measures to require the developer to develop both commercial/retail and residential components of the project during the early phases of the project, particularly requiring the affordable housing components to be build concurrently with the market rate housing. Additionally, a cap should be developed on the amount of commercial/retail development that can occur in each phase in relation to the amount of onsite housing that is concurrently developed and available to meet the house demand of new workers onsite. This type of mitigation measure will help insure a better Jobs/Housing balance and reduce the extent of potential negative impacts on the surrounding cities of Napa and American Canyon.

IMPACT ON LOCAL & REGIONAL TRANSPORTATION SYSTEM

The County of Napa does not have to wait for detailed traffic analysis reports that will be discussed in an Environmental Impact Report on the project to reach the conclusion that the current Napa Pipe proposal will have significant environmental impacts on all major local and regional transportation routes in the South Napa area. The traffic analysis reports will clarify the range of the impacts, the time and severity of the impacts, where the impacts will occur, the type and cost of mitigations to address trying to reduce the worst impacted area and those impacts that the project will not be able to effectively mitigate. It will cost millions of additional dollars and decades of time to even begin to mitigate the transportation impacts caused by this proposed project in its current form.

126-12E/P

The Napa Pipe proposal is proposing to create the largest urban development in the history of Napa County at a location just outside the border of the City of Napa within a 3-5 mile radius of all major transportation routes leading into and out of Napa County north and south of the City of Napa. This project will have a significant impact on increasing traffic flow, demand and commute times on all of the following routes: 29 and 121;121 North to the City of Napa; 29/12 west to Sonoma; 29 South to American Canyon and 29/12 Interchange East (Jamieson Canyon).

The Napa Pipe proposal in its current form will create a residential community of 3,200 homes with a permanent population ranging from 4,600-6,000 people and a work force whose ultimate size has not even been determined for the new commercial/retail space of 550,000 feet and a 150 unit hotel but which will probably require at least 500-700 new jobs. All of these new residents and workers will be converging on this most congested section of the Napa County transportation system on a daily basis.

The developer proclaims that his development will help reduce the amount of job commuters into Napa County by providing new housing for workers now working or will be working in Napa County but living elsewhere. But, there is no empirical evidence in the record to support this claim. In fact, the project can not even provide potential housing for all of the new estimated 500-700 jobs that will be created onsite because the type of proposed housing is all for sale market rate housing, except the 20% affordable that will be targeted at 100-120% of median income. Where is the 40-60% very low and lower income workers needed to support this new urban community as large as St. Helena going to live in this new beautiful river front community? Where else in the unincorporated urban areas is the County of Napa going to build affordable housing for the very low and lower income workers generated by the Napa Pipe development that can't afford to live at Napa Pipe?

Current Napa County residents have lived with local and regional transportation deficiencies for years. Recently, the Napa County Transportation Planning Agency (NCTPA) was awarded \$74 million to increase the capacity of Jamieson Canyon Road between Napa and Solano. Voters have been asked to support a local transportation tax to help pay for both local roadway and regional transportation needs, and have turned it down. Local transportation leaders are considering putting a new local

transportation tax measure on the ballot in 2008 to help fund improvements to the current identified needs.

John Ponte, assistant director of NCTPA, stated in a Register article on March 28, 2007 said the following:

" NCTPA is committing a decade's worth of State Transportation Improvement Program funds Jamieson Canyon. There may not be any additional STIP money available for another major project in Napa County until after 2011. There is no predicting when the county's next highway priorities-an interchange at Highway 29/ Jamieson Canyon and a fly-over at Highway 29/221- could be funded. The south county highway needs are so expensive that they can only be funded one at a time over many years, unless local voters were to approve a transportation sales tax", Ponte said.

126-12E/P
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Its ironic that Napa County Supervisors on the NCTPA have supported committing 10 years worth of transportation STIP funds for Jamieson Canyon improvements at the cost of no other county wide projects being able to move forward and are leading the effort to put back on the ballot in 2008 a new transportation sales tax and convince Napa County voters to support the tax and at the same time are talking about supporting the largest urban development in Napa County history at the most sensitive regional traffic juggernaut that if approved in its current form will effectively negate the traffic improvements promised to existing Napa voter even prior to the completion of the Jamieson Canyon improvements and cost millions of additional funds to effectively mitigate the traffic impacts of the Napa Pipe proposal.

The potential cumulative impact of the Napa Pipe project on the regional transportation system are significant, will cost millions of dollars to begin to mitigate and as John Ponte indicated it will be years before NCTPA can even consider allocating a portion of state STIP funds towards resolving those new impacts.

IMPACT ON WATER & SEWER UTILITY SYSTEMS

The Napa Pipe developer has indicated that he will be asking the City of Napa to provide water service for the project and the Napa Sanitation District to provide sewer service for the project. Both the Napa Water Department and the Napa Sanitation District have existing long term capital improvement plans called Master Plans that identify the major capital need improvements required of the systems to maintain existing facilities and to provide for anticipated growth within existing service areas.

126-13E/P

Neither of these Master Plans for water and sewer service includes any detailed discussions about the ability to provide expanded services or the capital need improvements for the type of current proposal for the Napa Pipe site.

It would require extensive and costly updating of the respective Master Plans to begin to identify all of the related issues that would need to be addressed and development of a timeline over many years possible decades to make the necessary capital improvement needs even if there were a desire to provide the requested services to the Napa Pipe development to meet the capacity requirements and capital improvement needs for this project.

In the meantime, the Napa Pipe developer would be asking both the Napa Water Department and Napa Sanitation District **to allocate existing available capacity to its proposed project adversely reducing their ability to meet their existing service demands within their current area of operation and current projected growth within the City of Napa. It would have a negative impact on existing customers and the ability of the water and sanitation district to meet anticipated growth within its existing service area.**

3.0 COMMENTS AND RESPONSES TO COMMENTS

The potential cumulative impact of the Napa Pipe project on the Napa Water Department and Napa Sanitation District are significant, will cost millions of dollars to begin to mitigate and take years to complete the necessary capital improvement projects required to begin resolving those new impacts.

126-13E/P
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IMPACT ON POTENTIAL FLOODING & FLOOD CONTROL PROJECT

The Napa Pipe project is proposed to be developed on land which is within the 100 year Flood Plain area of the Napa River which means all of the land to be developed will have to be raised a significant number of feet requiring millions of yards of fill material and a significant change in the topography of the area at this critical area of the Napa River.

126-14E/P

What will be the impact of such a proposed change on the \$300 million dollar Flood Control Project? Will it not reduce the available areas for potential flow of flood waters into natural areas? What will be the hydrologic impact of this change on the flow of the Napa River and the current design of the Flood Control Project? Will this cause unanticipated impacts up river in the City of Napa or north of Napa that increase the chances of flooding in those areas?

Of course, the answers to those questions are unknown and will require extensive and costly environmental studies and expert analysis to begin to fully identify the related issues, impacts and possible mitigation measures.

What is clear is that neither the Napa Pipe developer nor the Supervisors supporting the rezoning of this site to Transitional use have the necessary empirical data to answer these questions at this time.

Napa County citizens have been patiently paying and waiting for decades for the promised benefits of the \$300 million dollar Flood Control Project.

They have the right to expect that the current Board of Supervisors will not jeopardize the promises of Flood Control Project for short term political goals by pre-maturely rezoning this site for intensified urban development until all available data has been analyzed on its potential impacts and a determination that those impacts can be effectively mitigated on the surrounding communities.

DELAY GENERAL PLAN AMENDMENT TO CREATE TRANSITIONAL LAND USE CATEGORY

This runaway train called the Napa Pipe proposed development needs to be brought under public control and put on a side track until all of the related social, fiscal and environmental impacts are clearly identified and appropriate mitigation measures are developed to mitigate those impacts. The developer should not be the engineer in the locomotive driving the train to achieve his goals.

126-15P

The citizens of Napa County and their public interest needs to be the engineers driving the process of review and deliberation on what is best for the Napa Pipe site and also the Bocca/Pacific Coast sites.

SUMMARY ANALYSIS

The current draft County of Napa General Plan and DEIR are a good beginning in outlining County policies for land use decisions over the next 25 years.

However, as I have indicated in my various comments on the Plan it is legally deficient in meeting state law requirements, contained in the State of California Government Code required to be met by Napa County as part of its preparation of an adequate draft General Plan and DEIR and adoption of a final General Plan and EIR and does not fully identify and minimize fiscal impacts to surrounding municipalities, particularly the cities of Napa and American Canyon, as a result of the draft General Plan and also fails to fully identify and mitigate any significant physical environmental effects that might be experienced in these municipalities as a result of the County draft General Plan.

126-16E/P

The draft General Plan and DEIR requires significant revisions to meet the public interest of the citizens of Napa County over the next 25 year planning horizon for the General Plan.

As previous stated, it is now time for this Board of Supervisors to strengthen that foundation of agricultural predominance by committing to share decision making authority on land use decisions by the County on non-agricultural land uses on unincorporated adjacent areas in South Napa with the elected representatives of Napa and American Canyon. It is the right political decision, and more importantly the right decision for the future of all of Napa County citizens and I believe will result in better land use decisions over the next 25 year life of the new General Plan.

Thank you for the opportunity to comment. I look forward to your substantive responses to the issues I have identified in the draft General Plan.

Sincerely,



Peter Dreier
Consultant

- cc Cathy Creswell, Department of Housing & Community Development
- David Grabill, Attorney
- Mike Parness, Napa City Manager
- Rich Ramirez, American Canyon City Manager
- Napa Valley Register

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STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Housing Policy Development

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December 14, 2004

Ms. Nancy Watt
County Executive Officer
County of Napa
1195 Third Street, Suite 310
Napa, California 94559

Dear Ms. Watt:

RE: Review of the County of Napa's Adopted Housing Element

Thank you for submitting Napa County's housing element, adopted on October 26, 2004, and received for review on December 1, 2004. As you know, the Department is required to review adopted housing elements and report our findings to the locality pursuant to Government Code Section 65585(h). A series of meetings, phone calls, e-mails, and facsimile exchanges during the past few months with Messrs. Howard Siegel, Community Partnership Manager, Steve Lederer, Deputy Director, and Ms. Silva Darbinian, Deputy County Counsel, facilitated the review.

The Department is pleased to find the adopted element addresses the statutory requirements as described in the August 3, 2004 review. The Department recognizes Napa County's leadership in developing programs that will guide development to areas where infrastructure is adequate and available, provide greater opportunities to address local housing needs, and preserve agricultural lands while accommodating needed housing growth for all income levels.

As you know, Napa County has entered into an agreement (via MOUs) with the cities of Napa and American Canyon to transfer 1,058 units of its regional housing need allocation (RHNA), pursuant to Government Code Section 65584(c)(1). We commend the County and these jurisdictions for their cooperative efforts to develop strategies to overcome development challenges and more effectively address the housing needs in the Napa Valley. However, the Department's finding of compliance is conditioned on the cities of Napa and American Canyon each submitting amended housing elements and the Department finding that both amended elements demonstrate the supply of suitable and appropriately zoned sites is sufficient to accommodate the additional housing need created by the transfer (i.e., 664 units for the City of Napa and 394 units for the City of American Canyon).

The Department's finding of compliance is also contingent on the County taking action to adopt and apply an Affordable Housing Overlay (AHO) zone to all those sites described in Appendix H. According to the site suitability analysis in Appendix "H", development of the Monticello/Atlas Peak Road site is currently constrained by the lack of public water and sewer service. Since this site has development potential for 231 multifamily units (page 66 of the element), it is critical to Napa County in meeting its adjusted regional share need for lower-income households.

Ms. Nancy war
Page 2

Therefore, if by March 31, 2005, the Department has not found the amended housing elements for the cities of Napa and American Canyon in compliance with the "adequate sites" statutory requirement as set forth in State housing element law and/or the County does not have written confirmation from the City of Napa and the Napa Sanitation District that water and sewer service will be made available to the Monticello/Atlas Peak Road site within the planning period, the adopted element will no longer identify adequate sites and require immediate action to amend the element to identify an alternative site(s).

The County should use its forthcoming general plan implementation progress reports (pursuant to Government Code Section 65400) to provide status of the County's overall implementation actions. Annual implementation reports are required to be completed and submitted to the local legislative body and this Department by October 1 of each year. Failure to submit forthcoming annual reports by the due dates will trigger an automatic review by the Department on the status of these programs and the compliance of the element. In the interim, on or prior to March 31, 2005, the County must provide the Department with an update describing its progress in implementing the AHO (5a) and water supply (5d) programs (page 82) and accompanying Policy 5b (page 94).

In addition, because the County's adopted housing element is in compliance, it has met one of the threshold requirements for an innovative new program that rewards local governments for approving affordable workforce housing. The Workforce Housing Program, funded by Proposition 46, provides grant funds to eligible local governments for every qualifying unit permitted, beginning calendar year 2004. Grant awards can be used to fund any capital asset project, such as transportation or park improvements. More specific information about the program is available on the Department's website at <http://www.hcd.ca.gov/ca/whrp/>.

The Department wishes the County of Napa much success in implementing its housing, land-use, and development assistance programs, and looks forward to following the County's annual progress and achievements through its forthcoming general plan implementation progress and receiving the County's interim progress report on or prior to March 1, 2005. If we can provide any additional assistance in implementing the County's housing element, please contact Don Thomas, of our staff, at (916) 445-5854.

In accordance with requests pursuant to the Public Records Act, we are forwarding copies of this letter to the persons and organizations listed below.

Sincerely,



Cathy E. Creswell
Deputy Director

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 126: PETER DRIER, DREIER HOUSING & PLANNING CONSULTANTS, JUNE 12, 2007

Response 126-1 E/P: Commenter believes that the Draft EIR does not address a number of critical potential impacts, and the General Plan Update has not complied with a variety of legal requirements. The commenter also states that both documents do not fully identify and minimize fiscal impacts to surrounding municipalities or fully identify and mitigate physical environmental impacts. The commenter states the identified deficiencies in both documents in general terms, but does not provide specifics. County staff believe that the General Plan Update and EIR meet all legal requirements and have provided responses to all specific comments as required by law. The Draft EIR appropriately identifies potential physical impacts of adoption and implementation of the General Plan Update, and also provides mitigation measures where feasible to reduce or eliminate significant environmental impacts identified. The EIR is not required to assess fiscal impacts, except to the extent that such impacts may result in secondary physical impacts.

Response 126-2 E/P: Commenter requests clarification on how the County will meet the requirement for internal consistency between all elements of the General Plan and questions the County's decision not to concurrently review and update the Housing Element. The commenter suggests that the Draft EIR should assess the impacts of the General Plan Update on the adequacy of the Housing Element. County planning staff has prepared and reviewed the proposed General Plan Update in light of the County's certified Housing Element and has determined that no changes are necessary to the Housing Element in order to maintain internal consistency between General Plan elements as required by law.

There is no legal requirement for all elements of a general plan to be updated concurrently as long as consistency is maintained. There is also no legal requirement for a Draft EIR to consider adequacy of a Housing Element, or for the County to provide data and analysis regarding the Housing Element as part of a General Plan update unless the Housing Element is part of that update. The County's Housing Element is due to be updated by June of 2009 and cannot be updated before the County is provided with housing numbers (the Regional Housing Needs Assessment) by the Association of Bay Area Governments (ABAG). As such, the Housing Element will be updated as required when that information is formally available to the County. Currently, the County has a valid and state-certified Housing Element that is not due to be updated until 2009. There is nothing in the proposed General Plan Update that conflicts with the adopted Housing Element.

Response 126-3 P: Commenter notes that the County is incorrect in its statement that its Housing Element is not required to be updated until 2009. Commenter asks for clarification as to how the County will meet the requirements of Govt. Code Section 65588(a). The County's Housing Element was last updated in 2004 and was certified by the state as compliant with state requirements. The Element will be updated again by June 2009 (i.e., within about five years of the previous update) and County staff disagrees with the commenter's assertion that updating of the Housing Element is in

3.0 COMMENTS AND RESPONSES TO COMMENTS

some way “triggered” by proposed updates to the balance of the General Plan.

Response 126-4 E/P: Commenter states his concern that the County has “continuously made a decision to violate the requirement of state law to conduct an annual evaluation” of the County’s adopted Housing Element goals, programs, implementation plans, and progress toward regional housing needs. The proposed General Plan Update and Draft EIR cannot be adopted if in violation. County staff disagrees with the commenter’s assertions that the County is not in compliance with state law or has somehow failed to live up to an agreement with the state’s Department of Housing and Community Development (HCD). The County currently has a certified housing element and has provided reports to HCD. Members of the public are welcome to review the County’s reports and should contact housing professionals in the County’s Planning office or CEO’s office for more details. As noted above, the Housing Element is not required to be updated at the same time as the rest of the General Plan, as long as internal consistency is maintained. The County’s Housing Element will be updated again between 2008 and June 2009. Also, please note that the state legislature has changed the timing and procedures for annual reporting to HCD, such that sections of the Government Code cited by the commenter are no longer current.

Response 126-5 E/P: Commenter asserts that the decision by the County to not include a draft implementation and monitoring plan for each of the General Plan Elements as part of the public review process of the proposed General Plan Update and the Draft EIR, providing no opportunity for the public to comment on the adequacy of the draft monitoring plan or to access the progress of implementation of the stated Goals and programs in the Elements, is not consistent with state law. County staff appreciates the concern for the process that has been followed in the preparation of both the proposed General Plan Update and the Draft EIR; however staff disagrees that there is any “fatal flaw.” The General Plan Update process is ongoing, and the Revised General Plan Update issued on December 4, 2007, includes an implementation plan. Public comments on the implementation plan and other sections of the document will be accepted at public hearings beginning January 15, 2008, and the commenter is invited to provide comments or suggestions if desired. Also, this Final EIR appropriately assesses potential impacts of General Plan adoption and implementation as required by law.

Response 126-6 P: Commenter requests that additional events from 1992 to the present be added to pages 27-28 of the Agricultural Preservation and Land Use Element to more fully describe the history of land use planning in the County. The County appreciates the commenter’s suggestion, but does not believe the chronology presented in the introduction to the Agricultural Preservation and Land Use Element is the appropriate place to list the additional dates and events suggested, since they are more germane to the Housing Element.

Response 126-7 E/P: Commenter suggests that the proposed General Plan Update and Draft EIR be revised to identify the social and fiscal consequences on the

3.0 COMMENTS AND RESPONSES TO COMMENTS

surrounding communities due to the goals of the Agricultural Preservation and Land Use Element (page 33) and the associated environmental impacts. Commenter requests the Draft EIR and proposed General Plan Update incorporate appropriate mitigation measures, goals, and policies to counteract these effects and suggests the plan should “commit to a public mechanism for the direct involvement of the elected representatives of the Cities of Napa and American Canyon in land use decisions...adjacent to these municipalities.” In the commenter’s view, this should include the establishment of a joint powers authority (JPA) to address non-agricultural uses in the unincorporated area adjacent to cities.

County staff appreciates the commenter's concerns and has ensured that the environmental effects associated with proposed land use changes and housing under the proposed General Plan Update are addressed in the technical sections of the Draft EIR, whether or not those effects would occur in the incorporated cities or in the County. Social and fiscal impacts are not topics requiring consideration under CEQA. Also, the commenter has not provided any specificity regarding the social or fiscal impacts that might result from adoption and implementation of the General Plan Update, and the commenter has also not provided any examples or evidence that would support his suggestion.

County staff feels that the Revised General Plan Update articulates appropriate policies regarding cooperation between the County and incorporated cities (see Policies Ag/LU-23, Ag/LU-30, and Ag/LU-127 for starters), and does not feel that the General Plan need re-state commitments in the 2004 Memorandum of Understanding with the City of Napa or the similar agreement with the City of American Canyon. Nothing in the Revised Draft General Plan Update would conflict with these agreements, and the Preferred Plan strikes an appropriate balance between agricultural preservation and other land use goals. The County also declines to abdicate its responsibility for unincorporated areas of the County to the cities or to some kind of joint powers agency.

Response 126-8 E/P: Commenter notes that the creation of a new “Transitional Land Use” category in the County is premature and poor environmental planning, as the County lacks empirical evidence and hard data for such uses. Nor is it likely a developer exists that can effectively mitigate social, fiscal, and environmental impacts of this change. The “Transitional” designation has been replaced by a “Study Area” designation, as suggested by the commenter. Under this new designation, further study would be required before non-industrial uses could be introduced at the Napa Pipe and Boca/Pacific Coast sites, and a future General Plan amendment (not necessarily a specific plan) would also be required.

Response 126-9 E/P: Commenter questions why the Board of Supervisors voted to process a General Plan Amendment for the Napa Pipe site when the General Plan Update process is ongoing and states that comments made by members of the Board of Supervisors at that time need to be part of the record. Commenter suggests that the Board is acting unwisely and requests the Board “re-evaluate their attitude,” etc. Commenter reiterates his view

3.0 COMMENTS AND RESPONSES TO COMMENTS

that decisions regarding land use for sites such as Napa Pipe and the Boca/Pacific Coast parcels should be made on a cross-jurisdictional basis with the cities immediately adjacent to those properties. The County acknowledges the commenter's suggestions and has revised the "Transitional" designation as described in Response 126-8 E/P, above. The County does not, however, agree with the commenter's assertions regarding its agreement to process an application for a General Plan amendment submitted by the property owner of the Napa Pipe site. It is only logical that the County should wish to consider the appropriateness of redevelopment of the Napa Pipe site, and there is no legal or other impediment to doing so concurrent with the General Plan Update. As noted above, the County does not wish to abdicate its authority and responsibility for unincorporated areas of the County to the cities or to a joint powers agency; however the County desires to coordinate with the cities about issues of mutual concern. For example, the County and the City of Napa have agreed on a study group process to prepare several threshold studies about the Napa Pipe proposal prior to preparation of a full EIR. Also, the County and the City of American Canyon have been negotiating an agreement, the substance of which is reflected in Policy Ag/LU-130.

Response 126-10 E/P: Commenter requests that the Napa Pipe site remain designated for industrial uses while the best land use for that property is studied. Commenter provides several points demonstrating why the commenter feels the "transitional" area is not advisable, among them a concern that ABAG will increase the amount of housing required in the County if Napa Pipe is so designated. Commenter is referred to Response 126-8 E/P. The "Transitional" designation has been replaced by a "Study Area" designation as suggested by the commenter. The commenter's concerns about the Napa Pipe project are appreciated and will be forwarded to Planning staff for consideration during evaluation of the property owner's proposal.

Response 126-11 E/P: Commenter notes the potential impacts of project phasing for the Napa Pipe project, primarily as they relate to delays in construction of the residential portion of the project site and rising housing costs in the surrounding community. Commenter requests mitigation to prevent the non-residential portion of the project from being constructed without a substantial portion of the residential uses. As discussed in Response 126-8 E/P above, the "Transitional" designation has been changed to "Study Area" as suggested by the commenter, meaning that additional study and an additional General Plan amendment will be required before non-industrial uses can occur on the site. Nonetheless, the Draft EIR is a program-level EIR that assesses potential impacts of a series of alternatives, some of which assume redevelopment of the Napa Pipe site. The commenter is invited to review this analysis and is also invited to provide comments during the upcoming review and analysis of the property owner's proposal for Napa Pipe. This in-depth, project-specific review will be undertaken separately from the General Plan Update.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response 126-12 E/P: Commenter notes that the Napa Pipe proposal will have significant environmental impacts on all major local and regional transportation routes in the South Napa area. Commenter is referred to Response 126-11 E/P, immediately above.

Response 126-13 E/P: Commenter notes that the City of Napa and the Napa Sanitation District do not have any detailed discussion regarding serving a project such as the Napa Pipe project in their respective master plans. Commenter asserts providing service to such a project would result in significant effects on existing customers, on the environment, and financially. Commenter is referred to Response 126-11 E/P above.

Response 126-14 E/P: Commenter notes that the Napa Pipe project is to be developed on land located within the 100-year floodplain area of the Napa River. Commenter asks what the impact of the project would be on the Flood Control Project. Commenter is referred to Response 126-11 E/P and Climate Change Master Response 3.4.4 regarding sea level rise and flooding.

Response 126-15 E/P: Commenter requests the County delay the General Plan Amendment ("runaway train") to create a "Transitional Land Use" category until related social, fiscal, and environmental impacts are clearly identified. As noted elsewhere above, the environmental effects of potential development of the Napa Pipe and Pacific Coast/Boca sites were programmatically addressed in the technical sections (see Draft EIR Sections 4.1 through 4.14) of the Draft EIR, and there is no legal or other requirement that precludes the County from considering a General Plan amendment proposed by the owner of the Napa Pipe site concurrent with the General Plan Update. This separate amendment will be the subject of in-depth analysis and a project-specific EIR. The General Plan Update itself has been revised consistent with the commenter's suggestion, to replace the "Transitional" designation with a "Study Area" designation.

Response 126-16 E/P: Commenter attests the proposed General Plan Update and the Draft EIR require significant revisions to meet the public interest of the citizens of the County over the next 25 years. Commenter attached a letter from Cathy Creswell of the State Housing, Community and Development Department regarding the County Housing Element. County staff has determined that all concerns regarding both the General Plan and the Draft EIR have been considered and addressed in this Final EIR. County staff also declines to "share decision making authority" for land use decisions affecting unincorporated areas of the County adjacent to the cities and has recommended adoption of Policy Ag/LU-127 and others instead. The commenter is referred to the revised General Plan Update and Section 2.0 and 4.0 of this document regarding revisions to the General Plan Update and Draft EIR.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 127

June 13, 2007

County Of Napa
Planning Division
1195 Third Street
Napa, Ca. 94558

Re: Napa County General Plan

To Whom It May Concern:

In the early 1940's my grandfather, Paul T. Lewis purchased several large parcels in the Coombsville Road area—known to many as, Lewis Dairy. The Dairy stretched from Coombsville Road to the rolling hills of 4th Avenue. In the 60's, the State of California placed Eminent Domain on the main entrance to the Dairy where Silverado Middle School now stands. For many decades, the Dairy produced and contributed revenue for our valley. After my grandfathers passing in the 90's, my uncle continued the trades of a dairyman, but over the years of economy downfalls and property land usage, rules and regulation changes, the once thriving Dairy had come to an end.

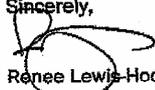
Over the 7 years, several county AG—parcels have been sold off to vineyard entrepreneur's; and due to recent creek set backs and land usage restrictions resulted in another parcel leaving our family.

A remaining parcel of 22 acres—lands of my grandfather's remains limited to usage. It is zoned AG—watershed with limited usage and stands at the edge of the City's RUL. Water has never been an issue, but has been in questioned due to parcel further east of the valley floor. It is nestled behind Silverado Middle School and is surrounded at three corners by City boundaries and hopes for a brighter future.

This parcel should be carefully reviewed by County staff, supervisors, planners, etc. The parcel is small enough, but big enough to give the people of our community an opportunity to feel a little country.

As a native Napan, I have had the opportunity to live and enjoy the hidden treasures of our valley. As always, I thank you for the opportunity to express my opinion and in hopes an opportunity for this parcel to be review and considered in the General Plan of our valley.

Sincerely,


Renee Lewis-Hodge

Renee Lewis-Hodge P.O. Box, Napa, California 94581 (707) 333-6614

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 127: RENE LEWIS-HODGE, JUNE 13, 2007

Response 127-1 P: Commenter requests the County evaluate the remaining 22 acres of the Lewis Dairy in the General Plan as the commenter attests it has water issues, lies within close proximity to RUL, and is surrounded on three sides by the City of Napa. The County appreciates this comment and will forward it to County policy-makers for consideration. The proposed General Plan Update does not propose changes to land use designations or permitted uses in this area.

Letter 128

From: RE Hulbert [mailto:rhulbert@valuedplaces.com]
Sent: Saturday, June 16, 2007 11:50 PM
To: Lowe, Rone Patrick
Cc: Gitelman, Hillary
Subject: Napa General Plan Update

Dear Mr. Patrick Lowe,

I am writing to you as a California Architect committed to enhancing the quality of life for all residents through the advocacy of **sustainable community planning**. A key aspect of creating a sustainable community is embracing the notion of “**memory and continuity**.”

I urge your committee to respect the preservation of historic resources in Napa County, and to incorporate these resources into a considered, managed growth strategy that benefits all present and future residents and visitors to the county at large. There needs to be policies put in place that encourage the restoration and/or preservation of these valued places.

The disposition of man made historic resources can make an essential contribution to the environmental, social, and economic sustainability of the entire region.

Richard Hulbert

Richard E. Hulbert
Valued Places, L.L.C.
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rhulbert@valuedplaces.com

128-1E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 128: RICHARD HULBERT, JUNE 16, 2007

Response 128-1 E/P: Commenter, writing as a California architect supporting the advocacy of sustainable community planning, requests the committee respect the preservation of historic resources and incorporate them into a considered, managed growth strategy in the proposed General Plan Update. County staff appreciates the concern for historic resources and has incorporated many goals and policies to encourage restoration and/or preservation of these valued places in the Community Character Element. The commenter is referred to revisions to Community Character Element and the Conservation Element.

Letter 129

From: ZQuat@aol.com [mailto:ZQuat@aol.com]
Sent: Friday, June 15, 2007 1:17 PM
To: Gitelman, Hillary
Subject: General Plan Comments

14 June 2007

General Plan Revision Committee
Napa County Planning Commission
Napa County Board of Supervisors

Re: Napa County General Plan Update
General Plan Comments

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

I wish to applaud the work of the Committee and to thank them for their devoted efforts in this long process.

My particular interest is in the **preservation of historic resources** as addressed in the Cultural Goals and Policies section and I am pleased to see the use of incentives [Goal CC-4 and Policies CC-24 and 25].

Napa County is endowed with a number of very special yet deteriorating historic and cultural assets which continue to deteriorate unused and unappreciated as a consequence of the lack of viable use.

In my preservation experience, incentives comprise a most powerful and effective tool and will be of great importance in giving new life to unused, underused or perhaps inappropriately used historic sites [especially in the AP and Aw zones].

I urge the Committee, the Planning Commission and the Board to assure that these provisions become incorporated in the final GP and wish to suggest that the 'Action Item CC 25-1' be revised or expanded to recognise that in some cases buildings that *'have lost their historic integrity'* may be incented to be restored, and that some historic sites may require uses somewhat more intense than in the original version in order to provide a viable long term economic basis for their preservation. Such enhancements must be appropriate in scale and design and be compatible with the context and environment in which they are located.

Insofar as expanded intensity is concerned, I note a possible parallel with standards and criteria that are applied in the Use Permit process for winery uses in Ag districts.

Our County, rich in so many ways will be even further enhanced by these measures. It is my belief that Preserved Historical fabric will strengthen so many of our other special attributes. History will eventually fold in the present and the future. It is my hope that it will be able to fold in more than mere memories of some of our most fragile assets.

Many Thanks

Richard Ehrenberger
Preservation Architect

1990 Soda Canyon Road
Napa
zquat@aol.com

129-1E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 129: RICHARD EHRENBERGER, JUNE 14, 2007

Response 129-1 E/P: Commenter requests the Committee, Planning Commission, and Board of Supervisors assure that the provisions of Community Character Element CC-24 and CC-25 become incorporated in the final General Plan and suggests that Action Item CC 25-1 be revised or expanded to provide for incentives to restore buildings that have lost their historic integrity. Commenter further requests that the County consider that some historic sites may require somewhat more intense uses than those originally provided in order to ensure a long term economic basis for their preservation. The County appreciates these comments and refers the commenter to revisions to the Community Character Element. Policies have been revised somewhat to allow greater flexibility with regard to use, but continue to require that historic buildings retain their "integrity" to be eligible for incentives. This is consistent with state and federal requirements and ensures that property owners do not inappropriately benefit from structures that are not legitimately considered historic. For example, a building that retained its historic cornerstone or an historic rafter, but was otherwise new, should not be deemed "historic" in its entirety and made eligible for federal, state, or local incentives.

Letter 130



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www.napavintners.com

June 14, 2007

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

Dear Mr. Lowe,

Thank you for the opportunity to comment on the draft of the Napa County General Plan update.

One of the key tenets of the Napa Valley Vintners (NVV) mission is to promote and protect the Napa Valley appellation. As such, we are pleased to note that the draft continues to emphasize a strong commitment to the preservation of agricultural lands and open space, as well as wine grape growing and the wine industry, throughout its many elements.

130-1P

We understand that a convergence of perspectives and opinions resulted in this draft and that more will be presented during the comment period, resulting in a strong General Plan that supports and reflects the longstanding vision of this community and, ultimately, implementation measures and ordinances that accomplish the same. With that in mind, we would like to recommend the following considerations as we move toward the final plan.

Growth

We are pleased that the draft clearly outlines the intent to direct non-agricultural, industrial, commercial and residential growth to existing incorporated urban and unincorporated industrial areas slated for redevelopment that are close to services and transportation corridors. This reflects smart and balanced planning. We support the clear description of policies surrounding existing Rural Urban Lines (RUL) and Spheres of Influence and strongly urge a commitment to provide for the needs of the community by adhering to existing incorporated city and town centered growth and development without converting agriculture and open space lands.

130-2E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

We support the draft's linkage between transportation goals and agriculture and land use policies in the Circulation Element which will protect the County's rural character while promoting urban centered growth in existing incorporated areas.

Based on data in the Environmental Impact Report (EIR), we are very concerned that each alternative exceeds the 1% population growth cap, which is current county policy. We urge the retention of this annual 1% population growth cap as policy in the new plan. It goes without saying that population growth will have a primary and significant impact on our natural resources and our environment, traffic patterns, housing, and ultimately agricultural lands and open space. We strongly urge the county to continue (in cooperation with the governing bodies of our incorporated areas) to direct urban centered growth to those incorporated areas.

130-2E/P
cont'd

We urge that the impacts of using the 2005 Association of Bay Area Governments (ABAG) population numbers be assessed in an EIR alternative when measuring the impacts of the final preferred version of the General Plan. We encourage that in the final EIR assessment that all efforts be made to eliminate the significant and unavoidable impacts on agriculture as detailed in the existing EIR alternatives.

We are keenly aware of the subtle, yet critical, difference between the words "oppose" and "discourage" and note their placement throughout the draft (for example the language contained in Ag/LU-23 and Ag/LU-24). When "discourage" could be replaced with "oppose" to remain consistent with, and more accurately reflect, the General Plan's intent to relieve pressure and keep non-agricultural development off of agriculture and watershed lands, and promote urban centered growth, it should be. We encourage the careful delineation of these words so that each policy statement is clear and not open to re-interpretation by future decision makers. We recognize that we are grappling with the management of quantifiable components such as growth percentages, water supplies and housing numbers, and that these are reflected as projections in the plan.

Agriculture Preservation and Land Use

We commend the General Plan Steering Committee for adding the critical category of "Agricultural Preservation" to the seven topics required by state law. We are pleased to see the very first sentence of this comprehensive, 300-page document acknowledge and prioritize the agricultural heritage of our very special county. The Steering Committee provides both clarity and mission on page 17 in stating that "This General Plan reflects the dominance of agriculture in the local economy, and the wine industry's extraordinary \$9.5 billion impact on the State's economy." We are pleased that the first goal in the Economic Development Element recognizes the wine and vineyard industry as a powerful local economic force and seeks to maintain and enhance the economic viability of agriculture.

130-3P

We strongly support the statement in the introduction to the Agricultural and Land Use Element which asserts in part "...policies which are collectively intended to perpetuate a policy framework that sets agricultural preservation as the immovable foundation for sound decision making within Napa County." Additionally, Goals 1-6 in this attempt to affirm the concepts of preservation of existing uses, economic viability, compatibility of uses, balance, regulatory stability, proper planning and urban centered growth.

When considering the update of the plan our first question was "will agriculture's position be strengthened?" After review of the draft, we believe there are ample opportunities to further clarify and plan for the ongoing importance of agriculture. We are concerned that the current

draft may actually weaken agriculture's position, or at the very least, introduce a vagueness of intent that may weaken that position in the future. Potential revisions to the six Agriculture Preservation and Land Use Goals have been presented by local agriculture organizations. We have reviewed them and believe that the revisions serve to strengthen the position of agriculture and we encourage the careful consideration of the proposed language (attached).

130-3P
cont'd

Streamlined process for environmentally superior vineyard projects

The effort to make the process for vineyard and winery development more efficient is appreciated as is the attempt to create regulatory assurance. While streamlining the process is a desirable outcome, we must guarantee that this process and associated procedures are above reproach and legal challenges. Failure to do so risks not only stalling but ultimately destabilizing the very regulatory environment we are attempting to stabilize.

The NVV strongly supports the goal incorporated in the draft General Plan to streamline the administrative process for small vineyard development. However, the detailed criteria used in the draft EIR analysis will not, in our opinion, accomplish the intended goal.

We recommend that the General Plan be revised to commit to the development, as soon as possible and practical, of a set of procedures and regulations that will result in a streamlined process; that will meet the true definition of ministerial; and that will not be subject to CEQA.

We recognize that, given the tight time constraints you are dealing with, a separate EIR covering the ministerial process and the criteria for "superior vineyard projects" will probably need to be prepared and approved by the Board of Supervisors. We are hopeful that this can begin in early in 2008, after completion of the General Plan, and we are committed to continuing to work with the county on this effort.

130-4E/P

We recommend that a corresponding goal pertaining to a streamlined administrative process for winery development be included in the General Plan, (see Policy Ag/LU-15) and that terms related to size (e.g. "small") and source (e.g. "mostly") are more clearly defined throughout the policies.

The NVV encourages Napa County to align regulatory assurances and incentives with the Napa Green Land (via Fish Friendly Farming) and Napa Green Winery third party certification programs. We also strongly urge the cross referencing of the Agriculture Preservation and Land Use Element and the Conservation Element to strengthen and align goals and policies that correlate between vineyards and wineries and related activities, definitions and processes.

Sustainability and energy goals

Just as the commitment to protecting and preserving agriculture in Napa County is woven throughout the document and integrated into many of the goals and policies, so should be the protection and preservation of our environment by encouraging practices that meet the definition of sustainability. These elements include policies that are "environmentally sensitive, socially equitable and economically viable."

130-5P

Specifically, we encourage the expansion of the Energy Goals in the Conservation element to include more information on climate change policies and a clear articulation of our commitment to the reduction of greenhouse gases as a community. Clearly this issue is garnering not only topical interest, but also resulting in policy and law as indicated by

3.0 COMMENTS AND RESPONSES TO COMMENTS

California's AB 32. As a community we need to acknowledge and accept our role in meeting local, state, federal and even global challenges and goals associated with this issue. Napa County has a record of approaching difficult topics head on and coming up with innovative solutions and this should be no exception. We have an opportunity through the General Plan to convey our intent to address climate change through not only our words, but our practices.

130-5P
cont'd

Definition of "developed areas"

We strongly urge either the elimination of the term "developed areas" or a clear and concise definition of the term. Without a strong, limiting definition that constrains the term and use, we are extremely concerned that "developed areas" will become "urban areas" in transition and that growth, unintended or not, will occur in these locations (for example, Oakville and Rutherford).

130-6P

Right to Farm

We are requesting a reference to the "Right to Farm" ordinance in the Odors Policies, as it already is in the Noise Policies of the Community Character Element. This will continue to underscore that agricultural and winemaking practices are indeed an accepted and integral part of the rural nature of the county.

130-7P

Conflicting uses

The General Plan should articulate a framework that gives clear guidance on how to reconcile the inherent conflicts of the many laudable goals and policies outlined in the plan. We strongly urge careful consideration of competing interests that will ultimately need to be measured and prioritized in relation to one another and a policy that specifically addresses conflicting uses should be included in the draft.

While we understand that agriculture and wine are not the only industries in our county to be considered or addressed in the plan, when issues arise that impact agriculture and agricultural resources, their protection must be given priority. This General Plan will serve as a filter when those decisions must be made. And while it must be general, true to the title, it must also leave no doubt as to intent.

130-8P

The Napa Valley Vintners (NVV) commends the General Plan Steering Committee and county staff for their time, effort and dedication to updating this critical document as well as the transparent process surrounding your responsibilities. We look forward to our continued work together to ensure that Napa County will remain a world famous wine-making and sustainable agricultural region over the next 25 years and beyond.

Sincerely,



Stephen Corley
Vice President
Napa Valley Vintners

Enclosure

3.0 COMMENTS AND RESPONSES TO COMMENTS

REVISIONS TO AGRICULTURAL PRESERVATION AND LAND USE GOALS

<i>Current General Plan</i>	<i>Proposed General Plan</i>	<i>Suggested Revisions</i>	
#1. To Plan for agriculture and related activities as the primary land uses in Napa County and concentrate urban uses in the county's existing cities and urban areas.	#1. Preserve existing agricultural land uses.	#1. To Plan for agriculture and related activities as the primary land uses in Napa County and concentrate urban uses in the county's existing cities and urban areas.	130-9P
#2 To develop and implement a set of planning policies which combine to define a population size, rate of population growth and the geographic distribution of that population in such a manner that the desired quality of life is achieved.	#2 Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.	#2 To develop and implement a set of planning policies which combine to define a population size, rate of population growth and the geographic distribution of that population in such a manner that the desired quality of life is achieved.	130-10P
#3 To determine what the land is best suited for; to match mans activities to the lands natural suitability; to take advantage of natural capabilities and minimize conflict with the natural environment	#3 Concentrate non agricultural land uses in existing urbanized or developed areas.	#3 Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.	130-11P
#4 To work with cities, other governmental units, and the private sector to plan for services, facilities and accommodations, including housing, transportation, economic development, parks and recreation, open space, and other total county needs.	#4 Provide for commercial, industrial, residential, recreational, open space and public land uses in locations that are compatible with adjacent uses.	#4 To work with cities, other governmental units, and the private sector to plan and provide for commercial, industrial, residential, recreational, open space and public land uses in locations that are compatible with adjacent uses.	130-12P

3.0 COMMENTS AND RESPONSES TO COMMENTS

<p>#5 To implement the General Plan in every possible way to</p> <p>A) Ensure the long-term protection and integrity of these areas identified in the general plan as agricultural, open space, and other county needs.</p> <p>B) Stimulate the development of those areas identified in the general plan for residential, commercial, and industrial.</p>	<p>#5 Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community.</p>	<p>#5 Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community.</p>	<p>130-13P</p>
<p>NONE</p>	<p>#6 Plan for demographic changes and desired social services when siting public facilities and when considering the design of those facilities.</p>	<p>#6 Plan for demographic changes and desired social services when siting public facilities and when considering the design of those facilities.</p>	

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 130: STEVEN CORLEY, NAPA VALLEY VINTNERS, JUNE 14, 2007

Response 130-1 P: The commenter states that the draft General Plan continues to emphasize a strong commitment to the preservation of agricultural lands and open space, as well as wine grape growing and the wine industry. County staff acknowledges the support shown by the commenter for the work accomplished to date on the proposed General Plan Update. Responses to individual comments are provided below.

Response 130-2 E/P: The commenter supports the clear description of policies surrounding existing RUL and spheres of influence, but is concerned that all the alternatives would result in a population increase exceeding the 1% population growth cap. The commenter urges that the impacts of using the 2005 ABAG population numbers be assessed in an EIR alternative and encourages all efforts be made to eliminate the significant and unavoidable impacts on agriculture as detailed in the existing EIR alternatives. The commenter is referred to Alternatives Master Response 3.4.2 for a response to the need to consider an alternative consistent with ABAG projections, as well as Section 2.0, which describes the Revised General Plan Update ("Preferred Plan"), which would be consistent with 1% Measure A growth provisions as suggested by the commenter. The commenter is also referred to revisions made to the Agricultural Preservation and Land Use Element and Conservation Element for further agricultural resource protections.

Response 130-3 P: The commenter commends the General Plan Steering Committee for adding the critical category of "Agricultural Preservation" to the seven topics required by state law. The commenter also states concern about the current draft of the General Plan because it may weaken the County's stance on agriculture. The commenter references an attachment from agricultural groups in the County on the six proposed Agricultural Preservation and Land Use Goals and states support for their comments. The County appreciates input in the General Plan process and has substantially revised the Agricultural Preservation and Land Use goals based on input from the commenter and others. (See the Revised General Plan Update for more specifics.)

Response 130-4 E/P: The commenter encourages the County to align regulatory assurances and incentives in the Conservation Element with the Napa Green Land (via Fish Friendly Farming) and Napa Green Winery third party certification programs. NVV supports the goal to streamline the administrative process for small vineyard development, but requests modification of the process outlined in the Draft EIR and also requests changes to allow a streamlined process for small wineries.

County staff appreciates the concern of NVV for the criteria presented in the Draft EIR related to the ministerial process. The commenter's suggestion has been incorporated, and while the Revised General Plan Update calls for establishment of a streamlined permitting process for "environmentally superior" vineyards, it defers development of the program to a subsequent planning process. Also, see changes to Policy

3.0 COMMENTS AND RESPONSES TO COMMENTS

Ag/LU-16 and the associated action item regarding "small wineries" and changes to the Conservation Element regarding Napa Green.

Response 130-5 E/P: The commenter encourages expansion of the Energy Goals to include more information on climate change policies and a clear articulation of our commitment to the reduction of greenhouse gases as a community. These changes have been incorporated as goals and policies in the Conservation Element. The commenter is also referred to Climate Change Master Response 3.4.4 and to the new sub-section titled Climate Protection and Sustainable Practices for Environmental Health in the Conservation Element.

Response 130-6 P: The commenter urges elimination of the term "developed areas" or inclusion of a clear and concise definition of the term. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element and other sections of the General Plan Update where use of this term has been minimized in favor of terms like "urbanized areas."

Response 130-7 P: The commenter requests a reference to the "Right to Farm" ordinance in the odors policies, as it is already in the Noise Policies of the Community Character Element. The commenter is referred to revisions made to the Community Character Element for this change (Policy CC-51).

Response 130-8 P: The commenter suggests that the General Plan should articulate a framework that gives clear guidance on how to reconcile the inherent conflicts of the many goals and policies outlined in the plan and that the County needs to prioritize protection of agricultural resources when issues arise that may impact agriculture and agricultural resources. The commenter asserts that there are conflicts between many of the goals and policies in the public draft of the proposed General Plan Update, but does not enumerate on which goals and policies are conflicting. The County has reviewed all goals, policies, and action items in each element to ensure consistency and clarity as part of the revisions to ensure internal consistency of the General Plan Update. Additionally, the Implementation Plan of the General Plan provides clear guidance for the County to implement the General Plan. The Implementation Plan includes action items, prioritization of action items, timeframes for implementation, responsible parties, etc. There may be times when some goals and or policies may be mutually exclusive depending on the situation. In these events the County Board of Supervisors would need to weigh the priorities of the County and find balance as described in the Introduction to the Revised General Plan Update (pp. 4-5).

Response 130-9 P: The commenter suggests a revision to Ag/LU Element Goal 1 as follows:

"To plan for agriculture and related activities as the primary land uses in Napa County and concentrate urban uses in the county's existing cities and urban areas."

The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element where the goals have been changed based on comments received.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response 130-10 P: The commenter suggests revision to Ag/LU Element Goal 2 as follows:

"To develop and implement a set of planning policies which combine to define a population size, rate of population growth and the geographic distribution of that population in such a manner that the desired quality of life is achieved."

The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element and Goal Ag/LU-4, where this concept has been incorporated.

Response 130-11 P: The commenter suggests revision to Ag/LU Element Goal 3 as follows:

"Support the economic viability of agriculture, including grape growing, winemaking, other type of agriculture, and supporting industries to ensure the preservation of agricultural lands."

The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element, where this suggestion has been incorporated.

Response 130-12 P: The commenter suggests revision to Ag/LU Element Goal 4 as follows:

"To work with cities, other governmental units, and the private sector to plan and provide for commercial, industrial, residential, recreational, open space and public land use in locations that are compatible with adjacent uses."

The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element and Goal Ag/LU-5 where this concept has been addressed.

Response 130-13 P: Commenter suggests revision to Ag/LU Element Goal 5 as follows:

"Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community."

The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element and Goal Ag/LU-6 where this concept has been addressed.

Response 130-14 P: The commenter suggests a new Ag/LU Element Goal 6 as follows:

"Plan for demographic changes and desired social services when siting public facilities and when considering the design of those facilities."

The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element and Goal Ag/LU-7 where this concept has been addressed.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 131

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

From: terry mulgannon [<mailto:mulgannon@hotmail.com>]
Sent: Monday, June 18, 2007 4:56 PM
To: Gitelman, Hillary; Lowe, Rone Patrick
Subject: General Plan

To Whom it May Concern:

As a former magazine editor and writer, I now spend much of my time visiting and documenting local historical sites and trying to learn what I can of the people who settled this land.

The general plan's sections designed to save Napa's rich historical legacy are a necessary component in insuring that some of the state's and nation's most valuable buildings and properties are not lost to posterity.

Interestingly, many of those historic properties that might suffer for their inclusion in ag zones document early agriculture here. It would be a shame to lose the few unique farm and ranch improvements remaining because of restrictions on behalf of agriculture.

This valley's history is richer than any in this valley really know. Anything we can do to capture and recover it with this new plan is worth considering.

Sincerely,

Terry Mulgannon
Publisher
WesternHistoryProject.org
WineHistoryProject.org

131-1E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 131 TERRY MULGANNON, JUNE 18, 2007

Response 131-1 E/P: Commenter notes that the sections of the proposed General Plan Update concerning Napa County's historical legacy are a necessary component in the plan. Commenter continues by linking loss of agricultural land in the County to the loss of unique farm and ranch improvements. The commenter is referred to revisions made to the Community Character Element.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 132

BOB FIDDAMAN
1700 MORA AVE.
CALISTOGA, CA 94515
TEL. 707.942.1555
FAX 707.942.1666

RECEIVED

JUN 18 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

June 15, 2007

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

Re: Draft General Plan/ Draft EIR

Dear Hillary:

As I've mentioned to you, I would like to provide a few comments on the DGP and DEIR as a concerned citizen, not in my capacity as a planning commissioner. Since I've attended several of the public hearings and steering committee meetings, I've realized that most of the topics I might comment on have already been covered by others, so I'll keep my comments as brief as possible.

132-1E/P

I've been pleased to see all the excellent work done by the steering committee, consultants, and staff as the process has unfolded. It's also been gratifying to witness the keen interest from members of the public, not only on matters that affect them personally, but on more thoughtful issues that affect us all.

I won't comment on the "Big Four" issues since they'll be coming to the planning commission over the next few months anyway.

Growth Projections/Jobs-Housing Balance

From a general standpoint, I share some of the same concerns expressed by Sandy Elles of the Farm Bureau at the last hearing in Yountville regarding population, jobs and housing projections, which seem on the high side. The balance is also dramatically skewed, as the ratio between new jobs and houses varies from 1.1 to 5.0 (with most on the high side) for the various scenarios. As I expressed to the Board of Supervisors at the very start of the planning process, I've always felt that one of the guiding policies for the plan should be to seek a balance between job creation and housing development. The City of Calistoga has accomplished that by restricting growth management allocations (linked to infrastructure availability) for commercial projects to a percentage of allocations for housing. I realize this could be very controversial at the county level, but I'd like to see some consideration given to a policy that would lead to the county linking housing and jobs.

132-2P

Water Resources Element

My impression is we've only skimmed the surface of a planning topic that is going to become increasingly important over the next 20 years. As I've mentioned to you, Sonoma County has actually included a Water Resources Element in their draft 2020 plan, which runs to 30 pages vs. the 5 or 6 pages we have in our Conservation Element. I haven't directly compared the two approaches, but it does appear they have been much more proactive in considering water policies that will become increasingly important in the future regardless of possible climate change impacts.

132-3P

I've attached some information regarding the Sonoma County draft.

Calistoga Issues

Although the Circulation Element notes a substantial increase in projected traffic through the county from starting/ending points in other counties, there is no policy to attempt to mitigate the impact. Much of this increase is likely related to the dramatic increase in traffic from Santa Rosa to Middletown, which passes through the Calistoga area, yet no improvements are slated for Petrified Forest Road or Tubbs lane. I'd like to see a policy added that the county will encourage patterns that minimize the local impact of through traffic.

132-4E/P

Calistoga would like to relocate Highway 29 from Lincoln Ave (our main downtown street) to either Tubbs Lane or Dunaweal, and a county policy that would support such a move makes sense.

The county should also have a policy to cooperate with the City of Calistoga (and other cities) in attempting to agree on traffic solutions with CalTrans such as roundabouts (Calistoga has three possible roundabout locations).

I understand Charlene Gallina is providing other comments from Calistoga's point of view directly.

Land Use/Housing

The county should take a hard look at use of a portion of the fairgrounds in Calistoga for housing. There would be myriad issues to resolve (current fair operating contract, infrastructure, distance from job creation, etc) but it could be a viable part of overall county housing solutions.

132-5P

There should be a policy that large commercial projects that will add significant new jobs must provide workforce housing on a basis to be negotiated. On-site workforce housing would be preferred, but alternative solutions would be acquisition of a suitable site at another location, or provision of sufficient subsidy

3.0 COMMENTS AND RESPONSES TO COMMENTS

to actually build an agreed-up number of housing units. I suppose this might be in the Housing Element.

132-5P
cont'd.

I look forward to working with you through the rest of the planning process, and am optimistic we'll have an excellent new General Plan in a year or so.

Sincerely,



Bob Fiddaman

Sonoma County General Plan 2020

WATER RESOURCES ELEMENT

**Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403**

**Adopted by Resolution No. XX-XXXX
of the Sonoma County Board of Supervisors
XX, 200X**

**WATER RESOURCES ELEMENT
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WATER RESOURCES ELEMENT

1. INTRODUCTION

1.1 PURPOSE

Water is an essential element of all life forms. Plants and animals are mostly composed of water and need water and the nutrients carried by water. An adequate and high quality water supply is therefore required for continued human survival, development and use of the land, and the health of the entire natural environment.

Due to its critical importance, water is legally considered a public resource, an adequate and high-quality water supply is considered a basic human right, and the use and quality of water have long been regulated by government. Since water moves easily across city and county boundaries, much of the regulation is at the regional, state and federal levels. However, since cities and counties have legal authority over development and land use, they are involved in considering the adequacy of water supplies and how development affects the quantity and quality of water available for other beneficial uses.

As development has continued, the long-term adequacy of groundwater and surface water resources has become a major public concern. Water-related issues include lowered groundwater levels, increased storm water runoff, sediment and pollutants in runoff, water diversions into and out of the Russian River basin, summer rationing in dry years, the water needs of fish and wildlife, the rates of water usage, conservation methods, water storage limitations, the growing re-use of water and continuing changes in state and federal regulations.

In order to address these issues, more information is required regarding the many aspects of the water environment in the different areas of the County. As a result, an organized data collection and problem identification effort is a necessary step to formulate a prudent management strategy.

The primary purpose of this element is to ensure that Sonoma County's water resources are sustained and protected. To achieve this purpose, water resource management will be in an integrated manner throughout all jurisdictions in the County and be on a sustainable yield and quality protection basis which considers the amount of quality water that can be used over the long term without exceeding the replenishment rates over time or causing long term declines or degradation in available surface water or groundwater resources. Nothing in this element should be construed to encourage or condone illegal use of water.

1.2 RELATIONSHIP TO OTHER ELEMENTS

3.0 COMMENTS AND RESPONSES TO COMMENTS

The Water Resources Element addresses a range of water related issues in Sonoma . Some other water-related topics are also addressed in other elements. Water availability as a factor in land use plan map densities is addressed in the Land Use Element. The Open Space and Resource Conservation Element addresses riparian corridors, wetlands, wildlife protection, tree protection, fishery resources and other biotic resources, water-oriented recreation, soil erosion, forestry, and mineral resources, the Public Facilities and Services Element addresses connections to public water systems. The Public Safety Element addresses flood hazards, fire suppression, and hazardous materials. The Agricultural Resources Element addresses aquaculture.

The Water Resources Element has been developed to be consistent with other elements. References to policies in other elements are provided where they support or implement the objectives of the Water Resources Element.

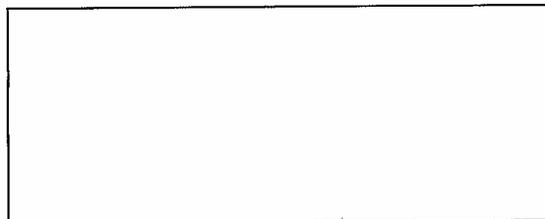
1.3 SCOPE AND ORGANIZATION

The Water Resources Element is organized as follows. Section 2 reviews the relevant water rights law, the hydrologic system, the major streams and drainage basins, the role of vegetation in the water cycle, and the natural underground water storage in the county. Section 3 states the County's goals, objectives, and policies in each of five topical areas. The implementation programs are described in Section 4.

2. WATER RESOURCES BACKGROUND

2.1 WATER RIGHTS

The California Constitution requires that water be used in a reasonable and beneficial manner and prohibits misuse and waste of water. Water is used beneficially when, for example, it is used to drink, grow crops or wash cars. What is reasonable water use depends on the circumstances; for example, it could be unreasonable



to wash cars during a severe drought. All types of water rights are subject to this constitutional policy, and a state agency, the State Water Resources Control Board (SWRCB), is authorized to take action to prevent unreasonable uses of water.

There are two principal types of surface water rights in California, riparian rights and

appropriative rights.

Riparian Water Rights

A riparian water right allows a landowner bordering a watercourse to share the water flowing past his property with other riparian landowners. Riparian rights are not defined by California statutes but have been established by common law and court decisions. Permits or other government approvals are not required to exercise riparian rights. However, a permit from the Army Corps of Engineers or some other regulatory agency, or an agreement with the California Department of Fish and Game, may be necessary to construct diversion facilities needed to exercise riparian or appropriative rights.

Riparian rights extend only to natural flow and do not apply to water imported into a stream system or water released from storage in an upstream reservoir. Riparian rights do not allow a water user to store water in a reservoir during the wet season for use during the dry season. In times of shortage, riparian rights are entitled to share the supply before any appropriators may divert water. The water from riparian rights can only be used on the riparian lands and cannot be transferred or exported for use on other properties or outside the watershed.

Riparian rights ordinarily cannot be lost through nonuse and generally remain with property when it changes hands. However, a riparian right may be impaired or lost if a parcel is subdivided or the land otherwise severed from its water source, if SWRCB approves a prescriptive appropriative right, or if a court approves allocation of a stream's water among users.

Appropriative Water Rights

Since 1914, all new appropriations of surface water have required a permit from the state. The permits are issued by the SWRCB and specify the amount of water that may be diverted, purposes for the water use, seasons of diversion, and the locations of diversion, storage (including underground storage) and use. An appropriative water right permit may allow the use of water at locations outside the watershed. When the State Board considers an application for a permit, it evaluates whether water is available during the requested season and potential environmental impacts, including any impacts on the rights of the public to use the waterway for navigation, commerce, fishery, recreation, aesthetic enjoyment and the preservation of open space, ecological study areas and wildlife habitat. Based on this evaluation, the State Board decides whether or not to issue a permit, and, if it issues a permit, what conditions to include in the permit.

Appropriative rights are limited to the amount of water that may be put to beneficial use, and a right may be lost after a period of nonuse. Appropriative water rights are based on a "first come, first served" principle; the first to take water has a superior right over later appropriators. In times of shortage, all appropriators must stop diverting water, if necessary to satisfy riparian rights. There is no sharing of a shortage among appropriators; instead, senior appropriators are

3.0 COMMENTS AND RESPONSES TO COMMENTS

entitled to exercise their rights to satisfy all of their reasonable needs before junior appropriators may divert any water. The SWRCB determined in 1989 that the Mendocino County portion of the Russian River is fully appropriated from July 1 to October 31 of each year.

Water flowing in subterranean streams through known and defined channels is subject to diversion, use and regulation under riparian and appropriative rights as described above. Water is considered to be flowing in a subterranean stream through a known and definite channel if it is in contact with surface water and moving in the same direction in a relatively defined channel.

Groundwater Rights

Except for groundwater flowing in subterranean streams through known and defined channels, there is no statewide statutory regulation of groundwater in California. Landowners overlying groundwater have rights to share the groundwater under their property with other overlying landowners without obtaining a permit from any state agency. Groundwater may also be used on lands which are not overlying, but this right is subordinate to the prior use of any overlying landowners. Surface water can be diverted or pumped into aquifers for later extraction, with SWRCB approval.

The courts have held that cities and counties may regulate groundwater use under their police powers to protect the public's health, safety and welfare. In addition to those powers, the State Water Code provides other regulatory tools including the adoption and implementation of a groundwater management plan under the Groundwater Management Act (Water Code Section 10750-10755.4; AB 3030). Several California counties have adopted groundwater regulation programs. Litigation has also resulted in court decrees regulating groundwater use in some cases.

2.2 WATER CYCLE

Overview

Water moves continuously from Earth's surface into the air and then back to the land, changing only in form. This movement is commonly referred to as the hydrologic cycle and is powered by sunshine and gravity. When the sun heats up water in streams, lakes and oceans, the water evaporates into vapor or steam in the atmosphere. As the moisture-laden air cools, particularly where it is forced higher by steep slopes, the vapor condenses into water which falls as rain or, if the vapor is chilled enough, it forms solid ice crystals and falls as snow. Most of the rain and snowmelt runs off into surface water bodies which drain back to the sea. Some of the precipitation is absorbed into the Earth and becomes "groundwater", some of which moves slowly through subsurface layers to streams, lakes and oceans.

There is as much water today in the water cycle as there ever was, but 97 percent of Earth's water is contained in the oceans and is too salty for most land-based uses. Since the salt is left behind during evaporation, the resulting precipitation is fresh water. Of the 3 percent of the

3.0 COMMENTS AND RESPONSES TO COMMENTS

water on Earth that is fresh water, most is locked in icecaps and glaciers. Streams and lakes contain only about one-fiftieth of one percent of Earth's water, and ground water constitutes only about half of one percent. Although nearly all water becomes air-borne vapor at one time or another, the atmosphere contains only one-thousandth of one percent of Earth's water.

Sonoma County

Due to the range of temperatures and cloud cover found in the County, the moisture and evaporation levels vary widely. From a water availability perspective, these small variations in weather pattern can result in varying rainfall levels at any particular time in each of the watersheds in the County. In addition, long-term changes in snowpack and precipitation related to global warming could change precipitation patterns, regional availability and temperature of water, surface runoff and sea level elevation.

2.3 WATERSHEDS

The term "watershed" refers to the surface water drainage area that is tributary to or drains into a particular stream. Hydrologically, most land in Sonoma County falls within the three main watersheds: Russian River, Gualala River and San Pablo Bay. The watersheds and sub-basins within Sonoma County are shown on Figure WR-1. The portions of the watersheds that lie within the County are:

Figure WR-1

Watershed	Subbasin	Size (Square Miles)
Russian River		921
	Big Sulphur Creek	80
	Maacama Creek	69
	Dry Creek	175
	Mark West Creek	83
	Laguna de Santa Rosa	89
	Green Valley Creek	37
	Austin Creek	70
	Santa Rosa Creek	81
	Other subbasins	237
Gualala River		269
Coastal		167

3.0 COMMENTS AND RESPONSES TO COMMENTS

Sonoma County General Plan 2020

Public Hearing Draft

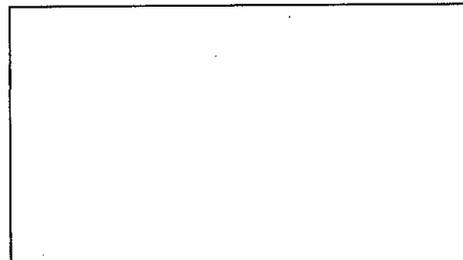
	North Coast	49
	South Coast	9
	Salmon Creek	37
	Estero Americano	50
	Stemple Creek	22
San Pablo Bay		282
	Sonoma Creek	170
	Petaluma River	112

The portions of these watersheds outside Sonoma County are:

Watershed	County	Size (Square Miles)
Russian River	Mendocino and Lake	564
Gualala River	Mendocino	31
Estero Americano	Marin	13
Stemple Creek	Marin	28
Petaluma River	Marin	34

Subbasins

In general, subbasins in the northern areas of the county (Gualala River, Austin Creek, Dry Creek, Big Sulphur Creek, and Maacama Creek) consist of mountainous, rugged terrain with little urban development. Land use in these upper watersheds is predominantly rural, with timber production and grazing being the primary uses. Over time, management of natural resources in these subbasins has resulted in erosion and sedimentation of waterways and subsequent degradation of water quality.



Most subbasins in central Sonoma County are tributaries to the Russian River and ultimately

drain west to the Pacific Ocean. These subbasins generally have moderate topography and lie in the ancient alluvial floodplain of the Russian River. Much of the suburban and urban development of Sonoma County is located within these central subbasins, including Healdsburg, Windsor, Santa Rosa, Sebastopol, Rohnert Park and Cotati. The North Coast Regional Water Quality Control Board has characterized the entire Russian River watershed as an impaired water body due to excessive sedimentation and siltation from such activities as grazing, agriculture, logging, roads, and urban and rural residential development.

Subbasins in the southern portions of the county are tidally-influenced (Petaluma River, Sonoma Creek). They have their headwaters on the steep grass and oak foothills of the Sonoma Mountains and coast range, pass through small valleys where the Petaluma and Sonoma urban areas are located, and open up to wide marshlands that interact with the San Pablo Bay. Land use in these subbasins is varied and includes agriculture and rural and urban residential use. Water quality concerns in these subbasins revolve around low levels of dissolved oxygen and high levels of coliform bacteria and ammonia.

2.4 AQUIFERS

Groundwater is an important source of agricultural, industrial, and domestic water supply in Sonoma County. While the Russian River is the primary source of domestic water for the county's urban areas, most rural areas are served by groundwater. Groundwater resources are tapped by both municipal and private wells. However, not all groundwater in the county is of sufficient volume, has a reasonable rate of recharge, or is of potable quality.

In 1975, the California Department of Water Resources (DWR) identified the following groundwater basins and subbasins in Sonoma County.

Figure WR-2

Groundwater Basin	Subbasin	DWR Number
Annapolis-Ohlson Ranch Formation		1-49
Knights Valley		1-50
Alexander Valley	Alexander Area	1-54.1
	Cloverdale Area	1-54.02
Santa Rosa Valley	Santa Rosa Plain	1-55.01
	Healdsburg Area	1-55.02
	Rincon Valley	1-55.03
Bodega Bay Area		1-57

3.0 COMMENTS AND RESPONSES TO COMMENTS

Wilson Grove Formation Highlands		1-59
Lower Russian River Valley		1-60
Fort Ross Terrace Deposits*		1-61
Petaluma Valley*		37652
Napa-Sonoma Valley	Sonoma Valley	2-2.02
	Napa-Sonoma Lowlands	2-2.03
Kenwood Valley		37670
*note; an asterisk indicates that the basin is partially in Sonoma County.		

The sizes of the larger basins and basin groups are as follows:

Groundwater Basin	Size (Square Miles)
Santa Rosa Valley	158
Sonoma Valley	70
Petaluma Valley	70
Napa-Sonoma Volcanics	65
Alexander Valley	47
Annapolis-Ohlson Ranch Formation	13.5
Kenwood Valley	8
Knights Valley	6
Fort Ross Terrace Deposits	3.5

Most of these groundwater basins are centered along major creek and river valleys in the central and southern portions of the county. Recharge of groundwater typically occurs along the major streams as well as their principal tributaries. The principal water-bearing formations in Sonoma County groundwater basins are typically alluvium. While other geologic units can yield adequate amounts of water in some areas, much of the county may not have dependable groundwater supplies.

The quality of groundwater in Sonoma County varies greatly, depending on land use, geology,

and withdrawal rates. Human activities that degrade groundwater include failing septic systems and livestock and dairy production (high nitrate concentration) and overdraft (salt water intrusion). Poor water quality can also be the result of geologic conditions such as the highly mineralized water extracted from the Sonoma Volcanics or brackish water from the Petaluma Formation.

2.5 BIOTIC RESOURCES AND WATER

Trees and other natural vegetation are dependent on water, but their presence also supports the long-term quality and quantity of water resources in several ways. The natural vegetation found around wetlands, streams and lakes benefits water quality by filtering out sediment and pollutants from runoff before it enters surface water bodies. Vegetation can also increase the retention of storm water, thereby recharging groundwater, absorbing pollutants, and slowing and diminishing flood peak levels. Vegetation on stream banks reduces bank erosion as a source of sediment. Trees and shrubs provide shade which lowers the temperature of the water and thus increases its value as fishery habitat. Streamside trees which fall into stream channels may aid fishery habitat by providing shelter and scouring of deep holes.

Trees and other vegetation help maintain year-round water levels in streams and groundwater. In the fall, many trees stop absorbing water and release the water they have absorbed. Trees in exposed foggy areas reportedly increase precipitation. Trees in any location provide shade which cools the ground surface and reduces evaporation. Plants add moisture to the air through transpiration of water from their leaves. Natural vegetation can also increase the retention of storm water and recharge of groundwater and slow the passage of flood peaks.

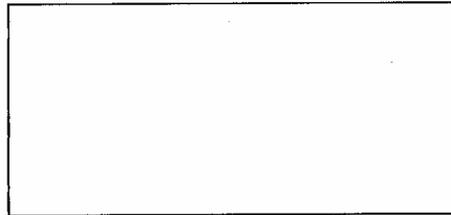
The policies in the Water Resources Element recognize the importance of natural vegetation and wildlife habitat, both as beneficial water uses whose needs must be considered but also as factors in maintaining adequate water quality and quantity. However, the supporting biotic resource goals, objectives, and policies are contained in the Open Space and Resource Conservation Element.

3. WATER RESOURCE GOALS, OBJECTIVES, AND POLICIES

3.1 WATER QUALITY

Water Quality Regulations

Water quality protection has long been a priority at all levels of government. In California, programs implementing the Federal Clean Water Act and the State Porter-Cologne Act are administered by the



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SWRCB and the nine regional water quality control boards (RWQCB). In Sonoma County, the Sonoma Creek and Petaluma River watersheds are in the Bay Area RWQCB jurisdiction, and the remainder of the county is governed by the North Coast RWQCB. Waste discharge requirements are set by each RWQCB for point sources, including industrial and commercial uses, community wastewater management systems and individual septic systems. Implementation of point source controls has led to substantial increases in the level of treatment and quality of discharges.

National Pollutant Discharge Elimination System

The focus of regulatory efforts has expanded in recent years to address surface runoff pollutants into drainage channels, streams and groundwater. The National Pollutant Discharge Elimination System (NPDES) program requires individual permits for construction sites and certain industrial and commercial activities and requires "municipal" area wide permits for urbanized areas. Beginning in 2003, Municipal NPDES permits will be required for all local jurisdictions having a population greater than 10,000. In addition, an existing cooperative NPDES permit with the City of Santa Rosa, County of Sonoma, and the Sonoma County Water Agency (SCWA) will include an expanded area of the Santa Rosa Plain. Other areas in both the North Coast and Bay Area RWQCB areas will likely be required to develop similar permits and programs. Similar approaches to controlling storm water pollution are being developed in the county's Coastal Zone in response to California Coastal Commission policies. The requirements for NPDES permits include the "California Toxics Rule" and State and Federal criteria for metals, pesticides and other pollutants which could affect aquatic life and human health.

Total Maximum Daily Load Program

The other major Clean Water Act program affecting the county in the future is the Total Maximum Daily Load (TMDL) program. The RWQCBs are required to determine which water bodies are "impaired" by certain pollutants limiting beneficial uses of water and then to initiate a public process to assess pollutant sources, determine acceptable levels, allocate allowable pollutant loads to various sources, and establish an implementation program. All of the major streams in the county have been identified as impaired for one or more pollutants, mostly sediment, nutrients, pathogens, and temperature. The following water bodies in the county have been identified as impaired; the Gualala River and Russian River for sediment/ siltation and temperature, two portions of the Russian River for pathogens, Lake Sonoma for mercury, Santa Rosa Creek for pathogens, the Laguna de Santa Rosa for low dissolved oxygen, the Estero Americano for nutrients, Stemple Creek for sediment/siltation and nutrients, and Sonoma Creek and the Petaluma River for nutrients, pathogens, and sediment/siltation. The time frames for completing the TMDL processes in Sonoma County vary greatly with one already underway and others due over the course of the next decade or so. In the meantime, Sonoma County can continue to be proactive in addressing water quality issues through a combination of education, restoration, and development policies.

Dissolved Elements. Some groundwater naturally contains dissolved elements such as

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arsenic, boron, selenium, or radon (a gas formed by the natural breakdown of radioactive uranium in the soil). Whether these natural contaminants can cause health problems depends on the amount of the substance present. In addition to natural contaminants, groundwater is often polluted by human activities generating contaminants such as microorganisms, gasoline and diesel fuels, solvents, nitrates, pesticides and metals (Reference: Sonoma County Environmental Health Division (SCEHD)).

- GOAL WR-1:** **Protect, restore and enhance the quality of surface and groundwater resources to meet the needs of all beneficial uses.**
- Objective WR-1.1:** Work with the Regional Water Quality Control Boards (RWQCB) and interested parties in the development and implementation of RWQCB requirements.
- Objective WR-1.2:** Require quality of treated water to conform with beneficial water use standards to the maximum extent feasible.
- Objective WR-1.3:** Establish development standards to maximize retention of runoff and regulate development to avoid, to the maximum extent practicable, pollution of storm water, water bodies and groundwater.
- Objective WR-1.4:** Encourage new groundwater recharge opportunities and protect existing groundwater recharge areas
- Objective WR-1.5:** Inform the public about practices and programs to minimize water pollution and provide educational and technical assistance to agriculture in order to reduce sedimentation and increase on-site retention and recharge of storm water.
- Objective WR-1.6:** Conserve and recognize storm water as a valuable resource.
- Objective WR-1.7:** Require consideration of naturally occurring and human caused contaminants in groundwater in new development projects. Work with the SCEHD and RWQCB to educate the public on evaluating the quality of groundwater.
- Objective WR-1.8:** Work with the SWRCB, DWR, California Department of Health Services (DHS), CalEPA, and applicable County and City agencies to seek and secure funding sources for development of countywide groundwater quality assessment, monitoring, remedial and corrective action and awareness/education programs.
- Objective WR-1.9:** Ensure that groundwater will not be adversely affected by saltwater intrusion.

Water Resources Element

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The following policies, in addition to those in the Land Use and Public Facilities and Services Elements, shall be used to accomplish the above objectives:

Policy WR-1a: Coordinate with the RWQCB, SCWA contractors, Cities, Resource Conservation Districts, watershed groups, stakeholders and other interested parties to develop and implement public education programs and water quality enhancement activities and provide technical assistance to minimize storm water pollution, support RWQCB requirements and manage related County programs. Where appropriate, utilize watershed planning approaches to resolve water quality problems.

Policy WR-1b: Design, construct, and maintain County buildings, roads, bridges, drainage and other facilities to minimize sediment and other pollutants in storm water flows. Develop and implement "best management practices" for ongoing maintenance and operation.

Policy WR-1c: Prioritize storm water management measures in coordination with the RWQCB direction, focusing first upon watershed areas that are urbanizing and watersheds with impaired water bodies. Work cooperatively with the RWQCBs to manage the quality and quantity of storm water runoff from new development and redevelopment in order to:

- (1) Prevent, to the maximum extent practicable, pollutants from reaching storm water conveyance systems.
- (2) Limit, to the maximum extent practicable, storm water flows from post development sites to pre-development quantities.
- (3) Conserve and protect natural areas to the maximum extent practicable.

Policy WR-1d: Support RWQCB waste discharge requirements for all wastewater treatment systems and other point sources.

Policy WR-1e: Participate in the development of Total Maximum Daily Loads (TMDLs) for the impaired water bodies and pollutants of concern identified by the RWQCB to achieve to the maximum extent practicable compliance with adopted TMDLs. Work with the RWQCB to develop and implement measures consistent with the adopted TMDLs.

Policy WR-1f: Work closely with the RWQCB, incorporated cities, SCWA and other interested parties in the development and implementation of water quality plans and measures.

Policy WR-1g: Minimize deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater.

Policy WR-1h: Continue to require grading plans to include measures to avoid soil erosion and consider upgrading requirements as needed to avoid sedimentation in storm water to the maximum extent practicable.

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Policy WR-1i: Implement erosion and sediment control requirements for vineyards and row crops. Develop and implement educational and technical assistance programs for agricultural activities including vineyard and crop production and maintenance practices and educational programs and technical assistance to grazing, ranch, and dairy operations. Encourage programs to disseminate information on the benefits of on-site retention and recharge of storm waters.

Policy WR-1j: Seek opportunities to participate in developing programs and implementing projects for water quality restoration and remediation with agencies and organizations such as RWQCBs, CDFG and RCDs in areas where water quality impairment is a concern.

Policy WR-1k: Consider development or expansion of community wastewater treatment systems in areas with widespread septic system problems which are a health concern and cannot be addressed by on-site maintenance and management programs.

Policy WR-1l: Initiate a review of any sewer systems when they persistently fail to meet applicable standards. If necessary to assure that standards are met, the County may deny new development proposals or impose moratoria on building and other permits that would result in a substantial increase in demand and may impose strict monitoring requirements.

Policy WR-1m: Encourage pretreatment and waste load minimization of commercial and industrial wastes prior to their connection to sewer systems.

Policy WR-1n: Consider on-site wastewater management districts in areas with septic problems.

Policy WR-1o: Actively pursue the abatement of failing septic systems that have been demonstrated as causing a health and safety hazard.

Policy WR-1p: Require new development projects to evaluate and consider naturally-occurring and human caused contaminants in groundwater.

Policy WR-1q: Work with the SCEHD and RWQCB to educate the general public on evaluating and monitoring the quality of groundwater.

Policy WR-1r: Resist accepting administrative responsibility for regulatory programs required of State or Federal agencies unless a State or Federal subvention will compensate the County for costs associated with such shift in administrative responsibility.

Policy WR-1s: Where area studies or monitoring find that saltwater intrusion has occurred, support analysis of how the intrusion is related to groundwater extraction and develop a groundwater management plan or other appropriate measures to avoid further intrusion and reverse past intrusion.

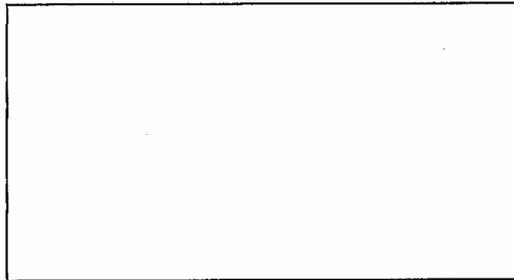
Policy WR-1t : In the marshlands and agricultural areas south of Sonoma and Petaluma,

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require all environmental assessments and discretionary approvals to analyze and avoid any increase in saltwater intrusion into groundwater.

3.2 GROUNDWATER

Sonoma County, covering nearly 1,600 square miles, has a population of approximately 470,000 people living in an area characterized by abundant natural resources. Of these resources, Sonoma County's groundwater plays an extremely important role in our natural environment, communities, industry sectors and agriculture. In 2002, there were approximately 40,000 wells in Sonoma County, with 42% of the population supported at



least in part by groundwater. Nearly all of the county's population relies on groundwater as either a primary or backup source of water supply. The release of contaminants or pollutants into this resource from natural sources or human activities has the potential for adverse impacts upon human health, the environment and property, depending on the type, location, and quantity of materials released.

The amount of groundwater in an area varies by the recharge from rainfall, the surface runoff in streams and drainage channels, and the local underground geology. The alluvial soils, sand and gravel found in valleys generally can hold large amounts of water and thus constitute the largest aquifers in the county. Sandstone and some other sedimentary rocks can still absorb some water. However, many upland areas of the county are composed of harder rock formations where groundwater is only found in cracks and fractures.

The County utilizes a four tier classification system to indicate general areas of groundwater availability. Class 1 are the Major Groundwater Basins; Class 2 are Major Natural Recharge Area; Class 3 are Marginal Groundwater Availability Areas; and Class 4 are Areas with Low or Highly Variable Water Yield. County maps of these areas are utilized in the well permitting process and are available for review at the County PRMD offices.

In unincorporated Sonoma County, most users obtain their water from groundwater. Groundwater wells also supply many community water systems and occasionally provide a supplemental or backup source for some of the large municipal systems. As concern over future availability of surface water from the Russian River Basin has heightened in recent years, more municipalities are developing, or considering development of, groundwater resources.

Public concerns over depletion of groundwater supplies have increased as development

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increases and uses groundwater supplies, but limited factual data about existing groundwater levels and use is currently available upon which to fully assess the problem or to formulate a comprehensive management strategy. Complicating the problem is the proprietary nature of well drilling data, the inconsistent character of the county's varied geology, and water rights law.

The County has initiated a long term program designed to gradually increase the available data on groundwater resources and to systematically organize and use it more effectively as new well permits are sought. In addition, programs are underway to assess the available groundwater in the county's major basins where most of the municipal groundwater supplies are being tapped. It has been since the 1970s that the last basin assessment of groundwater was conducted for the County by DWR. As these data collection and monitoring efforts begin to produce better information, County decision makers will be in a better position to determine what measures may be appropriate in order to properly manage these resources.

GOAL WR-2: Manage groundwater as a valuable and limited shared resource.

Objective WR-2.1: Conserve, enhance and manage groundwater resources on a sustainable basis which assures sufficient amounts of clean water required for future generations, the uses allowed by the General Plan, and the natural environment.

Objective WR-2.2: Monitor groundwater conditions, require descriptive information for well permits, and analyze, map and publicize the data gathered.

Objective WR-2.3: Be willing to modify policies and programs as new information becomes available, recognizing the difficulty of assessing and resolving groundwater problems.

Objective WR-2.4: Increase institutional capacity and expertise within the County to competently review hydrogeologic reports and data for critical indicators and criteria.

Objective WR-2.5: Work with SWRCB, DWR, DHS, CalEPA, and applicable County and City agencies to seek and secure funding sources for development of groundwater assessment, protection, enhancement and management programs.

Objective WR-2.6: Avoid land subsidence caused by groundwater extraction and reduce subsidence that has occurred.

The following policies, in addition to those in the Public Facilities and Services, Land Use, and Open Space and Resource Conservation Elements, shall be used to accomplish the above objectives:

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Policy WR-2a: Encourage and support research on and monitoring of local groundwater conditions, aquifer recharge, watersheds and streams.

Policy WR-2b: Initiate an educational program to inform residents, agriculture, businesses and other groundwater users of best management practices in the areas of efficient water use, water conservation, and increasing groundwater recharge. Implementation would include preparation and distribution of educational materials and public workshops.

Policy WR-2c: Revise ordinance requirements for permits to drill, replace, deepen or repair all wells as follows:

- (1) Show exact locations, depths, yield, drilling logs, soil data, flow direction and water levels of proposed wells and existing wells on the site, locations of known nearby wells, proposed uses of the water, and estimated amount of water use. Review available groundwater data and well permit information in the permit area and make this information available to the applicant to the extent allowed by law.
- (2) Based upon available information indicating a need, require that new wells be located definite distances from property lines and existing wells. Implementation would develop setbacks which could vary by well size, location of nearby wells, water use, groundwater availability, lot size and other appropriate factors.
- (3) Require proof of groundwater quantity and quality sufficient for proposed uses and existing beneficial uses on the site in all Class 3 and 4 areas and in other areas with identified water quality and quantity problems, special area studies underway or where adopted management plans require it. Implementation would develop procedures and quantitative standards for pump tests, well yields, pollutant levels, and water storage.
- (4) Require well monitoring for all wells. Implementation would include procedures for meters, access, testing and reporting water levels, flow direction and quality, and responding to monitoring results. Standards could be less stringent in Class 1 and 2 areas without identified problems.
- (5) Include provisions for applicant fees and other funding of County costs.
- (6) In areas where a groundwater management plan has been approved and has been accepted by the County, require the issuance of well permits and any limitations imposed on well permits to be consistent with the adopted plan.

Policy WR-2d: Require proof of groundwater with a sufficient yield and quality to support proposed uses in Class 3 and 4 water areas. Require test wells or the establishment of community water systems in Class 4 water areas. Test wells may be required in Class 3 areas. Deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes

that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin.

Policy WR-2e: Revise procedures for proving adequate groundwater for discretionary projects by adding criteria for study boundaries, review procedures, and required findings that the area's groundwater supplies and surface water flows will not be adversely impacted by the project and the cumulative amount of development allowed in the area and will not cause or exacerbate groundwater overdraft, land subsidence or saltwater intrusion. Procedures for proving adequate groundwater for discretionary projects should be flexible enough to consider the expense of such study in relation to the size of the discretionary project.

Policy WR-2f: Require that discretionary projects, to the maximum extent practicable, maintain or increase the site's pre-development absorption of runoff to recharge groundwater. Implementation would include standards which could regulate impervious surfaces, vary by project type, land use, soils and area characteristics, and provide for water impoundments, protecting and planting vegetation, cisterns and other measures to increase runoff retention and groundwater recharge.

Policy WR-2g: Support the establishment and maintenance by the County, SCWA and other agencies of a system of monitoring wells throughout the county, utilizing existing wells where feasible.

Policy WR-2h: Establish a computerized groundwater data base from available application data, well tests, monitoring results, study reports and other sources; analyze the data collected in an annual report to the Board; provide the data to DWR, and use the data to refine the mapping of groundwater availability classes.

Policy WR-2i: In order to identify areas where groundwater supplies may be declining, in the annual report staff shall review well permit data, monitoring data and reported problems and recommend to the Board of Supervisors the boundaries for areas where comprehensive studies are needed. In each such special study area which is approved by the Board following a public hearing, develop a comprehensive groundwater assessment which includes the following:

- (1) Establish a system of monitoring wells and stream gages.
- (2) Locate and identify water wells.
- (3) Collect and present available data on groundwater levels and contamination.
- (4) Prepare maps and graphs that show past and present data and changes in precipitation, surface water imports, groundwater levels, groundwater quality, and rates of extraction.
- (5) Use drillers' logs, geologic data and monitoring data to estimate water yields in the area.

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- (6) Estimate future rates of imports, recharge, extraction, exports, changes in groundwater levels, and possible changes in groundwater quality.
- (7) Determine a water budget for the area which estimates the total amount of water that flows into the area through precipitation and surface water imports and the total amount of water extracted by area wells and exported out of the area.
- (8) Determine any needed changes in well monitoring, data collection and reporting.
- (9) Provisions for applicant fees and other funding of County costs.

If an area assessment indicates that future groundwater availability or surface water flows are threatened and there is a demonstrated need for additional management actions to address groundwater problems, prepare a plan for managing groundwater supplies, pursuant to AB 3030, the County's police powers or other legal authority, which may require limitations on water extraction and use and other special standards for allowed development, wells, extraction or use. Consideration of new management actions shall include involvement by the affected water users and well drillers in development of alternatives addressing specific problems and a review of legal and fiscal issues for each alternative. The County shall seek the participation and concurrence in the groundwater management plan from local agencies, private water companies and landowners which are or may be extracting groundwater from the affected basin. In recognition of apparent overdraft condition in the south Santa Rosa Plain groundwater basin, give a high priority to preparation of a groundwater assessment and adoption of a management plan or other appropriate actions in this area prior to approval of any city annexations and changes in land use or density in this area of the county.

Policy WR-2j: As resources permit, coordinate with the incorporated cities, SCWA, DWR, US Geological Survey, groundwater industry representatives, agricultural interests, and all water users and purveyors in the development of a comprehensive groundwater assessment for each major groundwater basin in the county and the priorities, sequence and timing for such studies. The contents and process shall meet the requirements of the California Water Code for a "groundwater management plan" and may include, but are not limited to, the following:

- (1) Computer models of groundwater recharge, storage, flows, usage and sustainable yield.
- (2) Assessment of nitrates, boron, arsenic, saltwater and other water quality contaminants.
- (3) Analysis of resource limitations and relationships to other users for wells serving public supply systems and other large users.
- (4) Opportunities for changing the sources of water used for various activities to better match the available resources and protect groundwater.
- (5) Possible funding sources for monitoring, research, modeling and development of

management options.

- (6) Provisions for applicant fees and other funding of County costs.

If a basin assessment indicates that future groundwater availability and surface water flows may be threatened and there may be a need for additional management actions to address groundwater problems, prepare a plan for managing groundwater supplies which may require limitations on water extraction and use and other special standards for allowed development, wells, extraction or use. Consideration of new management actions shall include involvement by the interests and parties stated above in development of alternatives addressing specific problems and a review of legal and fiscal issues for each alternative.

Policy WR-2k: Encourage and support comprehensive studies of long-term changes in climate and precipitation patterns in the county and region.

Policy WR-2l: Increase institutional capacity and expertise within the County to competently review hydrogeologic reports and data for critical indicators and criteria.

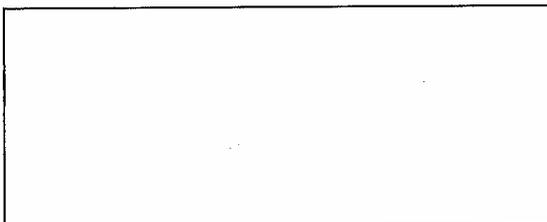
Policy WR-2m: Work with SWRCB, DWR, DHS, CalEPA, and applicable County and City agencies to seek and secure funding sources for development of groundwater assessment, protection, enhancement and management programs.

Policy WR-2n: Coordinate the County's land use decisions and actions to be consistent with the Water Resources Element.

Policy WR-2o: Where area studies or monitoring find that land subsidence has occurred, support analysis of how the subsidence is related to groundwater extraction and develop a groundwater management plan or other appropriate actions to avoid further subsidence and reverse past subsidence.

3.3 PUBLIC WATER SYSTEMS

An adequate and sustainable water supply is essential if Sonoma County is to serve projected increases in population, housing, employment, business, and agriculture. The main purpose of this section is to address water supply services provided by public and private entities.



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Large water systems serve the county's cities as well as some of the larger unincorporated communities. The largest system is operated by the SCWA in the Russian River watershed. This system stores runoff from rainfall in the Eel and Russian River watersheds in the Lake Mendocino and Lake Sonoma reservoirs, diverts it from large collector wells beside the Russian River, and transmits it primarily to the Cities of Santa Rosa, Petaluma, Rohnert Park, Cotati, and Sonoma, the unincorporated Forestville and Valley of the Moon areas, and the North Marin Water District. The supply of water has been generally adequate to meet demand in the past, but challenges remain to supply water to Russian River water users in the future, including potential reduction in water diverted from the Eel River, the capacity of water transmission systems, and the ability to secure water rights. More critical, however, is the potential effect of the recovery of threatened and endangered anadromous fish species on water supply and system operations in the Russian River basin.

Other large water systems in the county include those serving such communities as Bodega Bay, Sea Ranch, Occidental, Geyserville, Larkfield, Camp Meeker, Kenwood, and Guerneville.

Small water systems supply water to a wide variety of uses such as rural businesses, residences and schools, mobile home parks and small unincorporated communities. Most are owned by mutual companies or other private entities, and a few are operated by special districts. These systems have small revenue bases and relatively high per capita costs and often have difficulty financing major capital investments needed to replace aging facilities or accommodate growth.

All water systems are responsible for meeting and maintaining water quality standards established by DHS and the RWQCBs. The suppliers are required to prepare and adopt wellhead protection plans that will avoid future contamination. To the extent that these plans may need to rely upon the regulation of land uses around supply wells, the County's cooperation may be necessary for wells located in the unincorporated area.

In light of concerns over the future availability of water from the Russian River system and from groundwater sources, water conservation, re-use, and alternative water resources such as impoundments, desalinization, etc. are an increasingly important part of all of the supply systems.

GOAL WR-3: **Assure that public water systems and their sources provide an adequate supply to meet long-term needs that is consistent with adopted general plans and urban water management plans and that is provided in a manner that maintains water resources for other water users while protecting the natural environment.**

Objective WR-3.1: Assist public water suppliers in the assessment of available water supplies and protection of water quality.

- Objective WR-3.2:** Work with SCWA and other public water suppliers in the development and implementation of long term plans for water supply, storage, and delivery necessary to first meet existing water demands and, secondly, to meet planned growth within the designated service areas, consistent with the sustainable yield of water resources.
- Objective WR-3.3:** Work with the SCWA and other public water suppliers in the assessment and provision of sustainable water supplies for the existing customers in those areas under contract for water supply.
- Objective WR-3.4:** Work with the SCWA CH: and other public water suppliers in the assessment of sustainable water supplies for the planned growth in those areas under contract for water supply.
- Objective WR-3.5:** Work with the SCWA and public water suppliers to establish a surface and groundwater data management program for Sonoma County which would provide a common information management resource for participating agencies to develop various plans for assessment, management, monitoring and reporting.
- Objective WR-3.6:** Work with public water suppliers to decrease reliance on groundwater and prevent diminishment of groundwater supplies.

The following policies, in addition to those in the Land Use and Public Facilities and Services Elements, shall be used to accomplish the above objectives:

Policy WR-3a: Work with public water suppliers in assessments of the sustainable yield of surface water, groundwater, recycled water and conserved water. This work should include the exploration of potentially feasible alternative water supplies. Surface and groundwater supplies must remain sustainable and not exceed safe yields.

Policy WR-3b: Support to the extent feasible the actions and facilities needed by public water systems to supply water sufficient to meet the demands which are estimated in adopted master facilities plans, consistent with adopted general plans, urban water management plans and the sustainable yields of the available resources and in a manner protective of the natural environment.

Policy WR-3c: Request technical assistance and water resource data from public water suppliers and share available water resource information with them and the public.

Policy WR-3d: Assist public water suppliers in complying with Federal and state water quality standards by assuring that water sources used for public water systems are not contaminated by land uses or pollutants in the watershed, by supporting continued study and monitoring of water quality, and by encouraging acquisition of critical watershed areas.

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Policy WR-3e: Support public water suppliers in developing wellhead protection plans which may include county and city land use regulations or other actions needed to maintain quality standards, provided that the water supplier consults with relevant jurisdictions and provides reasonable public notice during the formulation of such plans.

Policy WR-3f: Support water conservation and education programs with measurable targets for public water suppliers.

Policy WR-3g: Assist public water suppliers in assuring that proposed water supplies and facilities are consistent with adopted general plans, that all planning jurisdictions are notified of and consider potential water supply deficiencies during the preparation of such plans, and that adopted general plans accurately reflect secure water sources.

Policy WR-3h: Help public water suppliers to disseminate and discuss information on the limits of available water supplies, how the supplies can be used efficiently, acceptable levels of risk of shortage for various water users, priorities for allocation of the available water supply, conditions for use of limited supplies, and limits of alternate sources which could be used or developed.

Policy WR-3i: Prepare or encourage the preparation of master facilities plans, and urban water management plans where required by state law, for all public water supply systems to design and construct all facilities in accordance with sustainable yields and the general plans of applicable jurisdictions. A master facilities plan should contain but not be limited to the following:

- (1) Maps showing future service area boundaries.
- (2) Forecasted growth and relationship to General Plan projections and limits.
- (3) Projected service and facility needs.
- (4) Estimated costs and revenues for needed improvements.
- (5) System design parameters and assumptions.
- (6) Monitoring and mitigation measures to assure long-term adequacy of sources.

In the event that a master plan or monitoring fails to show adequate public water facilities or supplies for planned growth, consider moratoria on plan amendments, zoning changes, building permits or other entitlements in order to protect services to existing residents.

Policy WR-3j: Seek to maintain consistency between the General Plan, adopted groundwater management plans and the master facilities plans of public water suppliers through meetings between staff of PRMD and public water suppliers, PRMD review of proposed master facilities

plans, and referral of General Plan changes to all public water suppliers.

Policy WR-3k: Cooperate with public water suppliers in the planning, development and construction of the storage and transmission facilities needed to supply water pursuant to adopted General Plan policies, urban water management plans, water supply agreements, master facilities plans, and programs to mitigate identified groundwater overdraft conditions, where applicable.

Policy WR-3l: Pursuant to the requirements of Government Code 65400-65402, request that public water suppliers, including cities, the SCWA, county-dependent districts, special districts and other local public agencies, consult with the County prior to acquiring a site or developing any well or facilities for public water supplies in the unincorporated area and request a determination of consistency with the Sonoma County General Plan.

Policy WR-3m: Pursuant to an adopted groundwater management plan, require public water suppliers and other water users which use or rely upon groundwater sources to monitor and report groundwater levels and yields in order to avoid long term overdrafting or decline.

Policy WR-3n: Public water suppliers who currently utilize water from the SCWA system will, to the maximum extent feasible, utilize water from the SCWA system and other surface water sources instead of groundwater.

Policy WR-3o: Pursuant to applicable laws, require public water suppliers to avoid or minimize significant adverse impacts on the environment resulting from water supply, storage and transmission facilities, including impacts on other water users.

Policy WR-3p: Involve public water suppliers in any development of area studies, groundwater management plans and general plans in order to assure full compliance by suppliers with the groundwater management plans and mitigation measures.

Policy WR-3q: Support inter-regional planning efforts by the public water suppliers, their contractors and involved stakeholders in Sonoma County to determine the preferred combination of sources to meet projected demand.

Policy WR-3r: Work with the SCWA in the following ways to provide an adequate water supply for its contractors consistent with this element:

- (1) Support SCWA participation in proceedings of the Federal Energy Regulatory Commission, California Public Utilities Commission, and State Water Resources Control Board involving the Potter Valley Project to ensure that the interests of all water users in Mendocino, Sonoma, and Marin Counties receive consideration and that decisions on the use of Eel River water are made on a sound scientific basis.
- (2) Encourage SCWA working cooperatively with Mendocino County interests to resolve

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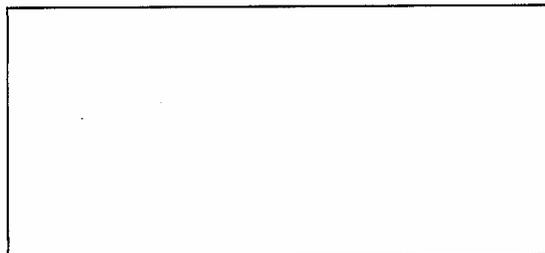
environmental and economic impacts, water rights and supply issues, including assessment of water resource projects, groundwater, recycling or other water supply alternatives.

- (3) Work with agricultural interests along the Russian River and its tributaries to encourage development of water supply alternatives for existing water users.
- (4) Support SCWA actions to define and defend existing water rights and the rights of other existing water users.
- (5) Support SCWA efforts to evaluate acquisition of additional water diversions, recognizing the rights of other existing water users and avoid significant environmental impacts.
- (6) Support SCWA participation in programs to maintain, restore and protect the Russian River fisheries.
- (7) In SCWA evaluations of requests by municipalities, districts or other entities to be added as water contractors, support assessment of the available water resources and the long-term effects on water supply needs of the existing contractors, consider impacts on other existing water users, and, to the greatest extent practicable, require water conservation measures, use of recycled water and bearing risks, responsibilities and costs as required by the existing contractors.
- (8) Cooperate with the SCWA in the planning, development and construction of the storage and transmission facilities needed pursuant to adopted agreements and County policies and support development of the SCWA Water Supply and Transmission System Project.

Policy WR-3s: Coordinate the County's land use decisions and actions to be consistent with the Water Resources Element.

3.4 CONSERVATION AND RE-USE

Water conservation has long been a practice in Sonoma County households, businesses, and agriculture. The rise of environmental consciousness in the 1970s and a prolonged drought in 1976/77 led to the early efforts by some water suppliers to reduce demand. Planned re-use of treated water in the Santa Rosa Plain was initiated by the City of



Santa Rosa during this same period as part of its regional wastewater system. Most of these earlier conservation efforts were not well-publicized and, due to the relative abundance of fresh water sources, were not thought to be significant as a water supply strategy.

In recent years, both water conservation and re-use programs have expanded considerably. As advanced treatment has become an increasingly standard practice, re-use programs are becoming even more viable. However, the quality of recycled water still remains an issue. Most of the larger municipal water systems, particularly those which rely upon the Russian River Water Supply and Transmission System, have water conservation programs, including low-water use appliances and landscaping, various education and promotional programs, and water rate incentives.

GOAL WR-4: Increase the role of conservation and safe, beneficial re-use in meeting water supply needs of both urban and rural users.

Objective WR-4.1: Increase the use of treated water where the quality of the recycled water is maintained, meets all applicable regulatory standards and is appropriate for the intended use and beneficial uses of other water resources will not be significantly impacted.

Objective WR-4.2: Promote and encourage the efficient use of water by all water users.

Objective WR-4.3: Avoid water reuse which could significantly adversely affect the quality of groundwater or surface water.

The following policies, in addition to those in other sections of the Water Resources Element, shall be used to accomplish these objectives:

Policy WR-4a: Encourage disposal methods which minimize reliance on discharges into natural waterways. If discharge is proposed, review and comment on projects and environmental documents and request that projects maximize reclamation, conservation and reuse programs to minimize discharges and protect water quality and aquifer recharge areas.

Policy WR-4b: Use water effectively and reduce water demand by:

- (1) Requiring water conserving design and equipment in new construction.
- (2) Encouraging water conserving landscaping and other conservation measures.
- (3) Encouraging retrofitting with water conserving devices.
- (4) Designing wastewater systems to minimize inflow and infiltration to the extent

3.0 COMMENTS AND RESPONSES TO COMMENTS

economically feasible.

- (5) Limiting impervious surfaces to minimize runoff.

Policy WR-4c: Support programs to monitor, establish and publicize per capita or per unit water use in each community and area and utilize this data in groundwater management plans, master facilities plans, and wastewater treatment plans.

Policy WR-4d: Encourage monitoring for all water use and water metering and pricing systems for public water suppliers which require water users to pay all costs of the amount of water used. Encourage pricing mechanisms for public water suppliers which provide incentives for water users employing conservation and reuse programs.

Policy WR-4e: Require water-conserving plumbing and water-conserving landscaping in all new development projects and require water-conserving plumbing in all new dwellings. Educate and promote programs to minimize water loss and waste by public water suppliers. Require County-operated water systems to minimize water loss and waste.

Policy WR-4f: Educate and promote programs for retrofitting plumbing, providing cost rebates, identifying leaks, changing landscaping, irrigating efficiently and other methods of reducing water consumption by existing users.

Policy WR-4g: Require that development and redevelopment projects, where feasible, retain storm water for on-site use which offsets the use of other water. Implementation could include standards for runoff retention and storage, impervious surfaces, vegetation removal, landscaping, and preservation of wetlands and riparian areas.

Policy WR-4h: Encourage and support conservation for agricultural activities which increase the efficiency of water use for crop irrigation, frost protection and livestock. Work with RWQCB and DWR to promote storm water impoundments for agricultural uses.

Policy WR-4i: Assess water use by County buildings and facilities and reduce water consumption to the maximum extent practicable.

Policy WR-4j: Ensure that wastewater disposal systems are designed to reclaim and reuse treated water on agricultural crops, and for other irrigation and wildlife enhancement projects to the extent practicable.

Policy WR-4k: Encourage participation in programs for reuse of treated water, including the establishment of wastewater irrigation districts.

Policy WR-4l: Support the use of recycled water to offset use of other water where the quality of the recycled water is maintained, meets all applicable regulatory standards, and is appropriate for the intended use and beneficial uses of other water resources will not be

significantly impacted.

Policy WR-4m: Coordinate with the cities and other wastewater treatment entities in the planning of uses and minimizing of impacts for treated water in agricultural activities, geothermal facilities and other uses in the incorporated and unincorporated areas.

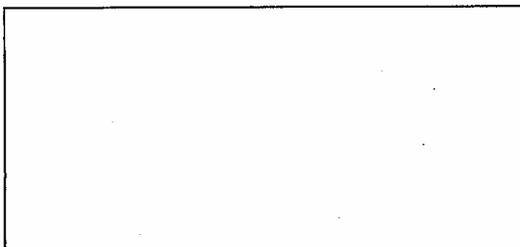
Policy WR-4n: Support the use of treated water for irrigation, landscaping, parks, public facilities and other appropriate uses.

Policy WR-4o: Encourage graywater systems, roof catchment of rainwater and other methods of re-using water and minimizing the need to use groundwater.

3.5 IMPORTING AND EXPORTING

For years, Sonoma County municipalities have relied to some degree upon importation of water from sources outside of the County borders. Russian River water is also exported to Marin County. However, as statewide water supplies are falling behind demand, areas with relatively abundant water supplies are likely to be targeted for additional exports.

An example is the proposal to export water from the Gualala and Albion Rivers to Southern California. While such proposals are within the jurisdiction of the SWRCB, Sonoma County needs to be proactive in protecting its water resource interests.



GOAL WR-5: **Assure that new proposals for surface and groundwater imports and exports are consistent with Sonoma County's ability to sustain an adequate and quality water supply for its water users and dependent natural resources.**

Objective WR-5.1: Protect the interests of Sonoma County water users in the review of proposals to export water from Sonoma County.

Objective WR-5.2: Consider the environmental impacts of all proposed water imports and exports.

The following policies, in addition to those in the other sections of the Water Resources Element, shall be used to accomplish this objective:

3.0 COMMENTS AND RESPONSES TO COMMENTS

Policy WR-5a: Require or request full assessment of the environmental impacts and impacts on Sonoma County water users of any proposals to physically export water to new locations outside Sonoma County or to substantially increase water supply to existing out-of-county locations. Any consideration of exporting additional water resources shall place primary priority upon the benefit of and need for the resources in Sonoma County and shall assure that water resources needed by urban, rural and agricultural water users in Sonoma County will not be exported outside the county.

Policy WR-5b: Require or request full assessment of the environmental impacts of any proposals to import additional water into Sonoma County.

3.6 WATERSHED MANAGEMENT

GOAL WR-6: **Foster understanding, valuation and sound management of the water resources in Sonoma County's diverse watersheds.**

Objective WR-6.1: Correlate the quality and quantity of water captured, stored and contained within each unique watershed to the needs of beneficial water uses by all county residents, local industry, agriculture and the natural environment.

Objective WR-6.2: Seek and secure funding to evaluate the quality and quantity of water resources in each of the watershed basins.

The following policies, in addition to those in other sections of the Water Resources Element, shall be used to accomplish these objectives:

Policy WR-6a: Where there is a problem identified, promote and seek funding for the evaluation and remediation of the problem through a watershed management approach.

Policy WR-6b: Work with the RWQCBs, watershed-focused groups and stakeholders in the collection, evaluation and use of watershed-specific water resource information.

4. WATER RESOURCE IMPLEMENTATION PROGRAMS

Water Resources Program 1: Education and Technical Assistance

Program Description: Develop a public education and technical assistance program that provides property owners, applicants and the general public with information regarding storm water pollution, efficient water use, public water supplies, water conservation and re-use, and groundwater (Policy reference: WR-1a, -1i, -2a, -2b, -2h, -3a, -3b, -3c, -3d, -3e, -3f, -3h, -4b, -

4h, -4o).

Water Resources Program 2: County Facilities

Program Description: Prepare and implement a "best management practice" manual for minimizing storm water pollutants associated with construction and maintenance of County buildings, roads, and other facilities. Assess water use in County operated facilities and implement programs for efficient water use and wastewater re-use (Policy reference: WR-1b, -4b, -4e, -4i, -4n).

Water Resources Program 3: Storm Water Management Regulations

Program Description: Work with the RWQCBs during the official formulation and adoption process for storm water pollution management regulations affecting Sonoma County (Policy reference: WR-1c, -1f, -1g).

Water Resources Program 4: Total Maximum Daily Load (TMDL) Regulations

Program Description: Work with the RWQCBs during the official formulation and adoption process for TMDL regulations affecting Sonoma County (Policy reference: WR-1e).

Water Resources Program 5: Grading Ordinance and Erosion and Sediment Control

Program Description: Prepare, adopt, and implement a revised erosion and sediment control ordinance to include row crops similar to that which was adopted for vineyards (Policy reference: WR-1g, -1h, -1i).

Water Resources Program 6: Well Permits and Procedures

Program Description: Prepare, adopt, and implement a revised well ordinance which provides for improved data collection and monitoring of ground water supply and quality. Prepare revised procedures for proving adequate ground water for discretionary projects (Policy reference: WR-2c, -2d, -2e).

Water Resources Program 7: Groundwater Monitoring and Annual Report

Program Description: Establish a ground water database and monitoring program consisting of well permit data and basin studies. Prepare an annual report to the Board of Supervisors assessing the current status of groundwater conditions in the unincorporated area and evaluating the need for any special studies and/or management actions that may be necessary in problem areas (Policy reference: WR-1s, 2g, -2h, -2i, 2j, -2k, -2o, -3a, -3i, -3m, -4c).

3.0 COMMENTS AND RESPONSES TO COMMENTS

Water Resources Program 8: Public Water Supply Plans

Program Description: Develop an information sharing program in cooperation with public water suppliers as necessary to make appropriate data available to the public pertaining to water supply and water use in each supplier's jurisdiction. Cooperate with public water suppliers in the development and implementation of measures necessary to protect the water quality of its water supply sources (Policy reference: WR-3a, -3c, -3d, -3e, -3h, -4d, -4e, -4f).

Water Resources Program 9: Integrated Water Resources Funding

Program Description: Work with public water suppliers, utility districts, stakeholder groups and interested parties to seek and secure outside funding sources for Water Resources Element programs and associated plans. Sources considered should include establishing a stewardship fund derived from the use and off-site sale of extracted groundwater to provide a financial base for the on-going protection, monitoring and management of the groundwater resource (Policy reference: Implementation programs 1-8 above).

Water Resources Program 10: Watershed Planning

Program Description: Seek funding opportunities for collaborative watershed planning approaches to water quantity and quality enhancement and protection, where such an approach is the desired method of accomplishing the program objectives (Policy reference: WR-1a, -1c, -1e, -1f, -2j, -3r, -6a, -6b).

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 132: BOB FIDDAMAN, JUNE 15, 2007

Response 132-1 E/P: Commenter is pleased to see the excellent work by the Steering Committee, consultants, and County staff for both the General Plan Update and the Draft EIR. County staff appreciates the acknowledgment of hard work done by all involved in the General Plan Update process.

Response 132-2 P: Commenter shares the concerns of Sandy Elles of the Farm Bureau regarding growth projections and the jobs/housing balance discussed in the Agricultural Preservation and Land Use Element. As a result of comments received, the Revised General Plan Update has been crafted in such a way that projected growth would be similar to growth under the No Project Alternative. Commenter is referred to Section 2.0 for a discussion of the "Preferred Plan" and to the Alternatives Master Response 3.4.2 regarding the use of growth projections in excess of ABAG's regional projections. Also, proposed Policy Ag/LU-31, Ag/LU-42, E-12, and E-18 all address the issue of housing demand generated by new employment without suggesting an allocation process or restriction on job growth.

Response 132-3 P: Commenter has attached the Sonoma County Water Resources Element as a comparison to the Conservation Element for Napa County. County staff appreciates the comparison of the two documents and concern for the issue of water resources. The Conservation Element section on Water Resources has been substantially revised and expanded in response to public comments, but remains part of the Conservation Element, instead of a stand-alone section. This could be changed during consideration of the Revised General Plan Update by the Planning Commission and the Board of Supervisors if desired. Commenter is also referred to Water Supply Master Response 3.4.1.

Response 132-4 P: Commenter suggests that the County should include a policy in the Circulation Element to support the City of Calistoga in relocating SR 29 from Lincoln Avenue including a policy to cooperate with the City of Calistoga on traffic solutions. The proposed Circulation Element emphasizes safety and access (rather than capacity) improvements in most of the County, in order to ensure that the rural character of County roads is not lost (see Policy CIR-12, for example). As a result, the Circulation Element also emphasizes the use of alternative modes of transportation and establishes a target (Objective CIR-1 on p. 110 of the Revised General Plan Update) for reducing cut-through traffic developed with the Napa County Transportation and Planning Agency (NCTPA). The revised Circulation Element does not specifically endorse relocation of SR 29 from Lincoln Avenue, because the impacts have not been considered in the Draft EIR. Nonetheless, County staff would be happy to participate in further studies of this and other proposals within the City limits.

Response 132-5 P: Commenter notes that the County should look at the use of a portion of the fairgrounds in Calistoga for development as housing. Commenter requests a policy requiring large commercial projects to provide workforce housing for employees expected to be generated on a negotiated basis. The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element regarding the use of

3.0 COMMENTS AND RESPONSES TO COMMENTS

County-owned lands for potential redevelopment. This suggestion appears in Policy Ag/LU-30, although it is silent on the specific parcels that would be available for housing, since their reuse would likely require additional analysis and consultation with current users/tenants of the properties. Also, please see Action Item Ag/LU-30.2 regarding development of a workforce housing ordinance and re-examination of the County's in lieu fees.

Letter 133

June 15, 2007

To: The Members of the Board of Supervisors
Re: Comments on the Napa County General Plan Update

The group, Salvador Creek Property Owners, is concerned about all future development, including vineyard development, in the Salvador Creek watershed. All future development will exacerbate flooding and the potential for the flooding of our homes, our property, and will also increase the likelihood of creek bank failures on our property. Developed lands in the Salvador Creek watershed allow more water to reach Salvador Creek and to reach it faster.

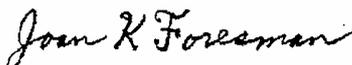
It has been our experience, over the last couple of decades, that the storm water runoff making its way to Salvador Creek is increasing and this can be directly attributable to development in the Salvador Creek watershed. Napa County's past approval of development without regard to its impact on storm water runoff has led to an increase in flooding and the potential for flooding of our homes and property and also to creek bank failures on our properties.

133-1
E/P

This increase in flooding from development in the watersheds throughout Napa County is having serious and irrevocable consequences. As such, the Salvador Creek Property Owners are calling on the members of the Napa County Board of Supervisors to immediately implement policies and procedures to mitigate storm water runoff from all new development, including vineyard development, in Napa County. Furthermore, when the members of the Napa County Board of Supervisors formulate the Napa County General Plan, we are calling on the members of the Napa County Board of Supervisors to be cognizant and take responsibility for the implications of all of their decisions regarding new developments, including vineyard development, in Napa County unless or until they implement policies and procedures to mitigate storm water runoff. To not do so would be negligent.

Thank you for your consideration.

Respectfully,



On Behalf of - Salvador Creek Property Owners

Contact: Joan K. Foresman
1656 Bryce Ct., Napa, CA 94558
707-224-3685
joankay@cwnet.com

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 133: JOAN FORESMAN ON BEHALF OF SALVADOR CREEK PROPERTY OWNERS,
JUNE 15, 2007

Response 133-1 E/P: Commenter notes that the Salvador Creek Property Owners are concerned about all future development, including vineyard development, in the Salvador Creek watershed that may exacerbate flooding. Commenter requests the inclusion of policies to mitigate storm water runoff. Impacts to storm water runoff as a result of construction and development from General Plan Update implementation have been extensively addressed in the Draft EIR Section 4.11, Hydrology and Water Quality. All impacts identified from development were deemed to be significant but mitigated to a less than significant level by the implementation of the mitigation measures identified in the Draft EIR. Mitigation measures were recommended to be incorporated into County Code and/or the General Plan and many of these measures have already been included into the Conservation Element. Specifically, please see Policy CON-50 and Action Item CON WR-2 in the Revised General Plan Update.

Letter 134

May 29, 2007

Napa County Dept. of Conservation, Development & Planning
ATTN: General Plan Comments
1195 Third Street, Ste. 210
Napa, CA 94559

Dear General Plan Committee:

As residents of Napa County we are trying our best to understand the new proposed General Plan. As we understand its goal and purpose, it is a set of guidelines for our future operations. It needs to be just that, a general plan, rather than trying to be too specific in some areas as to be even more restrictive as the future becomes today. It also needs to be balanced.

134-1P

We would like to comment on the following element of the General Plan:

Land Use Policies

Property Rights –

A balanced general plan should recognize property rights. There should be a reasonable balance between the planners, special interest groups, and the individual rights of property owners. This is an important community value and this message was brought forth in the public outreach meetings and reinforced with the resounding defeat of Measures O & P in 2004. It seems there is a lack of recognition by the county that we can preserve the rural and ag nature of the county, protect the natural environment, preserve open space, protect views, etc. and do so without encroaching on individual property rights. In fact, often these goals are in conflict with property rights which means there must be a balance.

It is imperative that the General Plan be balanced and provide reasonable protections for property rights, in order to discourage the future passage of confiscatory regulations like the SSO. At a minimum the General Plan needs a policy statement such as: “The County will ensure that private property rights are respected and protected in its planning and decision-making processes.”

134-2P

Preferred language for the General Plan would be:

“We will all be best served by striking a balance between private property rights and all our other rights and our other important community values, this general plan acknowledges that the right to private property is one of our most basic freedoms, that secure property rights are essential to a prosperous economy, that private ownership provides valuable incentives for the proper care of property and the environment, and that preservation of property rights is an important cultural and community value, that protection of property rights is one of the primary and necessary functions of government at all levels, and that private property rights are therefore deserving of respect and consideration **whenever** land use decisions are made.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Perhaps the General Plan should also include a definition of Property rights:
“With no intent either to limit existing rights or to create new rights, “property rights” as used in the General Plan means all the rights customarily and traditionally residing in ownership of real property and attaching to a fee interest deed, including the right to possess, occupy, use, and enjoy the property and the water, mineral, and other resources on, under, and over the surface thereof; to control the use of the property and to exclude others from it, to protect the property from damage and from pollution, to farm the property and otherwise improve it, to benefit economically from the property and its improvement, and to temporarily or permanently transfer, encumber, assign, or alienate certain of those rights through bequest, sale, mortgage, lease, deed, easement, or otherwise.”

134-3P

Yes, we would like to see much stronger language in the General Plan recognizing that property rights must be a first consideration in all other planning issues.

Thank you for the opportunity to comment on the General Plan. We would welcome dialog with you on any of these items at your convenience.

Sincerely,

Morgan Morgan
Oak Knoll Ranch
2200 West Oak Knoll Ave.
Napa, CA 94558
(707) 226 6515
m2morgan@hotmail.com

May 29, 2007

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1195 Third Street, Ste. 210
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Dear General Plan Committee:

As residents of Napa County we are trying our best to understand the new proposed General Plan. As we understand its goal and purpose, it is a set of guidelines for our future operations. It needs to be just that, a general plan, rather than trying to be too specific in some areas as to be even more restrictive as the future becomes today. It also needs to be balanced.

We would like to comment on the following element of the General Plan:

1. Recreation and Open Space Element - No hot air balloons

We do not believe that Hot Air Ballooning, a commercial business, should be written into the general plan as an integral part of the Recreation and Open Space Element. If that commercial business were to be written into the plan, then all commercial recreation businesses should also be included specifically, which would be rather impossible and of no value.

The case is being made that hot air ballooning is an important factor for tourism in Napa County. The county brings in several million dollars in tourism and benefits from those dollars in jobs, tax revenues, etc. Balance this with the less than ½ of 1% miniscule amount of revenue that is contributed by the hot air ballooning business to tourism and recreation in Napa. A large percentage of the people that take hot air balloon rides are bused in for the day and do not even take advantage of our hotels, inns, etc. which further reduces the value of hot air ballooning as a “factor” in Napa recreation.

Additionally Table ROS-A, CA Dept. of Parks and Recreation survey, did not list hot air ballooning, and Table ROS-C, Latent Demand Survey, did not list hot air ballooning, which supports the fact that it is not high on anyone’s list of recreation and open space and therefore, should not be included in the General Plan.

The county has already taken a strict stand against Helicopter use for recreation in Napa. Hot air balloons transport people in the air from one place to another for a large fee, just like helicopters (and they are noisy, just like helicopters). If hot air balloons are to be considered in the general plan, then why wouldn’t helicopters? I think this makes the point.

Hot air balloons also encroach on sensitive open space environments. They land where they want to and not always where they predict. The number of trucks, vans, and

134-4P

3.0 COMMENTS AND RESPONSES TO COMMENTS

vehicles that are needed to support the hot air balloon landing on the recreation and open space is significant and can do damage to these fragile spaces.

Recommendation: Leave the recreation and open space element as is and do NOT write in any specific charter for hot air ballooning.

134-4P
cont'd.

Thank you for the opportunity to comment on the General Plan. We would welcome dialog with you on any of these items at your convenience.

Sincerely,

Morgan Morgan
Oak Knoll Ranch
2200 West Oak Knoll Ave.
Napa, CA 94558
(707) 226 6515
m2morgan@hotmail.com

May 29, 2007

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1195 Third Street, Ste. 210
Napa, CA 94559

Dear General Plan Committee:

As residents of Napa County we are trying our best to understand the new proposed General Plan. As we understand its goal and purpose, it is a set of guidelines for our future operations. It needs to be just that, a general plan, rather than trying to be too specific in some areas as to be even more restrictive as the future becomes today. It also needs to be balanced.

We would like to comment on the following element of the General Plan:

**Community Character Element – Cultural Resources Goal
Incentives for Historic Preservation - Policy CC-25 –**

This policy addresses that owners of buildings within agricultural areas of the County that are either designated as Napa County Landmarks, etc. may apply for permission to re-use these buildings for their historic use regardless of the land uses that would otherwise be permitted in the area etc.

We think that this policy is moving in the right direction but is still too restrictive. The language is focused only on buildings and does not include the word grounds. Let's say there is an historic property that has both building and grounds that could be used and preserved but are restricted by zoning.

There needs to be a way for the County to deem a property of "Historic Value to Napa County" even if it does not meet the Napa County Landmark and other state organizations list. This would allow certain properties to be included and preserved for some historic benefit. Obviously the property owner seeking this status would need to provide written documentation as to historic contribution and value to Napa County.

Historic places of any kind are of little value if they cannot be seen by others and shared. Also consider that maintaining an historic property requires extensive revenue for repair and maintenance. We believe this policy should provide the opportunity to allow properties with historic value to be used for events to generate needed cash for the upkeep of the property. An historic home that is worth preserving may not have been a B&B in the past nor may it have had weddings or events. But the current use and value to the community is to put them to this use – albeit "where appropriate". The county has in place an event permit process that could be expanded to included historic places even in the ag preserve. These places could apply for a permit (revenue to the county) and generate additional tourist dollars by brining in events to share and enjoy the historic site

134-5P

3.0 COMMENTS AND RESPONSES TO COMMENTS

and be exposed to the “old Napa” beauty and history. Significant to note here is that no harm is done to the agricultural nature of the land nor Napa in general by these uses.

We believe that the historic buildings and grounds in the Ag Preserve should be able to be “used” for purposes other than agriculture (i.e. events, weddings, etc.) rather than just “re-used” for their original purpose. Many historic sites will never be “reused” and therefore of no value to the county’s history.

Thank you for the opportunity to comment on the General Plan. We would welcome dialog with you on any of these items at your convenience.

Sincerely,

Morgan Morgan
Oak Knoll Ranch
2200 West Oak Knoll Ave.
Napa, CA 94558
(707) 226 6515
m2morgan@hotmail.com

134-5P
cont'd.

May 29, 2007

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1195 Third Street, Ste. 210
Napa, CA 94559

Dear General Plan Committee:

As residents of Napa County we are trying our best to understand the new proposed General Plan. As we understand its goal and purpose, it is a set of guidelines for our future operations. It needs to be just that, a general plan, rather than trying to be too specific in some areas as to be even more restrictive as the future becomes today. It also needs to be balanced.

We would like to comment on the following element of the General Plan:

Global Warming - There should be No Reference to Global Warming in the general plan.

We are all concerned about climate change and global warming issues. The Napa General plan is focused on maintaining agriculture, water and natural resources, better transportation to reduce congestion and maintain air quality, and significant housing restrictions to limit pollution and overuse of our resources, etc. etc.

State and Federal rules will continue to provide guidance as to how we can all contribute to a healthier planet. The County does not need to take on this additional burden. Department of Forestry, Department of Fish and Game, Bay Area Air Quality Management, are just a few of the agencies that help the county focus on a greener planet.

Keep the general plan on track. Do not cave in to special interest agendas. Do not believe we can solve a world problem by creating even greater restrictions on an already constricted county environment.

Thank you for the opportunity to comment on the General Plan. We would welcome dialog with you on any of these items at your convenience.

Sincerely,

Morgan Morgan
Oak Knoll Ranch
2200 West Oak Knoll Ave.
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(707) 226 6515
m2morgan@hotmail.com

134-6P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 134: MORGAN MORGAN, MAY 29, 2007

Response 134-1 P: Commenter notes the proposed General Plan Update should avoid being too specific and restrictive on future uses. County staff notes the concern of the commenter.

Response 134-2 P: Commenter suggests that the Plan should recognize property rights in balance with the interests of special interest groups and the planners. Commenter requests the addition of a policy stating the following: "The County will ensure that private property rights are respected and protected in its planning and decision-making processes." Commenter provides additional expository language to this effect for inclusion in the proposed General Plan Update.

County staff appreciates the commenter's concern for private property rights, which are addressed in Policy Ag/LU-108. This policy has been retained in the Revised General Plan Update despite many requests for its removal because County staff believes that the plan as currently drafted strikes an appropriate balance between the rights of property owners and other issues. The commenter is referred to revisions made elsewhere within the Agricultural Preservation and Land Use Element.

Response 134-3 P: Commenter requests the inclusion of a definition of "property rights" in the Agricultural Preservation and Land Use Element. Commenter provides specific language for such a definition. County staff appreciates the concern regarding private property rights and has included a definition within the glossary (p. 284) of the Revised General Plan Update.

Response 134-4 P: Commenter requests that any mention of hot air ballooning as a recreation use in the Recreation and Open Space Element be removed from the proposed General Plan Update. Commenter cites noise and other environmental/nuisance effects of hot air ballooning. Commenter is referred to revisions made to the Recreation and Open Space Element, which does not specifically endorse or allow hot air ballooning. Draft EIR Section 4.1 (Agriculture) specifically addresses conflict impacts associated with recreation and agricultural uses (see Draft EIR page 4.1-29 and -30).

Response 134-5 P: Commenter requests that the language of Policy CC-25 be broadened to include historic uses associated with grounds and not buildings alone. Additionally, commenter asks that the County consider some expansion of use beyond historic uses in order to fund the renovation and upkeep of historic properties. The commenter is referred to revisions made to the Community Character Element where the incentive program referred to has been revised to include more flexibility with regard to use, but not to include the suggested reference to the "grounds" of historic buildings. Details of the suggested incentive program will have to be developed in the form of an enabling ordinance, as suggested in Action Item CC-28.1.

Response 134-6 P: Commenter requests the County remove all discussion of global warming in the proposed General Plan Update as it creates additional restrictions on an already "restricted" county. Commenter attests that other local, state, and federal agencies should deal with the problem of climate

3.0 COMMENTS AND RESPONSES TO COMMENTS

change, not the County. County staff acknowledges the commenter's view on this controversial topic. However, many more commenters stated that they felt this issue was too important to ignore at the current time. As such, County staff has recommended that the topic be studied as to the potential impact to the quality of life that residents of the County now enjoy. Commenter is referred to Climate Change Master Response 3.4.4 and revisions to the Conservation Element.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 135

Subject: Traffic conditions in Deer Park - General Plan comments
From: "Andrea Wolf" <andreawolf@comcast.net>
Date: Mon, June 18, 2007 11:16 am
To: info@napacountygeneralplan.com

To Whom it Concerns:

I have been a Deer Park resident for 30 years and have watched and heard the increased traffic whizzing by. At a recent neighborhood meeting, we were told 8,000 vehicles pass by the intersection of Deer Park Road and Sunnyside. Not only that, but construction trucks have contributed to this number.

I am shocked...we have become the highway to Angwin, Pope Valley, Lake Berryessa and Middletown and beyond!

As a cyclist, I cannot ride on our roads because in several places there are no shoulders. I ride on back roads and then make a mad dash across the above mentioned intersection. The fact that this is a school crosswalk is even more alarming!

The thought of adding almost 400 homes in Angwin and the increased wineries and vineyards going in, will make Deer Park Road a nightmare. There are already back-ups at Deer Park Road and the Silverado Trail waiting to go through the red light.

I hate to think what would happen if these flying trucks have accidents....and the road is closed for awhile. Even emergency vehicles will not be able to get through.

Since St. Helena Hospital is undertaking a very large expansion, we will have these trucks on both of our only through roads: Deer Park and Sanitarium Road. Since I live between these two roads, I am doomed!

Please consider this in any future policy makings. And, oh Yes while you are at it.....POP the URBAN BUBBLE!

Sincerely,
Andrea Wolf
536 Canon Park Dr.
St. Helena, CA. 94574
707-963-3466

135-1E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 135: ANDREA WOLF, JUNE 18, 2007

Response 135-1 E/P: Commenter notes concerns with growth in Angwin and other communities will result in significant traffic and safety impacts to Deer Park Road, Sunnyside Road, and Sanitarium Road. Commenter further voices displeasure at the "urban bubbles." County staff acknowledges the commenter's concern regarding traffic due to the proposed project in Angwin. At the time the draft General Plan and EIR were published, Pacific Union College had not submitted a formal application for any specific project, so a detailed traffic evaluation could not be done. When the application by the PUC is deemed complete by County staff, the appropriate environmental review will consider the potential effects to traffic on Deer Park Road and other concerned roadways. Regarding urban bubbles, the commenter is referred to the Alternatives Master Response 3.4.2 for a discussion about why eliminating all of the "bubbles" is not considered feasible. Traffic operations regarding level of service and safety are addressed on Draft EIR pages 4.4-31 through -54. As noted in Draft EIR Tables 4.4-5 through 4.4-8, none of these roadways have been identified for high accident sites.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 136

June 11, 2007

Napa County Department of Conservation, Development & Planning
1195 Third Street, Suite 210
Napa, CA 94559

Attention: General Plan Comments

Regarding: Recreation and Open Space Element - Hot Air Balloons

As longtime residents of Napa County we are trying our best to understand the new proposed General Plan regarding the Hot Air Balloons.

Today we have more and more hot air balloons navigating over the beautiful Napa Valley; and creating more and more frustration to the property owners. We are in agreement with the property owners; that a commercial business should not be written into the general plan.

It is our understanding that the county has already taken a strict stand against helicopter use, for recreation in Napa. Hot air balloons transport people in the air from one place to another for a large fee, just like helicopters (and they are noisy, just like helicopters). If hot air balloons are to be considered in the general plan, then why wouldn't helicopters? Should we not be consistent?

We believe that we speak not only for ourselves, but also for most other property owners in the valley; when we encourage you to respond to all of the property owners and their deep frustrations; and do not come up with a half-baked solution.

We recommend that you leave the recreation and open space element as is and do not write in any specific charter for hot air ballooning.

Sincerely,

Marshall Jaeger
Billie Jaeger

136-1P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 136: MARSHALL AND BILLIE JAEGER, JUNE 11, 2007

Response 136-1 P: Commenter questions the inclusion of hot air balloons in the Recreation and Open Space Element of the proposed General Plan Update. Commenter compares effect of hot air balloons to sightseeing helicopters. Commenter requests the County not write any specific charter for hot air ballooning. Commenter is referred to Response 134-4.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 137

Subject: Input from Moskowitz Corner resident
From: "Glyn Rixon" <dazzlitesglass@earthlink.net>
Date: Mon, June 18, 2007 11:16 am
To: plowe@napacountygeneralplan.com

TO THE BOARD OF SUPERVISORS

As a property owner and resident of The Moskowitz Corner vicinity since 1980 I would like to make a contribution to The General Plan for Napa County.

Specifically regarding Policy Ag/LU-73 & 79 it surely is no revelation that the major barrier to development of Affordable Housing in this area is lack of water. Unless fortunate to own a parcel with a spring source, the majority of us face an ongoing challenge with diminishing or shifting aquifers and sulphurous water. What plans are there to address this issue as far as an additional supply to service such development and will current residents benefit from some kind of pipeline placement?

137-1E/P

Secondly, we need and deserve a better surveillance by the Sheriff's Dept. in the interest of traffic safety. Monticello Road, the only way to access the Lake from the Bay area and now discovered as an alternative to Jameson Cyn. for Fairfield traffic, has a reputation for being a dangerous road with its tight blind bends and steep terrain. Law enforcement officers are very much in evidence on 3 day holiday weekends and residents/work commuters alike are all too familiar with avid ticket writing at those times. (The learned wisdom is stay home or be long gone before Thursday p.m.) But there is seldom a presence during the week when some road users exhibit reckless driving practices. On several occasions when driving to Napa I have encountered 2 or 3 Dirt Bike Racers heading to the Lake driving and leaning well into my lane - an unnerving experience because there is nowhere to go to avoid a collision. Cyclists too can be endangered and cause a hazard to other drivers and while they have a right to use the road but with no room for a special lane I would suggest a restriction to certain hours or days of the week so that other drivers can be watching for them during those times.

137-2E/P

I fully support Policy Ag/LU-85. A regular forum for Local Representation would greatly help to move this region out of the shadows and onto the 'Destination' map. It's a richly beautiful wild part of Napa County.

137-3P

Thank You,

Glyn Rixon, 5310 Monticello Road, Napa, CA 94558

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 137: GLYN RIXON, JUNE 18, 2007

Response 137-1 E/P: The commenter notes that the major barrier to development of affordable housing mentioned in Policies Ag/LU-73 and -79 relates to water supply. The commenter questions what plans there are to address diminishing water sources. Evidence of water availability is required prior to development pursuant to Policy CON-53, and the County has suggested that it will collaborate with private property owners on future studies of groundwater availability and potential alternate sources. Nonetheless, the County will not itself take the lead in securing additional water simply to increase the development potential of private properties. The commenter is referred to Water Supply Master Response 3.4.1.

Response 137-2 E/P: The commenter states that there should be better surveillance by the Napa County Sheriff's Department in the interest of traffic safety. The County appreciates the input regarding traffic safety. Draft EIR Tables 4.4-5 through 4.4-8 provide data regarding traffic safety in the County. Traffic operations regarding level of service and safety are addressed on Draft EIR pages 4.4-31 through -54. Traffic patrol and enforcement in the unincorporated area is provided by the California Highway Patrol. The commenter is urged to contact the CHP and the Napa County Sheriff to discuss ways to address his concerns regarding enforcement of traffic regulations.

Response 137-3 P: The commenter states support for Policy Ag/LU-85. The County appreciates the input regarding the policy; however the idea of a local council has been eliminated from the Revised Draft General Plan Update at the suggestion of other commenters. Nonetheless, the commenter is referred to policies in the Lake Berryessa section starting on p. 57 of the Revised Draft General Plan Update and to new policies about the same area included at the end of the Economic Development Element.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 138



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

Via Email to hgitelman@napacountygeneralplan.com and registered mail

June 29, 2007

Ms. Hillary Gitelman
Napa County Planning Director
County Administration Building
1195 Third Street, Suite 210
Napa, CA 94559
Email: hgitelman@napacountygeneralplan.com

Re: Comments on the DEIR for the Napa County General Plan Update, State Clearinghouse Number 2005102088

Dear Ms. Gitelman:

These comments are submitted on behalf of the Center for Biological Diversity on the Draft Environmental Impact Report (“DEIR”) for the Napa County General Plan Update, State Clearinghouse Number 2005102088 (“the Project”). The Project as proposed will have numerous substantial impacts on the environment due to its nature, size, and location. This letter will focus on the Project’s greenhouse gas emissions and contribution to global warming.

The Center for Biological Diversity (“Center”) is a non-profit conservation organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center’s Climate, Air, and Energy Program works to reduce U.S. greenhouse gas emissions to protect biological diversity, our environment, and public health. We work to educate the public about the impacts of climate change on our world and the animals and plants that live in it and to build the political will to enact solutions. The Center has over 35,000 members throughout California and the western United States, including Napa County. Center members will be directly impacted by the Project.

Although the DEIR states that the Project “would contribute to an increase in Greenhouse Gas (GHG) emissions from vehicle transportation, building energy use and possibly agricultural operations and may contribute to increases in atmospheric GHG concentrations,” the DEIR fails to include a complete and adequate inventory of the Project’s greenhouse gas emissions, a full discussion of the impacts from those emissions, as well as the impact of climate change on the Project, a significance determination regarding these impacts, and a thorough and quantitative analysis of alternatives and avoidance and mitigation measures to reduce those impacts. DEIR, Impact 4.8.7. Instead, the DEIR states that “the County shall include a policy in the General Plan that requires the County to conduct a greenhouse gas emission inventory analysis of all major emission sources by the year 2008 in a manner consistent with Assembly Bill 32, and then to seek reductions such that emissions are equivalent to year 1990 levels by the year 2020.”

138-
1E/P

138-2E

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P.O. Box 549 • Joshua Tree, CA 92252-0549 • tel: (760) 366.2232 • www.BiologicalDiversity.org

DEIR, Impact 4.8.7. While this is an appropriate and laudable goal for the County, it does not relieve the County from the requirements to address the impacts greenhouse gas emissions from the Project. Indeed, it is precisely the reason the County must address the greenhouse gas emissions from the Project. Fortunately, CEQA sets forth a clear and mandatory process for the County to deal with the Project's greenhouse gas and global warming impacts.

138-2E
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As detailed below, the DEIR must be revised so that it includes a complete and adequate inventory of the Project's greenhouse gas emissions, a full discussion of the impacts from those emissions, as well as the impact of climate change on the Project, a significance determination regarding these impacts, and a thorough and quantitative analysis of alternatives and avoidance and mitigation measures to reduce those impacts. The good news is that there are numerous feasible measures that can greatly reduce the Project's greenhouse gas emissions. The County cannot lawfully approve the project until the required CEQA analysis has been completed and all feasible measures implemented.

I. ASSEMBLY BILL 32 AND THE REGULATORY CONTEXT OF GLOBAL CLIMATE CHANGE

The DEIR discusses California's Global Warming Solutions Act of 2006, A.B.32, 2005-06 Sess., *codified* at Cal. Health & Safety Code §§ 38500-99, which provides for mandatory greenhouse gas emission reporting, verification, and mitigation measures to achieve the "maximum technologically feasible and cost-effective greenhouse gas emission reductions" from sources across the state." Cal. Health and Safety Code §38560. Though the EIR briefly discusses pending regulations from the California Air Resources Board pursuant to AB 32, the EIR neglects to discuss that the new law repeatedly emphasizes that its greenhouse gas reduction mandates are in addition to all existing legal requirements to reduce greenhouse gas emissions and protect the environment. *See, e.g.*, Cal. Health and Safety Code § 38598 ("Nothing in this division shall limit the existing authority of a state entity to adopt and implement greenhouse gas emission reduction measures....Nothing in this division shall relieve any state entity of its legal obligations to comply with existing law or regulation."); § 38592(b) ("Nothing in this division [25.5] shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health and the environment."); and § 38592(b) ("Nothing in this division shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health or the environment.")

138-3E

II. INADEQUACY OF THE EIR'S ANALYSIS OF THE PROJECT'S GREENHOUSE GAS EMISSIONS

A. The DEIR's Inventory of Projected Greenhouse Gas Emissions is Inadequate

138-4E

The first step in determining a project's greenhouse gas emissions is to complete a full inventory

3.0 COMMENTS AND RESPONSES TO COMMENTS

of all emissions sources. In conducting such an inventory, all phases of the proposed project must be considered. *See* 14 Cal. Code Regs. § 15126 (“All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation.”). A basic requirement of CEQA is that “[a]n EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” 14 Cal. Code Regs. § 15151. The greenhouse gas inventory for a project must include a complete analysis of all of a project’s substantial sources of greenhouse gas emissions, from building materials and construction emissions to operational energy use, vehicle trips, water supply and waste disposal.

The greenhouse gas inventory can be conducted in conjunction with the required assessment of the project’s energy consumption. As CEQA Guidelines Appendix F, entitled “Energy Conservation,” clarifies: “In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.” *See also* Cal. Pub. Res. Code § 21000(b)(3) (EIR must include section discussing “[m]itigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.”)

138-4E
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A greenhouse gas inventory for the project must include the project’s direct and indirect greenhouse gas emissions. *See* 14 Cal. Code Regs § 15358(a)(1) (the effects considered under CEQA must include “[d]irect or primary effects which are caused by the project and occur at the same time and place”); *id.* at § 15358(a)(2) (CEQA also requires a disclosure of the project’s “[i]ndirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.”). Consequently, a complete inventory of a project’s emissions should include, at minimum, an estimate of emissions from the following:

- Construction vehicles and machinery;
- Manufacturing and transport of building materials;
- Electricity generation and transmission for the heating, cooling, lighting, and other energy demands of commercial, industrial, residential and other structures and units;
- Water supply and transportation to the project;
- Residential and industrial propane and natural gas use;
- Vehicle trips and transportation emissions generated by the project, used for moving raw materials, finished products, supplies, or people;
- Process emissions, such as from the production of cement, adipic acid, and ammonia, as well as emissions from agricultural processes;
- Fugitive emissions, such as methane leaks from pipeline systems and leaks of HFCs from air conditioning systems;

- Wastewater and solid waste storage or disposal, including transport where applicable; and
- Outsourced activities and contracting.

Deferring the inventory until after the decision on the Project cannot adequately inform the public and decisionmakers about the Project's impacts. Without a complete inventory, there is simply no way that the DEIR can then adequately discuss alternatives, avoidance, and mitigation measures to reduce those impacts. The DEIR must be revised to include a full and adequate inventory of the Project's greenhouse gas emissions. Because the incomplete inventory precludes adequate analysis of environmental impacts in all sections of the DEIR, the DEIR must be revised and recirculated once this critical information is included.

138-4E
cont'd.

B. The Determination that Impacts are Significant and Unavoidable

Although the DEIR found the impacts of greenhouse gas emissions to be significant, it then determined those impacts to be unavoidable. DEIR, Impact 4.8.7. This determination was made despite the fact that there was no adequate measure of the Project's emissions, or analyses of measures to reduce the impacts.

III. FAILURE TO ANALYZE ALTERNATIVES AND AVOIDANCE AND MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

The DEIR fails to analyze alternatives and avoidance and mitigation measures to reduce the impacts resulting from greenhouse gas emissions. This analysis is the heart of CEQA, and must be undertaken once the DEIR has been revised to include a complete and adequate inventory of the Project's greenhouse gas emissions and a complete discussion of the Project's impacts. The DEIR should utilize a hierarchy of options to reduce greenhouse gas emissions: First, reduce the Project's energy use and greenhouse gas emissions as much as possible in the first instance; Second, generate the Project's remaining required energy from carbon-free sources, thereby reducing or eliminating the Project's emissions; Finally, offset or otherwise mitigate emissions that cannot be eliminated.

138-5E

There are many feasible options and measures to limit each of the Project's greenhouse gas emission sources. While some of the available measures have been identified as mitigation for energy or other impacts, all of these measures must be discussed explicitly with regard to greenhouse gas emissions. The amount that each measure will reduce emissions must be quantified wherever possible. All feasible measures must be adopted, 14 Cal. Code Regs. § 15065(c)(3), and must be mandatory and enforceable, not aspirational or voluntary. 14 Cal. Code Regs. § 15126.4(a)(2). Measures to reduce impacts may not be deferred until some future time. 14 Cal. Code Regs. § 15126.4(a)(1)(B).

Available measures include, but are not limited to the following:

Measures Relating to Project Design and Transportation

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Analyze and incorporate alternative project locations and design to achieve urban in-fill, minimize commute distances and times, and locate buildings near existing transportation hubs;
- Analyze and incorporate public transportation improvements as integral Project components to minimize individual vehicle trips as follows:
 - analyze the use of or availability of transportation impact or other fees to provide public transportation improvements;
 - analyze new infrastructure and service to serve the Project such as light rail, bus, and shuttle service, which will utilize alternative fuels and energy sources wherever possible;
 - analyze improvements to overcome barriers to public transportation use, including more frequent service, better coordination of transfers and connecting services, enhancements to safety, comfort, and cleanliness of conveyances, stations, and common areas, the provision of shuttle services, and other services and incentives;
- Analyze and incorporate bicycle and pedestrian access pathways and access, including both the routes and availability of bicycle parking/storage, as well as access for bicycles to office buildings, etc.
- Analyze and incorporate measures to promote ride-sharing and car-sharing to reduce single-occupancy vehicle trips, including:
 - Utilizing fee structures for access and parking to encourage ride and car-sharing and discourage individual vehicle trips;
 - Provide convenient, accessible, and affordable, centrally-located car-share resources, including prioritizing parking spaces for such vehicles;
 - Encourage ride-sharing, van-pooling, and other measures with prioritized parking spaces, adequate and safe loading and unloading zones, etc.;
 - Develop the necessary infrastructure for alternative fuel vehicles, including plug-in hybrid and electric vehicles, such as solar-powered plug-in hybrid and electric vehicle charging stations

138-5E
cont'd.

Measures Related to Project Construction:

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

Measures Relating to Building Design and Project Operation:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in

Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management. See <http://www.usgbc.org> and links; Alameda County 2005. Though the DEIR suggests at 4.12 using the LEED rating system, no mandatory standards are suggested;

- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Using electric appliances in solar powered buildings in lieu of household and commercial natural-gas appliances, which cannot use energy from renewable sources;
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Maximizing water conservation measures in homes and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.

Measures Relating to Renewable Energy Generation

1. Installing the maximum possible photovoltaic array on the building roofss and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
2. Installing solar water heating systems to generate all of the Project's hot water requirements;
3. Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.

138-5E
cont'd.

Offsetting Emissions

4. After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the DEIR.

The DEIR's deficiencies as discussed throughout not only render it legally defective but also represent an enormous missed opportunity to improve land use planning and decision-making and greatly slash the proposed project's greenhouse gas emissions. All of the measures listed above must be incorporated unless it is shown, with substantial evidence on the record, that they would be infeasible. Fortunately, these measures are eminently feasible and will result in a vastly improved Project that saves consumers energy costs, promotes local jobs and innovation, and complies with the mandates and aspirations of CEQA.

3.0 COMMENTS AND RESPONSES TO COMMENTS

IV.. CONCLUSION

In summary, the current DEIR has not adequately disclosed, analyzed, minimized, or mitigated the environmental impacts of the proposed project, and therefore approval in its current form would violate CEQA. Because of the document's shortcomings, the public and decision makers cannot make informed decisions about the proposed project's costs in areas including greenhouse gas pollution and climate change. The Center urges that the County revise and recirculate the DEIR for public review.

A number of the references cited have been included on the enclosed compact disk as indicated below. These important references should be considered carefully and included in the administrative record for the project approval process.

Please do not hesitate to contact Brian Nowicki at (520) 623-5252 x311 or bnowicki@biologicaldiversity.org if you have any questions regarding these comments. The Center for Biological Diversity wishes to be placed on the mailing/notification list for all future environmental decisions regarding this Project. We look forward to working with Napa County now and in the future to reach our shared goals of reducing greenhouse gas emissions and protecting biological diversity, public health, and our environment. Thank you for your time and consideration of our concerns.

Sincerely,



Brian Nowicki

138-6E

LITERATURE CITED AND ATTACHED

California Air Resources Board (CARB). 2007. Proposed early actions to mitigate climate change in California. April 20, 2007. Available at <http://www.arb.ca.gov/cc/cc.htm>.

CARB. 2006. Conversion of 1 mmt CO2 to Familiar Equivalents (Fact Sheet).

California Environmental Protection Agency. 2006. "Climate Action Team Report to Governor Schwarzenegger and the Legislature."

California Department of Water Resources. 2006. "Progress on Incorporating Climate Change into Management of California's Water Resources: Technical Memorandum Report." Available at: http://www.climatechange.ca.gov/biennial_reports/2006report/index.html.

3.0 COMMENTS AND RESPONSES TO COMMENTS

California Environmental Protection Agency. 2006. "Climate Action Team Report to Governor Schwarzenegger and the Legislature." Available at http://www.climatechange.ca.gov/biennial_reports/2006report/index.html.

Cayan, et al. 2007. Our Changing Climate: Assessing the Risks to California. California Climate Change Center. Available at: http://www.climatechange.ca.gov/biennial_reports/2006report/index.html.

Cayan, D., A.L. Luers, M. Hanemann, G. Franco, and B. Croes. 2006. Scenarios of Climate Change in California: An Overview, California Climate Change Center, CEC-500-2005-186-SF.

California Energy Commission (CEC). 2006. California Greenhouse Gases Emissions and Sinks: 1990 to 2004. (Report and Appendix A). Available at:

Epstein, P.R. and E. Mills (eds.). 2005. Climate change futures health, ecological, and economic dimensions. The Center for Health and the Global Environment, Harvard Medical School. Cambridge, Massachusetts, USA.

Hayhoe, K., D. Cayan, C.B. Field, P.C. Frumhoff, E.P. Maurer, N.L. Miller, S.C. Moser, S.H. Schneider, K.N. Cahill, E.E. Cleland, L.Dale, R. Drapek, R.M. Hanemann, L.S. Kalksetin, J. Lenihan, C.K. Lunch, R.P. Neilson, S.C. Sheridan, and J.H. Verville. 2004. Emissions pathways, climate change, and impacts on California. *PNAS* 101 no. 34:12422-12427.

Intergovernmental Panel on Climate Change. 2007a. "Climate Change 2007: The Physical Science Basis: Summary for Policymakers." Working Group I.

Intergovernmental Panel on Climate Change. 2007b. "Climate Change 2007: Climate Change Impacts, Adaptation and Vulnerability: Summary for Policymakers." Working Group II.

Kim, Jinwon. 2005. "A Projection of the Effects on Climate Change Induced by Increased CO₂ on Extreme Hydrologic Events in the Western U.S." *Climatic Change*, 68, pp. 153-168.

R. Murphy, D. D., and S. B. Weiss. 1992. "Effects of climate change on biological diversity in Western North America: Species losses and mechanisms." Chapter 26 in R. L. Peters and T. E. Lovejoy (Eds), *Global Warming and Biological Diversity*. Castleton, New York: Hamilton Printing. Available at <http://www.ciesin.org/docs/002-262/002-262.html>

National Commission on Energy Policy (NCEC). 2004. The car and fuel of the future: a technology and policy overview. Available at <http://www.energyandclimate.org/ewebeditpro/items/O79F7833.pdf>.

Parmesan, Camille and Hector Galbraith. 2004. "Observed Impacts of Global Climate Change in the U.S." Report prepared for the Pew Center on Global Climate Change. Available at: http://www.pewclimate.org/docUploads/final_ObsImpact.pdf.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Stern, Sir Nicholas, Stern Review: The Economics of Climate Change (October 30, 2006) (Executive Summary).

Thomas, C.D., et al. 2004. Extinction risk from climate change. *Nature* 427:145-148.

Union of Concerned Scientists. 2006. "California Global Warming Impacts and Solutions." Available at: http://www.ucsusa.org/clean_california/ca-global-warming-impacts.html.

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 138: BRIAN NOWICKI, CENTER FOR BIOLOGICAL DIVERSITY, JUNE 29, 2007

Response 138-1 E/P: The commenter notes their review of the Draft EIR is focused on greenhouse gas (GHG) emissions associated with the proposed General Plan Update and its contribution to global warming. Climate change is addressed in the Draft EIR on pages 4.8-11 through -38 and 5.0-16. The commenter is also referred to Climate Change Master Response 3.4.4, which addresses their comments.

Response 138-2 E: The commenter states that the Draft EIR analysis of greenhouse gas and associated climate change impacts is inadequate and requires a complete inventory of emissions. The commenter is referred to Climate Change Master Response 3.4.4 regarding the feasibility of conducting a complete inventory of future greenhouse gas (GHG) emissions and preliminary estimates of GHG emissions county-wide.

Response 138-3 E: The commenter states that AB 32 GHG emission reduction and reporting provisions are in addition to existing legal requirements to reduce GHG emissions and protect the environment. As noted above in Response 138-1 E/P, the Draft EIR does disclose the proposed General Plan Update's impact associated with contribution to increases in GHG emissions. The commenter is referred to Climate Change Master Response 3.4.4 for further discussion of GHG emissions and projected potential environmental effects from climate change on the County (based on current data).

Response 138-4 E: The commenter states that the Draft EIR analysis of greenhouse gas and associated climate change impacts is inadequate and requires a complete inventory of emissions. The commenter is referred to Climate Change Master Response 3.4.4 regarding the feasibility of conducting a complete inventory of future greenhouse gas (GHG) emissions and preliminary estimates of GHG emissions county-wide.

Response 138-5 E: The commenter states that the Draft EIR failed to consider to the full extent of the proposed General Plan Update's GHG emissions as well as identification of measures to reduce the impacts. The commenter is referred to Climate Change Master Response 3.4.4 regarding the feasibility of conducting a complete inventory of future greenhouse gas (GHG) emissions and preliminary estimates of GHG emissions county-wide, as well as modifications that have been conducted to the Circulation and Conservation Element to include additional policy provisions that would require and/or encourage activities in the County to reduce GHG emissions in the general categories identified by the commenter. Global climate change is a cumulative impact and that, under CEQA and the *Communities for a Better Environment* court case, the proposed General Plan Update cannot avoid making a "considerable" contribution to climate change without reducing its contribution to essentially zero. While many of the measures suggested by the commenter are feasible, adopting them would not reduce the contribution of future development to zero. That is simply not practical. Furthermore, existing development will continue to contribute greenhouse gases, and it is unclear at present the effectiveness of carbon credits to fully offset impacts. Hence, the Draft EIR concludes that this impact is significant and unavoidable.

3.0 COMMENTS AND RESPONSES TO COMMENTS

The County has already begun to implement some of the climate change policies contained in the revised Conservation Element by proactively responding to AB 32 and, in particular, establishing of a baseline year as required by AB 32. The County has hired an energy consultant to assist staff in this effort. The County Public Works Department and the consultant in coordination with Pacific, Gas and Electric Company (PG&E) have completed the initial collection of data for energy usage of both County facilities and fleet. This has been a complex and time-consuming process given the number of County facilities and data anomalies regarding electric, gas, and gasoline usage. The preparation of the Baseline Report is now under way. In the report, Public Works will make recommendations as to the baseline that should be established for AB 32 purposes and will also provide a projection as to what the County's carbon footprint for 2010 would be if the County had taken no previous initiatives to reduce greenhouse gas emissions. This document will also serve as an introduction to the development of the Climate Action Protection Plan. It is anticipated that Public Works will present Napa County Board of Supervisors with the Baseline Report and recommendations in March 2008.

In July 2007, the County joined ABAG's Energy Watch to identify and analyze potential energy savings in the operations of County-owned buildings. In coordination with Energy Watch, an action plan is being developed to build upon the County's previous efforts of becoming "green" by:

1. Developing an Energy Assessment Report (EAR) that will illustrate and compare County facilities' energy intensity and consumption. This EAR will ensure that facilities with the highest potential for energy savings and improvement are prioritized for subsequent energy efficiency physical audits.
2. Identifying savings opportunities and greenhouse gas emission reductions through physical audits to identify energy saving potential for retrofit and recommissioning projects.

In November 2007, Energy Watch completed its EAR and met with the County and its consultant to discuss quantitative information and the previous work done to date by the County to provide for energy efficient facilities, and to develop an action plan of where it made sense to conduct physical audits to identify energy saving potential of the most promising retrofit and recommissioning projects. As part of this process, it was determined that retro-commissioning audit interviews should be completed for the County Administration and Hall of Justice facilities, with Energy Watch proposing an action plan for physical audits for these and other facilities in December 2007. It is anticipated that Energy Watch will complete these physical audits by February 2008, with preliminary recommendations and cost-benefit analyses provided in March 2008.

The County's consultant will also be preparing a preliminary cost-benefit analysis for further photovoltaic system improvements given that Energy Watch does not include that element within its funded program.

3.0 COMMENTS AND RESPONSES TO COMMENTS

These efforts are supplemental to previous actions the County has taken to reduce GHGs, which include:

1. Designing the new County Sheriff Administration Building and Juvenile Justice Center to be LEED certifiable.
2. Implementing heating, ventilation and air conditioning (HVAC) and lighting retrofits at several County-owned buildings.
3. Starting a "Greening of the Fleet" program through hybrid purchases and bio-diesel conversions.

It is anticipated that in June 2008 the Board of Supervisors will be presented with a draft Climate Action Protection Plan focused on how the County can reduce greenhouse gas emissions for its operations (that is, facilities, fleet, and employees' travel to and from the workplace). The plan will include increased transparency for the public, with the County regularly reporting its key metrics (energy use, vehicle miles traveled, etc.).

In December 2007, the County also joined ICLEI's Local Governments for Sustainability Program which allows the County to benefit from the collective experience of many jurisdictions who are also working toward implementing climate protection measures.

All of these actions and the policies contained in the Conservation Element demonstrate the County's efforts and commitments to reducing overall greenhouse gas emissions.

Response 138-6 E:

The commenter states that the Draft EIR analysis of GHG is inadequate and requires recirculation of the Draft EIR. Points brought forth in this comment letter are responded to in detail in Climate Change Master Response 3.4.4, which supports the analysis and conclusions of the Draft EIR. The climate change impact associated with General Plan Update implementation and under cumulative conditions would remain significant and unavoidable under all alternatives and recirculation would not be required under State CEQA Guidelines Section 15088.5.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 139

Subject: Comments NCGP from Linda and Roger Wolff
From: "Roger Wolff" roger@rwarchitect.net
Date: Mon, June 18, 2007 11:16 am
To: info@napacountygeneralplan.com

Contact Information:

Linda and Roger Wolff,
3008 Cuttings Wharf Road
Napa, CA 94559
707-265-7970

General Comments:

1) Agricultural Buffer Zones. Napa County's recognition as a beautiful place to live and its world-class recognition as a premier wine growing region and tourist destination depend on keeping the county primarily agricultural and rural. There is a huge threat to Napa County from uncontrolled urbanization. The urban sprawl that has occurred in the south county (American Canyon and in the vicinity of the Napa Airport) over the last ten years needs to be controlled. With future south county developments in the planning stage (such as the annexation of the Ghisletta property near Highway 29), the rural lands that buffer the City of Napa, the Napa County, and American Canyon are shrinking at a rapid pace. The general plan needs to establish a priority in designating rural areas that buffer the cities of American Canyon, the Napa County Airport, and the City of Napa and not allowing these rural buffers to be annexed for urban sprawl.

139-1E/P

2) Keep industrial Areas Industrial. Napa needs to keep its existing industrial land uses industrial instead of designating them for residential uses. This will just encourage new industrial sites to encroach on agricultural/rural lands. For example, the Napa Pipe Property should not be allowed to convert to residential uses. This property has excellent rail and water access and should be kept for industrial purposes. The general plan should address limitations on conversion of lands designated for industrial use to residential use.

139-2P

3) Scenic Corridor along Highway 29 and Highway 12/121. The general plan should establish a goal for minimizing the view of urbanization from our major highways, particularly routes that bring tourism to the county. Walled/fenced developments along Highway 29 and 12/121 (e.g. Sheveland Ranch and Carneros Lodge/Carneros Inn) are an eyesore and poor planning and are not conducive to the enhancement of Napa County as a world class tourist destination. Walls along major corridors such as those mentioned above are symbolic and symptomatic of urban growth and are not compatible with the County's agricultural and rural base.

139-3E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 139: LINDA AND ROGER WOLFF, JUNE 18, 2007

Response 139-1 E/P: The commenter requests establishing buffer areas around the City of American Canyon, the airport, and the City of Napa by designating these areas as rural and not allowing these rural buffers to be annexed for urban sprawl. The County appreciates the input regarding the General Plan process. The commenter is referred to Section 2.0 in this document regarding the establishment of a growth boundary for the City of American Canyon and revisions to the Agricultural Preservation and Land Use Element. This boundary and the existing RUL for the City of Napa are intended to control the extent of urbanization, as are restrictions on the use and re-designation of properties designated for agricultural use on the County's official Land Use Map.

Response 139-2 P: The commenter notes that industrial areas such as the Napa Pipe property should be kept industrial and should not be designated for residential uses. The commenter notes the General Plan should address limitations on conversion of lands designated for industrial use to residential use. The commenter is referred to Section 2.0 in this document regarding the Preferred Plan and revisions to the General Plan Update, which now designate Napa Pipe as a study area, meaning that it would remain in industrial use pending the outcome of further studies. Also see the study by Keyser Marston Associates provided in Appendix B of the Draft EIR, which contains an analysis regarding the need for industrial land over time.

Response 139-3 E/P: The commenter requests the addition of a goal for minimizing the view of urbanization from major highways, particularly routes that bring tourism to the County. The commenter further states that sound walls are not compatible with the County's agricultural base. The County appreciates the input regarding the General Plan process.

The General Plan Update includes policies regarding road setbacks and fences and encourages development which retains the visually open, rural character of the County. Additionally, at the commenter's suggestion, the policy only allows solid sound walls in unique circumstances. (See Policy CC-4 in the Revised Draft General Plan Update, p. 130.)

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 140

Subject: late comments
From: "Laurie Puzo" <ljpuzo@sbcglobal.net>
Date: Mon, June 18, 2007 8:57 am
To: info@napacountygeneralplan.com

Sorry to wait until the last moment to comment, the information I'm questioning about the County Fair in Calistoga just came to light.

My question is, why is the 60+ acres the County owns in Calistoga not factored in to the General Plan? For years I have been trying to find out information about the operations of the fair, but it is a very closed, good-ol'-boy system.

Along with the Napa Expo Land, the two are good examples of very bad land use, in a time when the cities and county are looking to fulfill their housing requirements. Our small county does NOT need 2 fair grounds. Both are poorly utilized and when in use, it's questionable. Surely R.V. parks can so somewhere else rather than in the middle of both towns. The fairs only last a few days. Most of the time the run down buildings sit unused.

My proposal is to combine the fairs and move them out of down town. With the 152 acres down at Napa Pipe, why not work out a land swap, putting housing and multiple use facilities on the existing fairs' land, keeping some open space, of course. The fairs, 4H, animal shows, etc. will be just fine down on the Napa Pipe property, with easy access. They could be developed to be a really great fair grounds, with other similar uses.

As for the fair properties, it could be developed with multiple use housing as well as (with part of the land swap deal) having the developers build the much needed civic centers that can accommodate all sizes of groups as well as conventions drawn by the new hotels. Our communities need places for bingo, club activities, Quincienieras (sp?) and other activities for the non-profit community. Also, something that is badly needed a place where our high schools could hold their dances and proms. To have kids driving out of county to Oakland or Sonoma is asking for trouble. There should be a welcoming place close by.

This will require sound minds and cooperation from the various stake holders. Also a good amount of vision, which has been sorely lacking. Let's protect our beloved Ag Preserve and develop our cities for the best use of their residents. Compromise is the way things get done!

Most sincerely,

Laurie Puzo
1748 El Centro Ave.
Napa 94558
Cell: 738-4758

140-1P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 140: LAURIE PUZO, JUNE 18, 2007

Response 140-1 P: Commenter proposes that the County relocate the two fairgrounds into the Napa Pipe property and plan for the development of the existing fairgrounds for residential uses. Commenter also points to the use of the old fairgrounds for civic uses. The County appreciates these comments and has included a policy (AG/LU-30) that requires consideration of excess County property for housing development. However, this policy is not specific to the fairgrounds in Calistoga and would not apply to state-owned property like the Napa Expo. Also, the County does not own the Napa Pipe property and could not force the private property owner to entertain a land swap. Nonetheless, the commenter's suggestions are appreciated, and their implementation would not be precluded by any policies within the Revised Draft General Plan Update.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 141

From: "Marissa Peralta" <marissa@napafairhousing.org>
Subject: Historic Resources
Date: Wed, June 13, 2007 12:05 pm
To: info@napacountygeneralplan.com

Dear County Planners:

Given that the focus of the general plan section on Historic Resources is on identifying appropriate sites, I am wondering why the Tucker Farm Center was omitted from the list of "State & Federally listed Historic Resources." I can provide documentation showing that this site is on the state list of historic resources compiled in the '70s. It does not appear that it was eliminated because of its age because two other sites are listed which are not as old as Tucker Farm. Tucker Farm is located in the unincorporated area, so it would seem that it belongs on that list as well.

On further examination, it appears that none of the local grange halls seem to be on this list. Like other grange halls, Tucker Farm was built on donated land by volunteer labor. The labor was provided by local farmers. If we are concerned about preserving the county's agricultural past, how can we overlook the buildings where these early farmers conducted their social and educational affairs?

I am hoping this deficiency can be remedied. My contact information is below if you require proof of Tucker Farms' historic status. (Please do not reply to this email because this is not my computer).

Sincerely,

Peri Payne
1805 Brown Street
Napa, CA 94559

707.255.4190
peripayne@comcast.net

141-1
E/P

LETTER 141: PERI PAYNE, JUNE 13, 2007

Response 141-1 E/P: The commenter notes the absence of the Tucker Farm Center from the list of "State & Federally listed Historic Resources." Commenter attests to the Tucker Farm's age and importance as a grange. Commenter also notes the absence of several other grange halls in the County from the list. The Tucker Farm Center is determined eligible for inclusion in the National Register of Historic Places (NRHP). The list in the Cultural Resources section of the Draft EIR, however, only includes properties actually listed in the NRHP and the California Register of Historical Resources (CRHR). Consideration of the environmental effects of the proposed General Plan Update on historical resources such as Tucker Farm was not limited to those properties that are currently listed. According to State CEQA Guidelines, properties that are eligible for listing but not yet listed are still eligible for protection. Mitigation Measure MM 4.12.2 would provide protections for the Tucker Farm Center should any re-use of the site be proposed. Also, see p. 119 for a mention of grange halls as one of Napa County's historic building types, and see the footnote added to Table CC-A for clarification that the list provided is not exhaustive.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 142

Subject: Comment on CC-25
From: "Mary Ellen Boyet" <meboyet@sbcglobal.net>
Date: Wed, June 13, 2007 1:48 pm
To: plowe@napacountygeneralplan.com

General Plan Comment on Policy CC-25.

This policy allows for the re-use of historic buildings for their historic use providing they meet certain criteria. As a member of the General Plan Steering Committee, I was one who lobbied for making the language as tight as it is, not wanting this provision to be used as an excuse for some small historic structure to be used as the justification for a much larger enterprise. However, I have somewhat rethought this policy.

This policy seems to adequately cover restoration of properties like Aetna Springs, and historic wineries, which is perhaps what we were thinking of.

However, as Carol Poole pointed out at one of our earlier meetings, for some of the County's historic structures, the original use is no longer appropriate or desirable. Do we really want to restore the Rutherford depot to being a train depot? I believe Carol also mentioned a building in St. Helena that was originally an icehouse. For some buildings, the only hope for rehabilitation is to allow a different use that would be appropriate. I think that originally we had language in the policy that mentioned "compatible" use, but took it out. "Compatible" probably is too hard to define, but maybe we could find some other wording that would allow consideration for re-use, perhaps on a case-by-case basis.

My other concern is with the accompanying Action Item CC-25.1. It prohibits "new uses that are more intense than historical uses or require inappropriate new construction". It seems to me that it is almost necessary to allow at least a slightly larger footprint for the rehabilitated building, in order to make it economically feasible. Modern infrastructure – air conditioning, electrical and technological demands, modern kitchens– may by themselves require some extra space.

Two historic building rehabilitations that I think exemplify what I'm thinking of are the Hatt Mill complex in Napa and the French Laundry in Yountville, both of which have successfully made the historic structures into successful enterprises and yet have preserved much of their historic character. Both of those are in cities, and maybe the County should be more restrictive, but in the interests of historic preservation, I would like to see a little more leeway in CC-25.

Mary Ellen Boyet

142-1P

142-2P

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 142: MARY ELLEN BOYET, JUNE 13, 2007

Response 142-1 P: Commenter provides additional comments on CC-25 beyond those given during participation in the General Plan Steering Committee. Commenter attests to situations where limiting use of historic structures to past uses may be too restrictive and prevent opportunities for renovation and reuse. Commenter suggests the review of future such projects on a case-by-case basis. The commenter is referred to revisions to the Community Character Element Policy CC-28, which has been adjusted as suggested.

Response 142-2 P: Commenter attests that Action Item CC-25.1 may require modification in order to provide for limited expansion in historical uses for the purposes of economic feasibility and to meet the demands of necessary modern infrastructure such as air conditioning, modern kitchens, and electrical demands. Again, the commenter is referred to revisions to the Community Character Element Policy CC-28 and the accompanying action item. County staff believes the revised policies address the commenter's concerns.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 143

Subject: No Hot Air Balloons in General Plan
From: "Phil Lamoreaux" <pal@lamoreauxp.com>
Date: Mon, June 18, 2007 11:16 am
To: info@napacountygeneralplan.com

June 18, 2007

Napa County Dept. of Conservation, Development & Planning
ATTN: General Plan Comments
1195 Third Street, Ste. 210
Napa, CA 94559

Dear General Plan Committee:

As residents of Napa County we are trying our best to understand the new proposed General Plan. As we understand its goal and purpose, it is a set of guidelines for our future operations. It needs to be just that, a general plan, rather than trying to be too specific in some areas as to be even more restrictive as the future becomes today. It also needs to be balanced.

We would like to comment on the following element of the General Plan:

1. Recreation and Open Space Element - No hot air balloons

We do not believe that Hot Air Ballooning, a commercial business, should be written into the general plan as an integral part of the Recreation and Open Space Element.

If that commercial business were to be written into the plan, then all commercial recreation businesses should also be included specifically, which would be rather impossible and of no value.

The hot air balloon industry is trying to get the county to believe that hot air ballooning is an important factor for tourism in Napa County. The county brings in several million dollars in tourism and benefits from those dollars in jobs, tax revenues, etc. Balance this with the less than 1/2 of 1% miniscule amount of revenue that is contributed by the hot air ballooning business to tourism in Napa. A large percentage of the people that take hot air balloon rides are bussed in for the day and do not even take advantage of our hotels, inns, restaurants, shops, etc. which further reduces the value of hot air ballooning as a "factor" in Napa tourism.

Additionally Table ROS-A, CA Dept. of Parks and Recreation survey, did not list hot air ballooning, and Table ROS-C, Latent Demand Survey, did not list hot air ballooning, which supports the fact that it is not high on anyone's list of recreation and open space and therefore, should not be included in the General Plan.

The county has already taken a strict stand against Helicopter use for recreation in Napa. Hot air balloons transport people in the air from one place to another for a large fee, just like helicopters (and they are noisy, just like helicopters). If hot air balloons are to be considered in the general plan, then why wouldn't helicopters? I think this makes the point.

Hot air balloons also encroach on sensitive open space environments. They land where they want to and not always where they predict. The number of trucks, vans, and vehicles that are needed to support the hot air balloon landing on the recreation and open space is significant and can do damage to these fragile spaces.

Additionally, in light of their recent and blatant landing at the Napa County

143-1E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

Airport, it behooves the County to NOT support an industry that continues to defy the FAA and County rules.

Recommendation: Leave the recreation and open space element as is and do NOT write in any specific charter for hot air ballooning.

Thank you for the opportunity to comment on the General Plan. We would welcome dialog with you on any of these items at your convenience.

Sincerely,

Phillip Lamoreaux
Oak Knoll Ranch
2200 West Oak Knoll Ave.
Napa, CA 94558
(707) 226 6515

143-1E/P
cont'd

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 143: PHILLIP LAMOREAUX, JUNE 18, 2007

Response 143-1 E/P: Commenter requests that a commercial business such a hot air ballooning not be written into the General Plan as part of the Recreation and Open Space Element. Commenter is referred to Response 134-4 as well as to revisions made to the Recreation and Open Space Element.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Subject: General Plan Update Recommendations
From: "Terri Restelli-Deits" <terrid@aaans.org>
Date: Mon, June 18, 2007 11:16 am
To: plowe@napacountygeneralplan.com

Thank you in advance for your consideration of the attached General Plan Update Recommendations.

With Gratitude,

Terri Restelli-Deits

Terri Restelli-Deits, MSW Planner
Area Agency on Aging Serving Napa and Solano
707.644.6612 ext. 17 or Cell: 707.246.3661
Fax: 707.644.7905
terrid@aaans.org

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3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 144



NAPA COUNTY

NAPA COUNTY COMMISSION ON AGING

*Napa County Administration Building
1195 Third Street Napa, 94559*

June 18, 2007

Ms. Hilary Gitleman, Executive Director
Napa County Planning Department
1175 Third Street
Napa, CA 94559

Subject: Recommendations to include "aging-friendly" language in elements of the Napa County General Plan

Dear Ms. Gitleman:

The Napa County Commission on Aging would like to thank the General Plan Steering Committee for all of the hard work that has gone into the General Plan Update.

Last year the Napa County Commission on Aging established a General Plan Ad Hoc Committee to review the proposed General Plan Update and make recommendations in response to concerns raised by the Area Agency on Aging and concerned community members that the current and proposed General Plan does not adequately address the projected huge wave of Baby Boomers who are aging in Napa County.

In light of the shifting demographics in Napa County, the Napa County Commission on Aging is encouraging the General Plan Steering Committee to consider revising the General Plan to better serve residents of all ages. *Why is this critical, and why now?* Napa County has the **second highest** percentage of their total population who are 85 years and older compared to all other 58 counties in California. Napa County also had the **fifth greatest** increase in residents 60 years and older since 1990 when compared to all other counties in the entire 33 California planning and service areas. Napa also has a **significantly higher** percentage of householders age 65 years and older (25.4%) compared to the statewide average (18.8%) of householders in this age range for California.

Since 1990, there has been a 62% change in the percentage of older adults over age 60 living below poverty in Napa County, and Napa County had the **third highest** increase compared to all other 58 counties in California.

The minimum number of persons with Alzheimer's Disease who are 65 and older in Napa County is 2,100 (11% of the total population 65+), and for those age 85 and older, there are 1,441 persons in Napa (48% of the total population 85+) who have Alzheimer's Disease or some form of dementia. (Resource: Alzheimer's Association)

144-1P

Post Office Box 312, Napa, CA 94559



NAPA COUNTY

NAPA COUNTY COMMISSION ON AGING

Napa County Administration Building

1195 Third Street Napa, 94559

Napa County Commission on Aging would like to make policy recommendations to the following General Plan elements:

Circulation (Transportation and Mobility)
Economic Goals and Policies
Recreation
Community Character
Transportation
Safety

We are encouraging the Steering Committee to incorporate the attached recommendations that will enhance the lives of seniors and persons of all generations, making Napa County a model community for aging in place.

Where a person lives affects that person's quality of life. In the wake of an aging population, it is important to be proactive, especially in *Napa County where one out of every five* people is over age 60, compared to *one out of every seven people statewide (based on Census 2000 Summary File 1)*.

We respectfully submit the following feedback for your thoughtful consideration. We appreciate the time you took to meet with us, and your openness to our ideas. Thanking you and the steering committee in advance for all efforts to improve the quality of life for all Napa County residents.

Respectfully submitted on behalf of the Napa County Commission on Aging:

Rita Umphries, Chair
Napa County Commission on Aging

Jane Matijasic, LCSW, Co-Chair,
Napa County Commission on Aging
General Plan Ad-Hoc Committee

Terri Restelli-Deits, MSW, Planner
Area Agency on Aging for Napa and Solano and
Co-Chair, General Plan Ad Hoc Committee

144-1P

Post Office Box 312, Napa, CA 94559

3.0 COMMENTS AND RESPONSES TO COMMENTS



NAPA COUNTY

NAPA COUNTY COMMISSION ON AGING

Napa County Administration Building
1195 Third Street Napa, 94559

COMMUNITY CHARACTER ELEMENT

Policy CC-3: Page 152 under Aesthetics, Views and Scenic Roadway Policies: *Signs should be made with an awareness of Napa's rapidly growing elderly population. Although sign size may be unchanged it would require larger lettering to be used for ease of reading for Seniors.* | 144-2P

INTRODUCTION paragraph add:
A communities character can often be judged by how it provides for Youth and Elderly populations. With the rapidly expanding population of Seniors in Napa County there needs to be an awareness of this in the element. | 144-3P

Policy CC-11 Page 153: *Such areas should be wheelchair accessible to accommodate the elderly and disabled.* | 144-4P

Policy CC-23 Page 157: *Assure that all trails have some portions that are accessible to those disabled and/or in a wheelchair.* | 144-5P

ECONOMIC GOALS AND POLICIES

Goal E-3: Develop and maintain a skilled and adaptable local workforce

Policy E-19 The County recognizes that older adults comprise a valuable and growing segment of Napa County's population and that they possess a wealth of experience, skills and talents. Engaging older adults through the promotion of volunteerism will contribute significantly to the vitality of the county's economy and help support its economic development goals. | 144-6P

SAFETY ELEMENT

Safety Element (*additional language in italics*)

Safety Goal 5: To protect residents and businesses from hazards caused by human activities

Policy SAF- 30 Safety shall be considered in the maintenance and construction of all new roadways and related improvements to provide a safe environment for all modes of transportation. *The special needs of elder and disabled persons shall be addressed when designing new or modifying existing signage, including signals which afford pedestrians with slower mobility the opportunity to cross all roadways safely by providing adequate walkways and lighting. Implement measures that favor older pedestrian safety such as pedestrian activated longer crossing signals, audible crossing signals, countdown signals, regular repainting of crosswalks.* | 144-7P

Policy SAF – 34 *In considering protection of residents from criminal activity, the County shall promote training of law enforcement in responding to reports of both physical and financial elder and dependent adult abuse.*

Post Office Box 312, Napa, CA 94559



NAPA COUNTY

NAPA COUNTY COMMISSION ON AGING
Napa County Administration Building
1195 Third Street Napa, 94559

The following suggestions could be added, possibly as action steps if not as their own policy:

a. Signage & Lighting Improvements:

1. Install redundant signage in critical locations, including on the road surface.
2. Utilize standardized roadway marking styles
3. Improve lighting to increase visibility at critical intersections and parking garages.
4. Provide better signage information about current parking opportunities.
5. Increase lettering size and style for readability by older adults, including traffic lane indicators (arrows)

b. Adherence to universal design standards.

1. Install curb cuts, particularly in areas frequented by seniors.
2. Require sidewalks, curb cuts, bike lanes and walking paths in new developments.

c. Sidewalks.

1. Install sidewalks that allow for safe tree root growth, such as sidewalk materials made of rubber.

Locate crosswalks, tactile strips, audible signals, and appropriate pedestrian signal timing at intersections frequented by seniors.

144-7P
cont'd

CIRCULATION ELEMENT

Policy CIR-1.2: The County should work with the cities through NCTPA to coordinate seamless transportation systems. *The County should explore the establishment of a Consolidated Transportation Service Agency (CTSA).*

Policy CIR-1.3: Seek to concentrate multi-unit housing development in proximity to employment centers and services to increase the percentage of work trips that are by modes other than private drive-alone automobile. *Incorporate design guidelines to accommodate older pedestrians in road and intersection design.*

144-8P

The following suggestions could be added, possibly as action steps if not as their own policy:

1. In conjunction with neighboring cities develop infrastructure design improvements to enhance driving & pedestrian safety.
 - a. Signage & Lighting Improvements:
 1. Install redundant signage in critical locations, including on the road surface.
 2. Utilize standardized roadway marking styles
 3. Improve lighting to increase visibility at critical intersections and parking garages.
 4. Provide better signage information about current parking opportunities.

Post Office Box 312, Napa, CA 94559

3.0 COMMENTS AND RESPONSES TO COMMENTS



NAPA COUNTY

NAPA COUNTY COMMISSION ON AGING

*Napa County Administration Building
1195 Third Street Napa, 94559*

5. Increase lettering size and style for readability by older adults, including traffic lane indicators (arrows)
- b. Adherence to universal design standards.
 1. Install curb cuts, particularly in areas frequented by seniors.
 2. Require sidewalks, curb cuts, bike lanes and walking paths in new developments.
 3. Locate crosswalks, tactile strips, audible signals, and appropriate pedestrian signal timing at intersections frequented by seniors.
 4. Create walkable blocks in new developments .
- c. Location of Facilities
 1. Through appropriate zoning, plan the development of senior housing near existing services (shopping, etc.) and transit lines.
 2. Require senior housing complexes that are located more than ¼ mile from services and transit routes to provide accessible shuttles operating on a regular schedule for their residents.
 3. Locate bus and paratransit stops in well-marked sites suited to the needs of the elderly: medical facilities, shopping, etc.
- d. Safety and Convenience
 1. Bus stops frequented by the elderly should include amenities such as benches, shelters and lighting
 2. Consider establishing special parking for the elderly in sites frequented by seniors, such as hospitals and medical facilities.
2. In collaboration with transportation providers, public agencies and non-profit organizations develop improved access to other forms of transportation especially for those who do not drive.
 - a. Increase awareness of how to use transit, including through the use of marketing and incentives.
 - b. Increase information through the internet, media, and other sources regarding transit and other alternatives to driving.
 - c. Consider developing feeder routes or on-demand services to help get people to main transit lines.
 - d. Develop programs, services and coordinated information that meet the needs of persons who are transitioning to a non-driving status.
 - e. Consider legislative changes to encourage volunteer drivers by protecting them from liability
 - f. New streets should be designed to connect to and from adjoining developments to encourage walking and to allow for easy access by transit vehicles
 - g. New arterials should have medians to provide refuge for pedestrians

144-8P
cont'd

Post Office Box 312, Napa, CA 94559

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 144: TERRI RESTELLI-DIETS, NAPA COUNTY COMMISSION ON AGING, JUNE 18, 2007

Response 144-1 P: Commenter notes that the Napa County Commission on Aging would like to make policy recommendations to several General Plan elements. The commenter encourages the incorporation of recommendations that will enhance the lives of seniors and persons of all generations. The County appreciates the input regarding the General Plan process and will respond to each individual recommendation below.

Response 144-2 P: Commenter requests the addition of the following text to policy CC-3: "Signs should be made with an awareness of Napa's rapidly growing elderly population." The commenter is referred to revisions made to the Community Character Element. Policy CC-3 has been revised as follows:

Policy CC-3: Signs shall be used primarily to provide necessary information and business identification rather than the advertisement of goods and services. Sign size limits and locational requirements shall be established to avoid over-proliferation of signs. Although the sign size may be limited, lettering should be large and easy to read.

Response 144-3 P: Commenter requests the addition of the following text to the introduction paragraph of the Community Character Element: "A community's character can often be judged by how it provides for Youth and Elderly populations." Commenter requests an awareness of the needs of youth and elderly populations in the Element. The commenter is referred to revisions made to the Community Character Element. The statement provided is not relevant to the topics included in the Community Character Element.

Response 144-4 P: Commenter requests the addition of the following text to Policy CC-11: "Such areas should be wheelchair accessible to accommodate the elderly and disabled." The commenter is referred to revisions made to the Community Character Element. Policy CC-11 has been revised as follows:

Policy CC-11: The County's roadway construction and maintenance standards and other practices shall be designed to enhance the attractiveness of all roadways and in particular scenic roadways. New roadway construction or expansion shall retain the current landscape characteristics of County designated scenic roadways, including retention of existing trees to the maximum extent feasible and required re-vegetation and re-contouring of disturbed areas. In addition:

a) The development of hiking trails and bicycle lanes should be coordinated, when possible, with scenic roadway corridors and should provide access for the elderly and disabled in accordance with the Americans with Disabilities Act. (Existing Scenic Highway Policy 1 plus ADA reference.)

b) A program to replant trees and shrubbery should be implemented in cases where they are removed during new roadway alignment. (Existing Scenic Highway Policy 9)

3.0 COMMENTS AND RESPONSES TO COMMENTS

c) Opportunities should be explored for joint public/private participation in developing locations for roadside rests, picnic areas and vista points. (*Existing Scenic Highway Policy 5*)

d) Installation of landscaping shall be required in conjunction with major roadway improvements where necessary to screen existing residences from glare generated by vehicle headlights.

Response 144-5 P: Commenter requests the addition of the following text to Policy CC-23: "Assure that all trails have some portions that are accessible to those disabled and/or in a wheelchair." The commenter is referred to revisions made to the Community Character Element and the Recreation and Open Space Element. Policy CC-23 has been revised as follows:

Policy CC-25: Promote the use of recreational trails following historic alignments such as the Oat Hill Mine Road and make every effort to include historical information at all trail heads and in trail maps and brochures. Also provide historical information about roads that follow historic trails where feasible, such as Silverado Trail, Old Sonoma Road, Glass Mountain Road and others. Provide access for the elderly and disabled to interpretive information, trail segments, and trail heads as required by law.

Response 144-6 P: Commenter requests the addition of a policy under Goal E-3 stating the following: "The County recognizes that older adults comprise a valuable and growing segment of Napa County's population and that they possess a wealth of experience, skills, and talents. Engaging older adults through the promotion of volunteerism will contribute significantly to the vitality of the County's economy and help support its economic development goals." The commenter is referred to revisions made to the Economic Development Element, which address workforce development (see Policy E-15), but do not include the specific language suggested.

Response 144-7 P: Commenter requests the addition of the following text to Policy SAF-30: "The special needs of elder and disabled persons shall be addressed when designing new or modifying existing signage, including signals which afford pedestrians with slower mobility the opportunity to cross all roadways safely by providing adequate walkways and lighting. Implement measures that favor older pedestrian safety such as pedestrian-activated longer crossing signals, audible crossing signals, countdown signals, and regular repainting of crosswalks." The commenter also requests the addition of the following text to policy SAF-34: "In considering protection of residents from criminal activity, the County shall promote training of law enforcement in responding to reports of both physical and financial elder and dependent adult abuse." Lastly, the commenter provides suggestions for additional action steps or policies for signage and lighting improvements, universal design standards, sidewalks, and crosswalks. The commenter is referred to revisions made to the Safety Element and the Circulation Element. Policy SAF-30 has been modified to include some of the suggested language. (See new Policy SAF-32.)

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response 144-8 P: Commenter requests the addition of language to Policy CIR-1.2 stating, "The County should explore the establishment of a Consolidated Transportation Service Agency (CTSA)." The Napa County Transportation and Planning Agency is a consolidated transportation service agency which provides the following services:

- Operating the VINE, the Napa area's bus system.
- Overseeing the planning and funding of paratransit (transportation for special needs and disabled riders).
- Maintaining and improving highways, streets and roads, and bicycle transit.
- Serving as the program manager for the Transportation Fund for Air Quality, promoting air quality in the Napa region.
- Working with the Metropolitan Transportation Commission to coordinate funds from the Transportation Development Act (TDA) for transit, paratransit, streets and roads, and bicycle projects.
- Serving as the Abandoned Vehicle Abatement Authority for the allocation of funds derived from vehicle registration fees.

(Source: NCTPA web site, at <http://www.nctpa.net/overview.cfm>)

As the Napa County Transportation and Planning Agency serves as a consolidated transportation agency, an additional Consolidated Transportation Service Agency (CTSA) is not required as requested by the commenter.

This commenter further requests the addition of text to Policy CIR-1.3 as follows: "Incorporate design guidelines to accommodate older pedestrians in road and intersection design." Further modification has been made to the Circulation Element of the General Plan to include requirements for the design of roadways to meet the specific needs of senior citizens.

This commenter provides possible action steps or policies for the Circulation Element in reference to design improvements and increased access to alternative forms of transportation for people who don't drive. Further modification has been made to the Circulation Element of the General Plan to this end. Protective measures included in the proposed General Plan Update now include requirements for the County to work with incorporated cities and towns to develop an approach to roadway design to enhance driver and pedestrian safety, particularly for senior citizens. The County notes that various policies in the Circulation Element address the issue of expanded transit service, which is the responsibility of NCTPA and other non-County agencies.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 145

Subject: Public Comment on the General Plan- Deer Park Traffic
From: "Tobe Wolf" <tobewolf@comcast.net>
Date: Mon, June 18, 2007 11:16 am
To: info@napacountygeneralplan.com

I have lived in Deer Park for 30 years and chose to live here because of the rural setting, the proximity to St. Helena, and how quiet it was. However, it is no longer quiet since traffic has increased on both of our main roads....Sanitarium and Deer Park.

Deer Park Road was never meant to handle the traffic it now has. Several areas have no shoulder...the white line is at the edge of the road. This, combined with the steepness of our hills and the increasing speed of all vehicles, has made this a very dangerous thoroughfare.

There is no way to widen the road or build another 2 lanes, so the only thing we can do is limit any further development in Angwin and beyond!

145-1E/P

Tobe Wolf 536 Canon Park Drive St. Helena, Ca. 94574 707-963-3466

LETTER 145: TOBE WOLF, JUNE 18, 2007

Response 145-1 E/P: The commenter states that further development should be limited in Angwin due to traffic, noise, and safety issues on Deer Park Road and Sanitarium Road. The proposed General Plan Update and its Draft EIR provide general land use designations and a programmatic analysis of resulting impacts; they do not propose specific developments or provide environmental clearance for specific projects. Additionally, the Draft EIR in Section 4.4, Transportation, includes language that requires new developments with the potential to significantly affect traffic operations to prepare a detailed traffic analysis prior to discretionary approval of the project. The application for development submitted to the County by Pacific Union College (PUC) will thus require detailed project-specific analysis of potential impacts to roadway loads and safety. Please see the programmatic analysis of traffic impacts provided in Draft EIR Section 4.4, and participate in the separate EIR process now under way associated with the PUC's application.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 146



RECEIVED

JUN 18 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

June 18, 2007

Hilary Gitelman, Director
Conservation, Development and Planning Dept.
1195 Third Street, Suite 210
Napa, CA 94559

RE: Comment to Napa County Draft General Plan and Draft Environmental Impact Report

Dear Ms. Gitelman:

My wife, Cynthia Barthélemy, and I own property in Napa County known as Assessor's Parcel Number 019-180-015 (the "Property"). We have reviewed the draft Napa County General Plan Update ("Draft Update") and the Draft Environmental Impact Report for the Draft Update ("DEIR"). We have several concerns regarding the Draft Update and the DEIR, which we believe that the County should seriously consider and address.

146-1E/P

The Property is approximately 40 acres and is located near Lake Berryessa. The Property is very near the "Berryessa Highlands" area described in the Draft Update.¹ The Land Use map under the current General Plan designates the Property as Agricultural Watershed and Open Space ("AWOS")², and that AWOS designation would continue under the Draft Update. From the 1960's through the mid 1980's, the Property was zoned as Planned Development ("PD"). In 1985, the Property was rezoned from PD to Residential Country ("RC") as part of a court ordered rezoning process.³

The Draft Update

State law requires that the County's General Plan be consistent both among the elements and within each element.⁴ Additionally, zoning must be consistent with the General Plan. Unfortunately, the Draft Update abandons long-standing County policies regarding zoning consistency but fails to plan properly for the results of those policy shifts. Additionally, the Draft Update fails to make changes to poorly planned boundaries for Rural Residential and

146-2E/P

¹ See Draft Update pages 59-60 for description of Berryessa Highlands Area.

² The map indicates AWOS. However the proceedings in the 1980's following litigation questions whether the actual intended designation is AWOS. The record we previously submitted to the County indicates that the intent was a designation that reflects the rural residential character of the area.

³ The rezoning was accomplished Napa County Ordinance No. 807 a copy of which is attached at Tab A. The Property is listed in section 37 of Ordinance No. 807. The court order mandating that the County rezone to achieve consistency between its General Plan and zoning was issued in the case of *Taddei et al. v. County of Napa et al.*, Napa Superior Court Case No. 43600.

⁴ Government Code §65300.5.

1001 Steele Canyon Road Napa, CA 94558 Tel: 707-966-1513 Fax: 707-966-1114 email: bart@stbartwine.com

3.0 COMMENTS AND RESPONSES TO COMMENTS

Urban Residential areas near Lake Berryessa. These deficiencies and their impacts are described further below.

The Draft Update provides that the only zoning consistent with AWOS is Agricultural Watershed ("AW") or Timberland Preserve ("TP").⁵ Accordingly, the Draft Update could render the Property nonconforming and could require a rezone of the Property within two years of the Draft Update's adoption. This policy regarding consistency between AWOS and the zoning on the Property is a departure from past County policy.⁶ Additionally, Draft Update policies could require this rezone to AW or TP before any discretionary approvals are made in relation to the Property.⁷

The Draft Update also carries on the Urban Residential and Rural Residential designation for the areas in the vicinity of Lake Berryessa.⁸ In the past, the borders of these so-called "urban bubbles" or "nodes" were arbitrarily drawn onto the Land Use map without correlation to the zoning or use of the parcels in and around those areas. The update process for the General Plan is an opportunity for the County to adjust these boundaries to match the actual planning and use of these parcels. Instead, the Draft Update treats these "urban bubbles" boundaries as immutable lines upon which to shape the County's planning decisions.

The Draft Update's stated mandate of consistency between AWOS and zoning is a significant departure from the County's past policy on consistency.⁹ Many parcels in agricultural areas of the County, including our Property, carry residential or commercial zoning rather than AW or TP. While rezoning could be required to achieve consistency with the Draft Update, the Draft Update does not identify or analyze this impact of its policies.

At least three impacts logically follow policy changes described above. First, the County will experience a reduction in available housing sites since lands once available for residential development will no longer be available for that use. This is unfortunate since RC zoned parcels such as our Property are sources of housing whose development does not threaten the rural, agricultural character of lands near Lake Berryessa.

Second, the County will experience an increase of growth and development pressures due to the reduction of commercially and residentially zoned parcels in agricultural areas. This growth and development pressure could be especially acute in areas near Lake Berryessa where the County seeks to expand tourism and visitor-serving uses.¹⁰ The Board of Reclamation's plans for the lake will result in more recreation opportunities, which will support these additional commercial tourism uses within the urban bubbles. Those tourist uses will further displace available housing in unincorporated Napa County.

⁵ Draft Update, Table Ag/LU-B, pages 92-93.

⁶ See Ordinance No. 807 attached at [Tab A](#).

⁷ Draft Update, policies Ag/LU-113 & Ag/LU-114, page 92. The only exceptions to this rezoning requirement could be the "urban bubbles" or "nodes" of described in the Draft Update. For the areas described as Oakville, Rutherford, and South St. Helena, the boundaries of those areas are not described within the Draft Update. Accordingly, the full impact of the potential rezoning requirement is unclear in these uncertainly defined areas. For other areas displayed on the Land Use map, the distinctions are arbitrary for the reasons described herein.

⁸ See Draft Update sections regarding Berryessa Estates (pages 57-58), Berryessa Highlands (pages 59-60), and Lake Berryessa: Moskowite Corners, Pope Creek, and Spanish Flat (pages 66-71).

⁹ See Ordinance No. 807 attached at [Tab A](#).

¹⁰ Draft Update, policy E-10, page 226.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Third, the tourist uses described above will increase job growth in an area with declining housing availability. This particular impact conflicts directly with the Housing Element of the General Plan.¹¹ Additionally, commuting workers to these tourist uses results in increased traffic and emissions from vehicles.

146-3E/P
cont'd

The DEIR

Under the California Environmental Quality Act, the DEIR is an informational document that must analyze the Draft Update's potential significant impacts and identify mitigation measures and reasonable alternatives to avoid those significant impacts. Unfortunately, the DEIR fails to achieve that purpose in the following respects:

- The DEIR fails to identify or analyze the impacts resulting from the reduction in available housing resulting from rezoning existing residentially zoned parcels in AWOS;
- The DEIR fails to identify or analyze the impacts of increased development and growth pressures within the "urban bubbles" or "nodes" resulting from the Draft Update's promotion of tourism uses near Lake Berryessa;
- The DEIR fails to identify or analyze the traffic impacts resulting from increased tourism and job growth near Lake Berryessa; and
- The DEIR fails to identify or analyze the impacts from vehicle emissions resulting from tourists and commuters traveling to the expanded tourism uses encouraged at Lake Berryessa under the Draft Update.

146-4E

146-5E

146-6E

146-7E

We believe the County should study and find ways to avoid or mitigate the above impacts before adopting the Draft Update.

Conclusion

In order to avoid the negative impacts described above, we ask that the County consider adjusting the Land Use map designations. By addressing these concerns, the County can provide rural housing opportunities that do not conflict with the agricultural goals and policies of Napa County. Specifically, parcels that are 10 acres in size not in our prime growing areas that are already adjacent to more intense development will not hinder agricultural production and will not create housing impacts.

146-8E

Thank you for your consideration.

Sincerely,



Richard P. Barthélemy

¹¹ Housing Development Objective 4b of the County's Housing Element. That objective provides that the County will seek to provide housing in areas of job growth.

ENDORSED
NOV 05 1985

Filed

JANICE F. NORTON
Napa County Clerk

G. VERMILLION

Deputy Clerk

ORDINANCE NO. 807

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, CHANGING THE BOUNDARIES OF THE AGRICULTURAL PRESERVE, AGRICULTURAL WATERSHED, AGRICULTURAL WATERSHED: PRIMARY FLOOD PLAIN, COMMERCIAL LIMITED, COMMERCIAL LIMITED: PRIMARY FLOOD PLAIN, COMMERCIAL LIMITED: URBAN RESERVE, COMMERCIAL NEIGHBORHOOD, (:H-35) SPECIAL HEIGHT COMBINING DISTRICT, INDUSTRIAL, RESIDENTIAL COUNTRY, RESIDENTIAL SINGLE, RESIDENTIAL SINGLE: BUILDING SITE, RESIDENTIAL SINGLE: BUILDING SITE: PRIMARY FLOOD PLAIN, RESIDENTIAL SINGLE: PRIMARY FLOOD PLAIN, RESIDENTIAL SINGLE: URBAN RESERVE ZONING DISTRICTS AND DIRECTING THE ENTRY OF SUCH CHANGES ON THE OFFICIAL ZONING MAP.

(GENERAL PLAN CONSISTENCY REZONING (STEP 8))

The Board of Supervisors of the County of Napa do ordain as follows:

SECTION ONE: All of that portion of State Route 29 situated between APN 43-103-08, APN 43-103-10, APN 43-103-04, and APN 43-103-13 on the east, and APN 43-102-16, APN 43-102-01, APN 43-190-20, APN 43-190-13, APN 43-190-19 and APN 47-100-22 on the west which had been within the City of Napa but was detached in December, 1983 is rezoned to AW except that portion which is within the 100 year flood plain (as defined in the U.S. Federal Insurance Administration Flood Insurance Rate Maps dated February 1, 1980) which is rezoned to AW:FP-1.

SECTION TWO: That portion of APN 57-010-10 which is zoned AW is rezoned to AW:FP-1; the remaining portion of APN 57-010-10 which is zoned AW:FP-1 remains AW:FP-1.

SECTION THREE: That portion of APN 58-050-01 which is zoned AW is rezoned to AW:FP-1; the remaining portion of APN 58-050-01 which is zoned AW:FP-1 remains AW:FP-1.

3.0 COMMENTS AND RESPONSES TO COMMENTS

SECTION FOUR: APN 46-400-15, APN 46-400-16, APN 46-400-25 and adjacent unincorporated portions of the Napa River are rezoned from AW and I:H-35:FP-1 to AW except those portions of said parcels which are within the 100 year flood plain (as defined in the U.S. Federal Insurance Administration Flood Insurance Rate Maps dated February 1, 1980) which are rezoned to AW:FP-1.

SECTION FIVE: All of that portion of APN 58-340-01 which is within the 100 year flood plain (as defined in the U.S. Federal Insurance Administration Flood Insurance Rate Maps dated February 1, 1980) is rezoned from AW:FP-1 and R-1:B-1 to RS:B-10:FP-1; the remainder of APN 58-340-01 is rezoned from AW:FP-1 and R-1:B-1 to RS:B-10.

SECTION SIX: APN 32-430-03 is rezoned from C-1 to AW.

SECTION SEVEN: The following parcels are rezoned from C-1 to CL:

32-150-02
32-430-10

SECTION EIGHT: The following parcels are rezoned from C-3 to CL:

19-261-21
19-261-22
58-270-09

SECTION NINE: Those portions of the following parcels which are currently zoned C-3 are rezoned to CL:

19-261-18
19-261-20
19-300-05

3.0 COMMENTS AND RESPONSES TO COMMENTS

Those portions of the above three parcels which are zoned AW stay AW.

SECTION TEN: The following parcels are rezoned from C-3:P to CL:UR:

46-190-05
46-190-11 (aka portion of 46-190-30)
46-190-16
46-190-18
46-190-21
46-190-24
46-190-26
46-190-27
46-190-28
46-190-32 (aka portion of 46-190-29)

SECTION ELEVEN: Those portions of APN 46-190-08, APN 46-190-12, APN 46-190-13, APN 46-190-29, 46-190-30, 46-190-31 and 46-190-33 which are zoned C-3:P are rezoned CL:UR; the remaining portions of said parcels which are zoned I are rezoned RS:UR.

SECTION TWELVE: The following portion of APN 47-220-03 is rezoned from the CL Zoning District created by Napa County Ordinance No. 186 to the CL Zoning District created by Napa County Ordinance No. 536:

Commencing at a point on the common boundary of APN 47-220-03 and State Route 12/121 690 feet from the westernmost point of APN 47-220-03; thence 217 feet S40°E; thence 200 feet more or less, in a straight line to a point on the common boundary of APN 47-220-03 and Cuttings Wharf Road 590 feet from the easternmost point of APN 47-220-03; thence northwesterly and southwesterly along the common boundary of 47-220-03, Cuttings Wharf Road and State Route 12/121 to the point of commencement.

3.0 COMMENTS AND RESPONSES TO COMMENTS

The remainder of APN 47-220-03 which is zoned CL is rezoned to AW; and that portion of APN 47-220-03 which is zoned AW is not rezoned.

SECTION THIRTEEN: The :H-35 Special Height Combining District zoning is repealed.

SECTION FOURTEEN: The following parcels are rezoned from I to AW:

57-120-47
58-030-30
58-030-38

SECTION FIFTEEN: Those portions of APN 57-120-41 and 59-020-28 north of the Vallejo-Santa Rosa Railroad track which are zoned I are rezoned Aw; that portion of APN 59-020-28 south of the Vallejo-Santa Rosa Railroad track which is zoned I is rezoned CL; those portions of APN 57-120-41 and 59-020-28 which are zoned AW are not rezoned.

SECTION SIXTEEN: That portion of APN 57-120-41 which is zoned I is rezoned AW; the remaining portion which is zoned AW is not rezoned.

SECTION SEVENTEEN: The following parcels are rezoned from I to CL.

59-020-01
59-020-02
59-020-03
59-020-04
59-020-24
59-020-31
59-040-14

SECTION EIGHTEEN: Those portions of APN 59-020-17 and APN 59-020-27 which are zoned I are rezoned to CL.

3.0 COMMENTS AND RESPONSES TO COMMENTS

SECTION NINETEEN:

I:B-5 and R-1:A:B-5 to CL.

APN 39-320-08 is rezoned from

SECTION TWENTY:

I:H-35 to AW.

APN 57-040-05 is rezoned from

SECTION TWENTY-ONE:

That portion of Right-Of-Way of State Routes 29 and 221 generally known as the "Southern Crossing" and more particularly bounded as follows:

Commencing at the northernmost point of APN 46-400-22; thence in a southerly direction along the westerly boundaries of APN 46-400-22, APN 46-400-03, APN 46-400-05 and APN 46-400-06 to Soscol Creek; thence southwesterly to the southeast corner of APN 57-170-12; thence northwesterly and westerly along the northeast and northern boundaries of APN 57-170-12, APN 57-170-11, APN 46-400-26, APN 46-400-20, APN 46-400-12, APN 46-400-11, and APN 46-400-15 to the east bank of the Napa River; thence westerly to the west bank of the Napa River; thence northerly along the west bank of the Napa River; approximately 400 feet to the boundary of the City of Napa; thence easterly along the boundary of the City of Napa and the southerly and easterly boundaries of APN 46-630-01, APN 46-630-02, APN 46-620-06 and APN 46-620-05 to Napa Valley Corporate Way; thence to the point of commencement

is rezoned from I, I:H-35 and I:H-35:FP-1 to AW, except that portion which is within the 100 year flood plain (as defined in the U.S. Federal Insurance Administration Flood Insurance Rate Maps dated February 1, 1980) which is rezoned AW:FP-1.

SECTION TWENTY-TWO:

from PD to AP:

The following parcels are rezoned

17-130-38
22-220-18
27-130-07
27-130-09
27-130-11
30-020-03

3.0 COMMENTS AND RESPONSES TO COMMENTS

SECTION TWENTY-THREE: That portion of APN 30-020-12 situated between APN 30-020-03 and State Route 29 is rezoned from PD to AP.

SECTION TWENTY-FOUR: The following parcels are rezoned from PD to AW:

20-320-03
20-320-04
20-320-05
20-320-06
20-320-07
20-320-08
20-350-22
22-090-08
22-130-15
24-102-06
24-102-07
24-102-08
24-102-09
24-102-10
32-160-49
32-160-58

SECTION TWENTY-FIVE: The following parcels are rezoned from PD to CL:

22-130-17
22-130-18
22-130-19
22-130-20
22-130-21
22-130-22
27-120-25
27-120-39
27-120-40
27-120-42
27-130-03
27-150-03
27-150-04
27-150-05
30-300-09
32-430-16
35-031-09
47-110-01
47-110-02
47-110-03
47-110-04

3.0 COMMENTS AND RESPONSES TO COMMENTS

SECTION TWENTY-SIX: Those portions of APN 22-220-22 and APN 22-220-23 which are zoned PD are rezoned AP; the remaining portions of those parcels which are zoned AP are not rezoned.

SECTION TWENTY-SEVEN: That portion of APN 22-130-16 which is zoned PD is rezoned AW; the remaining portion of that parcel which is zoned AW is not rezoned.

SECTION TWENTY-EIGHT: The following portion of APN 27-500-14 is rezoned from PD to CL:

commencing at the northernmost point of APN 27-500-14; thence 250 feet south 30°57' east; thence 200 feet south 59°3' west; thence north 30° 57' west to a point on the northwest boundary of APN 27-500-14; thence north 41° east to the point of commencement.

The remaining portion of APN 27-500-14 which is zoned PD is rezoned AP.

SECTION TWENTY-NINE: Those portions of APN 27-500-30 and APN 27-500-31 which are zoned PD are rezoned AP; the remainder of said parcels which are zoned AP are not rezoned.

SECTION THIRTY: The following portions of APN 27-500-20 and 27-500-22 are rezoned from PD to CL:

Commencing at a point 19 feet south 30°57' east from the northern most point of APN 27-500-22; thence south 59°3' west a distance of 200 feet; thence north 30°57' west a distance of 609 feet; thence north 59° 3' east a distance of 200 feet; thence south 30° 57' east a distance of 609 feet to the point of commencement.

The remainder of APN 27-500-20 and APN 27-500-22 which is zoned PD is rezoned to AP. The remainder of APN 27-500-20 which is zoned AP is not rezoned.

SECTION THIRTY-ONE: Those portions of APN 22-070-25 APN 30-020-06 and APN 30-300-06 which are zoned PD are rezoned CL;

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 146: RICHARD BARTHÉLEMY, ST. BARTHÉLEMY CELLARS, JUNE 18, 2007

Response 146-1 E/P: Commenter notes that their property is designated Agricultural Watershed and Open Space (AWOS) under the existing General Plan and would stay AWOS under the proposed General Plan Update. Commenter further notes that the property was zoned as Planned Development from the 1960s through the mid-1980s and Residential Country in 1985. The County appreciates the information on the historical zoning of this particular property.

Response 146-2 E/P: Commenter states that the draft General Plan abandons long-standing County policies regarding zoning consistency and fails to plan properly for the results of those policy shifts. Specifically, the commenter states that the General Plan fails to make changes to Rural Residential and Urban residential boundaries near Lake Berryessa and improperly identifies AW and TP as the only zoning districts that are consistent with the AWOS land use designation. The commenter also points out that many AWOS parcels within the County have commercial or residential zoning, and adoption of the proposed plan will have impacts including the reduction in available housing sites. The County appreciates these comments and has clarified in revisions to the Agricultural Preservation and Land Use Element that Table Ag/LU-B is to be used to assess rezoning applications, not to evaluate the consistency of existing General Plan designations and zoning. (See Policy Ag/LU-114 on p. 73 of the Revised Draft General Plan Update.) Also, the County has included Action Item AG/LU-114.1, which would commit the County to a systematic planning effort aimed at improving the boundaries of the "bubbles" designated Rural Residential and Urban Residential. County staff does not believe that the suggested changes would limit the availability of housing sites.

Response 146-3 E/P: Commenter states that the County will experience an increase in growth and development pressures due to the reduction of commercially and residentially zoned parcels in agricultural areas. Tourist uses will further displace available housing and will increase job growth in an area that has a declining availability of housing. The County appreciates this concern but disagrees that the Revised General Plan Update will reduce commercial and residentially zoned parcels. Specifically, Policy Ag/LU-26 and Ag/LU-45 would retain provisions of the current General Plan allowing commercial uses on commercially zoned parcels and allowing houses on all legal parcels county-wide. As described in Section 2.0, the Revised Draft General Plan Update ("Preferred Plan") would not change the amount of land designated Rural Residential. The plan would also not change the amount of commercial zoning. Potential growth-inducing impacts are discussed in Section 7.1 of the Draft EIR.

Response 146-4 E: Commenter asserts that the Draft EIR fails to identify or analyze impacts from reduction in available housing from rezoning existing residentially zoned parcels as AWOS. The Revised General Plan Update does not propose to rezone residential properties and would have a neutral effect on the availability of housing sites. The Population/Housing/Employment Section of the Draft EIR includes analysis of the expected growth of the County and the need for additional housing to serve additional residents

3.0 COMMENTS AND RESPONSES TO COMMENTS

and jobs in the County (see Impacts 4.3.1 and 4.3.2). Concerning both housing needs and the job/housing balance, the Draft EIR describes a significant effect and proposes mitigation to reduce that effect. The commenter is also referred to the environmental analysis for the Preferred Plan provided in Section 2.0 of this document regarding its jobs/housing balance impact.

- Response 146-5 E:* Commenter asserts that the Draft EIR fails to identify or analyze impacts of increased development and growth pressure within the "urban bubbles" resulting from promotion of tourism near Lake Berryessa. The Draft EIR bases its traffic analysis and other analyses on assumptions regarding projected increases in jobs, dwelling units, and residents in the County, including the Lake Berryessa area. The Revised General Plan Update includes several new policies related to economic conditions at Lake Berryessa (see Policy E-20 et seq.), but does not propose additional commercial zoning or other changes that would noticeably increase development potential. See the analysis of population and employment in Section 4.3 of the Draft EIR, the analysis of traffic in Section 4.4 of the Draft EIR, and the analysis of growth inducement (e.g., the possibility for induced growth at Lake Berryessa or elsewhere) in Section 7.0 of the Draft EIR.
- Response 146-6 E:* Commenter asserts that the Draft EIR fails to identify or analyze traffic impacts from increased tourism and job growth near Lake Berryessa. The traffic model analysis in the Draft EIR includes assumed job growth from commercial uses and includes a weekend traffic impact analysis to address tourism impacts, including areas around Lake Berryessa (see Draft EIR Figure 4.4-2 and Draft EIR pages 4.4-48 and -49). Commenter is referred to Section 4.4 and Impact 4.4.1 of the Draft EIR for more information. Also see Response 146-5E, above.
- Response 146-7 E:* Commenter asserts that the Draft EIR fails to identify or analyze impacts from vehicle emissions from tourists and commuters traveling to the expanded tourism uses in Lake Berryessa. Projections of future traffic-related emissions were based on the traffic analysis conducted for the proposed General Plan Update. As discussed in Response 146-6 E above, this analysis included assumed job growth from commercial uses, including areas around Lake Berryessa. This growth and traffic impact analysis was factored into the air quality impact analysis provided in Section 4.8, Air Quality, of the Draft EIR (see Draft EIR page 4.8-18).
- Response 146-8 E/P:* The commenter suggests that the County should consider adjusting the Land Use map designations to allow parcels that are over 10 acres in size, not located in prime wine growing areas, and adjacent to more intense development be designated for rural residential uses. The County appreciates this comment. The suggested change in the General Plan Update was not included in revisions to the document, but may be one outcome of the follow-on planning process identified in Action Item Ag/LU-114.1.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 147

Subject: Napa County Draft General Plan Update & DEIR - Comments
From: "Tina McCauslin" <tina.mccauslin@dlb-assoc.com>
Date: Mon, June 18, 2007 11:16 am
To: plowe@napacountygeneralplan.com

Patrick,

Attached please find comments to the Napa County Draft General Plan Update and the Draft Environmental Impact Report from Pacific Coast Building Products. We applaud your team's effort to date and look forward to working with you in anticipation of the General Plan Update being completed sometime in 2008. Please feel free to contact me at (916) 567-6666 if you have any questions regarding our comments attached. 147-1E/P

Tina McCauslin
Asset Manager
David L. Bonuccelli & Associates, Inc.
701 University Avenue #210
Sacramento, CA 95825
Ph - (916) 567-6666
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tina.mccauslin@dlb-assoc.com

David L. Bonuccelli & Associates, Inc.

A Registered Real Estate Investment Advisor

June 18, 2007

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

RE: Pacific Coast comments on the Napa County Public Review Draft General Plan Update and Draft EIR

Dear Mr. Lowe:

We appreciate the opportunity to comment on the Napa County General Plan Update and Draft EIR on behalf of Pacific Coast Building Products, Inc. Our team has attended many of the Steering Committee meetings, and provided input on occasion. We support the efforts the county is making to implement new General Plan policies and goals. While recognizing the county has regulatory hurdles, we appreciate your efforts to be responsive to the public, as we believe it is essential that the needs of the residents and business owners be considered.

Since the General Plan Update and EIR attempts to satisfy the county's needs for the next twenty five years, the accuracy and thoroughness of these documents is critical to Napa County's ability to implement these goals and policies in the future as initially envisioned.

147-2E/P

As we mentioned in our letter dated February 26, 2007, Pacific Coast and Boca Company (formerly Dillingham property) have agreed to jointly redevelop their two properties. We remain interested in redeveloping these parcels into mixed use and residential. Since the original industrial industries have moved to American Canyon and elsewhere, the former heavy industrially zoned properties have not been used to their capacity in a long time. Redevelopment of this area also provides an excellent opportunity to provide much needed beautification to create an appropriate gateway into the City of Napa.

Attached please find our comments on both the General Plan Update - Public Review Draft and the Draft EIR. We have made every attempt to make our comments and suggested revisions as thorough as possible – for at least those items that specifically effect Pacific Coast and the south county industrial area.

701 University Avenue, Suite 210 • Sacramento, California 95825 • Telephone (916) 567-6666 • Fax (916) 567-6670

3.0 COMMENTS AND RESPONSES TO COMMENTS

- 2 -

June 18, 2007

Sincerely,



Tina McCauslin
Asset Manager

Attachments: Public Review Draft General Plan comments
Draft EIR comments

cc: Ms. Hillary Gitelman, Director Napa County Conservation, Development &
Planning Dept.
Darren Morris, CFO, Pacific Coast Building Products, Inc./WHAL Properties, LP
Renee Mason Carter, Project Manager, BOCA Company, LLC
Linda Rimbach, Project Manager, DK Consulting

Pacific Coast Property comments

June 18, 2007

**NAPA COUNTY GENERAL PLAN
PUBLIC REVIEW DRAFT**

Below we have provided our recommendations and suggested revisions to the Draft General Plan. Strikethrough text designates where wording should be removed, while bold and underline indicates text that should be added. Our comments and/or recommendations are indented for clarity purposes.

Table of Contents

The page designation for “Commercial, Industrial and Transitional Land Uses” under Other Land Use Policies (Page 39) should be revised to refer to the correct page.

147-3P

Revise page reference as follows: Commercial, Industrial and Transitional Land Uses (~~Page 243~~) **(Page 43)**

Agricultural Preservation and Land Use Element

Review and revision to Policy Ag/LU-38 on page 45 may be necessary to correct the paragraph grammar. We suggest the slight re-wording to clarify the policy intention.

147-4P

We suggest Policy Ag/LU-38 be revised as follows: The County will support the development of tourist facilities where there is ~~a showing there would be~~ no conflict with agriculture and **where** the necessity for ~~this type of~~ **tourist** service can be documented to the County’s satisfaction.

We support Policy Ag/LU-28 on page 40 which indicates the County’s desire to re-use industrial. We agree that the Napa Pipe, Boca, and Pacific Coast sites provide an excellent opportunity to provide a mix of uses in the unincorporated areas in order to assist the County satisfy its long term housing needs. We acknowledged that many other policies and goals illustrate the value of preserving agricultural lands which is aided by development on the industrial sites. Re-use of the industrial sites will help to protect the agriculture lands and relieve pressure to develop agricultural lands for housing and/or commercial uses.

147-5P

The description of the “South County Industrial Areas” on page 74 is contradictory with the map on the same page. There are three alternative solutions: 1) in the introduction briefly describe all the industrial properties within south county – in order to be consistent with the map. 2) revise the map to include only Napa Pipe, Syar, Boca and Pacific Coast as those properties that are the only ones listed where development is expected. Or 3) acknowledge all the industrial sites within the south county by listing those properties shown on the map. Greater detail can be provided for those that are expected to be developed.

147-6P

3.0 COMMENTS AND RESPONSES TO COMMENTS

Pacific Coast Property comments

June 18, 2007

Comments on Napa County General Plan – Public Review Draft

As mentioned in the General Plan, it is evident there are a wide range of existing sites found in the south county. For that reason, the other industrial sites should be acknowledged in some fashion. The map exhibit for South County Industrial Areas should be consistent with the discussion.

147-6P
cont'd

We recommend providing differential hatching for the South County Industrial Areas over which development is expected – specifically Pacific Coast, Boca, and Napa Pipe. Add a list of all the south county industrial properties in the introduction as suggested (3) above.

In response to the discussion on page 74 please note that at no time was the Pacific Coast property owned or operated by Boca or their predecessor Dillingham. Boca and Pacific Coast are in agreement that development on their parcels should and will be planned to provide a cohesive design. We are working together to address the overall development potential. That said, a distinction between the properties within the Syar/Pacific Coast/Boca area should be made. Additionally, since it is our understanding that Syar has voiced their desire to remain industrial, perhaps Syar Quarry should be removed from the list of properties that could develop in the near future.

147-7P

The Syar/Boca (former Dillingham Property/Pacific Coast Builders) title should be revised to: **Pacific Coast/Boca (former Dillingham Property)**

Site characteristics distinguish each of the industrial sites. Conditions that exist on Napa Pipe, for example, may not be evident elsewhere. Additionally, the constraints of one area may or may not be present on the other industrial sites. In areas where the constraint is known, we recommend the general language be revised to reflect the effected property only rather than including all the industrial sites.

147-8P

Since we know that the Syar, Boca and Pacific Coast properties are not effected by the existing Napa Airport flight path, we recommend the third paragraph on page 75 be revised as follows: “The presence of Napa Airport imposes restrictions on uses in portions of the ~~industrial area~~ **Napa Pipe Property** which are under the flight path of the airport.”

We support Policy Ag/LU-90 which states “Sites designated as “Transitional” on the Land Use Map shall be considered for reuse and revitalization via a mix of uses”. It is our understanding that most of the properties within the South County Industrial Areas – with the exception of perhaps Syar – are intended to be “transitional” areas. It is our understanding that Syar has expressed desire to remain industrial and has no current intention to propose an alternative use. Please be aware that the Land Use Map does not indicate either a legend for, or mapped area for “Transitional” designation.

147-9P

Add narrative to page 75 describing that Pacific Coast, Boca, and Napa Pipe are designated as “Transitional” and should be considered for reuse and revitalization consistent with the Agricultural Preservation and Land Use policies. Alternatively, specific reference to Policy Ag/LU-47 should be provided.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Pacific Coast Property comments

June 18, 2007

Comments on Napa County General Plan – Public Review Draft

Page 90 - add hatching and/or color on Land Use Map for areas to be designated “Transitional” zone in order to define region as referenced in policies. Add color and/or hatching as appropriate for the “Transitional” area to the Land Use Map legend.

147-10P

Circulation Element

As included in the last paragraph on page 123, we agree that there is a need to encourage people to use travel modes other than personal cars. To that end, we would like to reiterate some of our comments from our February 26, 2007 letter. As we noted in that letter the Pacific Coast/Boca sites are located on the River to Ridge Trail that joins the Napa River Bike Trail. This trail system provides an opportunity to provide bicycle commuting into downtown Napa. Additionally, 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.

147-11P

In response the Circulation goals and policies on page 130, it is our intention that future development on Pacific Coast/Boca will be consistent with Policy CIR 2-4. Based on needed circulation of the site, the goal is that access points will be limited to two locations. If accommodations can be made at the existing signalized intersection of Streblov Drive/Napa Vallejo Highway (SR 221), then this could be an ideal alternative entry point. The main site entrance would likely remain at the existing entry adjacent to Syar Industries.

147-12P

Policy CIR-3.14, page 134, states that the County shall review the Circulation Element periodically to ensure that it embraces future technological innovations. How often is it envisioned that the County should or will review the element? Who in the county will be responsible for reviewing the Circulation Element and how will the advantages of lower vehicle emissions or transportation opportunities be realized?

147-13P

Clarification regarding WHEN, HOW, and WHO will implement CIR-3.14 may be necessary.

Community Character

Pacific Coast agrees with the General Plan statement that portions of Napa County have their own distinctive character, and find that, as a whole, Napa County maintains a rich aesthetic quality that should be preserved. Napa-Vallejo Highway (SR 221) is a state designated scenic highway, but not so designated by the county. In our view, the scenic highway designation does not seem accurate - at least for the segment immediately adjacent to Syar/Boca/Pacific Coast. The view to the east of Napa-Valley Highway is lacking in visual quality. Development within this corridor would greatly improve the scenic quality more in keeping with those found throughout other portions of Napa County.

147-14P

In response to noise level standards included in the tables on page 161 and 162, the acceptable noise levels appear to be reversed from what one might expect. For example, on

147-15E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

Pacific Coast Property comments
 Comments on Napa County General Plan – Public Review Draft

June 18, 2007

the Exterior Noise Level Standards table, Single Family Home and Duplexes (10 pm to 7 am) Noise levels range from 45 dBA to 50 dBA. However, for Interior Noise Levels Standards table, Residential noise levels for living areas, nighttime are listed as 55 dBA. Why are acceptable interior nighttime noise levels higher than acceptable exterior noise levels? In Davis, for example, another predominantly agriculturally area, acceptable interior noise levels are 45 dBA while acceptable exterior noise levels are less than 60 dBA. Also in Davis, conditionally acceptable exterior noise levels range between 60 – 70 dBA. Accommodations need to be made to limit neighbor disturbances such as ‘party’ noise, but also for normal nighttime activities.

We recommend two general changes: 1) Add narrative to define Rural, Suburban, and Urban areas for Exterior Noise Level Standards on page 161.

2) Modify the normally acceptable Exterior Noise Level Standard as follows:

Exterior Noise Level Standards				
Measured in CNEL (Community Noise Equivalent Level)				
Land Use Type	Time Period	Noise Level (dBA) by Noise Zone Classification		
		Rural	Suburban	Urban
Single Family Homes and Duplexes	10 pm to 7 am	45 55	45 60	50 60
	7 am to 10 pm	50 60	55 60	60
Multiple Residential 3 or More Units Per Building (Triplex +)	10 pm to 7 am	45 60	50 60	55 60
	7 am to 10 pm	50 60	55 60	60
Office and Retail	10 pm to 7 am	60		
	7 am to 10 pm	65		
Industrial and Wineries	Anytime	75		

147-15E/P
 cont'd

Pacific Coast Property comments

June 18, 2007

**NAPA COUNTY GENERAL PLAN UPDATE
DRAFT ENVIRONMENTAL IMPACT REPORT**

Below we have provided our recommendations and suggested revisions to the Draft Environmental Impact Report. Strikethrough text designates where wording should be removed, while bold and underline indicates text that should be added. Our comments and/or recommendations are indented for clarity purposes.

Executive Summary

The page numbers on Table 2.0-1 jump on the second page from 2.0-7 to 4.1-8 on the third page. Throughout the table the page numbers alternate - even pages reference section 2 while odd pages reference section 4.

147-16E

Correct page numbering on Table 2.0-1 to be consistently 2.0-__.

Project Description

The grammar in the last paragraph on page 3.0-17 of the Project Description section should be reviewed and modified. Of note, the second to last sentence should be revised as follows:

147-17E

The adopted General Plan Update would ~~addresses~~ **address** the seven state-mandated elements, as well as additional topics of interest to the County.

4.1 Agriculture

The rationale for determining the levels of significance for some of the items is not fully clear. It is not entirely clear why some items are determined to be **significant and unavoidable** for certain alternatives. We did not necessarily review all the detailed descriptions for impacts where all alternatives (either before mitigation or after mitigation) were deemed **significant and unavoidable**. However, we did review some that deemed only one or two alternatives **significant and unavoidable**. For example: Impact 4.1.2 for potential loss of agriculture land. Alternative A and B result in an impact that is **less than significant**. Alternative C would result in a net increase of approximately 680 acres of agricultural designated land. But since the City of American Canyon Rural Urban Limit (RUL) line would be modified, the impact for Alternative C was determined to be **significant and unavoidable**. The rationale for this designation is not clear. No mitigation measures have been suggested which might result in an agreement with the City of American Canyon to reduce the potential loss of agricultural lands within the new RUL.

147-18E

Review rationale for deeming alternatives significant and unavoidable.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Pacific Coast Property comments

June 18, 2007

4.8 Air Quality

On page 4.8-12, the number sequence for the Air Quality item is miss labeled.

Revise heading as follows: ~~4.7.2~~ **4.8.2 REGULATORY FRAMEWORK**

Similar to the agriculture discussion above regarding rational for determining level of significance, we note that the description of the impacts for each alternative listed on pages 4.8-31 and 4.8-32 is not consistent with Table 2.0-1. Specifically, Impact 4.8.5 related to toxic air contaminants (TACs) near sensitive receptors lists the impact as significant and unavoidable for Alternatives A and B on Table 2.0-1. On pages 4.8-32, however, the text is as follows: "This impact can be reduced through mitigation, but may remain **significant**." Acknowledging that highway widening at Jamieson Canyon would impact existing residences, the narrative for Alternative B and C lists impacts at Napa Pipe and Pacific Coast/Boca sites. From our perspective, it seems unlikely that TACs cannot be mitigated for future Napa-Vallejo Highway (SR 221) widening (which is not currently proposed per Table 22, page 48 of Appendix C) and future homes or businesses within the industrial area. Is Alternatives B and C considered **significant and unavoidable** even with mitigation due only to the impacts at Jamieson Canyon? If so, then discussion about Napa Pipe and Pacific Coast/Boca sites is inappropriate.

147-19E

Review rational for deeming alternatives significant and unavoidable. Revise Table 2.0-1 and narrative to be consistent with one another. Eliminate reference to the industrial areas in Alternative B and Alternative C descriptions.

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 147: TINA MCCAUSLIN, DAVID L. BONUCCELLI & ASSOCIATES, INC., ON BEHALF OF PACIFIC COAST BUILDING PRODUCTS, INC., JUNE 18, 2007

Response 147-1 E/P: Commenter states they are providing comments on the behalf of Pacific Coast Building Projects. The County appreciates the input of Pacific Coast Building Projects and will respond to the individual comments below.

Response 147-2 E/P: Commenter notes that the Pacific Coast and Boca Company have agreed to jointly redevelop their two properties. Pacific Coast Building Products remains interested in developing the combined properties into mixed-use residential. The County appreciates the input from Pacific Coast Building Products. The commenter is referred to Section 2.0 regarding the Preferred Plan and designation of the Pacific Coast/Boca site as a study area.

Response 147-3 P: Commenter notes that the page reference for "Commercial, Industrial and Transitional Land Uses" should be changed to page 43. The commenter is referred to Section 2.0 regarding the Preferred Plan and designation of the Pacific Coast/Boca site as a study area as well as revisions to the Agricultural Preservation and Land Use Element regarding the Pacific Coast/Boca site. Pagination in the document has been adjusted as necessary throughout.

Response 147-4 P: Commenter requests the following modification of policy Ag/LU-38 for clarity (deleted text shown ~~strikethrough~~, inserted text shown underline): "The County will support the development of tourist facilities where there is ~~a showing there would be~~ no conflict with agriculture and where the necessity for this type of tourist service can be documented to the County's satisfaction." The commenter is referred to revisions made to the Agricultural Preservation and Land Use Element, where this change has been incorporated (Policy Ag/LU-41).

Response 147-5 P: Commenter supports the re-use of the Napa Pipe and Pacific Coast/Boca Company properties as shown in Policy Ag/LU-28. Commenter asserts this will help protect agricultural lands. The County appreciates the input regarding the General Plan process and will consider this comment when revising the General Plan. The commenter is referred to Section 2.0 regarding the Preferred Plan and designation of the Pacific Coast/Boca site as a study area as well as revisions to the Agricultural Preservation and Land Use Element regarding the Pacific Coast/Boca site. See Policy Ag/LU-52 and pp. 61-63 specifically.

Response 147-6 P: Commenter notes that the description of "South County Industrial Areas (SCIA)" is contradictory with the map on the same page. The commenter recommends alternatives to provide consistency between the SCIA and the associated map. The commenter also recommends providing differential hatching for the SCIA over which development is expected and adding a list of all the south county industrial properties in the introduction. The commenter is referred to Section 2.0 regarding the Preferred Plan and designation of the Pacific Coast/Boca site as a study area as well as revisions to the Agricultural Preservation and Land Use

3.0 COMMENTS AND RESPONSES TO COMMENTS

Element regarding the Pacific Coast/Boca site. (Specifically see the revised map and policies on pp. 61-63.)

Response 147-7 P: Commenter notes that at no time was the Pacific Coast property owned or operated by Boca or their predecessor Dillingham. The text has been adjusted accordingly.

Response 147-8 P: Commenter notes that the Napa Airport flight paths do not affect the Syar, Boca, and Pacific Coast Properties. The commenter suggests the following modification of the third paragraph on page 75 as follows (deleted text shown ~~strike through~~, inserted text shown underline): "The presence of Napa Airport imposes restrictions on uses in portions of the ~~industrial area~~ Napa Pipe Property which are under the flight path of the airport." The text has been clarified as requested.

Response 147-9 P: Commenter supports Policy Ag/LU-90 and the designation of transitional areas for reuse and revitalization. The commenter suggests narrative be added to page 75 that describes the Pacific Coast, Boca, and Napa Pipe sites are designated as "Transitional" and should be considered for reuse and revitalization consistent with the Agricultural Preservation and Land Use policies. Alternatively, specific reference to Policy Ag/LU-47 should be provided. The County appreciates the support of the commenter in regard to Policy Ag/LU-90. However, in accordance with other comments provided, the proposed General Plan Update has been revised to use the term "study area" instead of "transitional." The commenter is referred to Section 2.0 regarding the Preferred Plan and designation of the Pacific Coast/Boca site as a study area as well as revisions to the Agricultural Preservation and Land Use Element regarding the Pacific Coast/Boca site.

Response 147-10 P: Commenter suggests adding hatching and/or color on the Land Use Map and legend for areas to be designated a "Transitional" zone. Commenter is referred to Response 147-9 for more information on the disposition of the transitional designation, which will now be known as "study area." Also see the map provided on p. 61 of the Revised Draft General Plan Update, which is a detail of the County-wide Land Use Map provided on p. 75.

Response 147-11 P: Commenter agrees there is a need to encourage use of travel modes other than personal cars. The commenter notes that the Pacific Coast /Boca sites are located along the River to Ridge Trail system and on existing bus routes, both of which provide opportunities for bicycle commuting and transit into downtown Napa. The County appreciates the input regarding the General Plan process and refers the commenter to revisions to the Recreation and Open Space Element, where regional trails in the vicinity have been acknowledged.

Response 147-12 P: Commenter states the intention that future development at the Pacific Coast/Boca site will be consistent with Policy CIR 2-4. The commenter notes that, if accommodations can be made at the existing signalized intersection of Streblov Drive/Napa Vallejo Highway (SR 221), this intersection could be an ideal alternative entry point for the commenter's project. The commenter also notes that the main entrance would likely remain adjacent to Syar Industries. The County appreciates the input

3.0 COMMENTS AND RESPONSES TO COMMENTS

regarding circulation issues faced by the commenter's project. Upon the determination that the Pacific Coast/Boca project application is complete, County Planning staff will analyze the project-specific issues faced by this project and these issues will be resolved at that time.

Response 147-13 P: Commenter questions who in the County will be responsible for reviewing the Circulation Element (Policy CIR-3.14) and how the advantages of lower vehicle emissions or transportation opportunities might be realized. The commenter notes that Policy CIR-3.14 needs clarification regarding when, how, and who will implement this policy. The commenter is referred to the Implementation Plan that has been added to the General Plan Update associated with its revisions. In general, the County would review the Circulation Element as needed over time, particularly when participating in updates to the County-wide Strategic Transportation Plan as called for in Action Item CIR_10.1.

Response 147-14 P: Commenter notes that the scenic highway designation for SR 221 does not seem accurate and that Napa County does not designate SR 221 as a scenic highway. The commenter notes that the view to the east of Napa Valley Highway is lacking in visual quality, and development within the SR 221 corridor would improve scenic quality. The commenter is referred to the revisions to the Community Character Element and the inclusion of the County-designated scenic roadway list.

Response 147-15 E/P: Commenter is concerned with the noise level standards proposed on page 161 and 162 of the proposed General Plan Update. The commenter proposes the following changes to the noise level standards:

- 1) Add additional narrative to define Rural, Suburban, and Urban areas for Exterior Noise Level Standards on page 161.
- 2) Modify the normally acceptable Exterior Noise Level Standards as follows:

Exterior Noise Level Standards Measured in CNEL (Community Noise Equivalent Level)				
		Noise Level (dBA) by Noise Zone Classification		
Land Use Type	Time Period	Rural	Suburban	Urban
Residential Single and Double	10 p.m. to 7 a.m.	45 <u>55</u>	45 <u>60</u>	50 <u>60</u>
	7 a.m. to 10 p.m.	50 <u>60</u>	55 <u>60</u>	60
Residential Multiple and Country	10 p.m. to 7 a.m.	45 <u>60</u>	50 <u>60</u>	55 <u>60</u>
	7 a.m. to 10 p.m.	50 <u>60</u>	55 <u>60</u>	60
Commercial	10 p.m. to 7 a.m.	60		
	7 a.m. to 10 p.m.	65		
Industrial and Wineries	Anytime	75		

3.0 COMMENTS AND RESPONSES TO COMMENTS

The County has reviewed and revised the Noise section of the Revised Draft General Plan Update in response to the commenter's request. Noise standards provided in Policy CC-38 correspond with the County of Napa Noise Ordinance, which establishes limits on exterior noise. The table provided in Policy CC-42 relates to *intermittent* interior noise and is meant to be used in association with Policy CC-39 when determining the compatibility of land uses.

Response 147-16 E: Commenter notes that the page numbering in Table 2.0-1 jumps from 2.0- to 4.1- on even numbered pages. The pagination has been corrected. The above error was typographical in nature and did not affect the analysis or conclusions presented in the Draft EIR. The commenter is referred to **Table 1.0-1** in this document for an updated impact summary table for the EIR.

Response 147-17 E: Commenter notes grammar errors in the last paragraph on page 3.0-17 of the Draft EIR. The following corrections have been made to page 3.0-17 (deleted text shown ~~strike through~~, inserted text shown underline): "The adopted General Plan would ~~addresses~~ address the seven state-mandated elements, as well as additional topics of interest to the County." The above error was typographical in nature and did not affect the analysis or conclusions presented in the Draft EIR.

Response 147-18 E: Commenter suggests reviewing the rationale for deeming alternatives significant and unavoidable, stating that the rationale behind the decision to find Impact 4.1.2, loss of agricultural land, significant and unavoidable for Alternative C while the alternative would result in an increase in 680 acres of agricultural designated lands was unclear.

The 680 acres of additional agricultural land referenced by the commenter constitutes only a portion of the change expected by Alternative C. According to the analysis presented under Alternative C on page 4.1-28 of the Draft EIR, the alternative would result in an increase of 680 acres of agricultural land in small portions throughout the County (including the Hess Vineyards) but a simultaneous loss of 4,086 acres of agricultural land as a result of the modification of the RUL line around the City of American Canyon. The resultant change in agricultural land would be a loss of 3,406 acres. This loss was considered in the Draft EIR to be a significant loss that could not be mitigated. Therefore, the impact would be significant and unavoidable, as shown on page 4.1-28. The commenter is referred to Alternatives Master Response 3.4.2 regarding the selection of alternatives.

Response 147-19 E: Commenter notes on page 4.8-12 that a heading is mislabeled. The following corrections have been made to page 4.8-12 (deleted text shown ~~strike through~~, inserted text shown underline): "~~4.7.2~~ 4.8.2 Regulatory Framework." This error was typographical in nature and did not affect the analysis or conclusions presented in the Draft EIR.

Similar to the issue raised by the commenter in Response 147-18 E, the commenter questions the rationale behind the determination of significance for each alternative under Impact 4.8.5 of the Draft EIR.

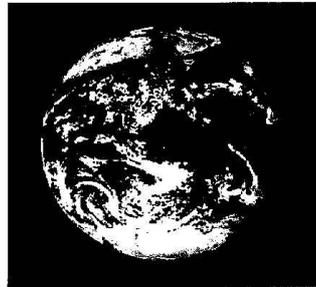
3.0 COMMENTS AND RESPONSES TO COMMENTS

Alternatives B and C include the widening of State Route 12 in Jamieson Canyon (as well as other improvements), an action that could result in a mobile source of Toxic Air Contaminants (TACs) being located closer to existing sensitive receptors. Given that the exact alignment of proposed roadway improvements in relation to sensitive receptors is not known and the ability to meet the California Air Resources Board (ARB) recommended 500 foot setback from high traffic roadways of the is unknown, Impact 4.8-5 is considered significant and unavoidable for Alternatives for B and C. Alternative A was determined to be less than significant due to the fact that Alternative A does not include the widening of State Route 12 in Jamieson Canyon.

The commenter further requests that the discussion relating to the placement of industrial uses and the resultant effect on TAC production and its proximity to sensitive receptors be removed from the discussion under Impact 4.8.5. Because substantive information was not known about any specific industrial projects within the area identified in the Impact, and due to the general nature of the land use assumptions provided in the proposed General Plan Update and the Draft EIR, the analysis does not reference any particular project or projects. The discussion under Alternative B and C on page 4.8-32 references the potential for TAC generating uses to be placed within areas surrounding the airport designated for industrial use under each alternative. Project-specific analysis of the potential air quality impacts, as well as other impacts mandated by CEQA and the County, will be undertaken by County Planning Staff upon receipt of an application for a specific project and a finding of completeness for that application. The reference to industrial land uses is pertinent to the Draft EIR's programmatic assessment of potential impacts associated with potential growth and development under the General Plan Updates and no change is recommended.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 148



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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

General Plan Comments

June 18, 2007

To: Napa County Planning and Conservation Development and Planning Department
1195 Third Street.
Suite 210
Napa Ca. 94558

The General Plan, (GP) introduction states that the GP must address land use, open space, safety, circulation (traffic), housing, conservation and noise. **The GP may address other elements. EDEN recommends that a Water Element be added to the GP for these reasons and if not why not?:**

- **Water is the limiting factor to development in Napa County.**
- **All of the major water bodies in Napa are impaired and listed on the 303d list of the Clean Water Act for pollution such as, i.e., Napa River is listed for sediment, nutrient, pathogens; Putah Creek is listed for Mercury; Cache Creek is listed for nutrient and sediment etc.**
- **The Napa River which supplies water for irrigation/frost protection for agriculture is over appropriated and is teetering on becoming fully dry thereby causing further impacts to listed species such as; Chinook, steelhead, western pond turtle, California Fresh Water Shrimp, spring lamprey, red legged to name a few.**
- **Ground water aquifers are partially recharged by riparian flow and many riparian zones are being pumped dry**

148-1E/P

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- Riparian water is being used illegally and water appropriators are diverting water illegally.
- Napa County Conservation Development and Planning Department, NCCDPD, allows erosion control plan applications, ECPA, for vineyards to be approved for development despite the fact that the State Water Resource Control Board, SWRCB, a responsible agency under CEQA, has requested additional information about the water appropriation. Napa County is violating the law by approving the ECPA without complying with the responsible agencies request for further information. i.e., ECPA approved in 2007 on Saintsbury and Hudson where the SWRC requested additional information pertaining to water analysis during dry/drought years.
- wine production escalating to jeopardize water availability (10 gallons of water per one gallon of wine)
- With global warming, (GW) and climate change (CC) seriously threatening our planet all projects must take into account sea rise, riparian area changes, and floodplain and floodway hydrology. Massive landscape changes will occur and since the lower portion of Napa County has tidal influence and land will be affected, the GP should discuss this. Yet, the BDR and the GP do not take into account what impacts the GP could have on our water resources, given GW/CC for the next 20 years or the reverse, what impacts CC can have on the GP.
- The current GP does not determine and discuss what the impacts of the GP will be on global warming and how this will impact our aquatic resource/natural resources.
- BDR and the GP state that Napa will get water as needed from the Central Valley aqueduct to further meet our water needs. However, this is considered 'paper water' and not a remedy for future water needs in Napa. The GP must explore the actual water availability not futuristic water. Therefore, the GP is severely lacking in its planning for water resources in the future and how that relates to housing in the next 20 years. This year the Delta pumps have been turned off due to delta smelt populations plummeting.
- Floodways and floodplains are NOT protected from development in Napa County. Examples-Gasser Master Plan.
- Our municipal and private water supplies are impacted from pollution such as nutrients. Lake Hennessey, the Freisen Lakes and Lake Milliken have a blue-green algae (produces toxins) problem which is capable of effecting human health. The owners of two of these reservoirs (Hennessey and Milliken) choose pesticides and bleaching of the reservoirs to knock down the algae which are harmful to the entire food chain.

Can the General Plan include a comprehensive element to cope with water resource impacts in the future?

148-1E/P
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3.0 COMMENTS AND RESPONSES TO COMMENTS

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| <p>1. Open Space element: require that water quality be protected through open space, river, streams and habitat for fish and other wildlife. Page 8 of introduction.
<u>How will the County propose to implement such a plan?</u></p> | | 148-2P |
| <p>2. Safety from dam, land slides failure: page 9 of introduction, the GP fails to talk about Milliken Dam’s potential to fail and what the remedy for protecting the public shall be. <u>Why isn’t the County Board of Supervisors involved in restoring the safety of this dam and protecting the health safety and welfare of the people on this important issue? Why aren’t public hearings being held on this important issue? The GP is required by the State Attorney General’s office to fully disclose and discuss dam safety and Milliken Dam is not safe. The proposed project to remedy Milliken Dam safety is to drill 6 18 inch holes across the face of the dam to keep the surface water elevation at 16 feet below the top of the dam? Do these holes weaken the face of the dam? Will these holes keep the water surface elevation below the 16 foot mark during the 10, 20, 25, 30.....100 storm event?</u></p> | | 148-3E/P |
| <p>3. Napa River mentioned- page 19 introduction lacks content, lacks description of problems etc. Page 22 summary and vision will respond to the State Water Quality Control Board, SWQCB, TMDL to reduce pollution with indicators and adaptive management. <u>Shouldn’t more information be added here to inform the public of the 303d listing of the Napa River, Putah Creek, Cache Creek and Wooden Valley Creek?</u></p> | | 148-4E/P |
| <p>4. Land use Element: GP states that there are 50,000 acres in vines. <u>How many hillsides/how many in ag/preserve? Can you provide a map that shows the elevations of the hillside vineyards? Page 6 of land use</u></p> | | 148-5P |
| <p>5. LUE-Can the GP make these additions and if not why not? Add: Goal 7: Protect natural resources in the face of expanding vineyards in sensitive habitats such as Northern Spotted Owl, (NSO), California Red-legged Frog (CRLF), sensitive plants and wildlife: Page 33. Add: policy accordingly, discuss the environmental impacts associated with ever expanding vineyards. Add reference to Napa River Sediment TMDL, Napa County Wine Industry Growth/ Master Environmental Assessment 1990-2010 II Vineyard Development pages 1-99., SWQCB/SWRCB new policy and amendment to the San Francisco Bay Basin Plan, that wetlands, seep, and riparian zones be protected from pollution along with floodplains, floodways being protected from development.</p> | | 148-6E/P |
| <p>6. Policy Ag/LU -28 –page 40 Can this be added and if not why not? Add: <u>While the State requires an allocation of housing (ABAG), the State also recommends that prime agricultural lands be protected as a valuable State resource. These are incongruent requirements of the State. Napa has protected prime agricultural lands with Measure J. These soils are to be used for the highest and best use for production of food for the State.</u></p> | | 148-7E/P |

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| <ul style="list-style-type: none"> • (add this bullet)- Prime agricultural lands shall remain in agriculture as the State recommends conservation of lands that are prime agricultural designation. | 148-7E/P
cont'd |
| <p>7. Policy Ag/LU 36 page43- Can this be added to the GP and if not why not? Add: <u>Since land in the County Industrial Park- is in the floodplain, wetlands, seeps and marshlands, conservation and preservation of sensitive plants and endangered species such as Vernal Pool Fairy Shrimp and rare and endangered plants shall be protected and mitigations is the less preferred option as man made wetlands and vernal pools fail in providing adequate habitat for aquatic species.</u></p> | 148-8E/P |
| <p>8. Policy Ag/LU-40 page 45-Lands along the west bank of the Napa River south of the City of Napa are zoned marine commercial and development. Delete: this policy does not take into consideration the effects of GW when the Napa River may rise 22 feet throughout the tidal zone as Greenland melts. However, if the polar caps melt then the rise in sea level will be substantially higher. <u>If you do not delete this why not?</u></p> | 148-9E/P |
| <p>9. Policy Ag/LU-46-pg. 47 this update is allowing wineries. <u>What is the current zoning regarding wineries in the current GP? Are they allowed or not?</u></p> | 148-10P |
| <p>10. Policy Ag/LU-47 page 47 Napa Pipe and Boca Pacific Coast sites ONLY may be Transitional land use to residential, because there is sufficient infrastructure existing. <u>Delete this policy and if you do not why not? GW has not been factored into this policy as written. What will the effects of GW be on these locations? NASA predicts the melting of the polar caps and Greenland within the next 30 years. Greenland melting alone will raise the ocean 22 feet impacting the Napa River throughout the tidal influence and beyond.</u></p> | 148-11E/P |
| <p>11. EDEN opposes the Sayer Industry housing development proposed for the GP and asks if the County can discard this growth due to insufficient water resources in Napa to provide for this leap frog/sprawl development. <u>Can you please explain why this site?</u></p> | 148-12E/P |
| <p>12. Policies Ag/L7-50-98-Delete all and if not why not? Rational: The GP fails to recognize that there are PRIME AGRICULTURAL lands designated by the State to be valuable resources for the State. Napa County recognized Prime Agricultural lands as valuable locally and passed the Agricultural Preserve zoning in 1968. The Big Ranch Road GP (page 49) is proposing to change these lands from prime agricultural lands to residential. EDEN opposes this GP change. Shouldn't prime agricultural lands not be converted to urban uses? Furthermore, EDEN's position is that no agricultural watershed lands shall be converted to non-agricultural use in this GP update unless for designated public open space/parks or other conservation purposes. The GP failed miserably to discuss water availability for these policies. State law</p> | 148-13E/P |

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requires that any such urbanization shall determine where the water sources shall come from. The GP fails to discuss the water sources for urbanization.

148-13E/P
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13. Policies specific-page 49 and Policy Ag-LU 66 page 61- to non-agricultural areas of unincorporated Napa: Big Ranch Road is currently AW and will be redesignated for non-agriculture subject to a Measure J vote, Remove this policy from Special designation for these reasons and if not why not?

- it lies within the Salvador Creek watershed which is currently flooding residences and close to flooding many.
- A hydrologic study should be required before considering this watershed for further urbanization.
- Chinook spawn in the creek. The City and County rarely enforce stream setback on under 5% slopes. Salvador Creek has endangered Chinook spawning and very little habitat remains due to housing developments.
- It will require a Measure J vote but this policy fails to recognize this land as PRIME AGRICULTURAL LANDS and the STATE recommends protection of these lands.

148-14E/P

All Special Designation Areas being recommended for Measure J vote to further urbanize the area should have new polices (if Measure J passes) that stream setbacks shall be enforced to prevent further degradation of aquatic habitat destruction. Restoration policies should be written into the GP. Can the GP have maps that show current zoning of special areas?

14. Policy Ag –LU 73-85 pages 69-71-adds new language for development at Lake Berryessa. These are significant cumulative impacts that are not being discussed in this GP project. These policies have no mitigations associated with them. What are the impacts of these polices?

148-15P

15. Policy Ag/LU-116 page 70 ADD: without annexation to the City, and a Measure J vote, except.... Rationale: lands within the RUL that are prime agricultural lands should be subject to a measure J vote. The State of California does not recommend conversion of prime agricultural lands to housing. If you not agree with EDEN then why not?

148-16E/P

16. Policy Ag/LU-118- Add: public health, safety and welfare including meaningful enforcement of environmental laws that includes a strong habitat restoration component.

148-17E/P

17. The Napa County Industrial Area-does not require Wineries to use 75% of Napa Grapes. Page 74 Why not?

148-18P

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<p>18. Policy Ag-LU 89-92 pages 74-75- Describes Napa Pipe and Syar Industries as possible locations for housing. <u>Shouldn't Napa Pipe be deleted as a location for housing given GW and the rise in sea levels within the next 30 years?</u></p>	<p>148-19E/P</p>
<p>19. Policy Ag-LU page 85 says that St. Helena zoning has been INCONSISTENT with the GP since 1983. <u>Why?</u></p>	<p>148-20P</p>
<p>20. Land use map on page 90 is dated 1998-2000. <u>Why isn't this a newer map? Aerial photography as recent as 2005 is available. We need the most recent baseline of our land base as possible in order to gauge development impacts.</u></p>	<p>148-21P</p>
<p>21. Measure J, Policy Ag/LU 110- Delete: unless said lands are annexed. <u>Shouldn't the General Plan be consistent throughout that annexation of Prime Agricultural lands shall not be allowed unless 2/3 vote of the people is achieved?</u></p>	<p>148-22P</p>
<p>22. Regional Planning issues Policy Ag/LU-127 page 108: Question: <u>What uses are permitted in the applicable zoning district without the issuance of a use permit?</u></p>	<p>148-23P</p>
<p>23. Growth Management Policy Ag/LU-119 page. 98-Delete Angwin: Rationale: Angwin does not have adequate infrastructure to warrant consideration by the GP to be a top priority Special Area of consideration for further urbanization in the future. <u>What will be the additional carbon exchange on all the cars/household in this Angwin bubble? Will these homes be bought by local residence of Angwin? Or are most buyers from out of County vs. in County? How far will the average commute be? Wouldn't this be encouraging people to live far from where they work? Wouldn't this encourage a bedroom community? Where will the water come from for this urban bubble? If the Freisen Lakes are the source of water, these lakes have pollution issues that put their lakes out of commission at times. What kind of impact on the Angwin water supply would be expected?</u></p>	<p>148-24E/P</p>
<p>24. . New Policy to add to the GP? Annexations within the RUL should not occur without a vote of the people because usually annexations convert PRIME AGRICULTURAL LANDS/AGRICULTURAL PRESERVE LANDS TO URBANIZATION. EDEN opposes any conversion of the Agricultural Preserve/ or Prime Agricultural lands to urban uses except by a 2/3rd vote of the people, INCULDING SCHOOLS AND DAY CARE CENTERS. Questions: <u>is CEQA review required for annexations? Can this be added as a policy by the BOS to be followed up with a BOS ordinance on these issues?</u></p>	<p>148-25E/P</p>
<p>25. . Add sphere of influence to Figure AG/LU3 page 110 and 112</p>	<p>148-26P</p>
<p>26. Add future proposed annexations to Napa RUL map Figure AG/LU3 as was done for the AG/LU4 on page 112 American Canyon RUL map. <u>Question: If</u></p>	<p>148-27P</p>

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<u><i>there are no future annexations planned for Napa then shouldn't the GP say that?</i></u>	148-27P cont'd
27. Circulation: The County should have a travel alternative that allows for people getting out of their cars as they travel between Napa and Calistoga. We need alternative fuel buses or train travel to reduce the amount of green house gases (GHG) that single car transportation will cause. Hwy. 29 is very congested today. It will only get worse each year. <u><i>Why hasn't the County come up with a mass transportation solution that could be a transportation option that gets people out of their cars such as an air train with electric cars available at each node or city?</i></u>	148-28E/P
28. Policy Cir-2.3. page 129-to "Widen Jamiseson Rd. (Route12) by adding one additional vehicular travel lane//in each direction" conflicts with Policy Ag/LU-24, "Urban uses shall be concentrated in the incorporated cities..." by facilitating travel between living in one incorporated city and working in another incorporated city. Each road proposed in the GP is consistently proposed to be increased from one lane to two lanes, from tow lanes to four lanes, from four lanes to six lanes as a solution to maintaining the same Level of Use from the present to 2030. However, increasing road width makes it evermore easier to travel to more distant locations and does not alter the fundamental case of traffic increases, an imbalance and lack of concentration in jobs and housing.	148-29P
29. The Circulation Policy CIR-2.3 should instead read, "To create jobs and housing balance within Napa County and discourage more outside housing development in Solano County would thereby eliminate the need for yet more exponential universal highway widening. <u><i>What are the effects on GW with this many cars coming and going? Should the GP explore more thoroughly mass transportation instead of adding how many cars to our County roads? What will be increase in carbon emissions from these road expansions?</i></u>	148-30E/P
30. Policy Cir-3.2 Increase the attractiveness and use for energy-efficient forms of transportation such as public transit, walking, bicycling <u><i>and ADD: mass transportation. Rationale: the GP should exhaust all avenues for providing more energy efficient innovative mass transportation such as: solar air trains, electric car rentals, biodiesel shuttles. If you do not ass this additional text why not?</i></u>	148-31P
31. Conservation Goals: Water Supplies pg. 177-178: DEIR states: Projections for dry years, however, shows users in both Napa's incorporated and unincorporated area may not have enough water to meet all their needs through the year 2050....This increase in demand is predominately a result of existing vineyards ultimately being converted to denser plantings. Weather patterns may become dryer in the summer and wetter in the winter. <u><i>What kinds of impacts will global warming have on these predictions? Why can't the GP have a policy for dry farming which is how vineyards survived originally?</i></u>	148-32E/P

32. Conservation Goals: ADD: The County will promote the protection of native plants where ever feasible especially in riparian areas. The County shall encourage the use of native plants in restoration efforts throughout the county. The County shall us native plants on county construction sites. 148-33E/P
33. Managed production of Resources, Forest Resources pg. 183 How many acres of timberland have been converted to vineyards as of what date? How does the permanent conversion of timberlands to vineyards contribute to global warming? What is the source of information for the 40,000 acres of timberlands? 148-34E/P
34. Vineyard Development: page 184- Today (2006) there are approximately 49,500 acres of vineyard spread through the County’s valley and hillsides, representing about 9.8% of the county’s total land area. What is the source of this data? Since this is the major land use in Napa why hasn’t the GP shown a map of all the vineyard locations? It appears that Figure 4.1-1 does not show small vineyards 1-10 acres. Is this Figure a true representation of all vineyards in Napa County? Please produce a GIS map that identifies vineyards and the slopes of these locations. What are the significant cumulative impacts from continued vineyard development in County unincorporated lands? What is the progression of land development into vineyards by years? Add a chart to illustrate this. The Conservation Regulations (CR) lack comprehensive protection of streams. The CR name only a fraction of the blue line streams to be protected and most of the Napa River is not protected at all. The CR woefully lack in their definition of stream resources. The GP should be consistent with DFG’s definition of streams and then the CR should be amended to be comprehensive in the protection of streams. While the Watershed Task Force recommended these changes to the CR, the BOS have not adopted these important conservation amendments to the CR. The GP lacks a substantive discussion of the cumulative impacts from vineyard conversion of wildlands. The GP has no discussion of the impacts to flora and fauna and what hydro modifications impacts will be to the Napa River. The County Planning and Conservation Department lacks the information in the GP necessary to fully inform the public of what the significant cumulative impacts will be by 2020 from vineyard development. Napa County contracted with LSA Associates, Inc. in 1990 to assess the environmental impacts of 10 years of vineyard development and the document produced was the ‘Napa County Wine Industry Growth Master Environmental Assessment (MEA) 1990-2010’. An example of some of the recommendations in the MEA: Napa County should prohibit the development of new vineyards or vineyard-related facilities within 100 feet of a critical habitat area i.e., riparian woodlands, major springs and seep, vernal pools and other wetlands, native stands of valley oaks, blue oak, woodlands, especially in areas where regeneration is taking place, mature conifer forest, streams containing native trout, steelhead spawning..... Why hasn’t the GP discussed the impacts of the largest land use in Napa County, vineyard conversion of wildlands? Why did the County ignore the Napa County Wine Industry Gowth Master Environmental Assessment? EDEN is 148-35E/P

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- opposed to ministerial approval of vineyards unless the county hires experts in hydrology, geology, conservation and restoration. Otherwise the applicant hires the expert and the public has to accept the experts opinion of the project which is a biased opinion because the expert is vested in getting the applicants project approved. The environmental fails to have a voice. 148-35E/P cont'd
35. **Goal Con-11 pg. 200** Promote the development of additional water resources to improve water supply reliability in Napa County, including imported water supplies and recycled water projects: **Delete:** including imported water supplies. Rationale: Imported water could include water transfers from distant watershed. This is not sustainable practices for California to take water from one watershed to another. Additionally, if Napa is planning on taking water from another distant watershed, like the Sacramento Delta, then the GP must state that plan and explore the environmental impacts of getting the water from another place. GW will put impacts on water resources everywhere. It is far more sustainable for our GP to explore our water resources locally and make sure that they are sustainable for future growth while at the same time maintaining the environment for the future. Relying on futuristic or 'paper water' could be problematic for future generations who could be told by the watershed stakeholders that we are borrowing water from that the water is no longer available. This past month the delta pumps have been shut off due to plummeting delta smelt numbers. Water users for this water now are in conservation mode. The water situation for California rivers is teetering on chaos. Napa should strive for sustainable land use practices that will conserve and protect water resources locally. We may have to rely heavily on our local resources in the future. 148-36E/P
36. **Policy Con-32- pg. 202-Add: j.)** protection of the City's water supply will include Best Management Practices for land uses such as cattle grazing and other livestock management. Rationale: currently cattle grazing in the watershed of public water supplies is not managed to prevent high amounts of nutrients transported to the reservoirs causing blue green algae growth. This has been causing the City of Napa to use drastic measures to kill off the blue green algae such as shocking Lake Hennessee and Milliken with Copper Sulfate, a highly toxic heavy metals to aquatic species. The County GP encourages in Policy 34 (h) pg. 203 minimal use of chemicals treatment, however, the County fails to identify the county land uses that cause the reservoirs to become polluted. **Can the GP discuss this land use and develop a particular policy to protect the public water supply from grazing impacts?** 148-37E/P
37. **Policy-Con-34-pg. 202: Add: Action item 34.1,** Amend Conservation Regulations definition of streams (DFG definition) so that all intermittent and perennial streams could be buffered per this policy. Current Conservation Regulation definition of a stream is woefully deficient to protect water resources in Napa County. **If you do not make this addition why not?** 148-38E/P
38. **Waste Management Goal pg. 213: Napa County transports Napa garbage out of county and disposes of our garbage in another state. Is there a policy to** 148-39E/P

support this practice? Napa should dispose of our garbage within our County boarders. It is not eco-friendly to transport garbage long distances for disposal. What is the carbon exchange per train car on transporting our garbage to another state? What is the responsible mitigation locally to reduce carbon emissions on garbage? To say that there are no impacts from Napa generated garbage is not reality. What are the economic impacts of sending our garbage across state lines? Where does our garbage go? What is the environment that we are putting our garbage into?

148-39E/P
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Safety Goals and Policies pg. 274, The office of the Governor requires that the GP must specifically declare and discuss any public health safety and welfare problems. The GP fails to discuss these public safety problems in Napa County:

- the dangerous situation pending with Milliken Dam. In August 1998, an engineer from the Division of Dams and Safety (DDS) reported to the Board of Supervisors that the Milliken Dam has stress fractures and may fail if under pressure from an earthquake. This dam is unsafe and the public is not kept informed of the status of Milliken Dam. The project that the City of Napa is planning to do to ameliorate the dam is to drill holes in the face of the dam to keep the water level down 16 feet from the top of the dam. However, during the winter the holes will not keep up with storm events and may weaken the dam. Milliken Dam is failing and is vulnerable to collapse should a large earth quake occur. The current plan to lower the water surface level at the face of dam does not take into consideration GW. Why not? DDS has recommended that the water surface elevation be at 16 feet below the top of the dam. This number has been argued back and forth between the City of Napa and the County for almost ten years. The current plan to cut out 18 inch holes in the face of the Milliken Dam leaves concerns such as, to what storm event will these holes prevent the dam from rising above the safety zone of water surface elevation on the face of the dam that?
- Genetically modified organisms, GMO can harm the environment and cause severe allergies in humans. The GP should add a policy that: GMO shall not be used in Napa County until science has proven that no health risk exists.
- The GP shall promote organic farming
- GP shall have a policy against chemical spraying including herbicides, pesticide, fungicides, spraying in neighborhood, on roads and all public places. This policy is important to protect the health and safety of compromised individuals and is good health policy for the public.

148-40E/P

General Comments:

39. The County Planning and Conservation Department approves erosion control plans for vineyards. Recently, the County approved two vineyard projects (Hudson and Saintsbury) where the State Water Resource Control Board requested additional information about water appropriations during the CEQA review. The County did not work with the responsible agency, SWRCB, to satisfy their specific requests to determine water availability in drought/dry years by the

148-41E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

applicant PRIOR to approval of the erosion control plan approval. Since the SWRCB is the lead agency regarding water rights the County has a legal obligation to satisfy the SWRCB. Additionally, the GP encourages protection of aquatic resources. By not complying with the SWRCB, the County is NOT protecting flows for our aquatic resources and runs the immediate and near future risk of loosing benefit uses of water in Napa County. With the onslaught of GW, aquatic resources must be healthy and reliable. We can not rely on other watersheds outside our boarders to solve our water woes, because water transfers from far away run the risk of NOT being approved due to other watersheds being over appropriated and their constituents opposing their water going somewhere else when they need it to sustain their beneficial uses. This is the on-going status of our water resources in California. Everyone wants everyone else's water, such as the Eel, Klamath, Shasta and Trinity, Sacramento, Sacramento, San Joaquin etc. All of these water bodies are all in bad shape for one reason or another. When Napa County Planning and Conservation Department gets direction from political and legal leaders to ignore the SWRCB, then Napa County essentially is passing the buck to someone else to worry about our water when we are the local constituents that are responsible for responsible stewardship. This is the plight of the entire state of California.

148-41E/P
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40. While it is somewhat understandable that the GP does not fully discuss the GP impacts on GW, the GP is a project selected at this point and the GP should have stated all the impacts on GW in the DEIR. However, if the NCCDP is planning on flushing this out AFTER the GP project is agreed upon than CEQA could be satisfied. The DGP currently fails to evaluate and disclose the impending impacts of the plan on climate change and air quality. The State Attorney General filed a lawsuit against San Bernadino County for failing to disclose the impending impacts of the GP on climate change and air quality. *With vineyards converting forests and wildlands to vines, expansion of Jamison Canyon, rezoning for 'bubbles' which will increase traffic to remote areas of the county, what impacts will this have on global warming? How will these impact our water resources? However, why hasn't the DGP discussed the impacts it will have on GW? More importantly, when will the public have the opportunity to attend public hearings on the selected GP by the BOS? The GP will have hearings at the Planning Commission, PC, and the PC will make recommendations to the BOS. Once the BOS selects the project then will the GP be recirculated so the public can comment on the GW/CC impacts regarding the GP?*

148-42E/P

41. Napa County is suppose to enforce all ordinances: The City of Napa and the City of St. Helena have been using Measure A funds to fill in floodplains and floodways for growth inducing projects. In both cases the project (Gasser in the City of Napa and the St. Helena flood project) use Measure A funds by taking excavation materials and using them for building pads for houses. LRC and EDEN have commented at several public hearings that Measure A funds are being used illegally but the County does not enforce the Measure A ordinance. *Why not?*

148-43P

3.0 COMMENTS AND RESPONSES TO COMMENTS

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| <p>42. The GP and the Baseline Data Report, (BDR) are full of maps about a multitude GP topics for all sections of these documents. However, in the land use section of both the BDR there are no maps showing the growth of vineyards in Napa County for the last 50 years. <u>Where is the County get the data for the 4.1-1 Figure in the DEIR? Was there a minimum standard for using the data to create the map? Such as, only crops reported over one acre? Figure 4.1-1 does not show all the smaller vineyard projects it appears. Why not? Land converted to vineyards/agriculture is the highest number of acres of land use. Could you show the progressive increase in vineyards per year from 1940-2005?</u></p> | 148-44E/P |
| <p>43. The Redwood Chapter of the Sierra Club which includes (Napa, Solano, Lake, Sonoma, Mendocino, Humboldt, Del Norte, Shasta and Trinity Counties) brought this resolution to the California/Nevada Sierra Club Regional meeting in March 2007. The Regional Conservation Committee passed this resolution:
No Forest Conversions: "With the passage of Global Warming Solutions of 2006, climate protection strategies will become increasingly important in California including forest conservation. The Nevada/California Regional Conservation Committee strongly supports the adoption of State laws and local ordinances, General Plan amendments, and zoning ordinances that prevent environmentally detrimental conversion of forestland, encourages carbon sequestration, and protect the state's waters according to the best scientific practices." <u>Can the GP add a similar policy? If not why not?</u></p> | 148-45E/P |
| <p>44. EDEN has submitted numerous times to the County Department of Planning and Conservation Dr. Bob Curry's comments: Napa Valley Hillside Vineyards, Cumulative Effects of Conversion of Upland Woodlands and Chaparral to Vineyards, December 24, 2000. <u>Can the GP address the concerns raised by Dr. Curry? See this document attached.</u></p> | 148-46E/P |
| <p>45. <u>DEIR says that SB 610 and SB 221 shall have a policy. Where is it in the GP? See SB610 and SB 221 attachments.</u></p> | 148-47E/P |
| <p>46. The GP Errata discusses policies 1) Napa Pipe housing development should not be an option because Napa along with GW, Napa has insufficient water supplies and current water supplies are polluted and causing the City to use nocuous chemicals . Furthermore, Milliken Creek below the dam periodically runs dry due to over appropriation of water. Therefore, releases from the dam are inadequate. 2) Fisheries Resource Polices F-J-refer to book two what is book 2? 3) Throughout the Errata references are made to sensitive biological resources such as floodplains, wetlands. <u>Why are floodways, seeps and springs not included?</u> (example of this is SAF-3 page 3 Of 63) 4) 3.8 pg. 10 of 63- ADD- Grazing Lands Policy-landowners must use BMP to protect streams and aquatic resources. Rationale: streams are heavily impacted from over grazing causing sediment and bank failure. 5) 3.12 pg. 11 of 63-Right to Farm. ADD: However, the BOS shall uphold the public's health, safety and welfare. 6) 3/15 pag.12 Of</p> | 148-48E/P |

3.0 COMMENTS AND RESPONSES TO COMMENTS

63- Forestry-Why will the County encourage timber plantations for fuel and wood production? Doesn't this type of land use cause fragmentation of wildlands already at risk in the county? Does this mean that the County supports GMO's to produce genetically modified trees? 7) 4.9 page 14 or 63- where is the Silverado Urban Area?

148-48E/P
cont'd

Specific Base Line Data Report Comments

47. The BDR and the GP provide soil maps. However, these documents can not serve to provide soil information on projects because each site has specific soils not represented in the soil maps provided by the BDR or the GP. Therefore, on sites where erosion control is a factor the GP and the BDR will not be helpful. Shouldn't the BDR and the DGP state that development project must have site specific soil data in order to properly develop project so that little soil movement occurs from the sites?

148-49E/P

48. The BDR and the GP lack information about the nutrient loading occurring to our public reservoirs. Since the blue green algae are hazardous to human health why hasn't either of these documents discussed this problem? What are the causes of these public safety concerns with these blooms in our reservoirs? What GP policies need to be added to mitigate?

148-50E/P

49. The BDR discussed the federal laws to protect floodplains and floodways but the GP does not develop policy to specifically protect floodways. Why not? Additionally, after the 2005 flood the floodway changed throughout the river corridor. Why hasn't the County requested a FEMA map revision in order to protect the public from hazardous flood flows?

148-51E/P

50. BDR, Climate & Air Quality measures ozone, CO2, oxides of nitrogen, SO2, and particulates. Since this is an agricultural based economy with sprays pesticides, fungicides, herbicides on grape vines, the major crop, the Baseline Date Report should list and monitor these as harmful air components. Sulphur dioxide is listed as a harmful air component but it is reported as negligible in the report. Why? Transportation is cited as a possible source but in our county other sulphur compounds are aerosoled by agriculture to combat mildew on grapes. It should be included also. Climate change is not included in the Baseline Data Report. This is the definitive issue about climate in this century and lists of likely crop changes, lists of flooded roadways, location and number of flooded sewer plants, electrical facilities in low elevations, and interim housing for those whose home will be under water, and enumerate the costs to replace all of the above should all be listed in the report.

148-52E/P

51. BDR Biologic Resources: East West wildlife corridors along streams are not only threatened by build-out scenarios but because local governments routinely grant exemptions and waivers to streamside setbacks. Biological studies have confirmed that meager minimum setbacks that are provided are inadequate for large animal passage.

148-53E/P

52. BDR Energy: The report states that only 1% of energy use is provided by photovoltaic. With the development of Napa College's facility the percentage is

148-54E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

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| <p>expected to be twice that figure. If the jurisdictions require all new housing and commercial buildings to have photo voltaic then the production would alleviate release of CO2 into the atmosphere by conventional power generating sources. A list of square footage of new construction, city by city, should be provided to calculate the potential for local renewable energy generation.</p> | <p>148-54E/P
cont'd</p> |
| <p>53. BDR Public Health: Hazardous & Contaminated Sites: Example- The historic dump that contains household and medical waste products at Napa State Hospital at the corner of Suscol Imola has not been abated, and since it is neither lined or capped, is leaking into the Napa River. The number of sites, the type of contamination, and amount of contamination, the cost, and timeline for clean up should be identified in the Baseline Data Report and further discussed with policies in the GP not just referred to in another report called the Calsites Database (Brownfields) which does not have a cost analysis or a timeline for abatement. Flooding: The flooding projections are based on Federal Emergency Management Agency Flood Insurance maps. The maps are based on historic flood levels. They are used for future contingencies, future planning decisions, and setting flood insurance rates. However, the maps do not anticipate the projected changes in vegetative cover in Napa County, the loss of forests due to road building and agricultural conversions and increases in anticipated winter rains due to climate change. Also not included in the FEMA maps is the anticipated world wide rise in sea levels. These factors and scenarios should be included in the Baseline Data Report.</p> | <p>148-55E/P</p> |

DRAFT ENVIRONMENTAL IMPACT COMMENTS

- | | |
|--|------------------|
| <p>54. Page 1.0-1- Known Responsible and Trustee Agencies: ADD: State Water Resource Control Board, SWRCB. Rationale: Many vineyard developments rely on water rights and water appropriations for vineyard development. Yet, Napa County's current policy and or pattern and practice is to rely on the SWRCB as lead agency to assert their jurisdiction on all aspects of water availability for use, change of use and change of place of use. The SWRCB requests that the applicant be specific in their petition and has been requesting additional information on vineyard projects such as provide a water availability analysis including for droughts and dry years. The County approves vineyard projects, (examples is Saintsbury and Hudson ECPA 2007) without satisfaction of SWRCB requests. The SWRCB, as a responsible agency should have received this EIR for comments. This is a serious omission to the DEIR. <u>Why hasn't the DEIR and DGP been provided to the SWRCB so they can provide input on this issue?</u></p> | <p>148-56E</p> |
| <p>55. Figure 4.1-2 State Designated Important Farmlands GIS map. This map is VERY hard to look at or read because the colors are too muted together to see the actual distinctions. <u>Could you redo the map with different contrasts so the farm land distinctions can be recognized?</u></p> | <p>148-57E</p> |
| <p>56. Page 1.0-5 DEIR- Long Term Implication of the Project: Have not been addressed in the GP and the DEIR regarding all the impacts of the urban bubbles,</p> | <p>148-58E/P</p> |

3.0 COMMENTS AND RESPONSES TO COMMENTS

<p>GW, water supply availability including in drought and dry years, and expanding wineries and vineyards.</p>	<p>148-58E/P cont'd</p>
<p>57. Impact 4.2-1 Page 2.0-7 MM4.1.1a and 1b-this mitigation of one acre preserved for every acre of farm land converted to urban use is NOT a less than significant mitigation. Any acre of farm land converted to urban use and then one acre preserved is a significant impact as determined by Measure J popular electoral vote and the State of California who has put a top priority on preservation of ag lands. The DGP has given agriculture TOP priority for conservation. Therefore, NO Prime Agricultural Lands of State Wide Important/Ag Resource or Unique Farm Lands should EVER be converted to Urban use. Additional housing must be kept with in the existing City limits and additional housing should be carefully considered in brown fields, mixed use and where housing and infrastructure already exists within city limits. <u>Shouldn't the DGP explore keeping housing within urbanized areas? Has there been such a study?</u></p>	<p>148-59E/P</p>
<p>58. Impact 4.2.1-MM4.2.1-The GP update proposed will rely on outside water sources from the central valley aqueduct. This is paper or future water that is NOT reliable. The GP fails to fully disclose this and discuss the water woes of the county and state. Too much urban development relies on water not proven to be available. Such as: Lake Hennessey is illegally depriving Conn Creek of water by NOT providing for sufficient flows below the dam. Therefore, water behind the dam is not accurately being assessed for future growth. Milliken Dam is unsafe and the DDS has order the City of Napa to lower the water level in storage. Therefore that water is in accurately being assessed for future growth. The Central Valley Aqueduct is taking water from the Sacramento delta, Sacramento River and San Juaquin. The delta smelt are dangerously plummeting and the Sacramento and San Juaquin River are constantly in litigation over adequate flows. Assuming that water can come from the Central Valley Aqueduct is presumptuous and over stated. Additionally, the effects of GW could severely hamper the States ability to deliver cities the demand reliance on the Central Valley Aqueduct, CVA, that they insist on. Currently, Napa may ONLY use the CVA during droughts or dry seasons as a BACK UP WATER SUPPLY. <u>Can the DEIR please comment on these statements and provide additional discussion and mitigations to provide for these concerns?</u></p>	<p>148-60E/P</p>
<p>59. Impact 4.5.1 biological resources MM4.5.1a-Add: The County shall provide a policy that will provide for mitigation (s) to protect natural resources during dry and drought conditions.</p>	<p>148-61E</p>
<p>60. Impact 4.5.2 to sensitive biotic communities MM4.5.2a- Change: Provide appropriate replacement of lost oak woodlands DELETE (or) ADD and preservation at a 2:1 ratio for habitat loss.</p>	<p>148-62E</p>
<p>61. Impact 4.6.1 Fisheries- MM4.6.1a ADD the State Water Resource Control Board to the list of responsible agencies.</p>	<p>148-63E</p>
<p>62. Impact 4.6.1 , MM 4.6.1- <u>why does the DEIR/DGP state that the end of grading permit is September 30th? The CR state grading my occur from April 1st - Sept. 15th? Are the DEIR and DGP planning on amending the CR regulations for grading permit? If so then the DGP and DEIR should so state this but it hasn't.</u></p>	<p>148-64E/P</p>

3.0 COMMENTS AND RESPONSES TO COMMENTS

<p><u>There are impacts to the environment from amending the grading period. What are they? What are the mitigations?</u></p>	<p>148-64E/P cont'd</p>
<p>63. <u>What is the definition of sensitive receptors?</u></p>	<p>148-65E</p>
<p>64. (page 2.0-41) Impact 4.8.7 and MM 4.8.7a states that the GP will have a policy in place to comply with AB 32 and then to seek reductions such that emission is equivalent to year 1990 levels by the year 2020. <u>Shouldn't this GP and DEIR identify the impacts of this proposed GP project and state the mitigations so the public can respond within the public comment period to the County's plan for dealing with GW? The public comment period ends June 18, 2007 and there will be NO other time to fully vet the public's concern regarding GW/mitigations etc.</u></p>	<p>148-66E/P</p>
<p>65. Pg. 2.0-45 Impact 4.10.4 ADD: hydrologically sensitive soils i.e., coastal hills, high rainfall, fragile soils.</p>	<p>148-67E</p>
<p>66. Pg. 2.9-49 MM4.113a ADD: and make this available to the public.</p>	<p>148-68E</p>
<p>67. Pg. 2.0-53 MM 4.11.4 ADD: Hydrologic Report for drought and dry conditions, all permits/petitions for water with the SWRCB be approved, or impact peak flows, minimal tree removal TBD otherwise the cumulative impacts of ministerial approvals with 40 % tree canopy loss is significant and warrants CEQA and has GW impacts not discussed. <u>What about replants? Will these be available to the public?</u></p>	<p>148-69E</p>
<p>68. Pg. 2.0-71- Add: include drainage improvements that ensure no new increases in rate of runoff or peak flows on or off site/down stream.</p>	<p>148-70E</p>
<p>69. Pge. 2.0-73 Impact 4.11.10 Says no impact is needed for development within the 100 year Flood Hazard Areas. Due to GW this requires a GP discussion, response and mitigation if development will occur within this sensitive area. <u>Why is there no mitigation in the GP?</u></p>	<p>148-71E</p>
<p>70. Page 4.1-80 Impact 4.13.5.1 MM not required . This involves the increase in waste generation and the demand for related services. <u>Again, EDEN wants to know what is the carbon exchange on the waste that is sent out of county? This is an impact not discussed or identified in the DEIR. Locally generated waste must</u></p>	<p>148-72E</p>
<p>71. Pg. 4.5-47 Alternatives discussion- Please added to table 4.1-1 2006 data available from the 2006 crop report. This was suppose to be a high crop yield per acre. <u>Won't adding this number to pre-existing vineyards provide an estimate of how many acres of vineyard in Napa County?</u> Please provide a graph of vineyard development over time in Napa County. What is the margin of error on the crop report data since not all people report their crop yield to the Ag Commissioner? Since this is the major land use this GP should fully disclose the historic development of vineyards over the years. <u>Shouldn't the 2020 projections be based on the past development patterns, the expected development for our county and the economic and climatic forces that will impact agriculture? How did the GP come to the projection of 10,000-12,000 acres of developed vineyards in the GP build out of 2020?</u></p>	<p>148-73E</p>
<p>72. The DEIR does not discuss land use impacts from policies that are stated in the DGP. For example there are no impacts and mitigations stated for the Berryessa Policies. Furthermore, urban bubbles, annexations and rezoning policies are not</p>	<p>148-74E</p>

3.0 COMMENTS AND RESPONSES TO COMMENTS

vetted in the DEIR for impacts or mitigations. *If the DEIR is waiting for the Planning Commission and Board of Supervisors to define Napa County's GP project....then will there be further impacts and mitigations to be released for public comment on the final project decided upon. Is this true?*

148-74E
cont'd

General Plan Alternative

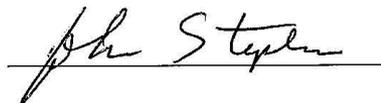
EDEN proposes a General Plan/EIR alternative that has a focus on water resources by: 1) Developing Water Conservation Policies for Napa County that will include collaboration with the cities 2) Develop pollution prevention policies for groundwater, seeps, riparian area, lakes and wetlands. 3) Develop policies and GP/EIR that protects Prime Agricultural Lands of State Wide Importance from urbanization and limits annexations by a 2/3 vote of the people. 4) County GP policies will abide by the State Water Resource Control Board' jurisdiction and authority regarding water rights/ appropriative requirements upon water users request for water or any changes to existing water permits. 5.) Add policies that discourage sprawl and further limit growth in the county as the current GP is not a sustainable future 6.) Develop policies that encourage and support restoration, conservation and recovery of our watershed to health and recovery of listed species. 7) Develop policies that protects timber, forests, oaks and other delicate habitats from permanent conversion. 8) Develop policies that encourage fuel efficiency and less consumption 9.) Stop sending our refuse out of country. 10) Develop policies to reduce Napa County's green house gas emission. 11.) Eliminate ministerial procedures for projects on slopes over 5% and include replants in all Conservation Regulations.

148-75E

Thank you,



Earth Defense for the Environment Now
Living Rivers Council
Chris Malan, Manager
John Stephens, Advisory Chair



Attachments

Napa Valley Hillside Vineyards, Dr. Curry

Evaluating your oaks net worth

The Mercury News

17

Artic Sea Ice smaller that ever

State Attorney General sues San Bernadino for failing to act on GW

Bill Directs State to factor climate change into water plans

San Francisco Ruling Jan. 31, 2006

SB 610

SB 642



EVALUATING YOUR OAK'S NET WORTH

Obviously, we believe oaks are priceless treasures. Nevertheless, some people would maintain that everything has its price, so we thought you'd be interested to see a work-up on "The Value of an Oak Tree", courtesy of Rosi Dagit and the Topanga-Las Virgenes Resource Conservation District. (Written in 1993 and published in the Newsletter of the California Oak Foundation.)

There are, apparently, two ways or methods of evaluating the worth of an oak tree: The first assesses yearly savings for enhancements to your living environment. Consider:

Oxygen production	\$ 625
Air pollution control	\$1,240
Soil erosion control and increased soil fertility	\$ 625
Enhanced groundwater recharge and storm runoff control	\$ 750
Food and shelter for wildlife	\$1,875
Reductions in heating/cooling costs by half when correctly placed (based on an all electric 2,000 square foot home)	\$5,790

The other alternative is to calculate the actual replacement value of an individual tree. Here goes:

$$\text{Assessed Value} = (\text{basic value})(100)(\text{condition rating})$$

$$\text{Basic value} = \$4,700 + \$2,700 (d-7)(d=\text{diameter in inches of trunk at 4.5 feet above ground})$$

Condition rating = based on visual evaluation of the tree

90-100%	Excellent
70- 89%	Good
50- 69%	Fair
25- 49%	Poor
0 - 24%	Very Poor

Example: Coast Live oak in good condition with 25 inch diameter
 $(\$4,700 + \$2,700 (25-7) (.100) (.80) = \$42,640$

Fight inflation and depreciation. Invest in oaks.

WATERSHED SYSTEMS



NAPA VALLEY HILLSIDE
VINEYARDS

CUMULATIVE EFFECTS OF CONVERSION OF
UPLAND WOODLANDS AND CHAPARRAL TO
VINEYARDS

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DECEMBER 24, 2000

EXHIBIT 2

EVALUATION OF CURRENT NAPA COUNTY REGULATIONS

CUMULATIVE EFFECTS OF UPLAND VINEYARD CONVERSIONS

PROBLEM STATEMENT

Misapplication of fundamental principles of soil science and hydrology has led to a dangerous loss of upland infiltration capacity in the upland areas of Napa Valley that were formerly oak woodlands, chaparral and mixed conifer woodlands. Continued approval of conversions of native vegetation and undisturbed natural soil units to vineyards will likely lead to increases in downstream flood hazards and sediment yields. The sediments that accumulate in channels of the Napa River and its primary tributaries are not all derived from vineyards themselves, but also from channel erosion associated with increased runoff associated with hillside development. I have been asked to evaluate Erosion Control Plans for conversion to vineyards that have already been approved by the Napa County Planning Department pursuant to the Napa County Hillside Ordinance. These are also known as Conservation Regulations at Napa County Code Chapter 18, Section 108.

The approach of the Napa County ordinances is fundamentally incorrect and cannot protect either public health and safety or long-term land productivity. The existing ordinances seem to assume that by attempting to capture sediments from upland vineyard conversion areas; downstream cumulative effects are reduced to insignificance. This is not correct. Increased upland sediment yields, while important, are less hazardous to Napa Valley than are the changes in runoff timing, volumes, and rates. Increased runoff does have cumulative downstream effects through changes in rates of runoff and frequency of runoff events of a given magnitude. These changes are likely to be a significant factor in changing sediment loads in the main Napa River through changes in stability of side its tributaries.

The application of erosion control principles as a potential mitigation for all downstream cumulative effects of runoff change is misguided. Effects of vineyard conversion on hillside sediment yield and water runoff are largely independent of each other. It is probable that well-intentioned evaluation of the effects of potential hillside vineyard conversions without testing and monitoring of actual practices will result in incorrect hypotheses about how conversion of natural lands to tilled vineyards will behave. There can be no land management without land monitoring. The underlying principles that seem to guide the current Napa County Ordinance are not applicable and appropriate for evaluating the actual hydrologic effects of upland conversion to vineyards in the Napa area on slopes or hilltops.

Critical to proper cumulative effects evaluation is an understanding of the infiltration capacity of a site before and after vineyard conversion. Use of generalized regional soil characteristics to predict effects of conversion is shown to yield an incorrect model of the actual changes that occur during the preparation and planting of vineyards. Models of soil response that are derived from observations by the US Department of Agriculture for agricultural lands do not accommodate either the actual soil characteristics of Napa area uplands or the deep tilling and local stone removal that accompanies modern vineyard planting or replanting. These models derived from the Modified Universal Soil Loss Equation (MUSLE) are what the consultants for the conversion plans used as the bases of their analyses.

Routine application of the MUSLE without accommodation of the unique Napa Valley soil characteristics that give rise to the inherent extremely valuable substrate for wine grape production, leads to errors that are now being multiplied throughout the Napa appellations. For example, the simple error that assumes, based on agricultural soil loss principles, that the steeper the slope, the greater the risk of soil losses and increased runoff, is fundamentally false for the eastern side of the Napa Valley uplands and for parts of the western side. In fact, slopes less than 30 percent have higher sediment and water yields than do those of greater than 30 percent, simply because the less steep slopes retain the clay-rich volcanic soils that are simultaneously more valuable for premium grape production and are more susceptible to decreased infiltration capacity when disturbed and are therefore more hazardous for conversion.

FIELD INVESTIGATIONS

During 1999 three vineyard conversion sites were visited for close inspection of field hydrologic and erosion control conditions. These sites were those for which erosion control plans had been developed and approved by Napa County. Added erosion control plans submitted and approved in the spring and summer of 2000 were reviewed and those sites were reviewed on aerial photos and overflights. Two overflights of the whole of the Napa Valley new vineyard conversion areas were made specifically to evaluate the magnitude of the conversion efforts and the characteristics of the sites being converted, to establish the representativeness of the sites and conditions of more detailed on-the-ground investigations.

Field investigations of hillside vineyard conversions were made on December 29, 1999 at Pahlmeyer Vineyards west-sloping and ridgetop development sites that were cleared and prepared for planting in 1999. This site is tributary to Milliken Reservoir and upper Milliken Creek, and was considered as representative of east-side headwater vineyard conversion conditions in oak woodland and mixed chaparral on Sonoma Volcanic series soils. Based on subsequent overflights (of early 2000 and 8/10/00), this site is believed to be representative of soil-hydrologic conditions on over 50% of the new Napa Valley upland vineyard sites. Chateau Potelle in the Mt. Veeder area on the west side was also inspected at sites already converted, at sites to be converted, and at sites of prior vineyards in the process of redevelopment. The Ch. Potelle conditions of mixed oak-madrone and conifer woodlands on rhyolite tuff parent materials may represent about 30 percent of the conversion sites of the last 5 years. Vineyard Properties West on and near the Hopper Creek headwaters were field inspected as a site that represents a mixed Franciscan metamorphic and volcanic parent material site in the west central fault zone portion of Napa Valley that had gone undeveloped for vineyards because of long-recognized poor quality grape production conditions but is now being developed in small parcels on steeper lands by persons for whom grape quality may be less important than appellation. This substrate characteristic includes landslides, erodable soils, and mixed hardwood and conifer native vegetation, and probably represents less than 15% of new vineyard development sites. Other new vineyard development in the southern part of Napa Valley and the Cameros area in oak grassland lower-gradient sites represent 10 percent or less of new hillside vineyards. These southern sites were reviewed from the air and through their erosion control plans and published soil maps but not with on-site soil investigations. The general findings and conclusions of this present report do not include opinions about low-gradient southern Napa County oak-grassland sites.

Additional field investigations were conducted in 1999 along the Napa River and its tributaries to inspect channel conditions, status of erosion and deposition, bank stability, present and past gauging sites, and stream substrate conditions. These investigations extended from the Napa/Lake County Line (Montesol Ranch) to the City of Napa and included observation of soil characteristics, evidence of gullying or rilling that would indicate need for erosion control on uplands, and evidences for increases

3.0 COMMENTS AND RESPONSES TO COMMENTS

in runoff in minor ephemeral channels. Soil drainage characteristics in Napa Valley floor alluvial soils were not inspected for this study effort but this author is familiar with them based on past work for established vineyards.

FINDINGS OF FIELD INVESTIGATIONS

Basic findings of field work were clear and rather straightforward. Vineyard development on uplands where natural vegetation is removed and where Napa County Erosion Control ordinance conditions are followed and approved by the County markedly decrease the capacity of the soil and the watersheds to absorb and retain rainfall. This is precisely the opposite of the predictions of the Napa NRCS/RCD upon which the Erosion Control Ordinance was justified¹.

Field investigations in December, 1999, showed that undisturbed soils under native vegetation, even where fire-maintained, had very much greater porosity and infiltration capacity than did the same sites after conversion to vineyards. Vineyard conversion does not emulate agricultural field conditions for which soil management models are developed. In all sites inspected in the Napa region, it was found that the deep raking and tilling of modern mechanized vineyard preparation brought high-clay-content subsoils to the surface, stripped off the protective and beneficial near-surface stone layers, and destroyed the one-to-three foot porous and permeable surface soil structure.

Napa County soil mapping was conducted from 1965 through 1973 and represents conditions as they existed in 1974². The upland areas were at that time classed as rangelands and used for range, wildlife and recreation. The mapping scale and accuracy was appropriate for that land use, but not for later conversion to vineyards or other uses. In general, stone content was not originally delimited in the upland mapping units. For the Pahlmeyer site, the old maps show the Forward gravelly-loam as the primary soil unit which is defined as loamy soils developed on volcanic rocks (see Appendix A - Soil Descriptions).

Stone content is critical to soil hydrology. The loam and especially the clay-loam sites have soils that contract in the summer as they dry out. The stones in the soil profile do not contract, so a void space is left around each rock. Grass roots and percolating water need those spaces to move into when it starts to rain in the fall. As the soils become saturated they expand but the previous season's grass and shrub roots continue to provide avenues for infiltration of rainfall. Thus, the infiltration capacity of rocky expansive clay-rich soils is much greater than that of a simple clay-rich soil. Where stones remain throughout the soil profile, rainfall is carried down through the soil into cracks in the bedrock and it recharges the groundwater. Where stones are absent on sloping clay-rich soils, rainfall runs off over the soil surface and removes the soil over geologic time. Where stones are removed, slopes will rill and gullies will form to remove that soil and expose bedrock to direct infiltration. It is a very simple balance and all natural slopes in Napa County are adjusted to the steepness and infiltration capacity necessary to accommodate the natural rainfall that has occurred historically. You cannot change the slope hydrologic characteristics without simultaneously changing the rainfall. Such change is not possible.

¹ A theoretical modeling study was conducted by the USDS-NRCS Napa Field Office and the County RCD in 1998-99, comparing east and west side development based on agricultural soil management concepts and models: Haas, Julie, January 2000, *Napa River Watershed Hillside Development Runoff and Erosion Study*, Napa RCD.

² Lambert, G. J. Kashiwagi, B. Hansen, P. Gale and A. Endo, 1978, Soil Survey of Napa County: USDA Soil Conservation Service and UC Ag. Experiment Station. Published on-line at <http://www.ca.nrcs.usda.gov/mira/NapaSS/main.html>.

3.0 COMMENTS AND RESPONSES TO COMMENTS

By comparing the development of rills on newly exposed vineyards, the yield of sediment to the small catchments required under the Ordinance, and the runoff volumes associated with fall, 1999, small storms as evidenced by overflow of the sediment catchment basins, we were able to estimate the downstream offsite effects of conversion of hillside sites to vineyards. Although some allowance must be made for the "maturing" of new vineyards through time and the reestablishment of vertical permeability through no-till management of cover erosion-control crops, the real long-term damage is done through the deep tilling. The hourly precipitation record from Atlas Peak was used for this field analysis.

Hundreds of thousands of years of slow downward movement of clay particles derived from volcanic ash inputs to all the Napa Valley hillside soils, as well as from the varied parent soil materials, is undone in a few days of modern site preparation for vineyards. Those segregated clays are brought again to the surface and mixed in the soil column, creating a substrate for planting that is only able to absorb 10 to 50 percent of the normal and usual seasonal rainfall peak events. To add insult to injury, the larger stones and small boulders that have, over hundreds of millennia, accumulated as a lag deposit near the surface through several geologic processes, including ground freezing during 10's of thousands of years of much colder weather in past geologic time, and that now serve to create seasonal voids and surface protection, are often deliberately removed from the soil in the mistaken belief that they may impair fertility or management options for vineyards. In clay-rich parts of southern France these stones are deliberately worked into the soil to prepare new sustainable vineyards, while here we deliberately reduce till and soil moisture holding capacity and increase soil erodibility by removing them.

By comparing the observed reductions in soil moisture holding capacity and capacity to allow water infiltration with the actual historical record of precipitation in and around the Napa Valley, it is a straightforward and simple exercise to determine how hillside vineyard conversion will affect runoff. Determining how that increased runoff will erode and transport soil is somewhat more complicated and is the focus of erosion control plans, but by observing and monitoring the existing Napa County upland conversion sites, theoretical erosion models can be calibrated and the volumes of sediment to be derived from the vineyards themselves can be determined. Monitoring is not difficult. Maintaining and removing sediment from the small sediment basins required under the County Ordinance is a necessary part of vineyard management. It is but one more step to calculate the volume of that sediment and not too much more difficult to determine the overflow of runoff from those basins to calculate increased water yield. Again, one cannot manage without monitoring.

The increased runoff volumes themselves can be expected to erode banks and beds of tributary channels and to entrain in-channel sediment that will then be deposited in the lower-gradient reaches of those tributaries or in the main-stem of the Napa River. This we see happening in some sites, such as lower Hopper Creek below and within Vineyard Properties West. Construction of reservoirs may have counteracted or slowed this cumulative downstream offsite effect, but if and when those sediment traps fill, we will again see a reversal of channel stability. Below new on-channel tributary reservoirs today, we see channel erosion and net downstream cumulative hydrologic effects. Reservoirs trap coarse sediment that is needed by the tributaries to maintain their erosional energy balance. By trapping coarse sediment, we increase bank and bed erosion downstream. Fine sediments carried from tributaries below vineyard conversion sites may be ultimately sluiced through the Napa River to be deposited in the tidal marsh. But those sediments reduce spawning gravel function and rearing habitat as they pass to San Francisco Bay. And once they get into the tidal marshlands, they decrease the ability of those sites to transport water and sediment and thus increase backwater effects in the lower River, possibly increasing flooding in Napa. While we cannot pick up a handful of sand and silt from the Napa River bed today and establish where it came from, we can note that today's steelhead populations are but 20% of those of the 1950's and 1960's and that such declines can be explained by observed reduction in spawning and rearing habitats.

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NAPA SOIL CHARACTERISTICS - EAST VS WEST SIDE

Eastside upland soils derived from both volcanic parent materials and from more recent additions of volcanic ash were found to be those with the greatest changes accompanying conversion to vineyards. Our field investigations showed that soils under chaparral or mixed oak and chaparral were able to absorb on the order of 12 inches of intense short-period precipitation without generating overland flow. Stony subsoils can allow percolation of that accumulated 12 inches of precipitation in a week or less so that natural upland areas can accommodate even the extreme precipitation events recorded in the Napa area, including several 12-inch rainy periods in a single season. This determination is based on surface and subsurface soil characteristics in the sites of native vegetation, and on the evidences or lack thereof for rill, gully, and sheetwash erosion. Soil types were mapped on the old maps as Forward gravelly loam and Bressa-Dibble complex.

This means that surface runoff is minimized under natural soil and vegetation conditions and that the geomorphic development of a drainage network does not need to accommodate frequent surface runoff by developing a denser headwater tributary network. Because broad areas are able to absorb all the precipitation that falls in almost all years, groundwater is recharged readily into fractured permeable volcanic rocks, water tables are not perched, and springs and seeps will flow in lower canyons through dry periods as well as wet. The primary upland drainage network is probably developed after major fire followed by El Niño type winters when temporarily hydrophobic soils reduce infiltration and increase the ratio of runoff to rainfall.

A particular characteristic of many eastside soils is that the less steep the slope, the higher the clay content, and the greater the post-conversion erosion hazard under contemporary conversion techniques. Slopes over 30 to 40 percent have largely been stripped of their residual clay-rich soils, or they may never have developed there. Such sites are characterized by exposed surface bedrock and residual stones with moderately high infiltration capacity and little soil moisture holding capacity. The Napa County Erosion Control Ordinance requires assessment and mitigation on sites that are less erodible while ignoring those that are more erodible. This reversal of standard theory is not seen on the west-side watersheds.

Eastside soils with higher silt-clay subsoils were observed to lose 60 to 70 percent of their capacity to absorb regularly occurring intense rainfall after initial conversion to vineyard. What this means practically is that an east-side site that could absorb the maximum-intensity cumulative 1-week rainfall that might occur only once every hundred years or longer, will now become saturated and generate runoff every average year. This means, roughly, that surface erosion may occur 100 times more frequently.

As the following figure (1) illustrates, there is a 10 percent chance that a rainfall of 1-inch will fall in any given day in late January of any year along the east side of Napa Valley. There is almost a 5% chance that a 2-inch daily rainfall will fall in any given winter day, but there is virtually no chance (less than 1 percent) that an 8-inch daily rainfall will occur. The natural shape of hillsides in Napa Valley and the drainage networks that develop naturally to drain them, are delicately adjusted to the natural characteristics of rainfall and runoff that occur under native vegetation on native soils. When these are changed, the slope equilibrium, or fluvial geomorphology of the hillsides must change to respond to the new conditions. We found that natural slopes of less than 30 percent gradient could accommodate an initial 6 to 8 inches of daily rainfall without surface saturation and runoff while those converted to

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vineyard immediately adjacent on the Pahlmeyer site generated runoff, filling, and completely filled and overflowed the County-required detention ponds with the first 1 to 2 inches of fall rainfall in 1999³.

Looked at another way, Figure 2 shows the extreme values recorded historically through the year and the average daily values for two Napa Valley long-term climate stations. Daily precipitation that exceeds 6 inches (the minimal capacity of natural ridge-top soils) is very rare, but those that exceed one and one-half to 2 inches (the capacity of the converted lands) are very common. At both Calistoga and Angwin there have been an average of 13 days per year with precipitation greater than 1 inch in the 52-years of records since 1948. At Calistoga there was one day only (2/17/86) with precipitation greater than 6 inches (8.10 inches) for 52 years of record. Thus we can expect that the converted lands will yield runoff that exceeds the preconversion values by a substantial amount about 13 times a year, and that this excess will exceed runoff from unconverted natural lands at least 1200 days per century [one event in 52 years on natural lands versus 13 events per year on converted lands]. This is even more than a hundred-fold increase. All statistics are taken from Western Regional Climate Center sources at <http://www.wrcc.dri.edu/cgi-bin/>.

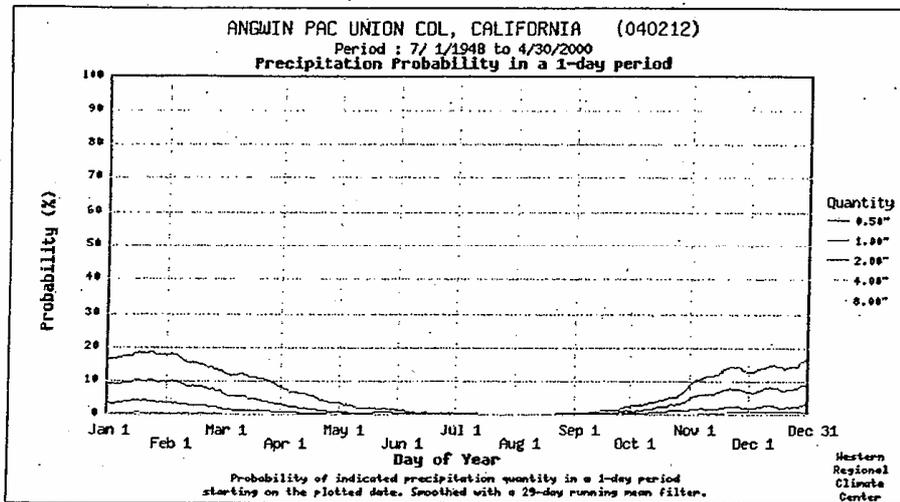


Figure 1 - East-side Napa Valley 24-hour precipitation probability

³ Based on Atlas Peak hourly precipitation record. Pahlmeyer's on-site record was not available to us.

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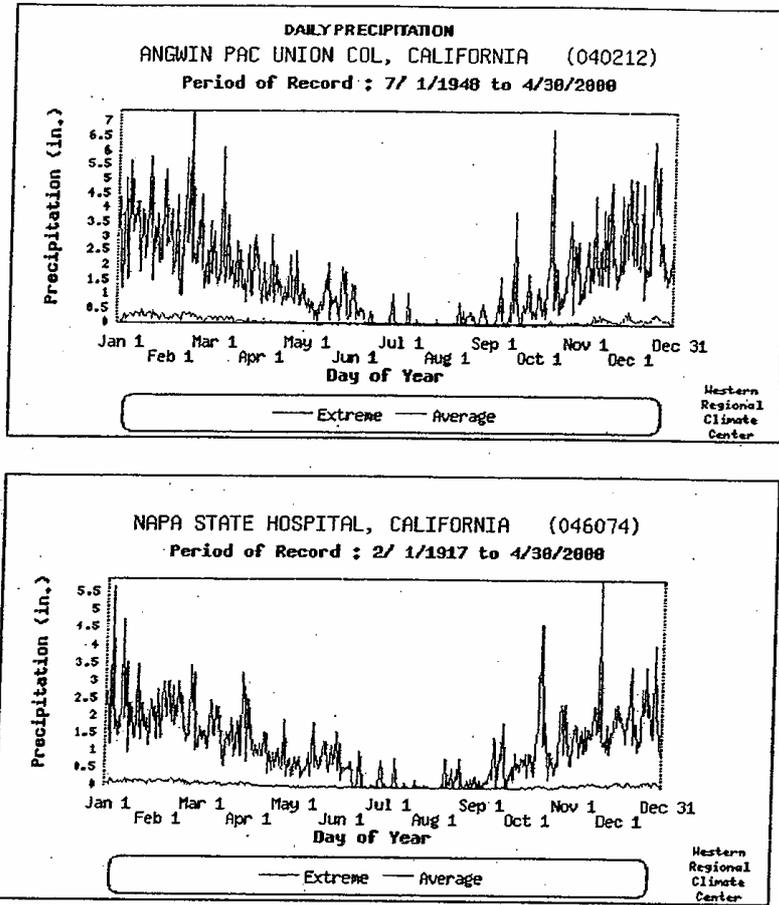


Figure 2: Means and Extremes for period of record at Angwin and Napa

Westside conditions are much more varied because both substrates and vegetation are more varied than are seen on the east side. Soil mapping on the hillside vineyard areas of Napa Valley is not adequate for detailed evaluation of runoff-generating characteristics. Napa County soil survey mapping is generally not suitable for evaluating vineyard conversion risks for non-alluvial soils above the valley floor. Soil mapping by the Soil Conservation Service and, later, by the Natural Resources Conservation Service has concentrated on the soil characteristics in the top two feet of agriculturally significant soil materials⁴. Soil mapping is not generally done to

⁴ See "Napa County Soil Hydrologic Groups" map from the Soil Survey Geographic Database (SSURGO), Napa County RCD.

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the degree or refinement necessary for hillside land conversions. Ongoing conversions for vineyards thoroughly change the mapped soil characteristics (see next Section on need for EIR analyses).

The Napa Valley floor vineyard lands are generally mapped to what is called an Order 2 mapping level. Because the conversions on these lands took place a century or more ago and these alluvial-substrate soils are relatively flat lying and are either well drained or have long had augmented drainage facilities, erosion is not generally a problem. The Order 2 maps are quite accurate and detailed, as is appropriate for very valuable crops. The hillsides around the Napa Valley, however, are only mapped at 4th Order reconnaissance level in forests or, at best, 3rd Order levels (see Appendix B for discussion of this mapping standard). Those lesser standards were appropriate for the open range and recreational uses of the hillsides in the 1960's. New syntheses of those older survey maps (see <http://www.ca.nrcs.usda.gov/mlra/NapaSS/>) come with a caveat on each map that states:

Due to complex features of the landscape and map scale limitation accuracy, on-site field inspections should be conducted with staff from the Natural Resources Conservation Service or professional soil scientists to verify soil mapping unit characteristics.

Thus, hillside soil maps in Napa County include lumped complexes or associations of undifferentiated soil types that cannot be mapped separately at a scale of 1:24,000. Under westside woodlands, these soils are largely interpreted from aerial photographs and often cannot be resolved to land units under about 40 acres. Further, soils on hillsides are generally defined as slope phases of an upland or better-developed soil that may be found at one site. This mapping convention means that soils mapped on hillslopes of greater than 15 percent are generalized and imprecise. This is particularly troublesome in Napa County where hilltop soils may be derived from volcanic ash with much clay content while hillside soils below those sites are developed on unrelated bedrock. This is one fundamental reason that slope steepness is a poor predictor of erodibility in parts of Napa County.

Soil characteristics including content of stones are very important attributes to predict erosion potential. Stone content is a primary characteristic of the erodibility estimate developed in the Modified Universal Soil Loss Equation as part of its K factor. This equation is the basis for both the runoff models that were developed by the Napa County RCD and for the calculations of sediment basin sizes produced by the agricultural engineering consultants who prepare some of the Erosion Control Plans for the County. But stones also have significant effects on the overall function of soil; particularly where high shrink-swell characteristics are inherited from volcanic-ash derived clay minerals (see previous discussion). Long millennia of trial and error in southern Europe have taught the great import of maintaining a surface lag or coating of stones to protect underlying soils from rainsplash and rill erosion. Soil moisture levels are maintained under stone cover, planting is easily effected through stone cover, tilling is unnecessary, and weed control need is minimized. Stones within the soil column do not contract during the dry summer months when clay-rich soils are shrinking, and thus passageways are established along the boundaries of the stones that can readily accommodate infiltration and root growth with the first intense fall or early winter rains. Various stone mulching methods are effective.

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The Napa County erosion control ordinances emphasize cover crop plantings of perennial grasses to effect the same kind erosion control. But grasses compete with vines for late summer soil water, are much less effective with initial infiltration capacity for the first winter rains, and do less to increase deep permeability in clay-rich soils. Where native stones are not present in a natural soil profile, as in parts of the west side, perennial grass cover-cropping may be a sound alternative.

To evaluate the ability of a site to develop a stone cover, the stone content of the soil mantle must be assessed. This usually requires a series of representative deep soil pits that are carefully logged. This information is not generally part of a routine agricultural soil survey because larger stones do not contribute to the conventional productivity of the site. But they are very important for soil erosion resistance and enhanced infiltration capacity.

West side soils, as evaluated on Mt. Veeder on the Chateau Potelle site, have less clay-rich subsoils than do east-side sites. Bedrock is closer to the surface, more fractured, and soils are not as subject to summer shrinkage. Less antecedent rainfall is necessary to saturate observed west-side soils so headwater stream and gully density is greater than on the east-side. Management of vineyard conversion sites on Mt. Veeder and similar sites around Mt. Veeder requires drainage infrastructure and larger sediment detention basins for a given vineyard area. At Ch. Potelle, we observed that old vineyards that had been regraded and replanted were able to absorb about two-thirds less rainfall than the undisturbed forest-floor sites immediately adjacent could absorb⁵. Newly converted lands, with slightly higher clay contents than those of the old vineyard lands, could absorb about one-fourth of the precipitation of "undisturbed" naturally vegetated lands. While this reduction in infiltration capacity and resulting increase in runoff is substantially less than we observed on the east-side, it is still significant. It still demonstrates that the modeling that was a basis for the Napa County Erosion Control Ordinance is incorrect.

Most significantly, it is not simply the size of the sediment retention basins that should be at issue, but it is the shape and volume of runoff basins that should be the focus of the ordinance. A sediment basin can also be designed to capture runoff. At all observed sites in Napa County we noted that sediment basins had filled rapidly with runoff and had overflowed with only about 3 inches of rainfall in the fall of 1999. Bathtub rings of fine sediment at the elevation of overflow indicated that suspended sediment-bearing water had overflowed the detention basins.

The capacities of those basins were designed, in the observed east (Pahlmeyer) and west (Ch Potelle) Napa Valley sites, to accommodate 50-year return period sediment yield. That is, they were supposed to be designed to capture most sediment that could be generated in a major storm that would be expected once every 50 years. We found that the calculated sediment yields may have been accurate for the published soil information for the pre-conversion conditions, but were inadequate for the post-conversion conditions with drainage infrastructure. But most alarming was the fact that no accommodation was made to capture the increased runoff of water and suspended sediment. The ponds were sized assuming that all waterborne sediment somehow had time to settle out in a small circular basin, and that the "excess" water could be discharged downslope without further concerns.

⁵ Two-inch, 24-hour rainfall event, which can be expected several times in an average year. These estimates are based on field-derived estimates of soil pore volumes and soil density assessed in late December.

Erosion blankets, jute netting, straw-bales, filter fabric, and geotextiles were placed in many instances on the outflow channels below the sediment basins, but these did not extend far downslope or carry to the natural watercourses. They protected the integrity of the sediment basins themselves but not the watersheds below them, where the increased runoff was concentrated. Thus, the sediment basins served to control some of the coarse sediment coming from the conversion sites but, by so doing, increased the erosion offsite below the new vineyards. For a hilltop site like Pahlmeyer, this left a long exposed series of rills and channels to erode into Millikin reservoir. For a hillside site like Ch. Potelle, the tributary creeks were immediately below and adjacent to the vineyard plantings and were protected with riparian buffers, thus relying on root cohesion in those buffers to minimize in-channel erosion and subsequent reentrainment of sediment due to "hungry water" that now flows in volumes in excess of those before conversion. Reduction in offsite cumulative damage is therefore completely dependent on a continuous healthy riparian corridor between the vineyard sites and the Napa River tributaries. Where highways are adjacent to the creeks and the corridor is compromised, as for example Redwood Road and along Dry Creek; that rapid excess runoff simply satisfies its sediment needs by eroding downstream. The offsite effect of increase runoff volumes is independent of east or west side locations except where tributary streams pass through erodable materials, landslides, and oversteepened stream bank areas downstream. The Dry Creek and Redwood Creek canyons in their lower reaches are examples of tributaries that are susceptible to increased downstream erosion associated with increased upstream water yield.

The foothills east of Mt. Veeder west of Yountville contain a Franciscan greywacke (sandstone) that is easily eroded and that appears to be highly fractured by local faulting. This is the site of the Vineyard Properties West developments inspected near the headwaters of Hopper Creek. These are also sites where downstream impacts of upstream changes in runoff were most readily apparent. Tributary stream channels are incised, often deeply, and banks are unstable (for example, Hopper Creek from its very headwater to Yountville). As streams incise, landslides and small slumps occur, further increasing the rate of sediment discharge to those streams. Vineyard development increases water yield faster than it increases sediment yield, so the runoff is "hungry" or sediment-deprived. That sediment carrying capacity is almost immediately met by local bed and bank erosion in the stream channels, as is seen in Redwood, Dry, and Hopper Creeks. While vineyards are not the only sources of that increased runoff, they contribute to the downstream cumulative hydrologic effects, and should be evaluated in that context.

At Vineyard Properties West we noted clear evidence of recent streambed and bank erosion and marked (2 meter) stream incision of middle and upper Hopper Creek that could only be attributed to land clearing and vineyard conversion. Coarse gravel and sand fractions of that eroded stream bed were apparently captured in a local reservoir that was seen to have reduced storage capacity, while fine-grained sediments passed through that residual reservoir and entered the lower creek and passed down into the Napa River.

ONGOING AND NEEDED FUTURE WORK

Further work is in progress that evaluates the existing streamflow record for the tributaries and the main stem of the Napa River. This work is specifically focused on detection of the signatures of cumulative hydrologic effects and the separation of those stream flow change signals from many sources of background noise caused by channel clearing, alteration, precipitation-intensity changes, etc.

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Napa County would have to conduct such data-intensive work to assess cumulative offsite hydrologic impacts of hillslope vineyard conversions.

SOIL DESCRIPTIONS - APPENDIX A

Bressa series (Map units: 112, 113, 114, 115)

The Bressa series consists of well drained soils on uplands. Slope is 5 to 75 percent. Elevation is 400 to 2,000 feet. These soils formed in material weathered from sandstone and shale. The plant cover is mostly annual grasses and scattered oaks. The mean annual precipitation is 25 to 35 inches. The mean annual air temperature is 62° to 64° F. Summers are hot and dry, and winters are cool and moist. The frost-free season is 220 to 260 days.

In a representative profile the surface layer is pale brown, slightly acid silt loam 10 inches thick. The subsoil is light yellowish brown and yellowish brown, slightly acid and medium acid silty clay loam 23 inches thick. Weathered, soft sandstone is at a depth of 33 inches.

Permeability is moderately slow. The effective rooting depth is 30 to 40 inches, and the available water capacity is 4 to 6 inches.

Bressa soils are used mostly for range. Some areas near Lake Berryessa are used for recreation.

Representative profile of Bressa silt loam, in an area of Bressa-Dibble complex, 30 to 50 percent slopes, 1 mile north on Gordon Valley Road from intersection with Wooden Valley cross road, about 100 feet north on road from cattle guard, and, 150 feet east of road on hillside, NE¼SW¼ sec. 19 (projected), T. 6 N., R. 2 W.:

A11-0 to 4 inches, pale brown (10YR 6/3) silt loam, brown (10YR 4/3) moist; weak medium subangular blocky structure; slightly hard, friable, slightly sticky and slightly plastic; many very fine and fine roots; many very fine and fine tubular and interstitial pores; slightly acid (pH 6.5); clear smooth boundary.

A12-4 to 10 inches, pale brown (10YR 6/3) silt loam, brown (10YR 4/3) moist; weak medium subangular blocky structure; slightly hard, friable, sticky and plastic; many very fine and fine roots; many very fine and fine tubular and interstitial pores; slightly acid (pH 6.5); clear smooth boundary.

B1t-10 to 15 inches, light yellowish brown (10YR 6/4) silty clay loam, dark yellowish brown (10YR 4/4) moist; weak medium subangular blocky structure; hard, firm, sticky and plastic; common very fine and fine roots; many fine tubular and interstitial pores; few thin clay films on peds and lining pores slightly acid (pH 6.5); clear smooth boundary.

B2t-15 to 23 inches, yellowish brown (10YR 5/4) silty clay loam, dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; hard, firm, sticky and plastic; common very fine and few coarse roots; many fine tubular and interstitial pores; many moderately thick clay films on peds, lining pores, and as bridges; medium acid (pH 5.6); gradual smooth boundary.

B3t-23 to 33 inches, yellowish brown (10YR 5/4) silty clay loam, dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; hard, firm, sticky and plastic; few fine roots; many fine tubular and interstitial pores; many moderately thick clay films on peds, lining pores, and as bridges; medium acid (pH 5.6); gradual irregular boundary.

Cr-33 to 37 inches, soft weathered sandstone and some soil material.

APPENDIX B - SOIL MAPPING STANDARDS APPLICABLE TO NAPA VALLEY AND ENVIRONS

As stated in the Soil Survey Manual ⁶:

Third-order surveys are made for land uses that do not require precise knowledge of small areas or detailed soils information. Such survey areas are usually dominated by a single land use and have few subordinate uses. The information can be used in planning for range, forest, recreational areas, and in community planning.

Field procedures permit plotting of most soil boundaries by observation and interpretation of remotely sensed data. Boundaries are verified by some field observations. The soils are identified by traversing representative areas and applying the information to like areas. Some additional observations and transects are made for verification. Map units include associations, complexes, consociations, and undifferentiated groups. Components of map units are phases of soil series, taxa above the series, or they are miscellaneous areas. Delineations have a minimum size of about 1.6 to 16 hectares (4 to 40 acres), depending on the survey objectives and complexity of the landscapes. Contrasting inclusions vary in size and amount within the limits permitted by the kind of map unit used. Base map scale is generally 1:20,000 to 1:63,360, depending on the complexity of the soil pattern and intended use of the maps.

⁶ (USDA, 1993, http://www.statlab.iastate.edu/soils/ssm/gen_cont.html)

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Breaking News

Posted on Tue, Jan. 30, 2007

Bill directs state to factor climate change into water plans

Associated Press

SACRAMENTO - California water officials should factor in the projected consequences of climate change when assessing the state's water supplies, according to legislation introduced this week by Assemblywoman Lois Wolk, D-Davis.

"It is critical that we begin adapting our water storage and conveyance systems now because all evidence indicates these systems will be unable to support the state's water supply in the not-so-distant future," Wolk said in a statement.

Climate scenarios project California's average temperature could rise between 3 to 10 degrees Fahrenheit by the end of the century.

Scientists believe the warmer weather will lead to more rain than snow in the Sierra Nevada, the 400-mile-long range that stores much of the state's water supply. Those conditions could lead to spring flooding and summer drought.

Wolk's legislation comes nearly a week after Democrats in the state Senate introduced a series of water-related bills.

Gov. Arnold Schwarzenegger has proposed \$4.5 billion to build two new reservoirs as a way to manage flooding and store more water for the summer months.

Democrats have said the state should cope with climate change by boosting conservation, increasing groundwater storage and raising the height of existing dams.

Wolk's legislation would require the state Department of Water Resources to include climate change in the state water plan, urban water management plans and the water-quality plans developed by state and regional water boards.

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1/31/2007

San Francisco Chronicle

WEDNESDAY, MAY 2, 2007

Arctic sea ice smaller than ever, melting faster than predicted, satellite images show

By Jane Kay
CHRONICLE ENVIRONMENT WRITER

The Arctic Ocean sea ice area was smaller last month than any other April since NASA starting taking satellite images nearly 30 years ago, climate scientists said.

The National Snow and Ice Data Center uses the daily satellite data to continually measure the vast floating pack ice, and is releasing the April findings today.

"It's safe to say that this April will be a new record low. Up until now, last year had been the lowest," said Walt Meier, a research scientist at the University of Colorado's snow and ice center.

What happens in the Arctic affects the rest of the planet because the sea ice provides a cooling effect as it reflects sunlight back into space.

Between 1979 and 2006, the summertime icepack shrank 9 percent each decade, according to the satellite data. It is at its smallest each year in September, which is the end of summer in the Arctic. The ice is largest in March. Although it is also getting smaller each year during winter, those changes aren't happening nearly as quickly as they are during the summer.

Sea ice could disappear during the summertime between 2050 and 2100, leaving the polar bear, walrus, ring seals and other Arctic creatures without habitat, according to estimates of the U.N. Intergovernmental Panel on Climate Change.

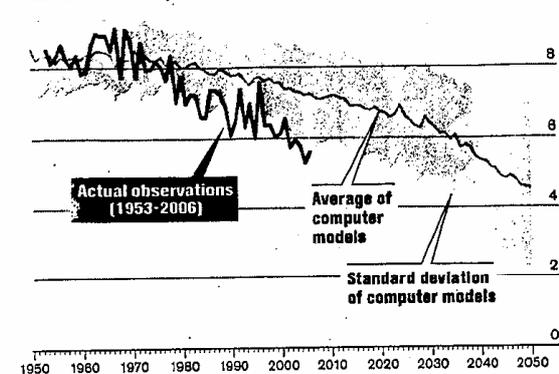
But in a new study published Tuesday, scientists at the National Snow and Ice Data Center and the National Center for Atmospheric Research conclude that the shrinking summertime Arctic pack ice is about 30 years ahead of the climate model projections.

In the online edition of Geo-

Arctic sea ice disappearing

Arctic sea ice is melting at a faster rate than projections made by 18 computer models used by the Intergovernmental Panel on Climate Change, according to a new study.

Arctic sea ice extent in September
Observed data vs. computer estimates 10 million square kilometers



Source: National Snow and Ice Data Center TODD TRUMBULL / The Chronicle

physical Research Letters, they reported that observations going back to 1953 show that the sea ice is retreating more rapidly than estimated by the 18 computer models used by the IPCC.

"If we look at the satellite era, which is our most reliable period of observations, the observed trend is that the summertime sea ice is declining at a rate of 9.1 percent per decade," said Julienne Stroeve, lead author and Arctic climate scientist at the snow-and-ice center. "This compares with the average of the IPCC models, which show a summertime decline of 4.3 percent per decade."

The authors didn't put a specific time frame on when the Arctic Ocean would be ice-free in the summertime, saying there's a danger in extrapolating because

the trend is not likely to remain linear.

Things are changing in the Arctic, and there is much uncertainty over the effect of the influx of warmer waters and changing winds.

Water from the Pacific and Atlantic oceans is speeding the melt of the sea ice, although it's difficult for scientists to predict how precisely that will affect the quality of the sea ice — namely, the thickness and stability.

Another uncertainty is how the melting ice will affect global warming.

According to Stroeve, new snow reflects about 90 percent of the energy from the sun. Not all of the sea ice is snow-covered, so it reflects about 70 percent of the solar radiation. In contrast, open water absorbs about 93 percent

and increases climate temperatures.

There are a number of reasons why the computer models don't reflect the full impact of global warming from the increased carbon dioxide and other greenhouse gases in the atmosphere, said the center's Meier.

Historically, among most of the climate models, the sea ice component has been less well developed than other components, including changes in atmospheric and ocean circulation that transport heat to polar regions, he said.

"There are things going on in the physical system of the sea ice that the models don't quite capture," Meier said. Thickness is one of them.

"We don't have good measurements of ice thickness. We can do a reasonable job with models but it's an estimate based on limited observation. There is a fair amount of uncertainty."

But if the best guess describes the ice as thicker than it really is, it underestimates the potential for melting, he said.

The main point of the paper is to focus on ways to improve the models, Meier said. One of the authors, Marika Holland, a scientist at the snow-and-ice center, prepared one of the models for the IPCC. Hers was the closest overall to the observed trend, Meier said.

The IPCC's third report on global climate change is to be released Friday.

Online resources

View the satellite image of the sea ice:

◆ nsidc.org/data/seaiice_index

E-mail Jane Kay at
jkay@schronicle.com.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Center for Biological Diversity - Press Release

<http://www.biologicaldiversity.org/swcbd/press/san-bernardino-04-13..>

For Immediate Release, April 13, 2007

Contacts: Adam Keats, Center for Biological Diversity, (415) 845-2509
Drew Feldmann, San Bernardino Valley Audubon Society, (909) 881-6081
Steven Farrell, Sierra Club, (310) 362 8410

Attorney General Challenges San Bernardino County General Plan Joins Conservationists in Global Warming Concerns

SAN BERNARDINO, Calif.— Attorney General Edmund G. Brown, Jr. today filed a lawsuit against the County of San Bernardino's new general plan two days after conservation groups filed a similar suit. The attorney general, filing the suit under the California Environmental Quality Act, argued that San Bernardino County failed to evaluate and disclose the impending impacts of the plan on climate change and air quality.

"This is a tremendously important action by the attorney general," said Center for Biological Diversity attorney Adam Keats. "It is clear support for what we've been trying to tell the county: global warming is real, it is serious, and we have to deal with it. The law requires this and the people of California expect it."

During the Plan's development, the attorney general, along with conservationists, had submitted comments that urged the county to analyze greenhouse gases and climate change in its blueprint for the future. The county chose to ignore the comment.

"We're glad that the attorney general joined this fight," said Drew Feldmann of the San Bernardino Audubon Society. "It's time for San Bernardino County to become part of the solution to this crisis."

"San Bernardino County has to take responsibility for the impacts of global warming and its actions and policies that contribute to it. Approving sprawl development, encouraging motor vehicle use and dismissing the increasing risks of wildfire is wrong," said Steven Farrell of the Sierra Club. "Warming may be a global issue, but it requires a local response."

The Center for Biological Diversity is a nonprofit conservation organization with more than 35,000 members dedicated to the protection of imperiled species and habitat. www.biologicaldiversity.org.

The San Bernardino Valley Audubon Society advocates for protection of wildlife and habitat throughout Riverside and San Bernardino Counties. www.sbvass.org.

The Sierra Club is dedicated to the conservation and preservation of the nation's natural resources. www.sierraclub.org.

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 San Francisco

SAN FRANCISCO
Key ruling on logging and rivers
Court OKs role of water-quality boards

Bob Egelko, Chronicle Staff Writer

Tuesday, January 31, 2006

California **water-quality** regulators have the power to order measures to protect rivers from pollution caused by logging, even if state forestry officials have already approved a tree-cutting plan, the state Supreme Court ruled Monday.

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The unanimous ruling was a setback for timber companies, including Pacific Lumber Co., which challenged the **Water Resources Control Board's** power to require the company to install monitoring stations along the south fork of the Eel River in Humboldt County where it planned to log. The decision was a victory for the **water board** and environmental groups that supported the **board's** authority.

"It increases protection of **water quality**, and **water quality** in the state of California is not in good shape," said Deputy Attorney General Nicholas Stern, the **water board's** lawyer. He said the ruling should also solidify the authority of other state agencies, such as the Department of Fish and Game, to protect natural resources from the effects of logging.

Pacific Lumber, joined by a timber industry association, had argued that the state Forestry Department's approval of a logging plan should be final. The company noted that the department, before granting a logging permit, was required to consult with the **water board** and other agencies and take any steps needed to protect **water quality**.

The ruling "will result in more regulation, and more expensive regulation, and more duplicative regulation," said Edgar Washburn, Pacific Lumber's lawyer.

Stern countered that the Forestry Department's chief duty is to promote sustainable logging, while the mission of the state and regional **water boards** is to protect **water quality**.

The state **water board's** chief counsel, Michael Lauffer, said the ruling should also strengthen the **board's** position in a separate legal dispute over its authority to limit pollution from another Pacific Lumber operation by restricting the rate of logging.

Monday's case involved the logging of 700 acres in the Elk River watershed that Pacific Lumber acquired in 1999. The Forestry Department approved a logging plan in 2001 after rejecting the North Coast regional **water board's** argument that the plan threatened **water quality**.

The regional **board**, acting on its own, then ordered Pacific Lumber to install **water-monitoring** equipment. After the order was scaled down by the state **water board**, the company complied and carried out its logging plan while challenging the **board's** authority in court.

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In Monday's ruling, the court said a 1973 California law, which authorized the Forestry Department to approve logging plans after reviewing their environmental effects, expressly allowed other state agencies to enforce laws in their fields.

The case is Pacific Lumber vs. State Water Resources control Board, S124464.

E-mail Bob Egelko at beigelko@schronicle.com.

5/16/2007

Senate Bill No. 610

CHAPTER 643

An act to amend Section 21151.9 of the Public Resources Code, and to amend Sections 10631, 10656, 10910, 10911, 10912, and 10915 of, to repeal Section 10913 of, and to add and repeal Section 10657 of, the Water Code, relating to water.

[Approved by Governor October 9, 2001. Filed with Secretary of State October 9, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 610, Costa. Water supply planning.

(1) Existing law requires every urban water supplier to identify, as part of its urban water management plan, the existing and planned sources of water available to the supplier over a prescribed 5-year period. Existing law prohibits an urban water supplier that fails to prepare or submit its urban water management plan to the Department of Water Resources from receiving drought assistance from the state until the plan is submitted.

This bill would require additional information to be included as part of an urban water management plan if groundwater is identified as a source of water available to the supplier. The bill would require an urban water supplier to include in the plan a description of all water supply projects and programs that may be undertaken to meet total projected water use. The bill would prohibit an urban water supplier that fails to prepare or submit the plan to the department from receiving funding made available from specified bond acts until the plan is submitted. The bill, until January 1, 2006, would require the department to take into consideration whether the urban water supplier has submitted an updated plan, as specified, in determining eligibility for funds made available pursuant to any program administered by the department.

(2) Existing law, under certain circumstances, requires a city or county that determines an environmental impact report is required in connection with a project, as defined, to request each public water system that may supply water for the project to assess, among other things, whether its total projected water supplies will meet the projected water demand associated with the proposed project. Existing law requires the public water system to submit the assessment to the city or county not later than 30 days from the date on which the request was received and, in the absence of the submittal of an assessment, provides that it shall be assumed that the public water system has no information

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to submit. Existing law makes legislative findings and declarations concerning "Proposition C," a measure approved by the voters of San Diego County relating to regional growth management, and provides that the procedures established by a specified review board established in connection with that measure are deemed to comply with the requirements described above relating to water supply planning by a city or county.

This bill would revise those provisions. The bill, instead, would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment, except as otherwise specified. The bill would require the assessment to include, among other information, an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts. The bill would require the city or county, if it is not able to identify any public water system that may supply water for the project, to prepare the water supply assessment after a prescribed consultation. The bill would revise the definition of "project," for the purposes of these provisions, and make related changes.

The bill would prescribe a timeframe within which a public water system is required to submit the assessment to the city or county and would authorize the city or county to seek a writ of mandamus to compel the public water system to comply with requirements relating to the submission of the assessment.

The bill would require the public water system, or the city or county, as applicable, if that entity concludes that water supplies are, or will be, insufficient, to submit the plans for acquiring additional water supplies.

The bill would require the city or county to include the water supply assessment and certain other information in any environmental document prepared for the project pursuant to the act. By establishing duties for counties and cities, the bill would impose a state-mandated local program.

The bill would provide that the County of San Diego is deemed to comply with these water supply planning requirements if the Office of Planning and Research determines that certain requirements have been met in connection with the implementation of "Proposition C."

(3) The bill would incorporate additional changes in Section 10631 of the Water Code proposed by AB 901, to be operative only if this bill and AB 901 are enacted and become effective on or before January 1,

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2002, each bill amends Section 10631 of the Water Code, and this bill is enacted last.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The length and severity of droughts in California cannot be predicted with any accuracy.

(2) There are various factors that affect the ability to ensure that adequate water supplies are available to meet all of California's water demands, now and in the future.

(3) Because of these factors, it is not possible to guarantee a permanent water supply for all water users in California in the amounts requested.

(4) Therefore, it is critical that California's water agencies carefully assess the reliability of their water supply and delivery systems.

(5) Furthermore, California's overall water delivery system has become less reliable over the last 20 years because demand for water has continued to grow while new supplies have not been developed in amounts sufficient to meet the increased demand.

(6) There are a variety of measures for developing new water supplies including water reclamation, water conservation, conjunctive use, water transfers, seawater desalination, and surface water and groundwater storage.

(7) With increasing frequency, California's water agencies are required to impose water rationing on their residential and business customers during this state's frequent and severe periods of drought.

(8) The identification and development of water supplies needed during multiple-year droughts is vital to California's business climate, as well as to the health of the agricultural industry, environment, rural communities, and residents who continue to face the possibility of severe water cutbacks during water shortage periods.

(9) A recent study indicates that the water supply and land use planning linkage, established by Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code, has not been implemented in a manner that ensures the appropriate level of communication between

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water agencies and planning agencies, and this act is intended to remedy that deficiency in communication.

(b) It is the intent of the Legislature to strengthen the process pursuant to which local agencies determine the adequacy of existing and planned future water supplies to meet existing and planned future demands on those water supplies.

SEC. 2. Section 21151.9 of the Public Resources Code is amended to read:

21151.9. Whenever a city or county determines that a project, as defined in Section 10912 of the Water Code, is subject to this division, it shall comply with Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code.

SEC. 3. Section 10631 of the Water Code is amended to read:

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments as described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed

description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the amount and location of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the location, amount, and sufficiency of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- (1) An average water year.
- (2) A single dry water year.
- (3) Multiple dry water years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

- (A) Single-family residential.
- (B) Multifamily.
- (C) Commercial.
- (D) Industrial.
- (E) Institutional and governmental.
- (F) Landscape.
- (G) Sales to other agencies.
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.
- (I) Agricultural.

(2) The water use projections shall be in the same five-year increments as described in subdivision (a).

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

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(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:

(A) Water survey programs for single-family residential and multifamily residential customers.

(B) Residential plumbing retrofit.

(C) System water audits, leak detection, and repair.

(D) Metering with commodity rates for all new connections and retrofit of existing connections.

(E) Large landscape conservation programs and incentives.

(F) High-efficiency washing machine rebate programs.

(G) Public information programs.

(H) School education programs.

(I) Conservation programs for commercial, industrial, and institutional accounts.

(J) Wholesale agency programs.

(K) Conservation pricing.

(L) Water conservation coordinator.

(M) Water waste prohibition.

(N) Residential ultra-low-flush toilet replacement programs.

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of such savings on the supplier's ability to further reduce demand.

(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:

(1) Take into account economic and non-economic factors, including environmental, social, health, customer impact, and technological factors.

(2) Include a cost-benefit analysis, identifying total benefits and total costs.

(3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.

(4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.

(h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single dry, and multiple dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

(i) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).

SEC. 3.5. Section 10631 of the Water Code is amended to read:

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments as described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

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(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- (1) An average water year.
- (2) A single dry water year.
- (3) Multiple dry water years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use

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sectors, including, but not necessarily limited to, all of the following uses:

- (A) Single-family residential.
- (B) Multifamily.
- (C) Commercial.
- (D) Industrial.
- (E) Institutional and governmental.
- (F) Landscape.
- (G) Sales to other agencies.
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.
- (I) Agricultural.
- (2) The water use projections shall be in the same five-year increments as described in subdivision (a).
- (f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:
 - (1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:
 - (A) Water survey programs for single-family residential and multifamily residential customers.
 - (B) Residential plumbing retrofit.
 - (C) System water audits, leak detection, and repair.
 - (D) Metering with commodity rates for all new connections and retrofit of existing connections.
 - (E) Large landscape conservation programs and incentives.
 - (F) High-efficiency washing machine rebate programs.
 - (G) Public information programs.
 - (H) School education programs.
 - (I) Conservation programs for commercial, industrial, and institutional accounts.
 - (J) Wholesale agency programs.
 - (K) Conservation pricing.
 - (L) Water conservation coordinator.
 - (M) Water waste prohibition.
 - (N) Residential ultra-low-flush toilet replacement programs.
 - (2) A schedule of implementation for all water demand management measures proposed or described in the plan.
 - (3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

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(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.

(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:

(1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.

(2) Include a cost-benefit analysis, identifying total benefits and total costs.

(3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.

(4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.

(h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single dry, and multiple dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

(i) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).

SEC. 4. Section 10656 of the Water Code is amended to read:

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10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

SEC. 4.3. Section 10657 is added to the Water Code, to read:

10657. (a) The department shall take into consideration whether the urban water supplier has submitted an updated urban water management plan that is consistent with Section 10631, as amended by the act that adds this section, in determining whether the urban water supplier is eligible for funds made available pursuant to any program administered by the department.

(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 4.5. Section 10910 of the Water Code is amended to read:

10910. (a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.

(b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined in Section 10912, that may supply water for the project. If the city or county is not able to identify any public water system that may supply water for the project, the city or county shall prepare the water assessment required by this part after consulting with any entity serving domestic water supplies whose service area includes the project site, the local agency formation commission, and any public water system adjacent to the project site.

(c) (1) The city or county, at the time it makes the determination required under Section 21080.1 of the Public Resources Code, shall request each public water system identified pursuant to subdivision (b) to determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610).

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(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g).

(3) If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.

(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

(d) (1) The assessment required by this section shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts.

(2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall be demonstrated by providing information related to all of the following:

(A) Written contracts or other proof of entitlement to an identified water supply.

(B) Copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system.

(C) Federal, state, and local permits for construction of necessary infrastructure associated with delivering the water supply.

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(D) Any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply.

(e) If no water has been received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall also include in its water supply assessment pursuant to subdivision (c), an identification of the other public water systems or water service contractholders that receive a water supply or have existing water supply entitlements, water rights, or water service contracts, to the same source of water as the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has identified as a source of water supply within its water supply assessments.

(f) If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment:

(1) A review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.

(2) A description of any groundwater basin or basins from which the proposed project will be supplied. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current bulletin of the department that characterizes the condition of the groundwater basin, and a detailed description by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the amount and location of groundwater pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be

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based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(5) An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water supply assessment shall not be required to include the information required by this paragraph if the public water system determines, as part of the review required by paragraph (1), that the sufficiency of groundwater necessary to meet the initial and projected water demand associated with the project was addressed in the description and analysis required by paragraph (4) of subdivision (b) of Section 10631.

(g) (1) Subject to paragraph (2), the governing body of each public water system shall submit the assessment to the city or county not later than 90 days from the date on which the request was received. The governing body of each public water system, or the city or county if either is required to comply with this act pursuant to subdivision (b), shall approve the assessment prepared pursuant to this section at a regular or special meeting.

(2) Prior to the expiration of the 90-day period, if the public water system intends to request an extension of time to prepare and adopt the assessment, the public water system shall meet with the city or county to request an extension of time, which shall not exceed 30 days, to prepare and adopt the assessment.

(3) If the public water system fails to request an extension of time, or fails to submit the assessment notwithstanding the extension of time granted pursuant to paragraph (2), the city or county may seek a writ of mandamus to compel the governing body of the public water system to comply with the requirements of this part relating to the submission of the water supply assessment.

(h) Notwithstanding any other provision of this part, if a project has been the subject of a water supply assessment that complies with the requirements of this part, no additional water supply assessment shall be required for subsequent projects that were part of a larger project for which a water supply assessment was completed and that has complied with the requirements of this part and for which the public water system, or the city or county if either is required to comply with this part pursuant

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to subdivision (b), has concluded that its water supplies are sufficient to meet the projected water demand associated with the proposed project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses, unless one or more of the following changes occurs:

(1) Changes in the project that result in a substantial increase in water demand for the project.

(2) Changes in the circumstances or conditions substantially affecting the ability of the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), to provide a sufficient supply of water for the project.

(3) Significant new information becomes available which was not known and could not have been known at the time when the assessment was prepared.

SEC. 5. Section 10911 of the Water Code is amended to read:

10911. (a) If, as a result of its assessment, the public water system concludes that its water supplies are, or will be, insufficient, the public water system shall provide to the city or county its plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies. If the city or county, if either is required to comply with this part pursuant to subdivision (b), concludes as a result of its assessment, that water supplies are, or will be, insufficient, the city or county shall include in its water supply assessment its plans for acquiring additional water supplies, setting forth the measures that are being undertaken to acquire and develop those water supplies. Those plans may include, but are not limited to, information concerning all of the following:

(1) The estimated total costs, and the proposed method of financing the costs, associated with acquiring the additional water supplies.

(2) All federal, state, and local permits, approvals, or entitlements that are anticipated to be required in order to acquire and develop the additional water supplies.

(3) Based on the considerations set forth in paragraphs (1) and (2), the estimated timeframes within which the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), expects to be able to acquire additional water supplies.

(b) The city or county shall include the water supply assessment provided pursuant to Section 10910, and any information provided pursuant to subdivision (a), in any environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) The city or county may include in any environmental document an evaluation of any information included in that environmental

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document provided pursuant to subdivision (b). The city or county shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If the city or county determines that water supplies will not be sufficient, the city or county shall include that determination in its findings for the project.

SEC. 6. Section 10912 of the Water Code is amended to read:

10912. For the purposes of this part, the following terms have the following meanings:

(a) "Project" means any of the following:

(1) A proposed residential development of more than 500 dwelling units.

(2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

(4) A proposed hotel or motel, or both, having more than 500 rooms.

(5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(6) A mixed-use project that includes one or more of the projects specified in this subdivision.

(7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

(b) If a public water system has fewer than 5,000 service connections, then "project" means any proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of the public water system's existing service connections, or a mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

(c) "Public water system" means a system for the provision of piped water to the public for human consumption that has 3000 or more service connections. A public water system includes all of the following:

(1) Any collection, treatment, storage, and distribution facility under control of the operator of the system which is used primarily in connection with the system.

(2) Any collection or pretreatment storage facility not under the control of the operator that is used primarily in connection with the system.

(3) Any person who treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

SEC. 7. Section 10913 of the Water Code is repealed.

SEC. 8. Section 10915 of the Water Code is amended to read:

10915. The County of San Diego is deemed to comply with this part if the Office of Planning and Research determines that all of the following conditions have been met:

(a) Proposition C, as approved by the voters of the County of San Diego in November 1988, requires the development of a regional growth management plan and directs the establishment of a regional planning and growth management review board.

(b) The County of San Diego and the cities in the county, by agreement, designate the San Diego Association of Governments as that review board.

(c) A regional growth management strategy that provides for a comprehensive regional strategy and a coordinated economic development and growth management program has been developed pursuant to Proposition C.

(d) The regional growth management strategy includes a water element to coordinate planning for water that is consistent with the requirements of this part.

(e) The San Diego County Water Authority, by agreement with the San Diego Association of Governments in its capacity as the review board, uses the association's most recent regional growth forecasts for planning purposes and to implement the water element of the strategy.

(f) The procedures established by the review board for the development and approval of the regional growth management strategy, including the water element and any certification process established to ensure that a project is consistent with that element, comply with the requirements of this part.

(g) The environmental documents for a project located in the County of San Diego include information that accomplishes the same purposes as a water supply assessment that is prepared pursuant to Section 10910.

SEC. 9. Section 3.5 of this bill incorporates amendments to Section 10631 of the Water Code proposed by both this bill and AB 901. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2002, (2) each bill amends Section 10631 of the Water Code, and (3) this bill is enacted after AB 901, in which case Section 3 of this bill shall not become operative.

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SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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Senate Bill No. 221

CHAPTER 642

An act to amend Section 11010 of the Business and Professions Code, and to amend Section 65867.5 of, and to add Sections 66455.3 and 66473.7 to, the Government Code, relating to land use.

[Approved by Governor October 9, 2001. Filed with Secretary of State October 9, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 221, Kuehl. Land use: water supplies.

(1) Under the Subdivision Map Act, a legislative body of a city or county is required to deny approval of a tentative map, or a parcel map for which a tentative map is not required, if it makes any of a number of specified findings. Under the Planning and Zoning Law, a city, county, or city and county may not approve a development agreement unless the legislative body finds that the agreement is consistent with the general plan and any applicable specific plan.

This bill would prohibit approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project.

By increasing the duties of local legislative bodies and local planning agencies and commissions, the bill would impose a state-mandated local program.

(2) Existing law requires any person who intends to offer subdivided lands within California for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire that includes, among other things, a true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities.

This bill would provide that for proposed subdivisions subject to specified requirements of the Subdivision Map Act, the true statement of the provisions that have been made for water is satisfied by submitting

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a copy of the written verification of the availability of a sufficient water supply, obtained pursuant to specified requirements as described in (1) above.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 11010 of the Business and Professions Code is amended to read:

11010. (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

- (1) The name and address of the owner.
- (2) The name and address of the subdivider.
- (3) The legal description and area of lands.

(4) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(5) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(6) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities. For subdivided lands that were subject to the imposition of a condition pursuant to subdivision (b) of Section 66473.7 of the Government Code, the true statement of the provisions made for water shall be satisfied by submitting a copy of the written verification of the available water supply obtained pursuant to Section 66473.7 of the Government Code.

(7) A true statement of the use or uses for which the proposed subdivision will be offered.

(8) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(9) A true statement of the amount of indebtedness that is a lien upon the subdivision or any part thereof, and that was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.

(10) A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area, assessment district, or community facilities district within the boundaries of which, the subdivision, or any part thereof, is located, and that is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to that subdivision, and which amounts are to be obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

(11) (A) As to each school district serving the subdivision, a statement from the appropriate district that indicates the location of each high school, junior high school, and elementary school serving the subdivision, or documentation that a statement to that effect has been requested from the appropriate school district.

(B) In the event that, as of the date the notice of intention and application for issuance of a public report are otherwise deemed to be qualitatively and substantially complete pursuant to Section 11010.2, the statement described in subparagraph (A) has not been provided by any school district serving the subdivision, the person who filed the notice of intention and application for issuance of a public report immediately shall provide the department with the name, address, and telephone number of that district.

(12) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision.

(13) A true statement, if applicable, referencing any soils or geologic report or soils and geologic reports that have been prepared specifically for the subdivision.

(14) A true statement of whether or not fill is used, or is proposed to be used in the subdivision and a statement giving the name and the location of the public agency where information concerning soil conditions in the subdivision is available.

(15) Any other information that the owner, his or her agent, or the subdivider may desire to present.

(c) The commissioner may, by regulation, or on the basis of the particular circumstances of a proposed offering, waive the requirement of the submission of a completed questionnaire if the commissioner determines that prospective purchasers or lessees of the subdivision interests to be offered will be adequately protected through the issuance

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of a public report based solely upon information contained in the notice of intention.

SEC. 2. Section 65867.5 of the Government Code is amended to read:

65867.5. (a) A development agreement is a legislative act that shall be approved by ordinance and is subject to referendum.

(b) A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

(c) A development agreement that includes a subdivision, as defined in Section 66473.7, shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Section 66473.7.

SEC. 3. Section 66455.3 is added to the Government Code, to read:

66455.3. Not later than five days after a city or county has determined that a tentative map application for a proposed subdivision, as defined in Section 66473.7, is complete pursuant to Section 65943, the local agency shall send a copy of the application to any water supplier that is, or may become, a public water system, as defined in Section 10912 of the Water Code, that may supply water for the subdivision.

SEC. 4. Section 66473.7 is added to the Government Code, to read:

66473.7. (a) For the purposes of this section, the following definitions apply:

(1) "Subdivision" means a proposed residential development of more than 500 dwelling units, except that for a public water system that has fewer than 5,000 service connections, "subdivision" means any proposed residential development that would account for an increase of 10 percent or more in the number of the public water system's existing service connections.

(2) "Sufficient water supply" means the total water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. In determining "sufficient water supply," all of the following factors shall be considered:

(A) The availability of water supplies over a historical record of at least 20 years.

(B) The applicability of an urban water shortage contingency analysis prepared pursuant to Section 10632 of the Water Code that includes actions to be undertaken by the public water system in response to water supply shortages.

(C) The reduction in water supply allocated to a specific water use sector pursuant to a resolution or ordinance adopted, or a contract entered into, by the public water system, as long as that resolution, ordinance, or contract does not conflict with Section 354 of the Water Code.

(D) The amount of water that the water supplier can reasonably rely on receiving from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer, including programs identified under federal, state, and local water initiatives such as CALFED and Colorado River tentative agreements, to the extent that these water supplies meet the criteria of subdivision (d).

(3) "Public water system" means the water supplier that is, or may become as a result of servicing the subdivision included in a tentative map pursuant to subdivision (b), a public water system, as defined in Section 10912 of the Water Code, that may supply water for a subdivision.

(b) (1) The legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, shall include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply shall be requested by the subdivision applicant or local agency, at the discretion of the local agency, and shall be based on written verification from the applicable public water system within 90 days of a request.

(2) If the public water system fails to deliver the written verification as required by this section, the local agency or any other interested party may seek a writ of mandamus to compel the public water system to comply.

(3) If the written verification provided by the applicable public water system indicates that the public water system is unable to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision, then the local agency may make a finding, after consideration of the written verification by the applicable public water system, that additional water supplies not accounted for by the public water system are, or will be, available prior to completion of the subdivision that will satisfy the requirements of this section. This finding shall be made on the record and supported by substantial evidence.

(4) If the written verification is not provided by the public water system, notwithstanding the local agency or other interested party securing a writ of mandamus to compel compliance with this section, then the local agency may make a finding that sufficient water supplies

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are, or will be, available prior to completion of the subdivision that will satisfy the requirements of this section. This finding shall be made on the record and supported by substantial evidence.

(c) The applicable public water system's written verification of its ability or inability to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision as required by subdivision (b) shall be supported by substantial evidence. The substantial evidence may include, but is not limited to, any of the following:

(1) The public water system's most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(2) A water supply assessment that was completed pursuant to Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code.

(3) Other information relating to the sufficiency of the water supply that contains analytical information that is substantially similar to the assessment required by Section 10635 of the Water Code.

(d) When the written verification pursuant to subdivision (b) relies on projected water supplies that are not currently available to the public water system, to provide a sufficient water supply to the subdivision, the written verification as to those projected water supplies shall be based on all of the following elements, to the extent each is applicable:

(1) Written contracts or other proof of valid rights to the identified water supply that identify the terms and conditions under which the water will be available to serve the proposed subdivision.

(2) Copies of a capital outlay program for financing the delivery of a sufficient water supply that has been adopted by the applicable governing body.

(3) Securing of applicable federal, state, and local permits for construction of necessary infrastructure associated with supplying a sufficient water supply.

(4) Any necessary regulatory approvals that are required in order to be able to convey or deliver a sufficient water supply to the subdivision.

(e) If there is no public water system, the local agency shall make a written finding of sufficient water supply based on the evidentiary requirements of subdivisions (c) and (d) and identify the mechanism for providing water to the subdivision.

(f) In making any findings or determinations under this section, a local agency, or designated advisory agency, may work in conjunction with the project applicant and the public water system to secure water supplies sufficient to satisfy the demands of the proposed subdivision. If the local agency secures water supplies pursuant to this subdivision, which supplies are acceptable to and approved by the governing body of

the public water system as suitable for delivery to customers, it shall work in conjunction with the public water system to implement a plan to deliver that water supply to satisfy the long-term demands of the proposed subdivision.

(g) The written verification prepared under this section shall also include a description, to the extent that data is reasonably available based on published records maintained by federal and state agencies, and public records of local agencies, of the reasonably foreseeable impacts of the proposed subdivision on the availability of water resources for agricultural and industrial uses within the public water system's service area that are not currently receiving water from the public water system but are utilizing the same sources of water. To the extent that those reasonably foreseeable impacts have previously been evaluated in a document prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or the National Environmental Policy Act (Public Law 91-190) for the proposed subdivision, the public water system may utilize that information in preparing the written verification.

(h) Where a water supply for a proposed subdivision includes groundwater, the public water system serving the proposed subdivision shall evaluate, based on substantial evidence, the extent to which it or the landowner has the right to extract the additional groundwater needed to supply the proposed subdivision. Nothing in this subdivision is intended to modify state law with regard to groundwater rights.

(i) This section shall not apply to any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.

(j) The determinations made pursuant to this section shall be consistent with the obligation of a public water system to grant a priority for the provision of available and future water resources or services to proposed housing developments that help meet the city's or county's share of the regional housing needs for lower income households, pursuant to Section 65589.7.

(k) The County of San Diego shall be deemed to comply with this section if the Office of Planning and Research determines that all of the following conditions have been met:

(1) A regional growth management strategy that provides for a comprehensive regional strategy and a coordinated economic development and growth management program has been developed pursuant to Proposition C as approved by the voters of the County of San

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Diego in November 1988, which required the development of a regional growth management plan and directed the establishment of a regional planning and growth management review board.

(2) Each public water system, as defined in Section 10912 of the Water Code, within the County of San Diego has adopted an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) of the Water Code.

(3) The approval or conditional approval of tentative maps for subdivisions, as defined in this section, by the County of San Diego and the cities within the county requires written communications to be made by the public water system to the city or county, in a format and with content that is substantially similar to the requirements contained in this section, with regard to the availability of a sufficient water supply, or the reliance on projected water supplies to provide a sufficient water supply, for a proposed subdivision.

(l) Nothing in this section shall preclude the legislative body of a city or county, or the designated advisory agency, at the request of the applicant, from making the determinations required in this section earlier than required pursuant to subdivision (a).

(m) Nothing in this section shall be construed to create a right or entitlement to water service or any specific level of water service.

(n) Nothing in this section is intended to change existing law concerning a public water system's obligation to provide water service to its existing customers or to any potential future customers.

(o) Any action challenging the sufficiency of the public water system's written verification of a sufficient water supply shall be governed by Section 66499.37.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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LETTER 148: CHRIS MALAN, EARTH DEFENSE FOR THE ENVIRONMENT NOW (EDEN),
JUNE 18, 2007

Response 148-1 E/P: The commenter states that the proposed General Plan Update should include a "Water Element" and notes the following water resource issues:

- Water is a limiting factor in the County.
- The Napa River is a designated impaired waterway.
- Water use demands on the Napa River threaten to cause the river to run dry and impact aquatic resources.
- Concerns regarding groundwater supply and its relationship to riparian flows.
- Water supply concerns regarding vineyard projects in process by the County.
- Impacts of global warming/climate change on water resources in the County.
- Floodplains and floodways not protected from development.
- Water quality concerns associated with municipal water supplies and blue-green algae problems (Lake Hennessey, Freisen Lakes, and Lake Milliken).

The proposed General Plan Update includes a Conservation Element that has a section of policies addressing the County's water resources rather than having water as a stand-alone element. Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified and includes additional protective provisions for water resources in the County as well as additional policies addressing climate change. The Draft EIR addresses water resources in three technical sections (4.6, Fisheries, 4.11, Hydrology and Water Quality, and 4.13, Public Services and Utilities) that acknowledge and address water supply issues for the County under current and future conditions (including water supply demands of the cities), the impaired status of the Napa River and Putah Creek, and potential groundwater discharge impacts to stream flows and aquatic resources. The Draft EIR also acknowledges that the County allows limited development in the floodway and floodplain provided the development meets County Code requirements that are intended to protect such development from flood hazards (see Draft EIR page 4.11-73). The commenter is referred to Climate Change Master Response 3.4.4 regarding the potential environmental effects of climate change on the County and modifications to the Conservation Element to address this issue.

The Draft EIR also addresses potential water quality impacts associated with increase nutrient loads in drainage that could impact municipal water supply reservoirs (see Draft EIR pages 4.11-35 through -54). The Draft EIR includes mitigation measure MM 4.11.3a (which has been subsequently incorporated into the Conservation Element) that would require subsequent development in the watershed to demonstrate that

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BMPs would protect current water quality conditions in compliance with applicable Basin Plans and TMDLs. (See Policy CON-50 and Action Item CON WR-2.) Regarding current blue-green algae issues, the City of Napa is proposing the use of PAK-27 (copper-sulphate) to control the algae growth as well as conducting a survey of their water supply watersheds to determine if there are any unusual sources of nutrient inputs. Previous surveys of the City's watersheds have not identified any issues (Brun, 2007). It should be noted that blue-green algae can fixate nitrogen from the atmosphere and as a result can grow in water that contains low concentrations of nutrients.

While the County appreciates the commenter's statements regarding illegal riparian water use, the proposed General Plan Update does not propose surface water diversions. State Water Resources Control Board is the primary agency that approves surface water right requests, including requests for the Napa River (identified as over appropriated by the commenter) as opposed to the County, which has no authority regarding surface water rights. Thus, this is not part of this project and is evaluated in the impact analysis of the Draft EIR (though effects of existing surface water diversions is part of the baseline conditions in the Draft EIR). Regarding commenter's perceptions that the County is not comply or coordinating with the State Water Resources Control Board, the Draft EIR was provided to SWRCB, which has provided a comment on the Draft EIR (see Comment Letter F). Fishery impacts associated with the proposed General Plan Update are addressed in Section 4.6 (Fisheries) of the Draft EIR.

Response 148-2 P: The commenter suggests that the open space element require that water quality be protected through open space, river, streams, and habitat. Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified and includes additional protective policies for water resources in the County, which will be implemented as set forth in the General Plan Update Implementation Section.

Response 148-3 E/P: The commenter identifies safety concerns with the operation of Milliken Dam. The Milliken Reservoir and Dam are operated and maintained by the City of Napa, rather than the County. The City of Napa approved a contract to begin coring five holes into the dam. The holes will consist of 4-18 foot holes and 1-24 foot holes. The holes will reduce the dam's holding capacity from 923' to 907'. The coring will begin April 2008 (Brun, 2008). These provisions are pursuant to recommendations from the Division of Dams Department of Water Resources. Draft EIR Impact 4.10.2 specifically addresses dam failure and notes the condition of this dam and that operation of the reservoir has been modified to address seismic stability concerns by the California Department of Water Resources (see Draft EIR page 4.10-29). In regard to the General Plan, the following text has been added to the introductory section of the Safety Element (see page 248):

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A separate but related issue is dam inundation—areas in Napa County which would be subject to flooding if a dam is breached. A map showing inundation areas is shown in Figure SAF-5.

A new figure, SAF-5, has been added to the revised Safety Element to show inundation areas. Policy SAF-26 refers to this information:

Policy SAF-26: Development proposals shall be reviewed with reference to the dam failure inundation maps in order to determine evacuation routes.

Furthermore, Policy SAF-27 notes the County's support for agencies in their efforts to ensure that proper dam maintenance and repairs are accomplished.

Response 148-4 E/P: The commenter identifies that the proposed General Plan Update fails to note in the Introduction Section the water quality issues associated with waterways in the County. The Draft EIR rather than the General Plan Update discusses the listing of the Napa River as an impaired water body, the likely contributors, potential environmental impacts associated with development under the General Plan Update, and the status of the implementation plan being proposed by the San Francisco RWQCB. (DEIR pages 4.11-17; 4.11-28 -29.) The Revised General Plan Update has been slightly reorganized so that the water quality issues are now primarily discussed in the Conservation Element rather than in the introductory chapter of the General Plan (see Conservation Element p. 154). The revised Conservation Element contains several policies describing the County's vision and commitment towards monitoring impaired water bodies (Policy CON-47 and -49), improving and sustaining the health of the Napa River (Policy CON-46), and developing watershed health indicators (Action Item CON WR-4). The commenter is also referred to Response 148-1 E/P as well as to revisions to the General Plan Update, including the Conservation Element.

Response 148-5 P: The commenter asks for information regarding hillsides in ag preserve as well as elevations of hillside vineyards. Draft EIR Figure 4.1-1 identifies the locations of major agricultural uses in the County, which includes areas on hillsides.

Response 148-6 E/P: The commenter asks for additions to the Agricultural Preservation and Land Use Element to protect natural resources in the face of expanding vineyards and to add policy/discuss impacts associated with expanding vineyards (including reference to the Napa River sediment TMDL). Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified and includes additional protective policies for water resources in the County. These modifications include the incorporation of Draft EIR mitigation measures MM 4.11.3a that would require subsequent development in the watershed to demonstrate that BMPs would protect current water quality conditions in compliance with applicable Basin Plans and TMDLs (see Policy CON-50) and MM 4.5.1b that would require discretionary projects to avoid impacts to wildlife and fisheries habitat to the maximum extent feasible (Policies CON-13 and -14). Biological and water quality impacts

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anticipated from future vineyard development under four potential scenarios are addressed in Draft EIR sections 4.5, Biological Resources, 4.6, Fisheries, and 4.11, Hydrology and Water Quality.

Response 148-7 E/P: The commenter asks for additions to the Agricultural Preservation and Land Use Element associated with Policy Ag/LU-28. The suggested changes to this element have been generally provided. Impacts to agricultural resources (including farmland of concern under CEQA – state defined Prime Farmland, Unique Farmland and Farmland of Statewide Importance) are addressed in Draft EIR Section 4.1, Agriculture. The Agricultural Preservation and Land Use Element contains policies emphasizing the protections provided to County agricultural lands by Measure J (Policy AG/LU-110) and the preservation of agricultural lands for agricultural use. The commenter is directed to Goal AG/LU-1 and AG/LU-4.

Response 148-8 E/P: The commenter requests additions to the Agricultural Preservation and Land Use Element associated with Policy Ag/LU-36. Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified (where suggested edits were more appropriate) and includes additional protective provisions for biological resources. These modifications include the incorporation of Draft EIR mitigation measures [MM 4.5.1a through c (Policy CON-16), MM 4.5.2a through c (Policies CON-17, -24, and -30 and Action Item CON NR-7), and MM 4.5.3a and b (Policies CON-18 and -27)] associated with biological resource impacts identified in the Draft EIR.

Response 148-9 E/P: The commenter requests additions to the Agricultural Preservation and Land Use Element associated with Policy Ag/LU-40 regarding climate change. Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified (where suggested edits were more appropriate) and includes additional provisions that are intended to reduce greenhouse gas emissions of the County as well as monitor and plan for potential sea level rise (see, for example, Policy CON-73). The commenter is referred to Climate Change Master Response 3.4.4 regarding current information on anticipated sea level rise.

Response 148-10 E/P: The commenter identifies concerns associated with Policy Ag/LU-46 regarding wineries. This policy does not authorize any winery development that is new or different than what is allowed under the existing General Plan. The Preferred Plan maintains the current minimum parcel size of 10 acres for most new wineries.

Response 148-11 E/P: The commenter requests additions to the Agricultural Preservation and Land Use Element associated with Policy Ag/LU-47 regarding climate change. Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified (where suggested edits were more appropriate) and includes additional provisions that are intended to reduce greenhouse gas emissions of the County as well as monitor and plan for potential sea level

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rise. The commenter is referred to Climate Change Master Response 3.4.4 regarding current information on anticipated sea level rise.

Response 148-12 E/P: The commenter expresses concerns regarding the proposed re-use of the Sayer Industry site for housing associated with insufficient water resources in the County. The environmental impacts of the redesignation of the Sayer Industry site (referred to as the Pacific Coast/Boca site in the Draft EIR) for mixed uses was addressed in the Draft EIR under the analyses for Alternatives B and C. Draft EIR Impact 4.13.3.1 specifically identifies that existing and projected future water supply sources are inadequate to meet anticipated water demands under all alternatives associated with the proposed General Plan Update. The proposed General Plan Update has been revised and now designates the Napa Pipe and Pacific Coast/Boca site as Industrial with a Study Area designation (under the Preferred Plan) that would allow for future consideration of land use changes to the sites. However, the General Plan Update does not establish any use of the sites beyond industrial. Furthermore, the Revised General Plan Update includes policies requiring all discretionary projects (such as the Syar project) to demonstrate the availability of adequate water supply prior to approval (see Policy CON-53).

Response 148-13 E/P: The commenter expresses concerns regarding policies Ag/LU-7-50-98 and requests that they be deleted. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element. Impacts and conversions of agricultural resources and farmland (including farmland of concern under CEQA – state defined Prime Farmland, Unique Farmland and Farmland of Statewide Importance) from implementation of the proposed General Plan Update are addressed in Draft EIR Section 4.1, Agriculture. As identified under Response 148-12 E/P and Water Supply Master Response 3.4.1, the Draft EIR acknowledges that water supply impacts would be significant and unavoidable under all alternatives associated with the proposed General Plan Update.

Response 148-14 E/P: The commenter expresses concerns regarding Policy Ag/LU-66 and others on page 49 of the Agricultural Preservation and Land Use Element. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element. The environmental impacts identified by the commenter (flooding, biological resources and agricultural resources) are addressed in Draft EIR technical sections 4.1, Agriculture, 4.5, Biological Resources, 4.6, Fisheries, and 4.11, Hydrology and Water Quality. The Preferred Plan of the Revised General Plan Update would not specifically re-designate agricultural lands at Big Ranch Road to non-agricultural use but would instead commit the County to a systematic effort to improve the correlation between zoning and General Plan land use designations.

Response 148-15 P: The commenter expresses concerns regarding policies Ag/LU-73 through -85 associated with development at Lake Berryessa. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element. The project and cumulative environmental impacts associated with continued development in this area (in combination with other development in the County) under the alternatives associated with the

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proposed General Plan Update has been addressed in the technical sections of the Draft EIR (Sections 4.1 through 4.14, 5.0, and 6.0).

Response 148-16 E/P: The commenter expresses concerns regarding Policy Ag/LU-116 and suggests edits. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element; however, the suggested change to this policy was not made. The Draft EIR does acknowledge that implementation of the proposed General Plan Update (i.e., potential annexation and development of lands within the RULs) would result in impacts to agricultural resources (including farmland of concern under CEQA – state defined Prime Farmland, Unique Farmland and Farmland of Statewide Importance), which are identified in Draft EIR Section 4.1, Agriculture.

Response 148-17 E/P: The commenter expresses concerns regarding Policy Ag/LU-118 and suggests edits. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element Policy Ag/LU-118.

Response 148-18 P: The commenter expresses concerns regarding references to the Napa County Industrial Area in the Agricultural Preservation and Land Use Element regarding the winery definition ordinance. The Revised General Plan Update explains that wineries in industrial designated areas are not required to meet the 75% requirement noted by the commenter to encourage larger, industrial-type wineries to locate in the industrial area and not on agricultural lands. (See Agricultural Preservation and Land Use Element p. 61.)

Response 148-19 E/P: The commenter expresses concerns regarding the Napa Pipe and Syar Industries site designations under Policy Ag/LU-89 through -92 regarding climate change. The proposed General Plan Update has been revised and now designates the Napa Pipe and Pacific Coast/Boca site as Industrial with a Study Area designation (under the Preferred Plan) that would allow for future consideration of land use changes to the sites. However, the General Plan Update does not establish any use of the sites beyond industrial. Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified and includes additional provisions that are intended to reduce greenhouse gas emissions of the County as well as monitor and plan for potential sea level rise. The commenter is referred to Climate Change Master Response 3.4.4 regarding current information on anticipated sea level rise. Furthermore, any site-specific development at the Napa Pipe and Pacific Coast/Boca sites will be subject to its own specific, project-level environmental analysis under CEQA.

Response 148-20 P: The commenter expresses concerns regarding St. Helena zoning and its consistency with the General Plan. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element Element and specifically to Policies Ag/LU-45, -103, and -114 which explain that consistency is not determined solely by reviewing the Land Use Map but rather requires review of the overall General Plan policies in addition to the Land Use Map. A review of the overall policies and the Land Use Map

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support a finding of consistency between the zoning and General Plan land use designation for the St. Helena area noted by the commenter..

Response 148-21 P: The commenter expresses concerns regarding mapping provided in the Agricultural Preservation and Land Use Element. The map has been updated and the commenter is referred to revisions to the Agricultural Preservation and Land Use Element and the revised map dated 2008-2030 (see Figure Ag/LU-3: Land Use Map). Please also note that detailed GIS mapping of the County is available for review at the Napa County Office of Conservation, Development and Planning.

Response 148-22 P: The commenter expresses concerns regarding Policy Ag/LU-110 and suggests part of its language be deleted. Policy Ag/LU-110 (which is Ag/LU-111 in the Revised General Plan Update) is a verbatim duplication of Measure J which was approved by the voters, and therefore the language cannot be altered in the manner the commenter requests without voter approval.

Response 148-23 P: The commenter expresses concerns regarding Policy Ag/LU-127. The commenter is directed to the Napa County Code Title 18 which identifies the permitted uses allowed without a use permit in each zoning district in the county.

Response 148-24 E/P: The commenter expresses concerns regarding Policy Ag/LU-119 and requests that Angwin be deleted. 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 as well as identifies existing rural residential areas for inclusion in the bubble (subject to a Measure J vote). However, further development in the Angwin area is possible even with reduction of the bubble. The environmental impacts identified by the commenter (climate change, traffic impacts, water supply, and water quality) are addressed in Draft EIR technical sections 4.4, Transportation, 4.8, Air Quality, 4.11, Hydrology and Water Quality, and 4.13, Public Services and Utilities. The commenter is also referred to Water Supply Master Response 3.4.1 and Climate Change Master Response 3.4.4 regarding further details on these environmental topics and revisions made to the proposed General Plan Update to further address these issues. The Revised General Plan Update also includes Policy Ag/LU-126 which acknowledges that the County will work collaboratively with LAFCO to encourage orderly city-centered development and the preservation of agricultural lands.

Response 148-25 E/P: The commenter requests that an additional policy be included in the Agricultural Preservation and Land Use Element associated with the conversion of agricultural lands and asks if CEQA would be required for annexations. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element. However, the suggested policy was not added. Given that annexation requests would require discretionary actions by cities and the County of Napa Local Agency Formation Commission, environmental review of such requests under CEQA would

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be required. Annexation is undertaken pursuant to the Cortese-Knox-Hertzberg Act and its procedures are established by state law.

Response 148-26 P: The commenter requests that the sphere of influence be added to Figure Ag/LU-3. The commenter is referred to revisions to the Agricultural Preservation and Land Use Element and the associated figures. While the sphere of influence for the City of Napa is not shown, the City of American Canyon sphere of influence is now shown on the proposed growth boundary.

Response 148-27 P: The commenter requests that Figure Ag/LU-3 be modified to show future annexations and asked if there are future annexations anticipated from the City of Napa. The commenter is referred to Response 148-26 P.

Response 148-28 E/P: The commenter requests that the County develop a “mass transportation solution” that could provide transportation options to get people out of their cars. The Circulation Element currently contains several policies intended to expand alternate transportation. It should be noted that since release of the public draft of the proposed General Plan Update and Draft EIR, the Circulation Element has been further refined and includes additional details and policies for reducing vehicular traffic as well as expanded opportunities for alternate forms of transportation and increasing their attractiveness and use, creating bike paths, addressing the needs of non-drivers and those without cars, and demonstrating leadership as a major employer in the County by implementing programs for alternative transportation for County employees such as Revised General Plan Update Policies CIR-10, -26, -27, -29, and -30, and Goal CIR-3, (including mitigation measures identified in the Draft EIR. The Conservation Element also includes provisions for reducing greenhouse gas emissions, which could include the use of alternative buses or other transit forms. While commuter train service to the County is currently not provided, it may be explored in the future.

Response 148-29 P: The commenter expresses concerns associated with proposed Policy CIR-2.3 associated with the proposed widening of State Route 12 and suggests that additional roadway widenings would occur under the General Plan. Roadway widenings are specifically limited by the Circulation Map and other Circulation Element policies. The commenter’s statement that all roadways in the County will be widened is not proposed by any of the alternatives analyzed and is incorrect.

Response 148-30 E/P: The commenter requests changes to Policy CIR-2.3 to discourage roadway widenings and expresses concerns regarding transportation emissions on climate change that should be addressed through mass transit. As identified in Climate Change Master Response 3.4.4, greenhouse gas (GHG) emissions from transportation sources under year 2030 conditions associated with the General Plan Update alternatives has been estimated and disclosed in the Draft EIR. The Draft EIR also identified mitigation measure MM 4.8.7 to address the issue of climate change (which has been subsequently incorporated into the Conservation Element as Action Item CON SPSP-2). The commenter is referred to Climate Change Master Response 3.4.4 regarding further details

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regarding climate change and provisions in the Circulation Element regarding alternate forms of transportation. Also see Response 148-26 E/P.

Response 148-31 P: The commenter suggests that additional provisions regarding energy-efficient forms of transportation be added to Policy CIR-3.2. The commenter is referred to Climate Change Master Response 3.4.4 regarding further details regarding climate change and provisions in the Circulation Element regarding alternate forms of transportation. See also Response 148-28 E/P.

Response 148-32 E/P: The commenter expresses water supply concerns associated with the effects of climate change and requests that the Conservation Element address this issue. Climate Change Master Response 3.4.4 provides a summary of current information regarding the potential environmental effects of climate change on the County commonly noted by comment letters on the proposed General Plan Update and Draft EIR (impacts to water resources, sea level rise, flooding, and wine production), which notes that there is not adequate or detailed data to determine the exact effects on the physical environment of Napa County. Thus, it is considered speculative to determine that the environmental effects of climate change to Napa County would be significant. However, the Conservation Element has been modified to include additional policy provisions regarding water supply planning and coordination associated with potential impacts of climate change on the County's water supply sources as well as provisions to reduce greenhouse gas (GHG) emissions in the general categories of transportation sources, construction sources, stationary and building sources, energy sources and the consideration of GHG offsets. In addition, the Conservation Element includes provisions for water conservation given the County's projected water supply issues in the future (as documented in the Draft EIR Section 4.13). While the County supports dry farming activities in the County, it considers the requirement for dry farming infeasible given that it would place a substantial economic barrier to the County's key industry and some geographic areas of the County may have sustainable groundwater supplies that would support continued and expanded agricultural activities. For example, sub-watersheds in the eastern portion of the County may have adequate groundwater conditions to support agricultural operations.

Response 148-33 E/P: The commenter suggests that a goal be added to the Conservation Element regarding the protection of native plants. The Conservation Element has been revised to generally include this suggested edit as well as Draft EIR biological resource mitigation measures. The commenter is directed to Policies CON-1, -2, -13, and -17, and to Goals CON-3 and -4 as evidence of the County's desire to protect native plants.

Response 148-34 E/P: The commenter requests that the Conservation Element identify how many acres of timberland have been converted to vineyards and also requests that the conversion of timberlands to vineyards be addressed. The commenter is referred to revisions to the Conservation Element. Draft EIR page 4.8-36 addresses the County's natural processes of sequestration of CO₂ associated with forests and soils and notes that this sequestration

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can be impacted from the conversion of forested lands to vineyards. As identified under Draft EIR Impact 4.8.7, the proposed General Plan Update's contribution to GHG emissions associated with climate change would be significant and unavoidable. According to the County's GIS database, between 1983 and 2006 approximately 1,150 acres of timberland has been converted to agricultural uses.

Response 148-35 E/P: The commenter questions the cited vineyard acreage information provided in the Conservation Element and requests that the element contain a map showing this information. The commenter also suggests that Draft EIR Figure 4.1-1 does not show all vineyards (1 to 10 acre vineyards), states that the proposed General Plan Update does not identify impacts from continued vineyard development, and identifies that the County's Conservation Regulations are not adequate regarding their definition of streams.

Existing vineyard development acreage cited in the Conservation Element and Draft EIR are based on GIS and mapping data maintained by the County. Draft EIR Figure 4.1-1 is based on County GIS data and is considered an accurate overview of current vineyard development in the County (though it is noted that small vineyards may not be illustrated on this figure given the scale of the graphic [11x17 inches]). As identified in Draft EIR Section 4.0, Introduction to the Environmental Analysis and Assumptions Used, the environmental impact analysis considered new vineyard development ranging from 10,000 to 15,000 acres under the alternatives evaluated in the Draft EIR. In addition, this projected new vineyard development was conceptually located in various areas of the County to bracket the range of potential environmental effects of vineyard development (see Figures 1 through 4 in Appendix H of the Draft EIR). Draft EIR pages 4.11-35 through -75 specifically address water resource impacts, while Draft EIR pages 4.5-45 through -69 and 4.6-20 through -34 address biological resource impacts associated with vineyard development (in combination with other subsequent that would occur under the proposed General Plan Update). The analysis provided in the Draft EIR and its associated appendices (see Draft EIR Appendix G, H, and I) demonstrate continued implementation of several of the Napa County Conservation Regulations and implementation of identified mitigation measures (that could include additional setbacks or buffers similar to what was identified in the "Napa County Wine Industry Growth Master Environmental Assessment") would protect water and biological resources in the County. Cumulative impacts of vineyard development are addressed in Section 5.0 (Cumulative Impacts) of the Draft EIR. The commenter provides no evidence that contradicts or disputes the data and analysis of the Draft EIR.

Regarding concerns on the proposed establishment of a ministerial approval process for vineyards, the commenter is referred to Draft EIR pages 4.11-54 through -61 that address this impact and identify performance provisions (mitigation measure MM 4.11.4) that have been identified by the EIR consultant team that would be necessary for such a process. The Preferred Plan would defer implementation and adoption of

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a ministerial vineyard process to a later date subject to separate environmental review.

Response 148-36 E/P: The commenter suggests changes to Conservation Element Goal CON-11 regarding water supply and expresses concerns regarding reliance of imported water supply and addressing associated environmental effects. As identified in Water Supply Master Response 3.4.1, modifications have been made to the Conservation Element of the proposed General Plan that generally includes the suggested edits. This master response also identifies that the potential environmental effects of obtaining additional water supplies have been disclosed in the Draft EIR (see Draft EIR pages 4.13-42 through -45). The commenter is also referred to revisions to the Conservation Element. It should be noted that the County is not pursuing the importation of water supplies to serve the unincorporated area.

Response 148-37 E/P: The commenter suggests changes to Conservation Element Policy CON-32 regarding protection of municipal watersheds from water quality impacts and expresses concerns regarding County land uses impacting water quality and blue-green algae issues in Lake Hennessee and Milliken. The Draft EIR addresses potential water quality impacts associated with increase nutrient loads in drainage that could impact municipal water supply reservoirs (see Draft EIR pages 4.11-35 through -55). The Draft EIR includes mitigation measure MM 4.11.3a (which has been subsequently incorporated into the Conservation Element as Policy CON-50) that would require subsequent development in the watershed to demonstrate that BMPs would protect current water quality conditions in compliance with applicable Basin Plans and TMDLs. Regarding current blue-green algae issues, the City of Napa is proposing the use of PAK-27 (copper-sulphate) to control the algae growth as well as conducting a survey of their water supply watersheds to determine if there are any unusual sources of nutrient inputs. Previous surveys of the City's watersheds have not identified any issues (Brun, 2007). It should be noted that blue-green algae can fixate nitrogen from the atmosphere and as a result can grow in water that contains low concentrations of nutrients. The commenter is referred to revisions to the Conservation Element that includes policies addressing potential water quality issues associated with agricultural operations, including grazing activities (e.g., Policy CON-5).

Response 148-38 E/P: The commenter suggests changes to Conservation Element Policy CON-34 to include language that the Conservation Regulations be amended regarding the definition of streams to address all intermittent and perennial streams (DFG definition). While modifications have been made to the Conservation Element that further strengthen protections for waterways and water quality, the County is not proposing any changes to the Conservation Regulations definition of streams as part of this update. It has been determined unnecessary given the effectiveness of the Conservation Regulations and mitigation measures identified in the Draft EIR to protect water quality (see Draft EIR pages 4.11-35 through -75 and Appendix H and I). The commenter provides no evidence to contradict or dispute the technical analysis in the Draft EIR.

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Response 148-39 E/P: The commenter expresses concerns with the provisions of the Waste Management Goal associated with transportation of solid waste out of the County. Climate Change Master Response 3.4.4 identifies that traffic emissions associated with year 2030 conditions (that include the various development potentials of Alternatives A, B, C, and E and associated vehicle trips) were acknowledged and disclosed in the Draft EIR. However, the Conservation Element has been modified to include additional policies to reduce greenhouse gas (GHG) emissions in the general categories of transportation sources, construction sources, stationary and building sources, energy sources, and the consideration of GHG offsets (see Policies CON-65, -66, and -74). Draft EIR page 4.13-56 specifically identifies handling locations and landfills that currently accept solid waste from the County. There are no landfill facilities in the County that are available to accept the County's solid waste.

Response 148-40 E/P: The commenter comments on the adequacy of the Safety Element goals and policies and states that the element must address issues with the safety of Milliken Dam, genetically modified organisms, and the use of pesticides, herbicides, and fungicides. The commenter is referred to Response 148-3 E/P. Draft EIR Impact 4.10.2 specifically addresses dam failure and notes the condition of this dam and that operation of the reservoir has been modified to address seismic stability concerns by the California Department of Water Resources (see Draft EIR page 4.10-29). The Revised General Plan Update discusses the environmentally responsible programs being implemented and supported in the County including the Napa Sustainable Winegrowers Group, Green Certification, and the Fish Friendly Farming program, and notes the County's support for sustainable agricultural practices (see pp. 164-165 of the Revised General Plan Update and Policy CON-3). The use of pesticides, herbicides, and fungicides are regulated by federal, state, and county requirements that address public health and avoidance of exposure. While genetically modified organisms are not addressed in the revisions to the Agricultural Preservation and Land Use Element, they are regulated by federal requirements.

Response 148-41 E/P: The commenter expresses concerns regarding how comments were addressed from the SWRCB on two vineyard projects (Hudson and Saintsbury) that are not the subject of the General Plan Update. Those comments are outside the scope of the General Plan Update and unrelated to the Draft EIR. The commenter's concerns regarding water supply related to the proposed General Plan Update are addressed in Water Supply Master Response 3.4.1. As identified in Water Supply Master Response 3.4.1, modifications have been made to the Conservation Element of the Revised General Plan Update to include additional protective policies regarding water supply that incorporate water supply and groundwater mitigation measures from the Draft EIR (MM 4.11.5a through e, MM 4.13.3.1a and b). The commenter is directed to Goals CON-8 through -13, Policies CON-41 through -64, and Action Items CON WR-1 through CON WR-6. Water Supply Master Response 3.4.1 also identifies that the potential environmental effects of obtaining additional water supplies have been disclosed in the Draft EIR (see Draft EIR pages

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4.13-42 through -45) and that the water supply impact is significant and unavoidable.

Response 148-42 E/P: The commenter expresses concerns that the proposed General Plan Update did not address or disclose climate change impacts (as compared to the Draft EIR). County staff notes that an analysis of the potential environmental impacts associated with climate change is more appropriately addressed in the Draft EIR as was done here. Draft EIR pp. 4.8-11 through -12 and 4.8-35 through -38 address the County's natural processes of sequestration of CO₂ associated with forests and soils, and notes that this sequestration can be impacted from the conversion of forested lands to vineyards. As identified under Draft EIR Impact 4.8.7, the proposed General Plan Update's contribution to GHG emissions associated with climate change would be significant and unavoidable. Climate Change Master Response 3.4.4 provides a summary of current information regarding the potential environmental effects of climate change on the County commonly noted by comment letters on the proposed General Plan Update and Draft EIR (impacts to water resources, sea level rise, flooding, and wine production), which notes that there is not adequate or detailed data to determine the exact effects on the physical environment of Napa County. Thus, it is considered speculative to determine that the environmental effects of climate change to Napa County would be significant. However, the Conservation Element has been modified to include additional policies regarding water supply planning and coordination associated with potential impacts of climate change on the County's water supply sources as well as provisions to reduce greenhouse gas (GHG) emissions in the general categories of transportation sources, construction sources, stationary and building sources, energy sources, and the consideration of GHG offsets. (See Goals CON-14 through -18, Policies CON-65 through -92, and Action Items CON SPSP-1 through -6.) The Revised General Plan Update will be made available for public review in December 2007 prior to Planning Commission and Board of Supervisor consideration. Regarding recirculation, the commenter is referred to Section 2.0 (Preferred Plan) of this document that provides evidence that recirculation is not required under CEQA.

Response 148-43 P: The commenter suggests that Measure A funds are being used illegally regarding flood projects. The County appreciates this comment. However, this issue is not associated with proposed General Plan Update or the Draft EIR.

Response 148-44 E/P: The commenter notes that the proposed General Plan Update and BDR are full of maps, but no maps on vineyards in the County. The commenter also questions the data associated with Draft EIR Figure 4.1-1 and whether historic vineyard development data is available. Draft EIR Figure 4.1-1 is based on County GIS data and is considered an accurate overview of current vineyard development in the County (though it is noted that small vineyards may not be illustrated on this figure given the scale of the graphic [11x17 inches]). Draft EIR page 4.1-11 and Draft EIR Table 4.1-7 provide information regarding changes in state-designated farmland classifications since 1984 that have occurred primarily as a result of

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vineyard development during this time. Accurate data on the progress of vineyard development since 1940 is not available. Accurate data begins in 1993 when the County first began taking comprehensive general photography and would not alter the form of the General Plan Update or the conclusions of the Draft EIR.

Response 148-45 E/P: The commenter requests that a climate change related policy be added to the proposed General Plan Update. The commenter is referred to Climate Change Master Response 3.4.4 regarding changes made to the Circulation Element and Conservation Element that add policies to reduce greenhouse gas (GHG) emissions in the general categories of transportation sources, construction sources, stationary and building sources, energy sources, and the consideration of GHG offsets. While the revised Conservation Element includes additional protective policies for forest resources including encouraging sustainable use and management of timber resources (Policies CON-34 and -35), the County has not elected to outright prohibit forest conversions except under Alternative D which would include policies that would lead to zoning prohibiting timber conversions in Watershed Open Space areas.

Response 148-46 E/P: The commenter references an attached document to their comment letter regarding the effect of vineyard development on hillsides in the County and requests that the County address this issue. As identified in Draft EIR Section 4.0, Introduction to the Environmental Analysis and Assumptions Used, the environmental impact analysis considered new vineyard development ranging from 10,000 to 15,000 acres under the alternatives evaluated in the Draft EIR. In addition, this projected new vineyard development was conceptually located in various areas of the County to bracket the range of potential environmental effects of vineyard development (see Figures 1 through 4 in Appendix H of the Draft EIR). Draft EIR pages 4.11-35 through -75 specifically address water resource impacts, while Draft EIR pages 4.5-45 through -69 and 4.6-20 through -34 address biological resource impacts associated with vineyard development (in combination with other subsequent impacts that would occur under the proposed General Plan Update). This includes consideration of water quality impacts from hillside development (see Draft EIR pages 4.11-68 through -71). The Draft EIR analysis contains more current data than the 2000 report prepared by Dr. Curry and referred to by the commenter.

Response 148-47 E/P: The commenter requests where Draft EIR mitigation measures referencing SB 610 and SB 221 have been placed in the proposed General Plan Update. The provisions of Draft EIR mitigation measure MM 4.13.3.1b have been incorporated into the modifications to the Conservation Element (see Policy CON-53)

Response 148-48 E/P: The commenter makes several comments regarding the content of the proposed General Plan Update Errata. Regarding concerns associated with water supply, climate change, and water quality, the commenter is referred to Draft EIR Sections 4.8, Air Quality, 4.11, Hydrology and Water Quality, and 4.13, Public Services and Utilities, as well as to Water Supply Master Response 3.4.1 and Climate Change Master Response 3.4.4. The

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reference to "Book 2" is associated with the Draft EIR Appendix F (Fishery Resources Technical Report for Napa County General Plan and EIR). Sensitive biotic communities are defined on Draft EIR page 4.5-50 and include land areas that contain floodplains and likely contain seeps and springs. Continued forestry operations in the County were considered as part of the cumulative conditions in the Draft EIR (see Draft EIR pp. 5.0-5 and -6).

Response 148-49 E/P: The commenter notes the soil map information in the BDR and proposed General Plan Update, but states that site-specific soil impacts need to be addressed. Draft EIR Sections 4.10, Geology and Soils, and 4.11, Hydrology and Water Quality, address potential impacts associated with soil stability and erosion. Since release of the public draft of the proposed General Plan Update and the Draft EIR, the Conservation Element has been further modified to include additional policies to address this issue. The commenter is directed to Policies CON-47, -48, and -50 which describe the County's commitment to preventing soil erosion and ensuring that new development projects implement project-specific sediment and erosion control measures to protect water quality and prevent soil loss.

Response 148-50 E/P: The commenter notes that the BDR and proposed General Plan Update fail to include information regarding nutrient loading, which is a concern given County reservoir blue-green algae issues. Draft EIR Section 4.11, Hydrology and Water Quality, provides current information regarding the known water quality conditions in the County and addresses potential nutrient impacts from future development. The Draft EIR includes mitigation measure MM 4.11.3a (which has been subsequently incorporated into the Conservation Element as Policy CON-50) that would require subsequent development in the watershed to demonstrate that BMPs would protect current water quality conditions in compliance with applicable Basin Plans and TMDLs. Regarding current blue-green algae issues, the commenter is referred to Response 148-1 E/P and 148-37 E/P.

Response 148-51 E/P: The commenter asks why the proposed General Plan Update does not fully address flood protection. Draft EIR pages 4.11-71 through -75 address flooding issues and identifies mitigation measure MM 4.11.9 and current County Code provisions that address this issue. Since release of the public draft of the proposed General Plan Update and the Draft EIR, the Conservation Element has been further modified to include additional policies (including this mitigation measure incorporated as SAF-25) to address flooding. Revisions to FEMA flood mapping of the County may occur in the future; however, the flood data used in the Draft EIR (including hydrologic modeling and planned flood improvements by the City of Napa and the City of St. Helena) are adequate for purposes for the impact analysis in the General Plan Update Draft EIR.

Response 148-52 E/P: The commenter states that the BDR fails to provide air quality data regarding pesticides, herbicides, and fungicides as well as address climate change. Draft EIR Sections 4.9, Human Health/Risk of Upset, and 4.11, Hydrology and Water Quality address the various environmental effects associated with the use of these chemicals, while Section 4.8, Air Quality, addresses climate change. Climate Change Master Response

3.0 COMMENTS AND RESPONSES TO COMMENTS

3.4.4 provides a summary of current information regarding the potential environmental effects of climate change on the County commonly noted by comment letters on the proposed General Plan Update and Draft EIR (impacts to water resources, sea level rise, flooding, and wine production), which notes that there is not adequate or detailed data to determine the exact effects on the physical environment of Napa County. Thus, it is considered speculative to determine that the environmental effects of climate change to Napa County would be significant. However, the Conservation Element has been modified to include additional policies regarding water supply planning and coordination associated with potential impacts of climate change on the County's water supply sources as well as provisions to reduce greenhouse gas (GHG) emissions in the general categories of transportation sources, construction sources, stationary and building sources, energy sources, and the consideration of GHG offsets. (See Goals CON-14 through -18, Policies CON-65 through -92, and Action Items CON CPSP-1 through -6.) It should be noted that the policies in the Conservation Element would not require every house and commercial building to use solar power (as suggested by the commenter). Such a requirement is considered infeasible given the cost would be excessive in circumstances of small single-family homes (especially those identified for affordable housing) or small businesses; however, use of alternative energy sources such as solar and wind are encouraged, and the County will seek to increase the use of these resources (Policy CON-70).

Response 148-53 E/P: The commenter expresses concerns regarding impacts to wildlife corridors in the County as evaluated in the BDR. The commenter is referred to Biological Resources Master Response 3.4.3 regarding wildlife movement corridor impacts and to Policy CON-18(c) which states that the size of future wildlife corridors will be determined based on the specific needs of the species. It is unknown what "biological studies" the commenter is referring to.

Response 148-54 E/P: The commenter states that the provision of solar power to new development would assist in the reduction of GHG emissions for the County. The commenter is referred to Climate Change Master Response 3.4.4 regarding anticipated GHG emissions and modifications to the Conservation Element to address energy sources of GHG emissions. Policies CON-68, -70, and -72 acknowledge the County's commitment toward increasing the use of alternative energy sources, offering incentives for and removing barriers to the use of renewable energy sources.

Response 148-55 E/P: The commenter identifies existing contamination sites in the County and the impact of climate change on flooding and sea level rise regarding public health information in the BDR. Potential exposure to hazardous materials (including contamination) are addressed on Draft EIR pages 4.9-27 through -29 and includes the identification of mitigation measure MM 4.9.2 (incorporated into the Revised General Plan Update as Policy SAF-31 and Action Item SAF-31.1) to ensure that contamination sites are addressed and remediated prior to development. Climate Change Master Response 3.4.4 provides a summary of current information

3.0 COMMENTS AND RESPONSES TO COMMENTS

regarding the potential environmental effects of climate change on the County commonly noted by comment letters on the proposed General Plan Update and Draft EIR (impacts to water resources, sea level rise, flooding, and wine production), which notes that there is not adequate or detailed data to determine the exact effects on the physical environment of Napa County. Thus, it is considered speculative to determine that the environmental effects of climate change to Napa County would be significant. Changes in flood conditions associated with vegetation changes from vineyard development is addressed on Draft EIR pages 4.11-74 and -75 as well as responses to Comment Letter X.

Response 148-56 E: The commenter requests that the Draft EIR be revised to include the State Water Resources Control Board (SWRCB) as a potential "Responsible Agency" and asks why the Draft EIR was not provided to the State Water Resources Control Board. The Draft EIR was provided to SWRCB, which has provided a comment on the Draft EIR (see Comment Letter F). SWRCB is the primary agency that approves surface water right requests (as opposed to the County, which has no authority regarding surface water rights). The following text changes are made to the Draft EIR.

Draft EIR page 1.0-1, the following bullet is added at the bottom of the page:

- California State Water Resources Control Board

Response 148-57 E: The commenter states that Draft EIR Figure 4.1-2 is too difficult to read and requests that it be modified. The coloring used on this figure is intended to clearly highlight the difference between farmland of concern under CEQA (Prime Farmland, Unique Farmland and Farmland of Statewide Importance) from others. Thus, no changes are recommended to this figure.

Response 148-58 E/P: The commenter suggests that the proposed General Plan Update and Draft EIR fail to adequately address all of the impacts from the urban bubbles associated with climate change, water supply availability (including drought and dry years), and expansion of vineyards and wineries. Section 4.0, Introduction to the Environmental Analysis and Assumptions Used, clearly identifies that development in the County (including areas within the bubbles) anticipated by the year 2030 was incorporated in the Draft EIR's technical analysis. This includes anticipated vineyard development (10,000 to 12,500 acres – see Appendix H Figures 1 through 4 for land areas anticipated to have new vineyard development) and wineries (see Appendix B for anticipated new winery growth between 2005 and 2030). Draft EIR pages 4.11-39 through -47 address water supply impacts expected under normal, single dry, and multiple dry years for the Napa Valley. Water demands include residential and vineyard development. The commenter is referred to Climate Change Master Response 3.4.4 regarding estimation of GHG emissions from county-wide development.

Response 148-59 E/P: The commenter expresses concerns regarding the loss of farmland and disagrees with the conclusions of Impact 4.1.1. The Draft EIR utilizes existing environmental setting information (in addition to the protective

3.0 COMMENTS AND RESPONSES TO COMMENTS

provisions of mitigation measures MM 4.1.1a and b) that includes the trend by the County of having its acreage of farmlands of concern under CEQA increase by 17,593 acres since 2004. As specifically noted on Draft EIR page 4.1-11, this increase of farmland acreage has been the result of vineyard development converting lower classifications of farmland. The County is projecting that an additional 10,000 to 12,500 acres of vineyards would be developed by the year 2030. Based on County projections on where this new vineyard development is expected to occur (see Draft EIR Appendix H and associated Figures 1 through 4) in relation to the important farmland mapping provided by the California Department of Conservation (see Draft EIR Figure 4.1-2), the majority of this development will occur in areas that have lower farmland classifications. Thus, implementation of mitigation measures MM 4.1.1a and b as Policy CON-2 (in combination with the expected trend of the County increasing its total acreage of farmlands of concern under CEQA) are expected to ensure that total farmlands of concern under CEQA are not reduced from current or historic conditions. As noted in the proposed General Plan Update and all of the alternatives analyzed in the Draft EIR, County policies promote new development in the cities and existing developed areas off of agricultural lands. However, there is no state prohibition against placing housing on agricultural lands (as suggested by the commenter).

Response 148-60 E/P: The commenter states (in relation to Draft EIR Impact 4.2.1 and mitigation measure MM 4.2.1) that the proposed General Plan Update will have impacts on water supply and will rely on outside water sources associated with the central valley aqueduct and that there are environmental issues and climate change issues associated with this. The commenter is referred to Water Supply Master Response 3.4.1 regarding how the Draft EIR address anticipated water supply impacts and the associated environmental effects of potential new sources of water supply and Climate Change Master Response 3.4.4 regarding climate change effects to water resources.

Response 148-61 E: The commenter suggests a change to mitigation measure MM 4.5.1a to protect natural resources during dry year and drought conditions. Mitigation measure MM 4.5.1a, which has been incorporated as Policy CON-16 in the Revised General Plan Update, would be applicable under all water year conditions and no changes are recommended. Modifications have been made to the Conservation Element to include this measure.

Response 148-62 E: The commenter suggests a wording change to mitigation measure MM 4.5.2.a. This suggested change would result in a double mitigation requirement that would be beyond the extent of the impact. State CEQA Guidelines Section 15126.4(a) (4) specifically identifies that mitigation measures must be "roughly proportional" to the impact. Thus, this suggested change to mitigation measure MM 4.5.2a is not recommended.

Response 148-63 E: The commenter suggests that the SWRCB be added to the list of agencies identified in mitigation measure MM 4.6.1a. Since release of the public draft of the proposed General Plan Update and the Draft EIR, the Conservation Element has been modified to include this mitigation

3.0 COMMENTS AND RESPONSES TO COMMENTS

measure (Policies CON-10 and -11 and Action Items CON NR-2 and NR-3) as well as the commenter's recommended addition of the SWRCB to the measure.

Response 148-64 E/P: The commenter questions why mitigation measure MM 4.6.1b has a timeframe for grading activities that differs from the Conservation Regulations. Mitigation measure MM 4.6.1a would not modify the current allowed timeframe for grading, rather it requires that all water quality protective measures be in place by September 30 to ensure that BMP installation occurs well in advance of winter storm events. It should be noted that this mitigation measure has been incorporated into the modifications to the Conservation Element as Policies CON-10 and -11 and Action Items CON NR-2 and NR-3.

Response 148-65 E: The commenter asks for the definition of "sensitive receptors." The Draft EIR identifies that sensitive receptors generally consist of residential uses (see Draft EIR page 4.7-24), but would also include land uses such as schools, daycares, parks, elder care facilities, and hospitals where occupants are considered sensitive to disruption from noise or exposure to air pollutant emissions (see Draft EIR page 4.8-11).

Response 148-66 E/P: The commenter states that the proposed General Plan Update and the Draft EIR state the impacts of climate change and the mitigation measures. The commenter is referred to Climate Change Master Response 3.4.4 regarding the impact analysis and current information regarding climate change as well as modifications to the Conservation Element and the Circulation Element to further address this issue. Additional public meetings and input will be solicited by the County after public release of the revised General Plan Update and the Final EIR.

Response 148-67 E: The commenter requests that Impact 4.10.4 add hydrologically sensitive soils, high rainfall, and fragile soils to the discussion. As described on Draft EIR page 4.10-33, this impact discussion addresses hillside conditions county-wide and includes consideration of conditions suggested by the commenter. Thus, no further information is required in this impact discussion to adequately address geologic hazards associated with landslides.

Response 148-68 E: The commenter requests that information generated from compliance with mitigation measure MM 4.11.3a be available to the public. Such technical submittals on subsequent project applications to the County would be publicly available for review (as they currently are now). Thus, no changes are recommended to this mitigation measure. It should be noted that this mitigation measure has been incorporated into the modifications to the Conservation Element as Policy CON-50 and Action Item CON WR-2.

Response 148-69 E: The commenter requests changes to mitigation measure MM 4.11.4 to add: (1) that the Hydrologic Report address drought and dry conditions; (2) all permits/petitions for water with the SWRCB be approved, or impact peak flows; (3) minimal tree removal TBD otherwise the cumulative impacts of ministerial approvals with 40% tree canopy loss is significant and warrants CEQA; and (4) has GW impacts not discussed. The performance standards associated with the hydrologic report submittal

3.0 COMMENTS AND RESPONSES TO COMMENTS

was to demonstrate compliance with the performance standards set forth in the mitigation measure. Consideration of water supplies during dry and drought conditions would be satisfied through implementation of mitigation measure MM 4.13.3.1b which is implemented as Policy CON-53. As noted under item "E" of the mitigation measure, projects involving a new surface water diversion would not be allowed under the ministerial process. The commenter suggests that tree canopy removal at 40% would be significant, but does not identify why this would be the case. As identified under Item "I" of mitigation measure MM 4.11.4, projects would not qualify if there are special-status species on-site or convert biotic communities of limited distribution or sensitive natural communities. Thus, adequate protection provisions are provided in the mitigation measure for biological resources of concern under CEQA. The commenter is referred to Climate Change Master Response 3.4.4 regarding the impact analysis that considers agricultural operations and modifications to the Conservation Element and the Circulation Element that added additional policies to further reduce greenhouse gas (GHG) emissions in the general categories of transportation sources, construction sources, stationary and building sources, energy sources, and the consideration of GHG offsets. The commenter is directed to Conservation Element Goals CON-14 through -18, Policies CON-65 through -92, and Action Items CON CPSP-1 through -6, and to Circulation Element Policies CIR-10, -26, -27, -29, and -35 and Goal CIR-3.

- Response 148-70 E:* The commenter suggests changes to mitigation measure MM 4.11.9 (incorporated as Policy CON-58) regarding flooding impacts to require no new increase in the rate of runoff or peak flows. Mitigation measure MM 4.11.9 is focused on avoiding new flooding impacts or an increased severity of existing flood conditions and is not intended to avoid any changes in the rate of runoff, which may not be feasible in all circumstances. Mitigation measure MM 4.11.3a (incorporated as Policy SAF-25) already requires that 2-, 10-, 50- and 100-year peak year events not increase above pre-development conditions. Thus, suggested changes to mitigation measure MM 4.11.9 are not recommended.
- Response 148-71 E:* The commenter expresses concerns regarding development in the floodplain and the associated effects of climate change. Draft EIR page 4.11-73 specifically identifies that development within the floodplain must meet County Code requirements that require protection of the development. The commenter is referred to Climate Change Master Response 3.4.4 regarding flooding impacts from climate change on the County and Response 148-1 E/P.
- Response 148-72 E:* The commenter expresses concerns regarding solid waste service impacts associated with climate change. Climate Change Master Response 3.4.4 identifies that traffic emissions associated with year 2030 conditions (that include the various development potentials of Alternatives A, B, C, and E and associated vehicle trips) were acknowledged and disclosed in the Draft EIR. However, the Conservation Element has been modified to include additional policies to reduce greenhouse gas (GHG) emissions in the general categories of transportation sources, construction sources, stationary and building sources, energy sources, and the consideration of

3.0 COMMENTS AND RESPONSES TO COMMENTS

GHG offsets. (See Conservation Element Goals CON-14 through -18, Policies CON-65 through -92, and Action Items CON CPSP-1 through -6.)

Response 148-73 E: The commenter requests updates to Draft EIR Table 4.1-1 and requests vineyard development trend data and an explanation of vineyard development projections used in the Draft EIR. The Draft EIR provides an adequate description of environmental setting conditions (such as vineyard development) in order to evaluate the environmental effects of the proposed General Plan Update. As specifically noted on Draft EIR page 4.0-1, CEQA identifies that an EIR's description of existing physical environmental conditions be based on conditions that exist at the time the Notice of Preparation (NOP) is published. The NOP for the proposed General Plan Update was released on October 21, 2005. Thus, the data in provided in Draft EIR Table 4.1-1 meets the requirements of CEQA.

Draft EIR page 4.1-11 and Draft EIR Table 4.1-7 provides information regarding changes in state-designated farmland classifications since 1984 that have occurred primarily as a result of vineyard development during this time. In addition, Draft EIR page 4.11-38 provides a description of how future vineyard development was assumed for the year 2030 (which included a consideration of vineyard development trends since 1958) and what areas of the County it may occur in.

Response 148-74 E: The commenter suggests that the Draft EIR fails to address the environmental effects of proposed General Plan Update policies. The Draft EIR does address the environmental effects of all policies associated with land use and development that are reflected in the development potential of the Draft EIR alternative land use maps (e.g., modifications to the bubbles, establishment of RUL for the City of American Canyon, continued existence of bubbles adjacent to Lake Berryessa). (See Alternatives B, C, and E.) These impacts are reflected in estimated ground disturbance impacts (see Draft EIR Tables 4.1-12 through -14, 4.5-3, 4.5-5), traffic impacts (see Draft Appendix C for a description of year 2030 residential development allocations in traffic analysis zones throughout the County), and water supply impacts. In addition, the Draft EIR addresses potential physical environmental impacts from other policy provisions such as planned roadway improvements, trail expansion, recycled water provision and recreation development (see Draft EIR Section 3.0, Project Description).

Response 148-75 E: The commenter describes a General Plan alternative based on the concerns identified in this comment letter. As identified in the responses above, several of the items that the commenter identifies as needing to be included as policies in this alternative are either currently in the proposed General Plan Update or have been added to the modifications to the Circulation Element and Conservation Element, with the exception of the proposed elimination of the ministerial process for vineyards. Under the Preferred Plan, the details of the ministerial vineyard process would be worked out at a later date and subject to separate environmental review. Disposal of solid waste in the County is not feasible given that such facilities are not currently available and would result in new significant environmental impacts beyond what was identified in the Draft EIR. The commenter is referred to Alternatives Master Response 3.4.2.

Letter 149

To: Napa County Planning, Development
and Conservation Department

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DEVELOPMENT & PLANNING DEPT. PLANNING DEPT.

4.0 – ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

From: A Citizens Review Committee
of Angwin

c/o: 531 Viewridge Dr.
Angwin, CA 94508

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

June 15, 2007

Dear Mr. Lowe,

Thank you for the invitation to comment on the draft update of the Napa County General Plan and the draft EIR documents. We appreciate your service to and interest in our community.

We are a group of ordinary citizens from Angwin who have banded together to address these documents because we care deeply about the future of our community and the entire Napa Valley. It has not been easy. We have spent hundreds of hours pouring over hundreds of pages, all the while pushing aside personal concerns such as family and jobs. In addition we have spent hundreds of dollars to purchase the necessary documents.

We have sought to be succinct, thoughtful and reasoned as we have reviewed each technical section, 4.1 through 4.14 of the DEIR. One consequence of our study is that we better understand the complexities and dilemmas of the issues that are yours to resolve. We hope you will find our comments helpful.

Our goal is to see Angwin retain its rural setting and character and at the same time see homes built for people who live and work in Angwin. Save Rural Angwin has submitted a plan to Napa County that would protect agricultural land and leave adequate areas for College and business expansion. We wholeheartedly support that plan along with its related map.

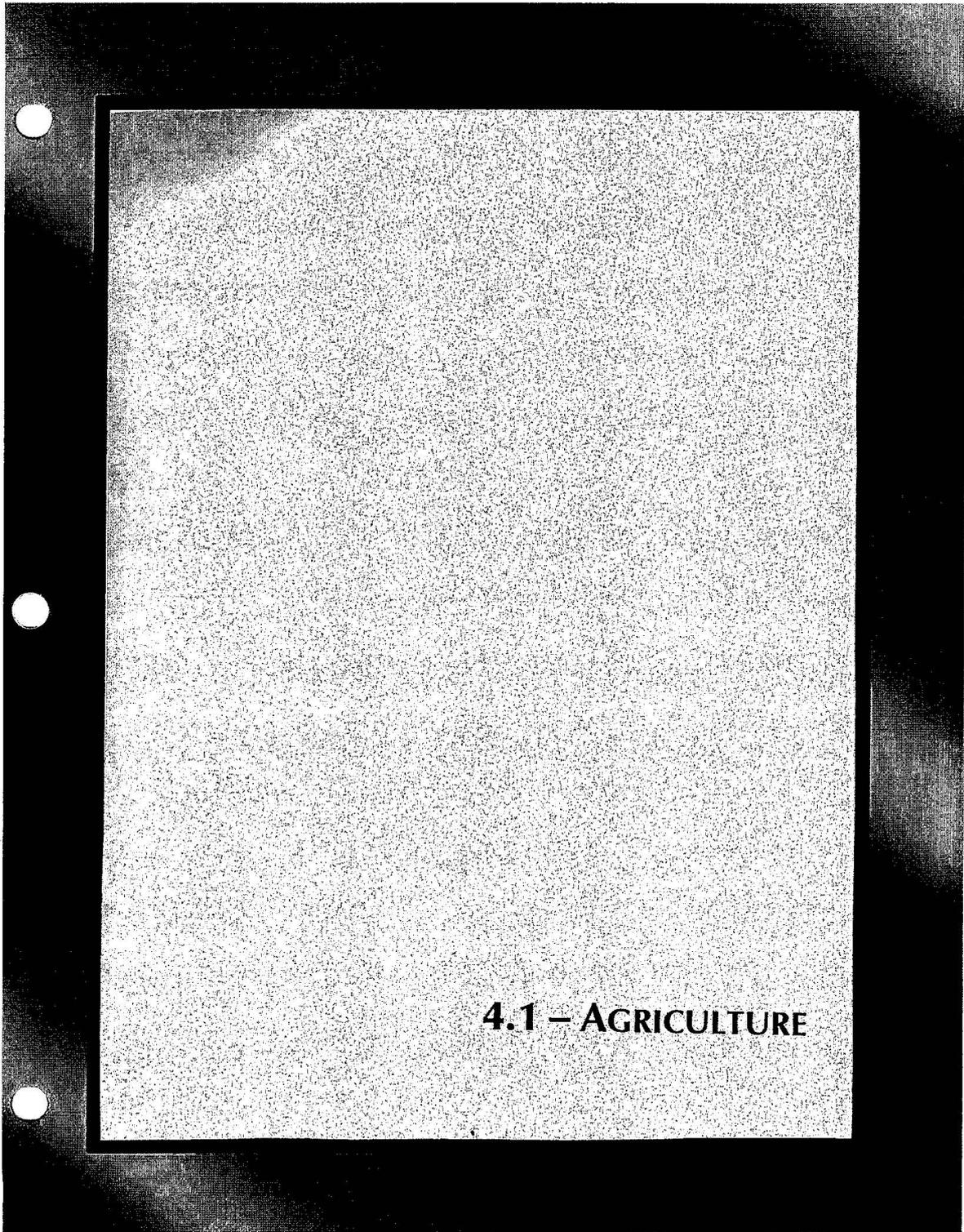
Respectfully,

Donna M. Morgan (dmluishman@mac.com 707-965-2146)

Jack C. Morgan
Kellie Anderson
Olaf Beckmann
Dick Dee
Virgil Morris
Kathy Bolan

Bob Bolan
Paula J. Peterson
Marjorie Shachnow
Gwen Warburton
Dominic Federico
Patrick Griffith

149-1E



4.1 – AGRICULTURE

**Comments on Draft Environmental Impact Report
Napa County General Plan Update**

Agriculture 4.1

Figure 4.1-2 State Designated Important Farmlands Map

Scale of map in BDR and DEIR is inadequate to define Important Farmland categories, by location, size and type. Existing map is inadequate to evaluate farmlands that could be impacted by project and to form reasonable informed judgement on impacts. Suggest development of map which is adequate to identify mapping units of 10 acres and is referenced to Table 4.1-2 Existing Farmland in Napa County.

149-2E

Table 4.1-3 Existing Grazing Lands in Napa County (2005)

The data provided for the Evaluation Area for Angwin is incomplete. Aerial photographs, or on site visit clearly document that a significant portion of the land in Angwin Evaluation Area (greater than the 24 acres noted) are under grazing by livestock. This information is inadequate to evaluate the potential loss of grazing lands under all alternatives as it is incomplete.

149-3E

Impact 4.1.1 Impacts Conversion of Agricultural Lands to Non-Agricultural Uses

Under all alternatives, loss of agricultural land, as designated on the Napa County Land Use map would occur (pg. 4.1-22). Suggest development of a environmentally superior alternative which removes all lands zoned as agricultural from urban land use designations on Land Use Map.

149-4E

Additionally, protecting **Farm Lands of Local Importance**, while not explicitly called for by CEQA, should be a standard that Napa County upholds as supported by the statement on pg. 4.1-5 "vineyard development in Napa County has been occurring in areas that are not normally identified by FMMP as highly valued farmlands". Protecting Farmlands of Local Importance is critical to the economic and cultural preservation of small, local agricultural economies (Pope Valley, Gordon Valley, Wooden Valley, Angwin) and should be considered by County in development of superior EIR alternative.

149-5E

Under all alternatives A-C the potential for loss of state farmland

3.0 COMMENTS AND RESPONSES TO COMMENTS

exists. This is noted as significant and mitigable under Alternatives A and B, and as significant and unavoidable under alternative C. Mitigation Measures proposed are weakly worded stating "avoid conversion of farmland where feasible." and proposes "long-term preservation of one acre of existing farmland....for each acre of farmland that would be converted to non-agricultural use." These mitigations are inadequate to address the impacts of the project under all alternatives.

149-5E
cont'd

Impacts 4.1.3 Agricultural/Urban Interface Conflicts

Implementation of any alternatives that would place agricultural uses in conflict with other adjacent uses is unacceptable. Alternative C, which could potentially expand the Angwin and Pope Valley Urban Bubbles would result in increased conflict with existing productive agricultural lands including hay/alfalfa production, cattle grazing and wine grape growing.

149-6E

Mitigation Measures proposed are weakly worded "avoid conversion of farmland where feasible." and the proposed "long-term preservation of one acre of existing farmland....for each acre of farmland that would be converted to non-agricultural use." are inadequate to address the impacts of the project under all alternatives.

Mitigation Measures 4.1.1a and 4.1.1b

As currently written, these measures are inadequate to protect agricultural lands from conversion to other uses. Particular concern is the use of a historical trend line (Table 4.1-7) as a hypothetical mechanism for estimating future agricultural acreage increases. The overall growth of vineyard acreage implied by this trend does not adequately mitigate the loss of farmlands which have agricultural zoning, with in so called 'Urban Bubbles'. The overall impression that future conversions of hillside timberlands to vineyards is adequate to compensate for the loss of currently zoned or producing ag lands is an unacceptable mitigation.

149-7E

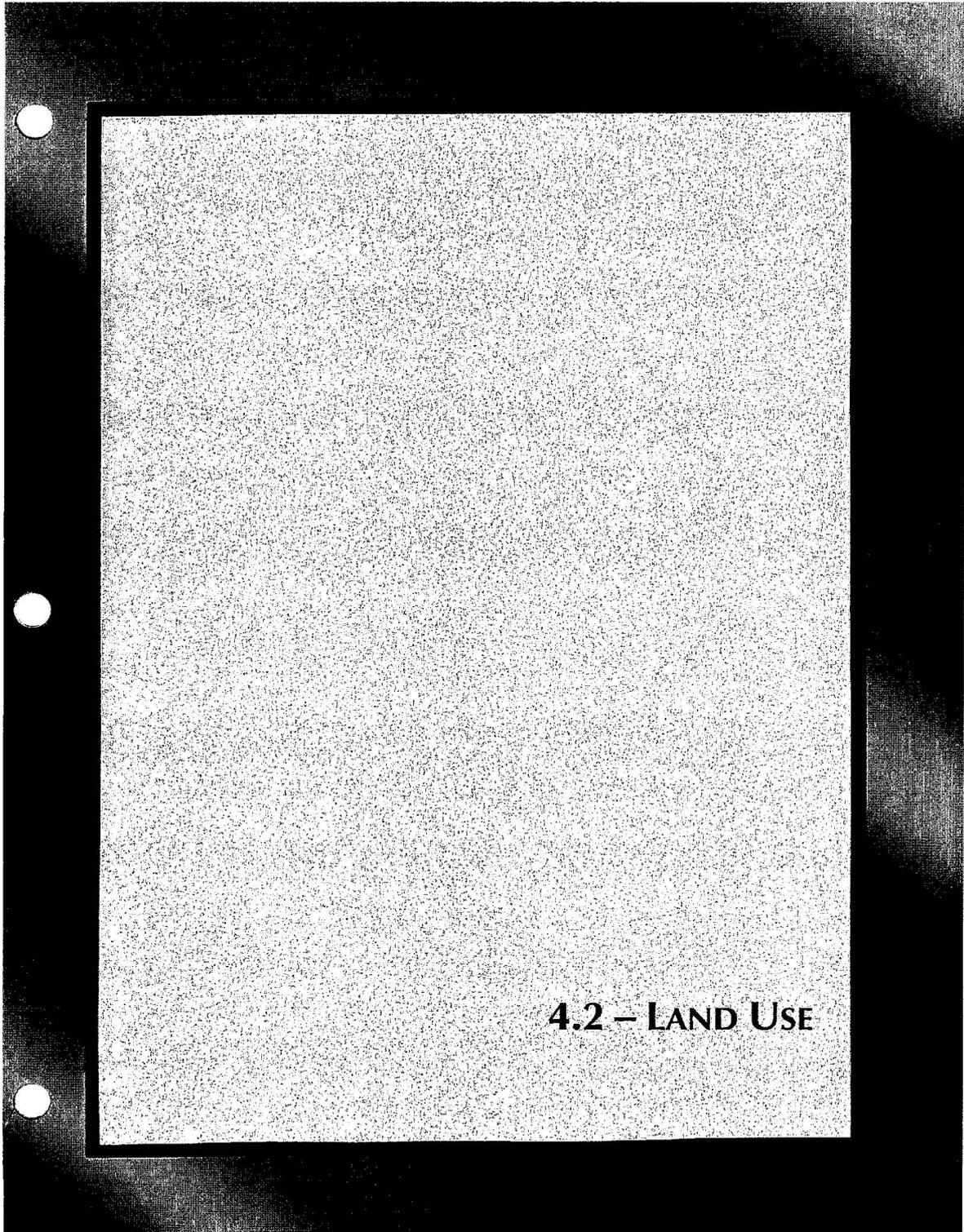
The mitigation proposed in 4.1.1b appears to be particularly inadequate noting "where conversions of farmlands of concern under CEQA cannot be avoided, the County shall require (at minimum) long term preservation of one acre of existing farmland". This Mitigation Measure appears to accept loss of ag lands inevitable and is unclear as to what "long-term" preservation specifically entails.

The final paragraph in Agriculture 4.1 page 4.1-31 reads "Implementation of Mitigation Measures 4.1.1a and b would assist in

reducing the conflicts to agricultural zoning under all alternatives. However, there is no feasible mitigation to avoid the potential conflict and associated loss of agriculturally zoned lands. The impact would be significant and unavoidable for all Alternatives.”

149-7E
cont'd

This conclusion is appears to be based upon the opinion of author and does not accurately reflect the goals of The DGP which clearly states (AG/LU Goal 1) is to **Preserve existing agricultural land uses.**



Comments on Draft Environmental Impact Report

Napa County General Plan Update

4.2 Land Use

4.2.1 Existing Setting, Unincorporated Areas, Angwin Area

Based on the information developed in the Base Line Data Report, the Angwin area is describe as follows on page 4.2-5 of the DEIR:

The majority of the land uses in ths area are rural lands, which typically contain vineyards or residences on large parcels greater than 10 acres. The next predominant land use is rural and urban/suburban residential development, occupying approximately 19% of the Angwin area, and generally consisting of low-density residential development. Farming and grazing uses comprise approximately 14.5% of the Angwin area.

As the Base Line Data report was developed to give a realistic reflection of actual land use patterns, it is important to keep in context Angwin's overall rural character when developing future land use policies or potential changes to the so-called "Urban Bubble".

The on the ground information presented in BDR conflicts with the inaccurate land use designation "Urban Bubble" for the Angwin area and changes to the Angwin Urban Area configuration to reflect rural, agricultural uses of parcels in Angwin should be adopted.

These changes should include:

149-8E

3.0 COMMENTS AND RESPONSES TO COMMENTS

- | | |
|---|---------|
| 1) Developing a Public Institutional land use designation for the core Pacific Union College campus. | 149-9E |
| 2) Removing all parcels, regardless of ownership, with AWOS zoning from within existing 'Urban Bubble' configuration. This should include parcels split by 'Urban Bubble' line or parcels partially in and partially out of 'Urban Bubble'. | 149-10E |
| 3) Remove portions of APN # 024-410-008 From PD zoning and re-zone as AWOS. While this may occur after adoption of the final GP, it is a reasonable and consistent approach to preservation of Farmland of Local Importance. Preservation of this specific agricultural parcel, that is one of the core defining features of the Angwin community, and which has historically been under agricultural production, is key to the preservation of Angwin's special rural, agricultural character. | 149-11E |
| 4) Maintain existing AWOS land use designation for the small, rural village area of Angwin to prevent further subdivision of rural home sites into higher density uses. | 149-12E |

**Napa County Viewshed Protection Program
(County Code 18.106)**

Page 4.2-13 notes that the Viewshed Protection Ordinance was passed "to preserve the unique scenic quality of Napa County." While this information is provided as a reference for the impacts of the DEIR alternatives, a specific list of designated roadways in Napa County that are covered by viewshed protection under the current General Plan should be included here.

149-13E

By omission of this important roadways list, all alternatives of the DEIR are inadequate to address impacts of land use changes to designated roadways.

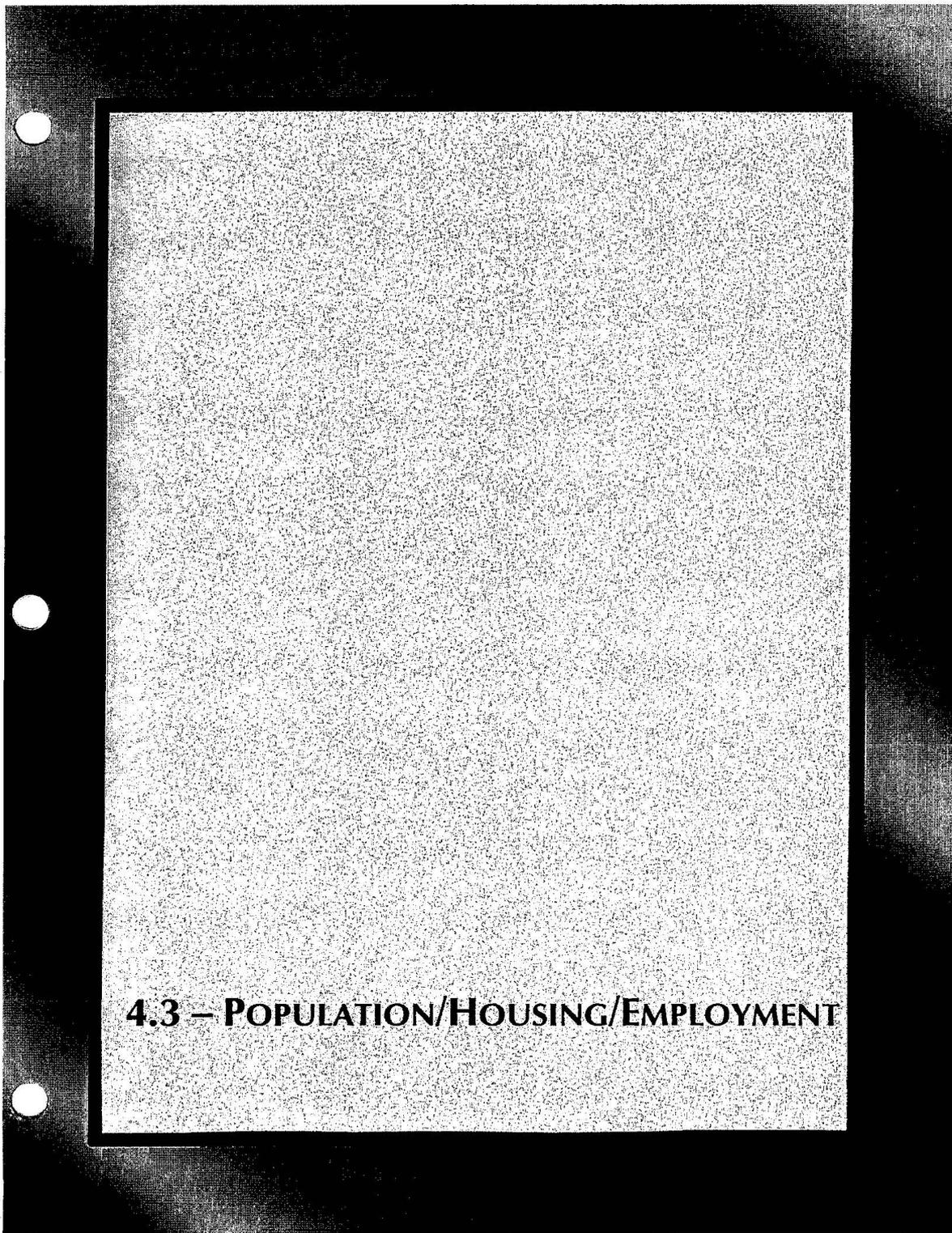
Division of Established Communities and Land Use Conflict
Impact 4.2.1

Under all alternatives of the DEIR the project includes the potential for conversion of agriculturally zoned lands to urban uses. Alternative A while maintaining existing Land Use designations could allow conversion of agricultural land to other uses, creating additional traffic, necessitating *changes* to Howell Mountain Road which is currently a pedestrian oriented road. Changes that cause traffic, rather than pedestrian use to control roadway, would effectively act to divide an established community. The conclusion that Alternative A's impacts are less than significant is incorrect and the analysis of impact of this alternative is inadequate.

149-14E

Under Alternatives B & C additional urban uses, due to conversion of agriculturally zoned land would occur, resulting in additional traffic on Howell Mountain Road, which could lead to unacceptable, negative changes in pedestrian use of this rural roadway.

Based on Figure 3.0-7 (Scenario 4 & 5), and of the hypothetical zoning scheme under Figure 3.0-5 (Scenario 3 which offers more intense zoning of AWOS zoned parcels), any increased traffic or changes to Howell Mountain Road would effectively physically divide community. These impacts are listed as Significant and Mitigable for Alternatives B & C. The mitigation measure is inadequate to address significance of impacts under alternatives B & C. And the potential for additional jobs/housing growth under these alternatives and resultant impact to Angwin is not adequately addressed,



4.3 – POPULATION/HOUSING/EMPLOYMENT

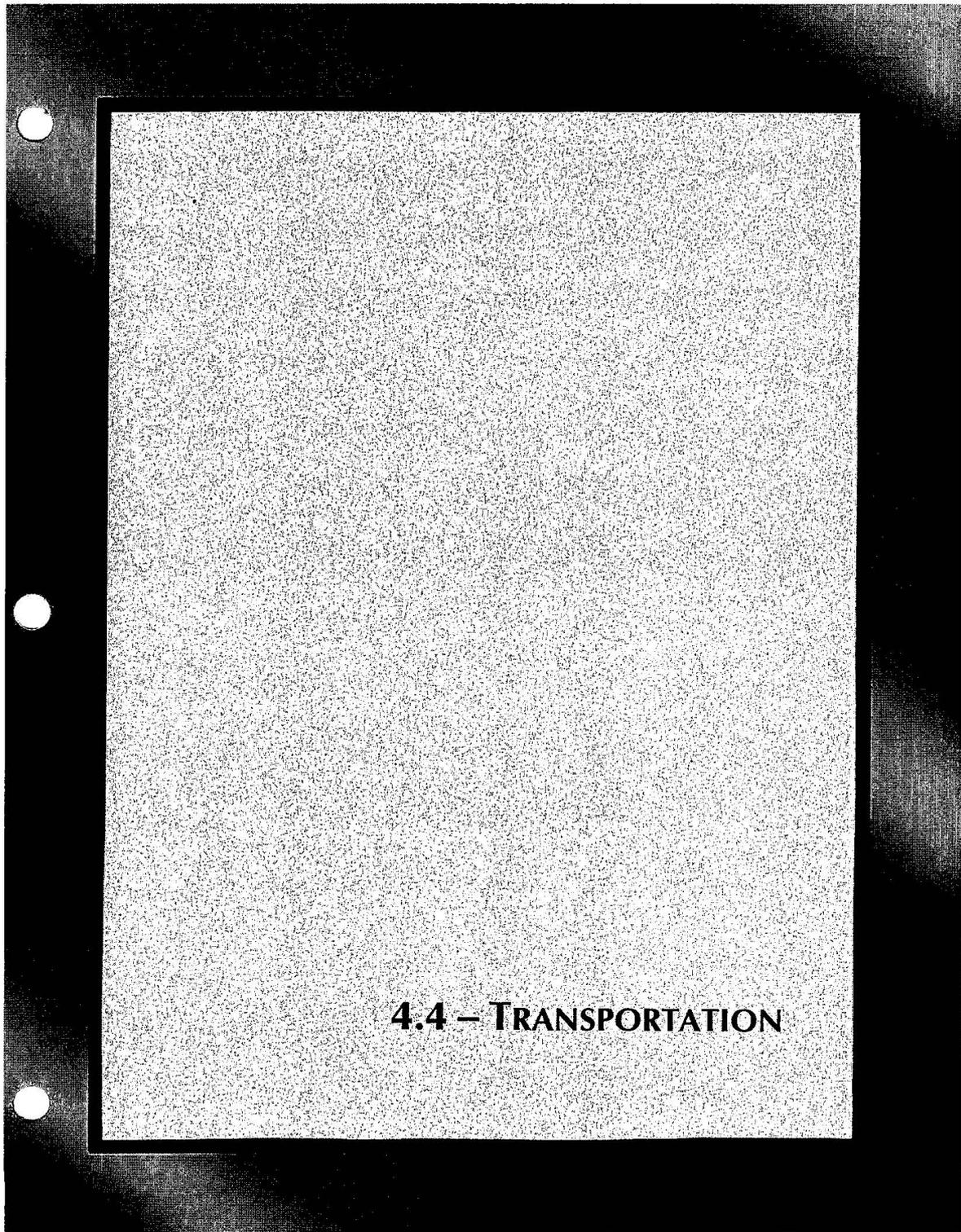
Comments on Draft Environmental Impact Report

Napa County General Plan Update

4.3 Population/Housing/Employment

MM 4.3.1. If we accept the EIR's assumptions regarding job and population growth, it seems apparent that there will be insufficient housing developed to meet the employment growth in the County. MM 4.3.1 attempts to address this issue by indicating that the County would adopt and implement a policy allowing certain multi-family residential project proposals if they "meet specific requirements." While the general nature of these requirements are listed in MM 4.3.1, we are unable to form a reasoned independent judgment on the effectiveness of the proposed mitigation because said County policy is, to date, simply a theory. The actual proposed terms of said policy would need to be reviewed in order to determine the effectiveness of the proposed mitigation measure.

149-15E



4.4 – TRANSPORTATION

General Plan Section 4.4 Comments

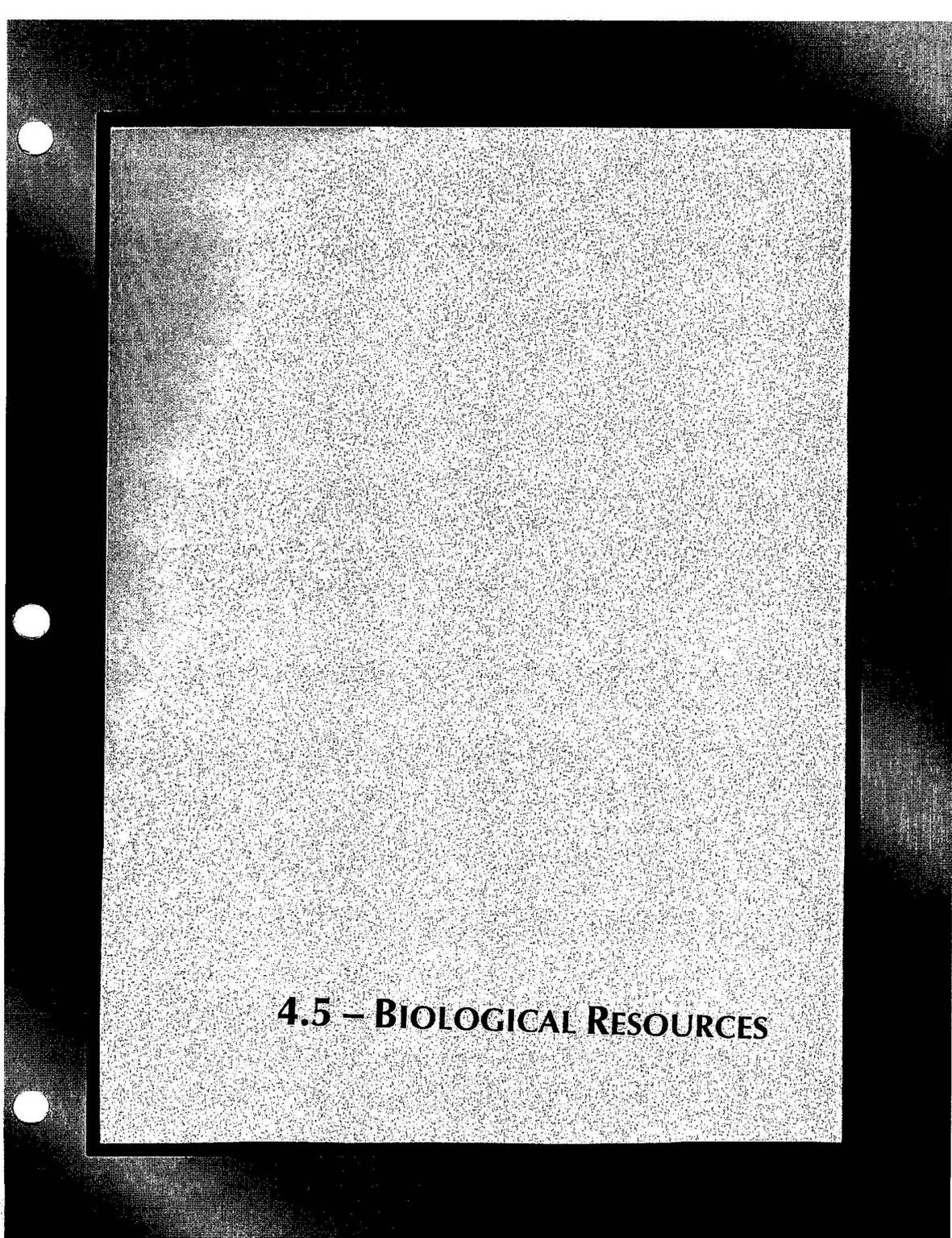
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|---|--|---------|
| <p>1. LOS (Level of Service) focuses only on traffic capacity and issues or inconvenience created by traffic volume. The definitions do not focus on road conditions. In the present assessment Howell Mountain Road (HMR) is LOS A, defined as free-flowing. HMR is also termed a "collector" road, being limited to local traffic. This is a totally inadequate assessment. HMR is a very old road, by design, being primarily the paving of a wagon road. It is narrow, winding and with curves sloping in the wrong direction. HMR has is a primary artery for commercial and agricultural traffic going to and from Pope Valley, north Lake Berryessa and lower Lake County. Napa County requires that trucks, termed "extra-legal", have a permit to travel HMR. The permit requires that the trucks be escorted by a pilot vehicle or the CHP. The county does not enforce the terms of the permit, and rarely does the CHP. As a result, many over-sized trucks use HMR unlawfully. These trucks cannot take most curves without crossing the double yellow line, and in some cases using the entire road. Many unreported wrecks occur on HMR, particularly just east (down hill) from Timberlane Ranch (1400 HMR). This short section of HMR has seen numerous accidents in the past 4 years as agriculture and development projects have significantly increased. (14 known wrecks at 1435 HMR driveway) The last accident occurred in May, 2007 when 3 motorcycles wrecked simultaneously. In November, 2006 a sports car hit a dump truck head on. One lane of the road was unusable for two hours. This wreck was not reported to the CHP. In addition, a roadside spring is highly used by persons collecting drinking water. There is no shoulder at the spring, and persons must stand on the white line to collect water. It is only a matter of time before there is a pedestrian fatality at the spring.</p> | | 149-16E |
| <p>2. Deer Park and Howell Mountain Roads, between the Silverado Trail to Pope Valley, have no bicycle strips and virtually no shoulder in many places.</p> | | 149-17E |
| <p>3. Petrified Forest Road is classified as LOS-C. While this may be accurate for much of the workday, Evening commuters may be stopped in the east-bound lane as much as one full mile from the 4-way stop. It can take as long as twenty minutes to get through the intersection. The issue is made worse by the traffic entering and exiting the gas station at the intersection corner. There is no access from north-bound 29; therefore, all cars entering the station must first turn left through the intersection and then turn left, across traffic, to enter the gas station.</p> | | 149-18E |
| <p>4. No reference is made to Hwy 29 northbound into Calistoga. Evening commuter traffic is frequently stalled back to Diamond Mountain Road. This is a 4-way stop that is constantly violated. There is also considerable pedestrian and cross-traffic in this area (e.g. two gas stations, wine store, grocery, Peter's Video, antique store and Rainbow Agriculture Supply).</p> | | 149-19E |
| <p>5. In reference to "Summary of Model Results by Alternative".</p> <p style="padding-left: 20px;">a. The assessment seems to be reasonable. However, the conditions of roads in north Napa County will contribute to far more congestion and accidents as the county grows. These roads (Hwy 29, Silverado Trail, Petrified Forest Road, Hwy 29 trough Calistoga, Deer Park Road, Howell Mountain Road and Pope Valley Road) already show the strains of commuter, commercial and tourist traffic.</p> <p style="padding-left: 20px;">b. These roads have been largely neglected to-date. In some cases the issue is the growing volume of traffic. In other cases the roads were not built to accommodate the type of traffic now using them.</p> | | 149-20E |

3.0 COMMENTS AND RESPONSES TO COMMENTS

4.4.1a	What is the standard for adequate level of service? How are roadway capacities calculated with harvest activities added to LOS D roadways. (I just found in the DGP that a LOS D or better is the standard level of service "reccomended"? "required"?)	149-21E
4.4.1c	What is "their fair share"? Funds for repair to roadways effected by development construction? Funds for improving roadway conditions? To bring roads to LOS deemed adequate by the county? To bring roads to LOS existing prior to development? To help fund alternative transportation? Where is Table 4.4-20 as referenced in this section?	149-22E
4.4.1d	What are "developed areas"? Are these areas with jobs in line with housing prices and shopping? Are these areas only tied to existing housing densities? Are these areas defined by existing "growth boundary lines"?	149-23E
4.4.1e	With agricultural employment not being 8 to 5, and not being in the same geographical area from day to day, attempts to reduce traffic from single occupancy vehicles may be more difficult than in more urbanized areas.	149-24E
	Table 4.4-15 (DEIR) Many of the roadway improvements listed here are cost prohibitive and not in keeping with goals of reduction of single occupancy vehicular traffic and would add to parking issues as more people would be on the road with increased roadway capacities. These mitigating measures should be refined or eliminated as they are not feasible.	149-25E

MM4.4.1c This measure does not address the core problem. With the huge increase in traffic which would be generated by the pending development projects in Angwin, Pope Valley and Guenoc Ranch the developers will be unable to buy their way out of the problem because of the underlying nature of the roads in question, i.e., Howell Mountain and Deer Park. A resurface job would be insufficient to correct the winding, narrow and steep characteristics of these mountain roads. The cost to mitigate the underlying problems would be prohibitive. Therefore, the thought that a contribution into a County transportation fund would somehow straighten curves, widen roads and lower slopes is an infeasible mitigation.

149-26E



4.5 - BIOLOGICAL RESOURCES

**Comments on Draft Environmental Impact Report
Napa County General Plan Update**

4.5 Biological Resources

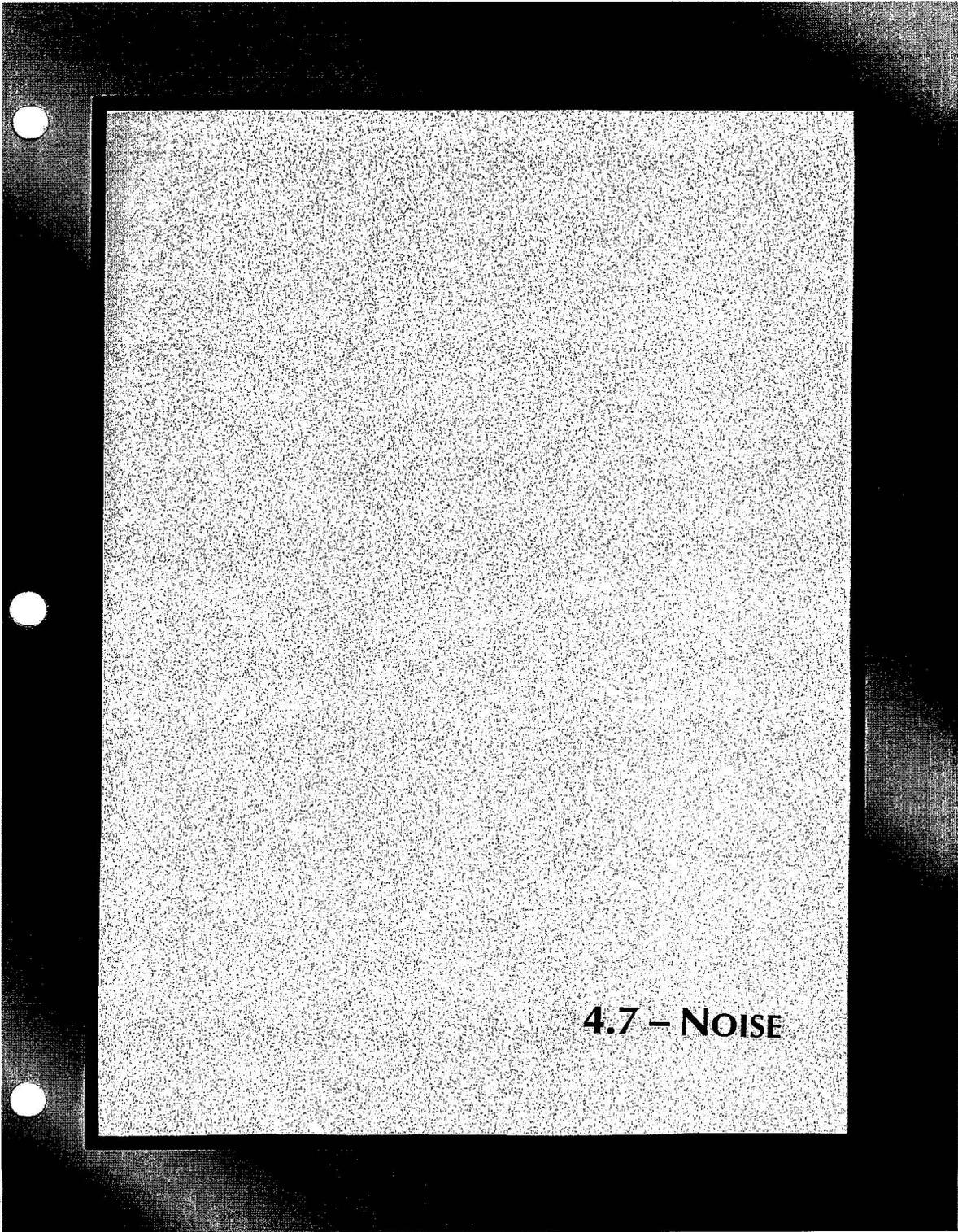
<p>Page 4.5-1 To paragraph 6 add: “The County’s emphasis to protect the rural character and maintain open space and agricultural lands contributes to, extends, and ensures continued biodiversity.”</p>	<p>149-27E</p>
<p>It is NOT an accident that Napa County enjoys a high natural level of biodiversity relative to California as a whole; it has been through conscious decision making, indefatigable commitment to agricultural preservation and open space goals, and strong policies in favor of “smart growth” that Napa County is admired and envied worldwide for it’s quality of life.</p>	
<p>Page 4.5-16/Table 4.5-1 There is incomplete survey data for the Angwin/Howell Mt./Pope Valley area of the county regarding Special-Status plant species.</p>	<p>149-28E</p>
<p>Table 4.5-2 and Figure 4.5-5 lack specificity and accuracy for the Deer Park/Angwin/Pope Valley areas. Only 19 of 25 sensitive communities recognized by CDFG are mapped in the County.</p>	<p>149-29E</p>
<p>Page 4.5-34 Potential wildlife movement areas should be specifically identified for potential impact and MM require appropriate study and identification.</p>	<p>149-30E</p>
<p>The fact that “wildlife movement has not been well studied in Napa county or other analogous landscapes” should be a “red flag” on any proposed multi-resident development in rural areas of Napa County.</p>	
<p>Page 4.5-42 Resolution No. 94-16 is mentioned several times and “incorporated by reference”. Where is it located? It appears to contain critical information that should be more specifically included.</p>	<p>149-32E</p>
<p>Page 4.5-42 Define and describe Napa County’s Domestic Water Supply Drainages further, i.e map or figure. Domestic Water Supply Drainages need specific Impact and Mitigation Measures identified.</p>	<p>149-33E</p>
<p>Biological Resources 4.5 Section There needs to be a goal/policy regarding expanding the County’s resource data base (Base Line Data Report) through further studies and documentation of historical and existing biological resources in order to accomplish Goal Con 1 thru 5. Throughout the chapter, reference is made to studies not done, watershed acreages not identified, wildlife movement not studied, all critical to sound decision making.</p>	<p>149-34E</p>

3.0 COMMENTS AND RESPONSES TO COMMENTS

Comments on Draft Environmental Impact Report Napa County General Plan Update

4.6 Fisheries

<p>Page 4.6-2 Napa River Watershed paragraph 1: CORRECT statements to accurately reflect Chinook salmon occurrence in tributary streams. Chinook salmon have been positively identified in specific tributary streams to the Napa River.</p>	149-35E
<p>Page 4.6-8/Table 4.6-5 Occurrence of special-status fish species, Central CA Coast steelhead trout. Occurrence in Napa County of steelhead trout should be updated. Population estimates are derived from 2001. This is a threatened species that should be enhanced.</p>	149-36E
<p>Page 4.6-17 Resolution No. 94-16 should be specifically included (at least in summary).</p>	149-37E
<p>Page 4.6-29/30, Impact 4.6.4 Incorporate in MM 4.11.5e: “Development projects shall not lower groundwater levels offsite; shall not result in any reduction in summer base-flow contributions to either groundwater aquifer or receiving waters (creeks, ponds, etc) adjacent or downstream of the project site.”</p>	149-38E
<p>We need to be assessing impacts of developments both on and off the development site. Site specific cause-and-effect studies need to be conducted to minimize impacts on aquatic resources, both from the immediate impact of development to the long term effect.</p>	149-39E
<p>Page 4.6-32 Add a Mitigation Measure: “A Fishery Management Plan including a Monitoring Plan shall be required for any proposed project that may impact a waterway.”</p>	149-40E
<p>Changes in land use as a result of development impact water resources. The health of our watershed/watercourses must be a priority. Any change may dramatically affect the ability of natural systems to support and nurture wildlife and fisheries.</p>	



4.7 – NOISE

**Comments on Draft Environmental Impact Report
Napa County General Plan Update**

4.7 Noise

Page 4.7-2 Last paragraph, last sentence, Add: “Any new noise source, though within recognized acceptable limits on its own, contributes to cumulative noise impacts.” 149-41E

The health effects of noise have been well documented.

Page 4.7-4 Paragraph 5, following mention of **Figure 4.7-2** Add: “Any significant change in the ownership and/or operation of the Angwin airport should call for prompt new noise contour data collection/study.” 149-42E

Any potential change in aircraft use of the Angwin airport should be assessed for impact on PUC and the surrounding community of Angwin. Aircraft operations could change the rural character if new operations resulted in significantly increased use patterns.

Page 4.7-28/Impact 4.7.3 Project Generated Traffic Noise Volume Increases, paragraph 1, last sentence states: “Vehicle speeds, roadway geometries, and traffic mixes were assumed to be the same under existing and future conditions.” 149-43E

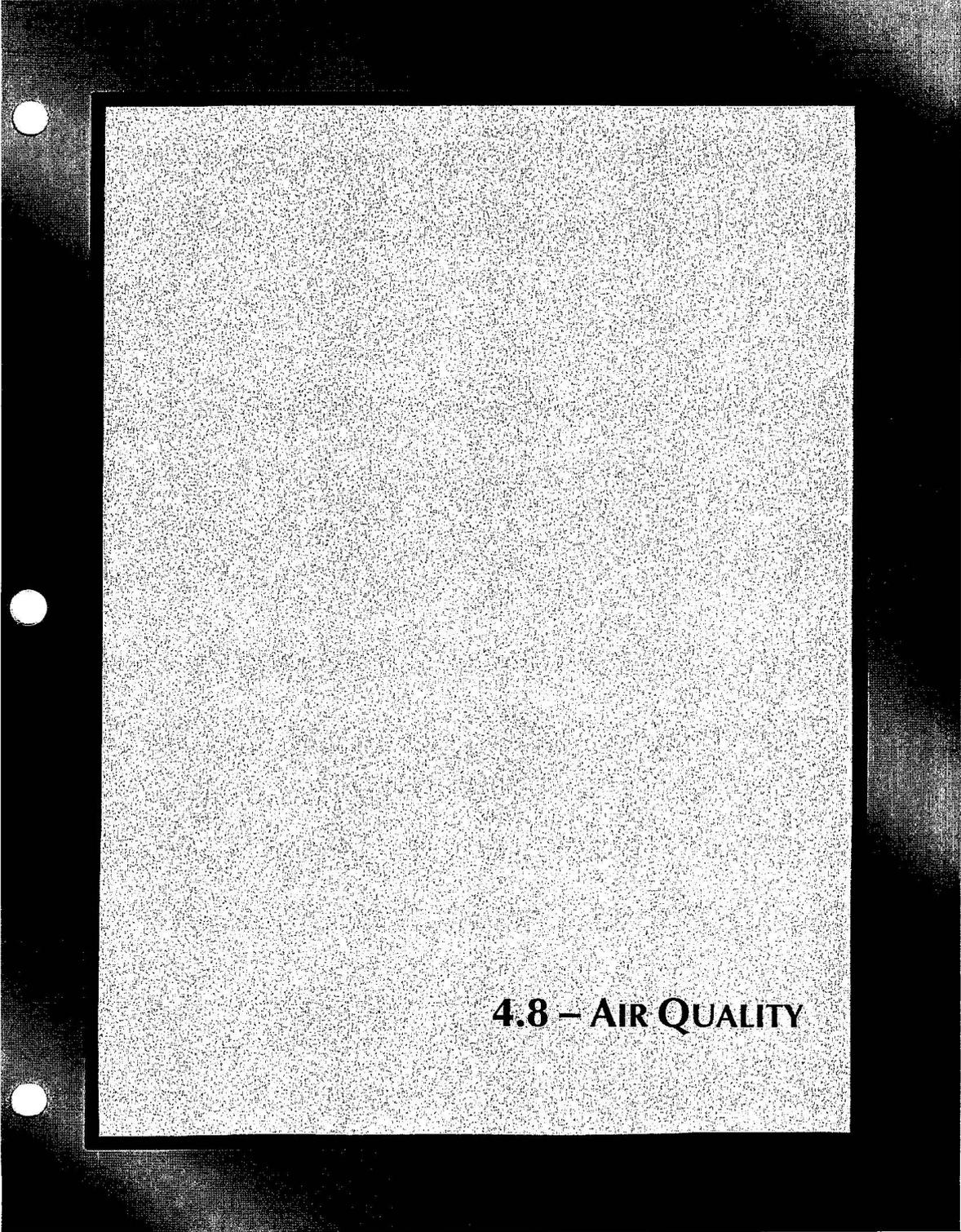
It is a false assumption that County roadways will maintain the existing traffic mix if/when multi-residential projects are authorized in rural areas. Change statement above to: “Vehicle speeds, roadway geometries, and traffic mixes will undoubtedly change as a result of development projects in the rural unincorporated areas of Napa County.”

Page 4.7-36, Impact 4.7.6 Remove the word “temporarily”.

Noise impacts associated with construction of any multi-year projects as well as noise associated with the project itself once constructed will continue on permanently at a different noise level factor than pre-project. Construction noise including bulldozers, backhoes, cement trucks, dump trucks, pile drivers, jack hammers, back-up buzzers, hammering, sawing, etc, etc of multi-residential development projects goes on for years, followed by the permanent cumulative noise from hundreds of homes/residences with their associated lawn mowers, leaf blowers, weed whackers, car horns, car alarms, increased traffic noise, weekly garbage trucks and collection process, etc, etc. 149-44E

Page 4.7-37/Impact 4.7.7 Paragraph 4, following “...Pacific Union College and no significant capital improvements are proposed.” Add: “Transfer of the Angwin airport ownership or operation could result in different use patterns and subsequently have impact.” 149-45E

The DEIR should address potential for change in ownership or operation of this airport.



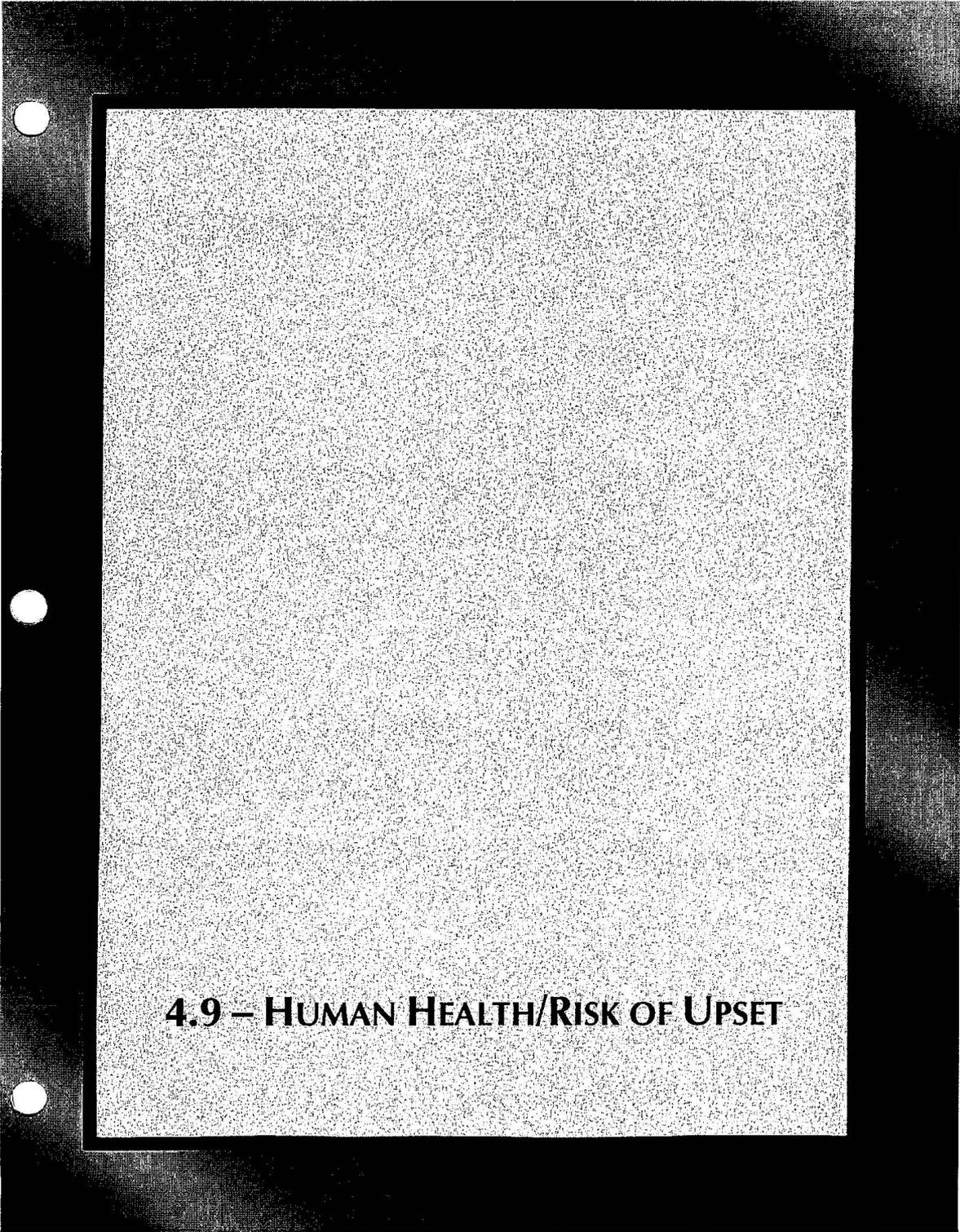
4.8 - AIR QUALITY

3.0 COMMENTS AND RESPONSES TO COMMENTS

Comments on Draft Environmental Impact Report Napa County General Plan Update

4.8 Air Quality

<p>Page 4.8-9 Paragraph 5: CO has severe effects on human health and must be closely monitored. Motor vehicle emissions are the dominant source of CO in the Napa region. Traffic volume and congestion on Deer Park-Howell Mt. Rd (just to name one in the unincorporated area) has increased significantly in recent years and will accelerate as more development construction equipment traverses that roadway. To assume “attainment” may be inappropriate. Insufficient data is available to classify the CO levels in Napa County unincorporated areas.</p>	149-46E
<p>Page 4.8-18/Impact 4.8.1 Napa County should align with regional growth projections prepared by ABAG. <u>Four of seven</u> Air Quality Impacts become SU when the County has chosen to exceed regional growth projections prepared by ABAG. Such impacts are contrary and inconsistent with the County vision of rural character and quality of life.</p>	149-47E
<p>Page 4.8-21 Last paragraph: Add statement about potential aircraft use at Angwin airport. Aircraft emissions inventories and/or projections should be included for the Clean Air Plan.</p>	149-48E
<p>Page 4.8-26/MM 4.8.2(a) Change: “Providing information regarding low emitting fireplaces...” to “Requiring low emitting fireplaces of property owners who are constructing or remodeling homes.”</p>	149-49E
<p>Page 4.8-29/MM 4.8.3a b) First bullet: “Hydro-seed (ADD) <u>using only appropriate native seeds...</u>” Exotics should not be introduced. Fourth bullet: “...public roadways (ADD) <u>and to any waterway.</u>” Fifth bullet: re “stabilizing vegetation” – must be appropriate to area, not resulting in disbursement of non-native or noxious weeds.</p>	149-50E
<p>Page 4.8-18/Impact 4.8.1, Page 4.8.23/Impact 4.8.2, Page 4.8-31/Impact 4.8.5, and Page 4.8-35/Impact 4.8.7 These Mitigation Measures are absolutely unacceptable and contrary to the quality of life vision of the General Plan. Environmentally appropriate alternatives must be identified and/or stronger policies established to comply with CEQA and reduce or avoid these effects. More detailed study and analysis are needed.</p>	149-51E



4.9 – HUMAN HEALTH/RISK OF UPSET

3.0 COMMENTS AND RESPONSES TO COMMENTS

Comments on human health/risk of upset.4.9 (dick dee)

Most of this is boilerplate which is used generically and applied to any EIR with reference changes for specific localities.

<p>4.9-11 para.3 defines conditions that make Angwin an unsafe place for cluster housing. Table 4.9-4 (line 1).</p> <p>Approximately 50% of Angwin is rated high or very high fire hazard severity rating.</p>	<p> </p> <p>149-52E</p> <p> </p>
<p>4.9-26 Alternative A,B&C. "less than significant". Whose words are these and who determines what is less than significant??</p>	<p> </p> <p>149-53E</p> <p> </p>
<p>4.9-28 "new school sites" Alternatives A,B&C Impact is "significant and mitigable" A. development could expose workers and residents to contamination hazards. B. Would involve construction of new trails and recreational facilities as proposed. (this would cause the destruction of trees and virgin growth) C. Expansion of urban and rural uses in Angwin will result in impacts from accidental release of contamination.</p>	<p> </p> <p>149-54E</p> <p> </p>
<p>4.9-30 Alternative C. Land expansion of rural and urban uses(of Angwin) would result in significant impact. (mitigation measure applies to Napa, not Angwin.)</p>	<p> </p> <p>149-55E</p> <p> </p>
<p>4.9.4 Proposed land use that could occur as a result of the Napa County general plan update could interfere with county emergency response and or evacuation plans. (comment. This is a significant point and one on which we should make major arguments)</p>	<p> </p> <p>149-56E</p> <p> </p>
<p>4.9-31 Alternatives B&C. additional expansion could occur within Angwin. This could result in conflicts in emergency response. This impact is considered significant and mitigable. (comment. Emergency response and evacuation plans will resonate with the county regulators. We must emphasize these insurmountable conflicts.)</p>	<p> </p> <p>149-57E</p> <p> </p>

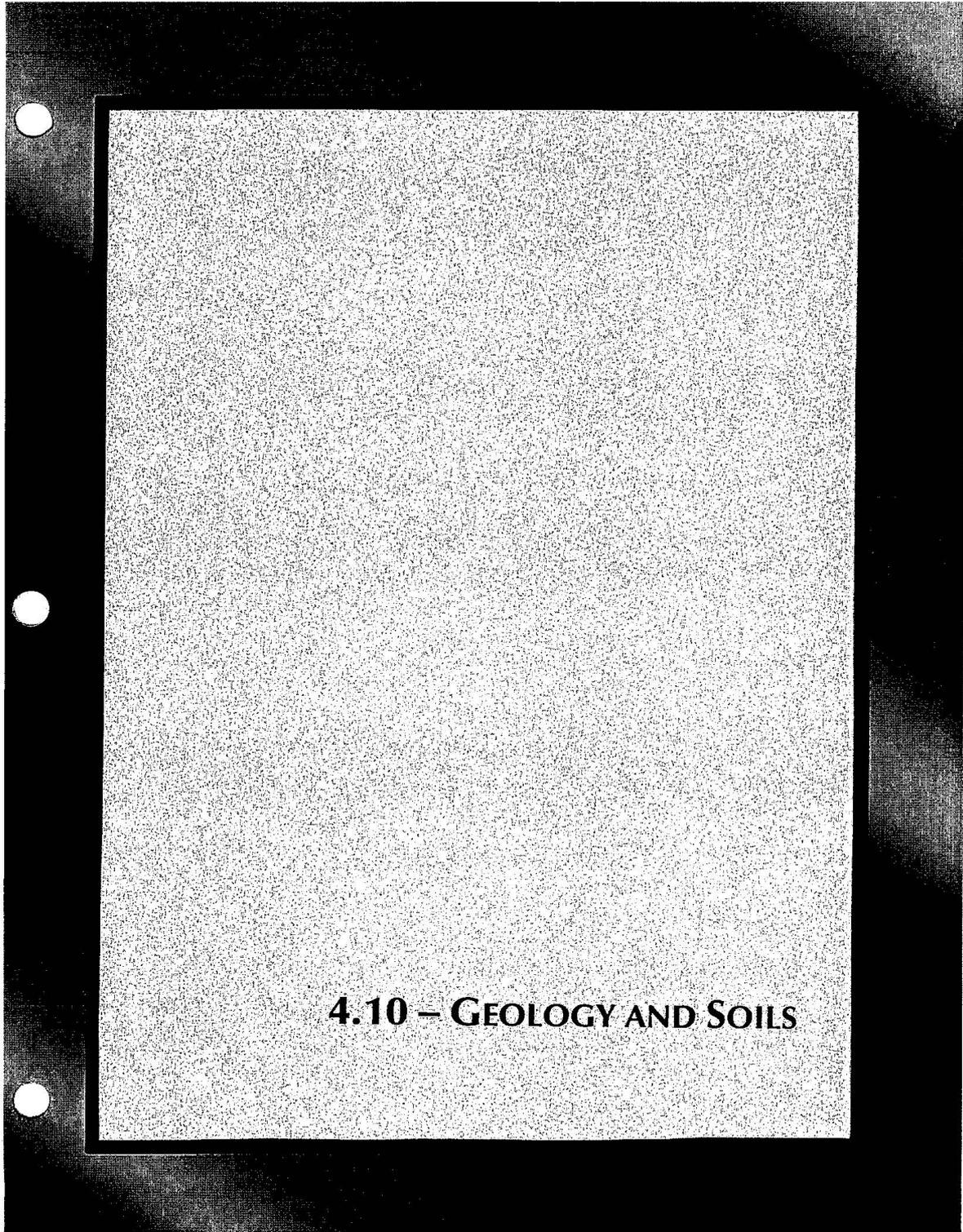
3.0 COMMENTS AND RESPONSES TO COMMENTS

4.9-32

County code and public resources code provide standards and restrictions regarding structure design, adequacy of emergency access and water for fire fighting.
(comment. Water supply is critical in Angwin. There will never be enough emergency water for hundreds of additional houses in Angwin)

149-58E

There is a reference to “Napa Firewise”. This is a red herring. It is a great sounding PR. Slogan but it bears little relevance to the important job of fire protection in Angwin. Our existing volunteer FD is doing an outstanding job but any major housing and commercial development in Angwin will make the existing fire dept. group obsolete and create the necessity for a major fire dept. to replace it.



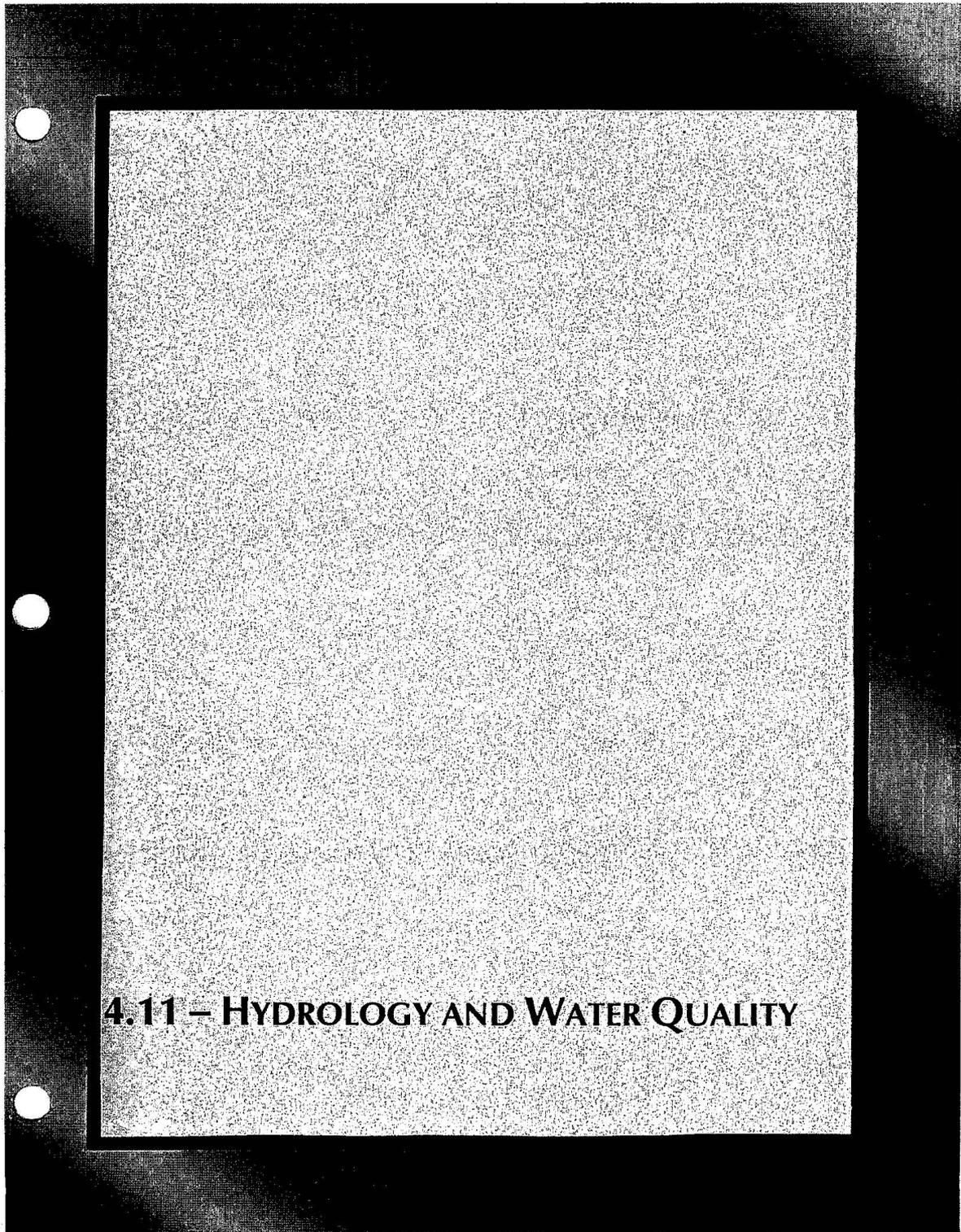
4.10 – GEOLOGY AND SOILS

**Comments on Draft Environmental Impact Report
Napa County General Plan Update**

4.10 – Geology and Soils

Compliance with County Code provisions, short of a severe seismic event, seem to address potential impacts.

149-59E



4.11 – HYDROLOGY AND WATER QUALITY

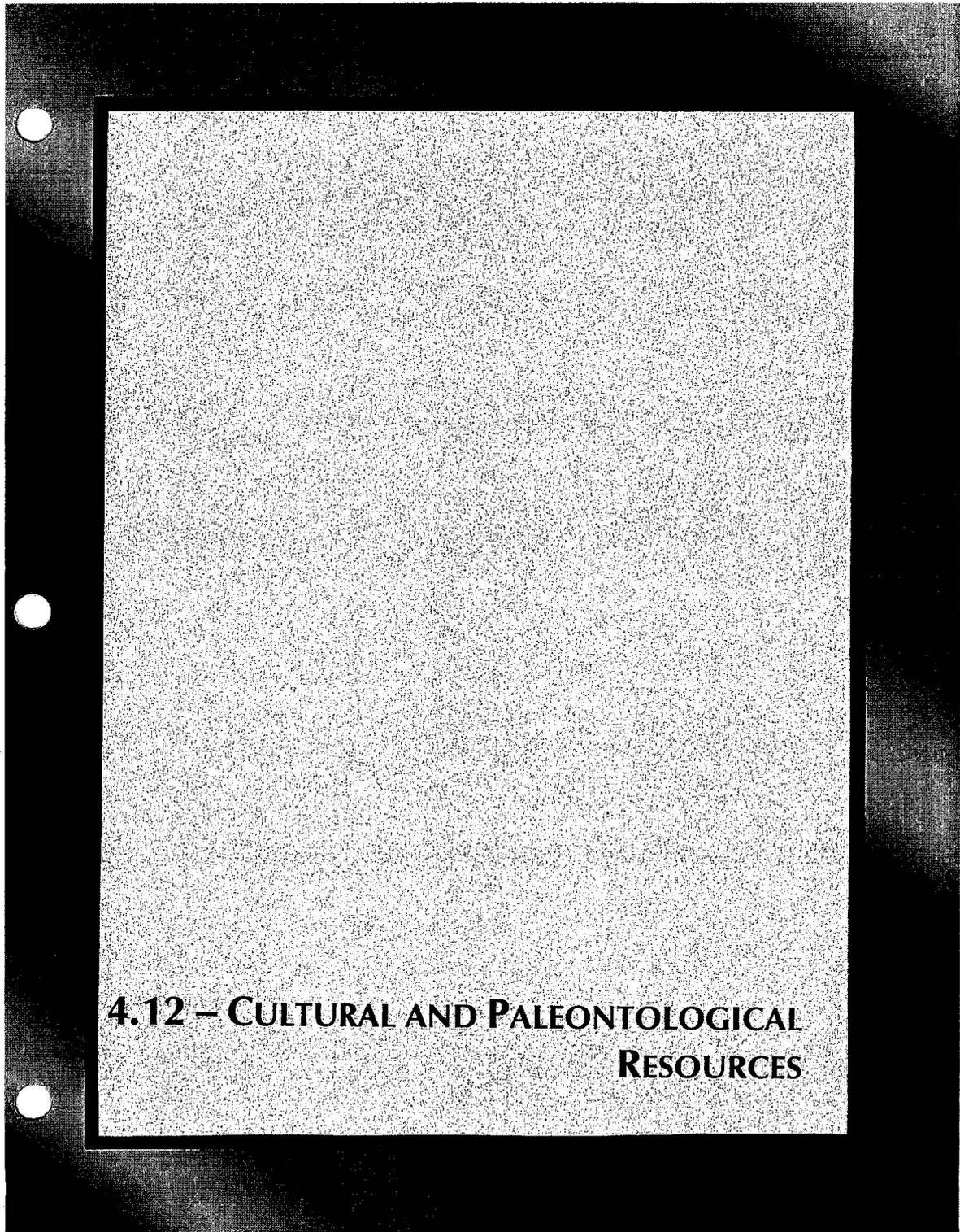
**Comments on Draft Environmental Impact Report
Napa County General Plan Update**

4.11 Hydrology and Water Quality

Page 4.11-62 through 65/Impact 4.11.5 Groundwater Level Decline and Overdraft

Growth inducing projects will impact this area of evaluation and may result in a deleterious effect on existing rural communities. At minimum, MM 4.11.5a needs to include Deer Park and Angwin, requiring demonstration of adequate groundwater supply for new projects prior to approval, not just for the project itself, but also that the water supply drainage and existing water company water sources would not be impacted. Water is “gold” and cannot be overspent. This IMPACT is INADEQUATELY ADDRESSED relative to Deer Park/Angwin. Strengthen the parameters that would disallow a project from going forward.

149-60E



**4.12 – CULTURAL AND PALEONTOLOGICAL
RESOURCES**

Comments on Draft Environmental Impact Report

Napa County General Plan

4.12 Cultural and Paleontological Resources

Page 4.12-11 of DEIR notes " Under CEQA, public agencies must consider the effects of their actions on both historical resources and unique archaeological resources." While the BDR utilized archival research to identify these resources, page 4.12-17 states

" The potential for other unidentified, resources in the County has also been taken into consideration."

Table 4.12-2 includes State and Federally Listed Historic Resources in Napa County, however, the obvious lack of historical resources noted for the Angwin area, indicates an overall inadequate level of evaluation of this important cultural and historic area. As noted on page 4.12-9 of DEIR "Historic sites include agricultural complexes, ranch complexes and vineyard and winery complexes that consist of a variety of buildings and structures and features such as rural residences, wine processing and storage facilities, barns corrals and rock walls."

149-61E

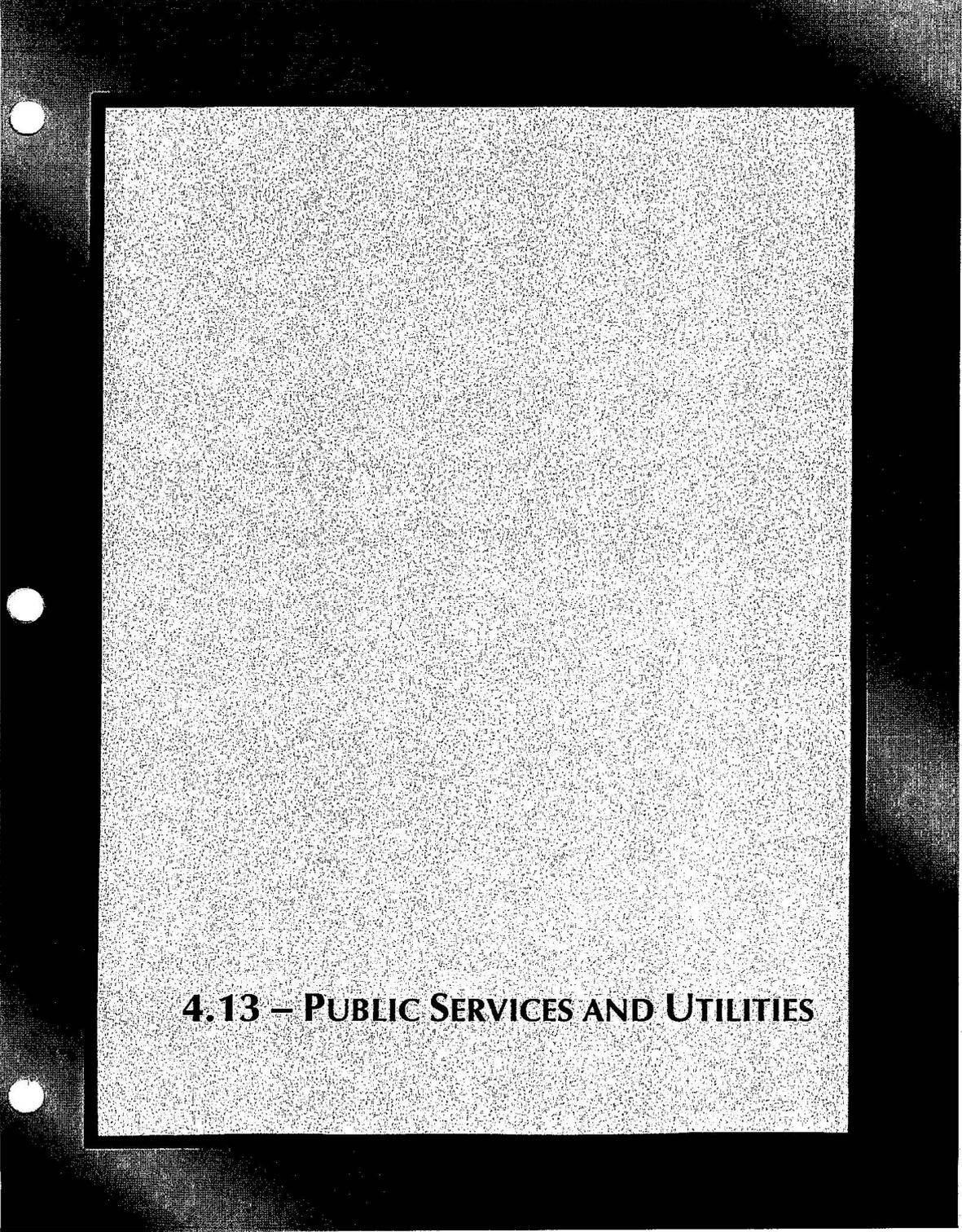
Given the fact that Angwin is the location of Pacific Union College, first established in 1909 on the site of the Angwin Resort, was the location of the PUC school farm including dairy, chicken egg production facility, orchards and gardens which provided the college with milk, eggs and produce, is the location of many stone wineries dating back to at least the 1880s including the Liparita 'ghost winery', the Brun and Chaix winery (now Ladera) and the La Jota Winery, the impacts of the project under all DEIR alternatives are inadequately addressed.

The Angwin area is comprised of many small homes believed to be constructed from local timber harvested on Howell Mountain and milled at one of local several saw mills. Many homes were constructed in "Work Bees" by members of the Seventh Day Adventist Church/College employees/students resulting in an architectural style unique to the Angwin area. Collectively the historical significance of PUC and it's related farming industries, the historic lumber activity and the wineries and wine growing history of the area, and possible locations of Native American sites have not been adequately investigated to determine their significance.

Impact 4.12.1 Archeological, Resources, Human Remains, and Paleontological Resources & Impacts 4.12.2 Historical Architectural Resources

These sections note that adoption of the DEIR could result in substantial alteration or demolition of significant historical architectural resources. This impact is considered Significant and Unavoidable under all alternatives. The mitigation measures offered are inadequate to address these serious impacts and loss of historic and archeological resources and yet undocumented resources. Further historic, archeological and cultural research is required before reasonable judgement can be developed on the effectiveness of the proposed mitigation measures.

149-62E



4.13 – PUBLIC SERVICES AND UTILITIES

General Plan Section 4.13 Comments

4.13.1 Fire Protection

1. There appears to be no mention of the Angwin or Pope Valley Fire Departments in the list of County fire departments.

149-63E

4.13.2 Law Enforcement

1. The CHP is currently under-staffed. Traffic enforcement in the Angwin/Pope Valley area by the CHP or the Sheriff's Dept is very limited, and appears to be on an "as needed" basis, e.g. in the event of a crime or accident. However, Deer Park Road is frequently patrolled.
2. "Beat 4" of the Sheriff's Dept is an extensive area covered by one sergeant and four deputies. As a result, response time to a call can be excessive, through no fault of the current law enforcement resources.

149-64E

4.13.3 Water Supply

1. The General Plan does not specify nor cites state requirements that specify the quality of water to be provided by "Private Providers." Government Codes 21151.9, 66455.3 and 66473.7 specify terms and conditions under which "sufficient water supply" can be submitted, approved and receive state funding. Given the issues with the Angwin water supply, it does not appear that the Angwin water supply will come under or comply with these requirements. Therefore, it will be left to local administration to determine both the quality and adequacy of the water supply.
2. The projected water requirements for the unincorporated areas of Napa County are aggregated. These should be broken into the specific water districts, particularly addressing proposed growth versus water requirements in multiple dry years. This raises concerns about the availability of water in Pope Valley and Angwin/Deer Park, given current and proposed development and the current water supply resources.

149-65E

4.13.6 Public Schools

1. **Existing Demand (4.13.6.1)** indicates that the Howell Mountain School District; among others, does not indicate any trends, up or down, in the number of students. This part of the General Plan will require modification if projects, e.g. the PUC/Triad project, are approved. HMESD is currently upgrading its facilities. The new facilities will accommodate up to 120 students. This project is being partially funded by the state through the programs cited in the General Plan. The PUC/Triad development poses several issues for the HMESD:
 - a. The increase in students would require a larger facility than is currently being developed.
 - b. A larger facility cannot be developed on the current site.
 - c. Moving to a new site within a limited period of time would cause issues with the State because of the underwriting of the current upgrade project.
 - d. If the current site is abandoned, the land would revert to the Friesen Family Trust based upon the terms of the donation of the land for the original development of a school.

149-66E

3.0 COMMENTS AND RESPONSES TO COMMENTS

- e. There is no proposed site in the PUC/Triad project for the development of a new public school facility.

149-66E
cont'd

4.13.7 Electricity and Natural Gas

1. While there have been recent improvements in the stability of the electricity supply over the past year, the Upper Valley (St Helena, Calistoga, Deer Park, Angwin, Pope Valley) has experienced major outages due to fires, trees being down or animals.
2. The power lines in the Howell Mountain Area run through heavily wooded areas. Environmental restrictions prevent the adequate clearing of trees to ensure a constant electricity supply.
3. While PUC provides electricity for its campus, the Angwin business center and some residences, the preponderance of power in the area is provided by PG&E. PG&E has indicated that any significant increase in demand and in order to ensure constant power supply major re-engineering of the current power lines would be required. PG&E has stated that it is too expensive to bury the lines in this rural area. To replace the current lines with lines for greater, more secure service is a major expense that it is not likely to occur, according to PG&E representative.
4. Since the county consumes more electricity than it produces, and since it is assumed that the "smaller facilities" do not contribute significantly to the County "overall capacity," there is a need for the General Plan to specifically address any significant increase in demand on power, specifically by any significant proposed or active projects, e.g. PUC/Triad or the current developments in Pope Valley (Aetna Springs and the proposed golf course resort on and adjacent to the Juliana Vineyards property).

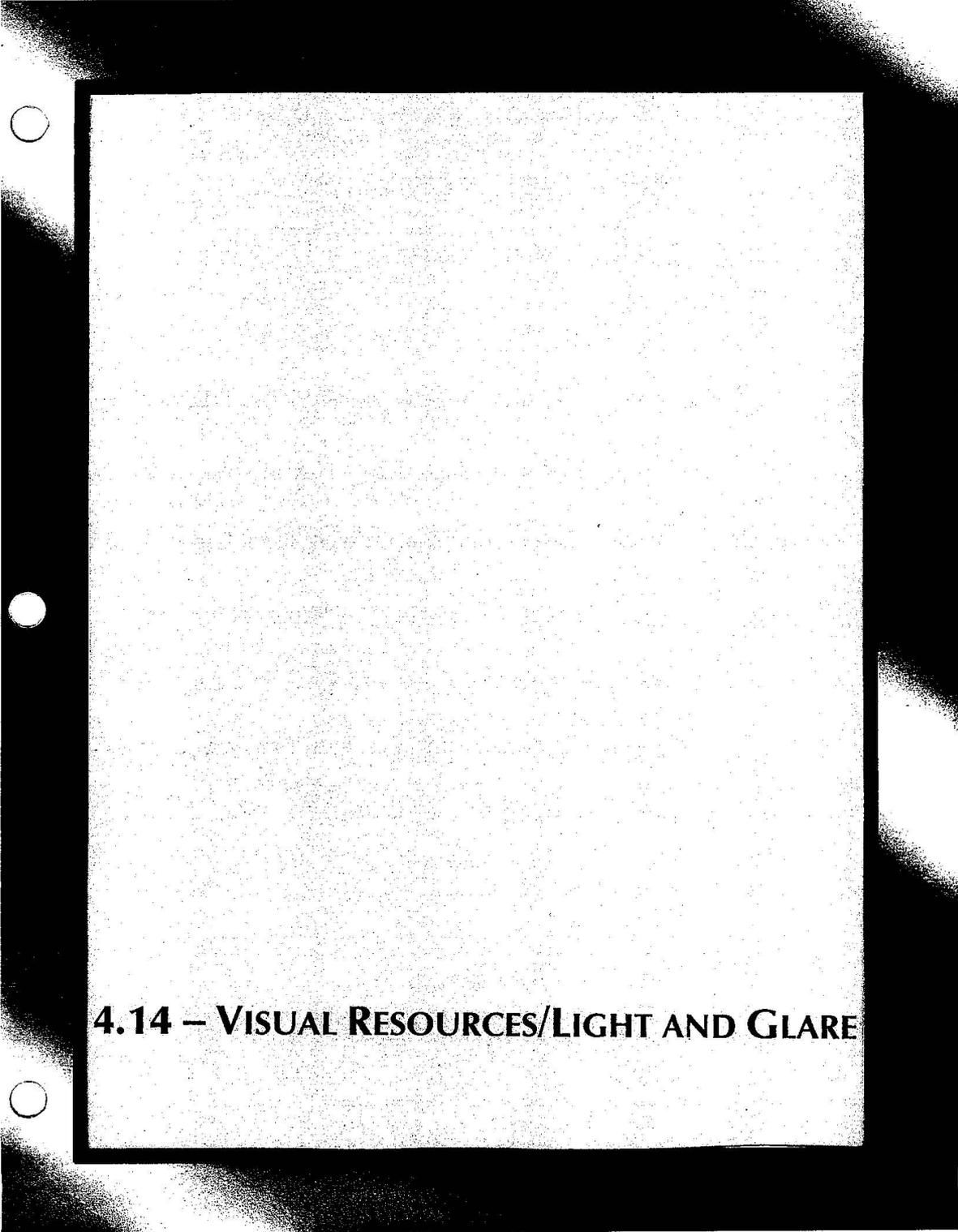
149-67E

Additional Comments

1. While the Aetna Springs development seems a worthwhile revitalization project of an historic site, the projected plans of the development company seem to over-reach what would be considered normally accepted growth without a proper referendum. There seems to be major contradictions or opposing standards at play. The Pope Valley Store cannot upgrade without a referendum. The Pope Valley Garage cannot get a commercial permit for an electricity upgrade without a referendum, even though the business has been on site for more than 90 years. However, not only can Aetna Springs be redeveloped without a referendum, but a golf resort (and assumption that houses will be eventually built) can be put on the Juliana Vineyards property without a referendum.
2. In 1994-95 more than 300 properties in the Angwin/Pope Valley area were sued by Solano County to prohibit expanded use of the Putah Creek water supply. Solano County won the suit, and the defendant properties must file water usage with the State. A limit of 600,000 acre feet of increased water usage was placed on all the properties in the suit. This was specifically prevent the development of residential properties and a water district on the Juliana Vineyards property. It would appear that any development of the Juliana Vineyards property, requiring an increased supply of water, would be in violation of the terms of the court decision and the State monitoring of the water usage.

149-68E

149-69E



4.14 – VISUAL RESOURCES/LIGHT AND GLARE

3.0 COMMENTS AND RESPONSES TO COMMENTS

Comments on Draft Environmental Impact Report Napa County General Plan Update

4.14 Visual Resources/Light and Glare

<p>Page 4.14-13/MM 4.14.1a “The County shall provide...protective provisions of this Program on all public...(ADD)...and private multi-residential or commercial development...projects, including any...”</p>	149-70E
<p>The Mitigation Measure needs to address developments that are other than “public projects” as well.</p>	149-71E
<p>Page 4.14-13/MM 4.14.1b “The County shall...trees along public roadways...(ADD)...and most specifically along View-Shed Designated Scenic Roads...on forested lands...”</p>	
<p>Specific protection for View-Shed Designated Scenic Roads needs to be emphasized and strengthened.</p>	
<p>Page 4.14-13/MM 4.14.1c and Page 4.14-16/MM 4.14.2c The General Plan must include a listing of View-Shed Designated Scenic Roads adopted by Napa county.</p>	149-72E

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 149: DONNA MORGAN ON BEHALF OF ANGWIN RESIDENTS, JUNE 15, 2007

Response 149-1 E: The commenters have formed a group called Save Rural Angwin, which is a group of Angwin citizens who have joined together to review the proposed General Plan Update and Draft EIR. They provided comments and a plan to Napa County that they feel would protect agricultural resources and leave adequate areas for college and business expansion. Because this is an introductory comment with no specific comments on the General Plan or EIR, no further response is necessary. Responses 149-2 through 149-72 below respond to the specific concerns of the commenters. The proposed General Plan Update has been revised and the Final EIR identifies it as the "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 suggests the existing residential neighborhood of Angwin could be added to the bubble in the future (subject to a Measure J vote).

Response 149-2 E: The commenters state that Figure 4.1-2 is an inadequate scale to determine the impacts of the General Plan on Important Farmland categories by location, size, and type. The commenters suggest development of a map which is adequate to identify units of 10 acres and is referenced to Table 4.1-2 Existing Farmland in Napa County (2005). The County appreciates input on the General Plan process. Figure 4.1-2 is based upon GIS data from Napa County and is intended to show an overview of existing agricultural resources in Napa County, not to show parcel-specific data. Because the General Plan covers 479,000 acres and there are 50,573 acres of existing farmland, it would be infeasible to provide mapping identifying 10-acre segments; however the County's GIS data is available for review via the County's Web site at www.co.napa.ca.us.

Response 149-3 E: The commenters state that in Table 4.1-3 Existing Grazing Lands in Napa County, data for Angwin is incomplete. The commenters state that a significant portion of land in the Angwin evaluation area is under grazing by livestock (greater than 24 acres); therefore, they feel the analysis of potential loss of grazing lands for all alternatives is incomplete. It should be noted that the acreage information presented in Table 4.1-3 was provided by the Napa County Conservation Development and Planning Department in 2005 and is based upon GIS data. While it is possible that some additional grazing land has been added to Angwin since 2005 or was not identified in that inventory, the data from the County's GIS database is the most current information available. It is also possible that the boundaries of Angwin in the GIS database may be slightly different from what the commenters consider as Angwin. Nonetheless, the Draft EIR analysis goes on to conclude that potential impacts to agricultural land (including grazing land) may occur (see Impact 4.1.1) and provides mitigation measures to reduce potentially significant impacts. Since this analysis is sufficiently broad-brush to encompass potential impacts in Angwin and elsewhere even if existing land use data changes or is not entirely precise, no change to the EIR is warranted.

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- Response 149-4 E:* The commenters suggest development of an environmentally superior alternative for Impact 4.1.1, which removes all lands zoned as agricultural from urban land use designations on the Land Use Map. The commenter is referred to Alternatives Master Response 3.4.2. Also, please note that the Revised Draft General Plan Update removes agriculturally zoned land from the Urban Residential designation in Angwin.
- Response 149-5 E:* The commenters state mitigation measures under Impact 4.1.1 are inadequate to address the impacts of the project under all alternatives. Additionally, the commenters note that the protection of Farm Lands of Local Importance is critical to the economic and cultural preservation of small, local agricultural economics. There is no requirement in the CEQA Guidelines that require the protection of Farm Lands of Local Importance, and the mitigation measures proposed under Impact 4.1.1 would require consideration and protection of farmlands of concern as required by CEQA guidelines. Mitigation measures MM 4.1.1a and b would provide for preservation of equally or greater farmland of importance at a 1:1 ratio for land areas lost, which is a commonly used method in the state for minimization of agricultural land loss. Additionally, it should be noted that the County has gained 17,593 acres of farmland of concern under CEQA (state designated Prime Farmland, Unique Farmland and Farmland of Statewide Importance) (see Draft EIR page 4.1-27). The approach to mitigation taken by the Draft EIR is particularly appropriate given this context.
- Response 149-6 E:* The commenters imply that Alternative C would result in significant impacts due to expansion of the Angwin "bubble" and creation of a new "bubble" in Pope Valley. The commenters also state that the mitigation measures under Impact 4.1.3 are weakly worded and are inadequate to address the impacts of the project under all the alternatives. Impact 4.1.3 (Agricultural/Urban Interface Conflicts) was found to be less than significant for all three alternatives because none of the alternatives would alter the "Right to Farm" or similar policies of the County, and no mitigation measures were required or included in the EIR. The commenter is referred to pages 4.1-29 through -30 of the Draft EIR for the discussion associated with Impact 4.1.3. Please also see Response 149-5 E regarding mitigation measures MM 4.1.1a and 4.1.1b.
- Response 149-7 E:* The commenters state that mitigation measures MM 4.1.1a and 4.1.1b are inadequate to protect the conversion of agricultural uses. The commenters also restate concerns about the loss of agricultural land and that the County is not committing to preserving agricultural land by more aggressive measures than the mitigation measures require. The commenters also discredit the use of Table 4.1-7 in projecting an increase in important farmland (as defined by the state) in the future. The Draft EIR utilizes existing environmental setting information that includes the trend by the County of having its acreage of farmlands of concern under CEQA increase by 17,593 acres since 2004. As specifically noted on Draft EIR page 4.1-11, this increase of farmland acreage has been the result of vineyard development converting lower classifications of farmland. The County is projecting that an additional 10,000 to 12,500 acres of vineyards would be developed by the year 2030. Based on County projections on

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where this new vineyard development is expected to occur (see Draft EIR Appendix H and associated Figures 1 through 4) in relation to the important farmland mapping provided by the California Department of Conservation (see Draft EIR Figure 4.1-2), the majority of this development will occur in areas that have lower farmland classifications. Impact 4.1.1 is specifically associated with loss of important farmland as defined by the state, while Impact 4.1.2 specifically addresses the loss of County designated farmland. Impact 4.1.4 is related to the potential loss of agriculturally zoned land and is identified a significant and unavoidable because of the amount of agriculturally zoned land contained within non-agricultural land use designations on the County's existing Land Use Map, which is not proposed for substantial change. The proposed General Plan Update has been revised and the Final EIR 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 contains strong policies regarding the preservation of agricultural land. Also see the Alternatives Master Response 3.4.2 for a discussion of farmland impacts under the Draft EIR alternatives.

- Response 149-8 E:* The commenters state that the Baseline Data Report conflicts with the land use designation presented in the "urban bubble" for the Angwin area. The commenters state that changes should be adopted to the Angwin Urban Area to reflect rural, agricultural uses of parcels in Angwin. The County appreciates the input regarding the existing Urban Residential designation in Angwin (a.k.a. the "urban bubble") and the proposed General Plan Update has been revised as described in Section 2.0, the "Preferred Plan." The Preferred Plan removes areas currently zoned for agricultural use from the Angwin bubble and includes other policies intended to preserve Angwin's rural character.
- Response 149-9 E:* The commenters suggest developing a Public Institutional land use designation for the core Pacific Union Campus. The proposed General Plan Update has been revised and removes areas currently zoned for agricultural use from the Angwin bubble, but does not re-designate the PUC campus as "institutional" because of the many additional changes to the General Plan that this would require, and staff's belief that an appropriate set of policies can be crafted for Angwin without this change to the map.
- Response 149-10 E:* The commenters suggest removing all parcels, regardless of ownership, with AWOS zoning from existing "urban bubble" configuration. This change has been made in response to the commenters' request, as described in Response 149-9E and elsewhere.
- Response 149-11 E:* The commenters suggest removing portions of APN 024-0410-008 from PD zoning and rezoning as AWOS. The commenters state that this agricultural parcel is a defining feature of the Angwin community. The Revised Draft General Plan Update does not propose to rezone any parcels within Angwin or elsewhere, choosing to concentrate on land use designations and policies inherent within the General Plan itself. Nonetheless, nothing would prevent the owner of the specified parcel from applying for rezoning in the future.

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Response 149-12 P: The commenters suggest maintaining existing AWOS land use designation for Angwin to prevent subdivision of rural home sites. The Revised Draft General Plan Update suggests that the residential neighborhood of Angwin could be re-designated as Rural Residential at some time in the future, if approved by the voters pursuant to Measure J. Since minimum parcel sizes in Rural Residential areas are 10 acres and existing lots in this neighborhood are generally small, the re-designation would create an opportunity for a great number of additional subdivisions.

Response 149-13 E/P: The commenters state that the Draft EIR needs a list of designated protected roadways under the Napa County Viewshed Protection Ordinance (County Code 18.106). Under the Purpose section of the Napa County Viewshed Protection Ordinance (18.106.010), Item B is to "Protect and preserve views of major and minor ridgelines from designated public roads." The definition of designated public roads under this ordinance (see Section 18.106.020) states " 'Designated public road' shall mean scenic highways as identified in Figures 75 and 76 of the scenic highways element of the Napa County general plan, and such other county roads as may be designated by resolution of the board of supervisors." The commenters are therefore referred to Draft EIR Figure 4.14-2 (Scenic Corridors), which includes a comprehensive diagram of the scenic highways and roadways within Napa County to which this ordinance applies. This list is also now included in the revisions to the Community Character Element in the form of a map.

Response 149-14 E: The commenters state that the mitigation measure for Impact 4.2.1 is inadequate. The commenters state that any increased traffic or changes to Howell Mountain Road would divide the community under all three alternatives. The commenters also state that the additional jobs/housing impact to Angwin is not adequately addressed.

The proposed alternatives vary in land use and growth potential and they are expected to increase traffic on some local roadways; however, none of the three alternatives would substantially alter the County land use patterns or result in the development of new physical features (e.g., development of a new highway through an existing community) that would result in the physical division of Angwin. Additionally, any subsequent safety improvement that would occur to Howell Mountain Road as a result of the General Plan would be an important improvement in the County on an already impacted roadway system. The commenters do not provide evidence to support their claim that the analysis and mitigation measure are inadequate. Mitigation measure MM 4.2.1 was drafted to provide mitigation on the two sites in the County where a physical division would occur as a result of the alternatives, including the Pacific Coast/Boca site and the Napa Pipe site. The proposed mitigation measure would be effective at mitigating the impacts under Alternatives B and C and reducing them to a less than significant level. The commenters are referred to Response 149-15 E below regarding jobs/housing impacts. Please also see Section 4.4 in the Draft EIR for an assessment of traffic impacts associated with the General Plan Update.

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Response 149-15 E: The commenters state that mitigation measure MM 4.3.1 needs to be reviewed for the proposed terms of the policy in the General Plan related to providing affordable housing in the County in order to determine the effectiveness of the proposed mitigation measure. The analysis provided in Section 4.3.1 of the Draft EIR concludes that all alternatives would result in growth in excess of regional projections; therefore they would have a significant environmental effect. This conclusion is more a function of ABAG's regional forecasting (which the County's experts feel is low for reasons explained in Appendix B of the Draft EIR), rather than any characteristic of the alternatives. Mitigation measure MM 4.3.1 reduces but does not eliminate the impact, since it only addresses growth in excess of the County's 1% annual housing limit. Since the Revised Draft General Plan Update no longer allows development in excess of the 1% limit, the suggested mitigation is no longer relevant; however the impact would remain significant. Please see the Alternatives Master Response 3.4.2 for more discussion of the regional projections.

Response 149-16 E: The commenters state that there is a need to look at problems with Howell Mountain Road more carefully and indicate there are numerous safety issues along Howell Mountain Road.

While the commenters feel that the analysis did not disclose a perceived inadequacy with the roadway design and safety of Howell Mountain Road, the analysis was indeed conducted appropriately for the General Plan and EIR process. Also, existing roadway deficiencies cannot be construed as impacts associated with the General Plan Update, since they are part of the environmental setting. The methodology used in the traffic analysis is consistent with county, state, and federal standards. The commenters are referred to the Methodology section in Section 4.4 , Transportation, of the EIR on page 4.4-25, Appendix C of the EIR, which contains the complete technical analysis by Dowling Associates, and Impact 4.4.2 (Roadway Safety and Emergency Access) on page 4.4-54 of the Draft EIR. Draft EIR Tables 4.4-5 through 4.4-8 provide data regarding traffic safety in the County, which do not identify Howell Mountain Road as having a high rate of accidents. Howell Mountain Road also is anticipated to operate within the County's level of service standards (see Draft EIR Table 4.4-13 and -14).

Additionally, the Draft EIR includes several measures for road safety including mitigation measures MM 4.9.4 and MM 4.13.1.1a and b. In addition to the mitigation measures, the County Code (Chapters 15.32 and 18.84) and Public Resources Code Sections 4290 and 4291 contain provisions associated with development standards and restrictions regarding roadway structure design, fuel modification zone design, adequacy of emergency access, etc. The Circulation Map in the Draft General Plan shows Howell Mountain Road to be maintained as a two-lane roadway. Any future proposed development in Angwin or Lake Berryessa would need to conduct a separate traffic analysis to determine that project's specific impact on surrounding roads.

Response 149-17 E: The commenters state that Deer Park and Howell Mountain Road have no bicycle strips and no shoulder in many places. Subsequent to the releases

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of the Draft General Plan and Draft EIR, further modification has been made to the General Plan under the Circulation Element to include additional language that the Napa Countywide Bicycle Plan shall be implemented as part of the General Plan update. Additionally, subsequent language has been added under the Circulation Element for the definition of routine accommodations to include the needs of pedestrians and bicyclists in all roadway construction and renovation projects.

Response 149-18 E: The commenters state that Petrified Forest Road is LOS C, but commuters seem to have a more difficult time at this intersection during rush hour. As described in Section 4.4 of the Draft EIR, the County's analysis examined level of service along roadway segments, rather than at specific intersections, because this was deemed to be more appropriate for a programmatic assessment of County-wide traffic conditions. The commenters have not provided adequate data and/or analysis that the traffic modeling for Petrified Forest Road was incorrect in its LOS analysis. Therefore, no revisions to the EIR are necessary.

Response 149-19 E: The commenters state that no reference is made to Highway 29 northbound into Calistoga. The commenters note that there is a 4-way stop that is constantly violated; however, that is an enforcement issue which should be addressed by the Napa County Sheriff's Department. The commenters also note that there is considerable pedestrian and cross-traffic in this area due to the commercial enterprises. The traffic modeling and roadway segment selection has conducted by County and Napa County Transportation Planning Agency staff. This included roadway segments north of St. Helena that would be impacted by implementation of the General Plan Update. This included Highway 29 (roadway segment 77 and 78 from Lodi Lane to Deer Park Road) and Silverado Trail (roadway segment 31 and 32 from Bale Lane to Deer Park Road). Level of service operation reported on Draft EIR Tables 4.4-13 and -14 shows a deficient operation of Highway 29.

Response 149-20 E: The commenters state that the summary of model results by alternative (pages 4.4-49 through -50) seems reasonable and that several of the roads listed already show the strains of commuter, commercial, and tourist traffic. The commenters also state that many of the roadways have been neglected or were improperly designed. The County appreciates the input regarding the General Plan Update process and has revised the Circulation Element to provide greater specificity regarding priorities (i.e., safety, local access, and maintenance) for roadways not proposed for capacity enhancements. Because the commenters do not comment on the adequacy of the Draft EIR or General Plan, no further response is necessary.

Response 149-21 E: For mitigation measure MM 4.4.1A, the commenters question what the standard is for adequate LOS and why the capacities were determined to be LOS D. The commenters are referred to page 4.4-24 of the Draft EIR under "Standards of Significance" under item 1, bullets i, ii, and iii where level of service standard is discussed. The Level of Service C or better on all County roadways was not adopted due to the fact that surrounding

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areas in unincorporated Napa County have experienced large amounts of growth in recent years in portions of the City of Napa, American Canyon, and Solano County, and the unincorporated portions of the County have experienced changes in jobs/housing balance. This growth and change to the jobs/housing balance has caused traffic volumes in unincorporated portions of the County including SR 12, connecting between American Canyon and Solano County, to more than triple over the last 20 years. The County has no authority to control the increase in traffic traveling through unincorporated portions of the County due to regional growth patterns. Therefore, the adoption of an LOS C would not be an adequate level of service standard for traffic volumes considering expected regional growth patterns. Additionally, the vast majority of the LOS D or worse conditions would occur regardless of whether or not the General Plan is updated, since the resulting LOS D or worse conditions would occur due to the projected traffic from the cities in the County as well as regional traffic volume increases.

Response 149-22 E: The commenters question the meaning of "fair share" in mitigation measure MM 4.4.1c and ask for the location of Table 4.4-20 referenced in the traffic section. Fair share is the term used to define the cost percentage (or share) that new development projects would be required to pay towards county-wide traffic improvements. As a result of the *Nollan v. Coastal Commission* court case, there must be a nexus between impact and mitigation. Under the *Dolan v. Tigard* court case, there must be "rough proportionality" between the project's share of an impact and its share of mitigation. The total percentage of cost shall be developed in cooperation with NCTPA. There is no Table 4.4-20 in the Draft EIR. Reference to Table 4.4-20 has been corrected in Section 4.0 of this document.

Response 149-23 E: The commenters question what the term "developed areas" refers to. Subsequent to the release of the Draft General Plan and Draft EIR, further modification has been made to the General Plan Circulation Element. These protective measures include additional language to further describe already developed areas such as existing cities, towns, and urbanized areas.

Response 149-24 E: The commenters state that because agricultural employment is not 8 to 5 and not in the same geographical area day-to-day, attempts to reduce traffic from single-occupant vehicles could be more difficult. The County appreciates the input regarding the General Plan process and acknowledges that auto trips outside of peak periods will be difficult to reduce, although these trips also do not contribute to the worst periods of congestion.

Response 149-25 E: The commenters state that Table 4.4.15 of mitigation measures should be refined or eliminated as infeasible. Table 4.4-15 in the Draft EIR is intended to be illustrative at providing a complete list of projects that would be necessary to mitigate the significant traffic operation impacts to LOS D or better. However, these improvements are not part of the General Plan nor are they mitigation measures. Table 4.4-16 in the Draft EIR presents the roadway improvements that are included in the General Plan Circulation

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Element. The mitigation measures associated with Impact 4.4.1 are MM 4.4.1a through 4.4.1j on pages 4.4-50 through -51 of the Draft EIR. The proposed General Plan would not result in widening of the existing roadways, which are improvements shown in Table 4.4-15, because widening the roads would result in more severe environmental impacts (beyond what is addressed in this Draft EIR) associated with visual resources, water quality, noise, air quality, and growth inducement. Additionally, these improvements would be inconsistent with the vision set forth in the proposed General Plan Update.

Response 149-26 E: The commenters state that mitigation measure MM 4.4.1c does not address the core problem of traffic generated by pending development and states that paying into the County transportation fund will not improve the underlying problem of windy roads, uneven slopes, and narrow roads. The intent of mitigation measure MM 4.4.1c is that the new policy would require individual development projects to have a traffic study done that evaluates the project-specific impacts and requires fair share payment for improvements to roadways impacted by that development project where such improvements are feasible. Despite this mitigation measure and others, the Draft EIR concludes that traffic occurring under all Draft EIR Alternatives will result in significant and unavoidable impacts. The commenters do not provide evidence to support their statement that mitigation measure MM 4.4.1c would be infeasible, nor do they offer an alternative solution. Therefore, no changes to the Draft EIR are necessary.

Response 149-27 E: The commenters suggest adding to page 4.5-1 stating, "The County's emphasis to protect the rural character and maintain open space and agricultural lands contributes to, extends, and ensures continued biodiversity." County staff agrees with the commenters that biodiversity is not an accident and believes there are adequate statements in the Draft EIR and the Revised Draft General Plan Update to this effect. The commenters are referred to Biological Resources Master Response 3.4.3 regarding biodiversity.

Response 149-28 E: The commenters state that Table 4.5-1 has incomplete survey data for the Angwin/Howell Mountain/Pope Valley area for plant species; however they do not specify what survey data is missing. Additionally, the commenter does not provide evidence to support this claim. The table was created with the best available information at the time of preparation. Also, the County's GIS (computerized) data presented here and in the Baseline Data Report will be updated over time as new information becomes available, consistent with Action Item CON NR-5 in the Revised Draft General Plan Update.

Response 149-29 E: The commenter states that Table 4.5-2 and Figure 4.5-5 lack specificity and accuracy for the Deer Park/Angwin/Pope Valley areas; however they do not specify what information is not specific or accurate.

The commenters' state that only 19 of 25 sensitive communities recognized by CDFG are mapped in the County. Table 4-5 of the BDR presents the areal extent and proportional distribution of sensitive biotic

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communities within the County's 13 evaluation areas (http://www.co.napa.ca.us/gov/departments/29000/bdr/pdfs/Ch04_BiologicalResources.pdf). Many of these communities could not be mapped utilizing the methodologies identified in the BDR due to many factors including lack of clear signatures on aerial photography and small patch size (less than 2.5 acres), so community delineation can only be ascertained during field evaluation. To provide an estimate of the unmapped resources would be speculative.

Response 149-30 E: The commenters state that the potential wildlife movement areas should be specifically identified for potential impacts and mitigation measures on page 4.5-34 of the Draft EIR. The commenters do not elaborate on what level of detail should be provided. The discussion on page 4.5-34 of the Draft EIR and Figure 4.5-6 clearly show the three major wildlife movement corridors in Napa County. This information is based upon Napa County, BDR, CalWild, and Hilty and Merenlender data. The information provided on page 4.5-34 is a setting discussion. The discussion of impacts related to wildlife movement areas is provided Impact 4.5.3 (Loss of Wildlife Movement and Plant Dispersal Opportunities), and mitigation measures MM 4.5.3a and b are provided on pages 4.5-66 and -67 in Section 4.5, Biological Resources, of the Draft EIR.

Response 149-31 E: The commenters state that wildlife movement has not been well studied in the County and should be a "red flag" for proposed development. The commenters are referred to Response 149-30 E above.

Response 149-32 E: The commenters question where Resolution 94-16 is located since it is referenced several times in the Draft EIR and appears to include relevant information. Resolution 94-16 is referenced in the Napa County Code under Section 18.108.030 and provides the list of watercourses subject to County Code Section 18.108. A listing of watercourse that were specifically modeled for hydrologic and water quality impacts is provided in Draft EIR Appendix H.

Response 149-33 E: The commenters suggest defining and describing the County's domestic water supply drainages further and specifying impacts and mitigations on page 4.5-42 of the Draft EIR. It should be noted that the information provided on page 4.5-42 of the Draft EIR is part of the setting discussion, not the impact discussion. The only part of the discussion on page 4.5-42 of the Draft EIR under County Code Section 18.108.027 that relates to biological resources is related to tree canopy and shrubby/herbaceous cover; impacts associated with tree canopy and cover are addressed under Impacts 4.5.1 and 4.5.2 in Section 4.5, Biological Resources, on pages 4.5-56 through -65 of the Draft EIR. The remainder of the discussion under that section of the County Code is related to hydrology, which is addressed in Section 4.11, Hydrology and Water Quality, of the EIR. The reader is referred to pages 4.11-67 through -73 in Section 4.11, Hydrology and Water Quality, of the Draft EIR for an impact discussion and mitigation measures related to drainage. Water supply impacts are addressed in Section 4.13, Public Services and Utilities, of the EIR starting on page 4.13-40. The commenters are also referred to Water Supply Master Response 3.4.1.

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Response 149-34 E: The commenters state there needs to be a goal/policy regarding expanding the County's resource database to accomplish Goals CON-1 through -5 by providing further studies and documentation of historical and existing biological resources. Since the release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element has been further modified. Action Item CON NR-5 includes the commenters' suggestion.

Response 149-35 E: The commenters note that statements should be corrected to accurately reflect Chinook salmon occurrence in tributary streams. The commenters note that Chinook salmon have been identified in specific tributary streams to the Napa River.

Napa River Watershed, page 4.6-2, paragraph 1, of the Draft EIR has been revised as follows:

- Chinook salmon have ~~not~~ been positively identified in ~~any~~ many of the tributary streams. NCRCD has documented adult Chinook in Napa Creek, Sulphur Creek (and juveniles), Redwood Creek (and juveniles), Selby Creek, Milliken Creek, Salvador Channel, Dry Creek, and Bell Creek (NCRCD). Central Valley fall-run chinook salmon will use the Napa River upstream into the town of Calistoga, up to the base of Kimball Canyon Dam (NMFS 2007). In a survey done in 2004 by Napa RCD, spawning adult Chinook salmon were observed in a 3.6-mile stretch of the mainstem Napa River at Rutherford (BDR).

The following reference will be added on page 4.6-35 of the Draft EIR:

- National Marine Fisheries Service (NMFS). 2007. Central Valley Chinook Salmon Current Stream Habitat Distribution Table. NMFS Southwest Regional Office. Electronic Document accessed on September 14, 2007 at <http://swr.nmfs.noaa.gov/hcd/dist2.htm>

Response 149-36 E: The commenters note that Table 4.6-5 relative to the occurrence of steelhead trout should be updated. Table 4.6-5 in the Draft EIR incorporated the best available data at the time the draft was written. The commenters do not provide a source for the updated population estimates they suggest should be included in the table.

Response 149-37 E: The commenters note that Resolution 94-16 should be included in the Draft EIR. The commenters are referred to Response 149-32 E and Draft EIR Appendix H.

Response 149-38 E: The commenters state that for Impact 4.6.4 on page 4.6-29 through -30 of the Fisheries section of the Draft EIR, the following language should be incorporated in mitigation measure MM 4.11.5e: "Development projects shall not lower groundwater levels offsite; shall not result in any reduction in summer base-flow contributions to either groundwater aquifer or receiving waters (creeks, ponds, etc.) adjacent or downstream of the project site." County staff believes the mitigation language provided is sufficient and questions the feasibility of the suggested addition.

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Nonetheless, the Revised Draft General Plan Update addresses water resources issues, including groundwater, starting on p. 179.

Response 149-39 E: The commenters suggest there needs to be an assessment of impacts of development on and off the development site in order to minimize impacts on aquatic resources. The commenters are referred to Impact 4.11.5 (Groundwater Level Decline and Overdraft) and mitigation measures MM 4.11.5a through e on pages 4.11-62 through -65 of the Draft EIR. The Draft EIR considers potential impacts regardless of parcel boundaries and any subsequent project-specific environmental review must also consider on- and off-site impacts to comply with CEQA.

Response 149-40 E: The commenters suggest adding a mitigation measure on page 4.6-32 of the Draft EIR stating "A Fishery Management Plan including a Monitoring Plan shall be required for any proposed project that may impact a waterway." Mitigation measure MM 4.6.1a already addresses this issue and requires the establishment of a fishery monitoring program. Additionally, mitigation measures MM 4.11.4 and 4.11.5e include provisions protecting fisheries.

Response 149-41 E: The commenters suggest adding text to page 4.7-2 stating "Any new noise source, though within recognized acceptable limits on its own, contributes to cumulative noise impacts." The Draft EIR discusses cumulative noise impacts in Section 5.0 on page 5.0-14. A cumulative noise impact is described as occurring with the combined contribution of the development of the General Plan, build-out of the incorporated areas within the County, and the development of surrounding areas in neighboring counties. Impacts of traffic noise presented in Section 4.7 of the Draft EIR are themselves cumulative in the sense that they are based on traffic volumes associated with projected (cumulative) growth inside and outside the County. No change to the EIR is necessary.

Response 149-42 E: The commenters suggest adding text on page 4.6-4 stating "Any significant change in the ownership and/or operation of the Angwin airport should call for prompt new noise contour data collection/study." The commenters also note that potential change in ownership of the Angwin Airport should be assessed for impacts on Pacific Union College and surrounding communities. The Draft EIR addresses growth assumptions of the County and does not address specific projects, such as the potential purchase of the Angwin Airport. The Draft EIR does not give environmental clearance for subsequent projects. Therefore, any potential projects that would occur at the Angwin Airport would go through subsequent environmental review to address any potential environmental impacts, including potential noise impacts. No change to the EIR is necessary. Commenters are welcome to contact the County's Department of Public Works with questions regarding an upcoming study of the airport.

Response 149-43 E: The commenters suggest that text in Impact 4.7.3 be changed to state "Vehicle speeds, roadway geometries, and traffic mixes will undoubtedly change as a result of development projects in the rural unincorporated areas of Napa County." The commenters also state that it is a false assumption that County roadways will maintain the existing traffic mix if/when multi-family projects are authorized in rural areas. For clarification,

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the terms roadway geometries and traffic mixes refer to the roadway design and the mix of different vehicle types using the roadways (i.e., automobiles vs. heavy trailers). Any subsequent increase in multi-family development or traffic volumes would not subsequently result in changes to roadway geometries or vehicle types traveling the roadways sufficient to noticeably affect noise calculations. These calculations are most sensitive to traffic volumes, which are different under each of the alternatives analyzed in the Draft EIR. No change to the EIR is necessary.

Response 149-44 E: The commenters suggest removing the term “temporarily” from Impact 4.7.6. The commenters state that noise impacts will continue permanently at a different noise level factor than pre-project. The term temporary impact refers to typical, small residential, commercial, or office construction projects that do not generate significant noise impacts when standard construction noise control measures are enforced at the construction site and when the duration of the noise-generating construction period is limited to one construction season (typically one year) or less. Additionally, the draft General Plan and Draft EIR provide land use designations and a programmatic analysis of impacts expected county-wide; they do not provide environmental clearance for specific projects. Subsequent development within the County will be reviewed for a project’s potential to cause environmental impacts. No change to the EIR is necessary.

Response 149-45 E: The commenters suggest adding text to Impact 4.7.7 stating “Transfer of the Angwin airport ownership or operation could result in different use patterns and subsequently have impact.” The commenters are referred to Response 149-42 E for discussion of the potential purchase of the Angwin Airport. Also, please note that Policy Ag/LU-66 expresses the County’s support for continued operation of the airport, regardless of its ownership.

Response 149-46 E: The commenters state to assume “attainment” on page 4.8-9 in the Air Quality Section (Section 4.8) of the Draft EIR may be inappropriate and that insufficient data is available to classify the CO levels in Napa County unincorporated areas. The commenters have not provided adequate data and/or analysis that contradicts the existing CO “attainment” status for Napa County. As presented on page 4.8-9 of the EIR, CO is closely monitored by the California Air Resources Board (ARB) and the Bay Area Air Quality Management District. The attainment status is based upon a macroscale analysis for compliance with 8-hour and 1-hour standards, not a microscale analysis of any one specific location. Microscale analyses and modeling of expected CO levels at given locations would be expected as part of the environmental review of individual development projects, not a county-wide general plan. No change to the EIR is necessary.

Response 149-47 E: The commenters suggest that for Impact 4.8.1, the County should align with regional growth projections by ABAG. The commenters state that the impacts are contrary and inconsistent with vision of rural character. There is no requirement that the General Plan contain the same growth projections as ABAG. The commenters are referred to Alternatives Master Response 3.4.2 for a response to the need to consider an alternative consistent with ABAG projections. Impacts associated with increased

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emissions are adequately addressed and mitigated in Section 4.8, Air Quality, of the Draft EIR. Additionally, subsequent to the release of the Draft General Plan and Draft EIR, further modification has been made to the General Plan Conservation Element. These protective measures include additional language in reference to project-specific project air quality emissions impacts, including the participation in Bay Area Air Quality Management District air quality improvement programs. This additional language will also address the need to reduce project-specific air quality emissions in the vicinity of a proposed project and in adjacent areas.

Response 149-48 E: The commenters suggest adding a statement to page 4.8-21 about potential aircraft use at Angwin Airport. The commenters also suggest aircraft emissions inventories should be included for the Clean Air Plan. The commenters are referred to Response 149-42 E for discussion of the potential purchase of the Angwin Airport. The air quality analysis provided in the Draft EIR is consistent with CEQA Guidelines and does not need to be revised. Aircraft emissions may be considered in the inventory of green house gas emissions called for in Action Item CON CPSP-2 in the Revised Draft General Plan Update.

Response 149-49 E: The commenters suggest changing mitigation measure MM 4.8.2a to "Requiring low emitting fireplaces..." Draft EIR mitigation measure MM 4.8.2 contains a list of items intended to collectively address the issue of particulate emissions, and subpart (a) should not be viewed independently from other subparts which specifically require low emissions fireplaces in new construction where densities are greater than one house per acre. Also, subsequent to the release of the Draft General Plan and Draft EIR, further modification has been made to the General Plan Conservation Element. See policies beginning with CON-75 in the Revised Draft General Plan Update. No change to mitigation measure MM 4.8.2a is necessary.

Response 149-50 E: The commenters suggest changing mitigation measure MM 4.8.3a to "Hydro-seed using only appropriate native seeds...public roadways and to any waterway." Subsequent to the release of the Draft General Plan and Draft EIR, further modification has been made to the General Plan Conservation Element to address the issue of invasive species. (See Policy CON-23, for example.) These protective measures include additional language that requires the establishment of non-invasive vegetative cover as soil stabilizers. The use of appropriate non-invasive vegetative cover will ensure the protection of native plant species in Napa County. No change to the EIR is necessary.

Response 149-51 E: The commenters state that mitigation measures for Impacts 4.8.1, 4.8.2, 4.8.5, and 4.8.7 are unacceptable and contrary to quality of life vision. The commenters also state that environmentally superior alternatives should be identified. It is unclear if the commenters disagree with the impacts or the mitigation measures since the page references are the impact statements not the mitigation measures, and these mitigation measures require energy-efficient forms of transportation, reducing emissions, requiring evaluations of project-specific air quality impacts, low emitting vehicles, reducing particulate emissions, and avoidance of exceeding PM

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standards, etc., which are all measures that would ensure a high quality of life in Napa County. The commenters are also referred to Alternatives Master Response 3.4.2.

Response 149-52 E: The commenters state that Angwin is unsafe for cluster housing due to fire hazard. The risk of wildland fires is high throughout much of Napa County. The "Napa Firewise" program is currently, and would continue to be, implemented under Alternatives A, B, and C in the proposed General Plan Update as well as County Code provisions associated with building requirements (Chapter 15.32), fire risk zones (Chapter 18.84), and Public Resources Code Sections 4290 and 4291. "Napa Firewise" is a community-based fire awareness program to educate the residents of Napa County on the dangers wildland fire poses to them and their communities. The program also provides steps homeowners and landowners can take to protect themselves, their families, and neighbors and to reduce threats to their property from wildland fires. County Code and Public Resources Code provisions provide development standards and restrictions regarding structure design, fuel modification zone design, adequacy of emergency access, water for fire fighting, and other associated standards. Subsequent development would be subject to County Code and Public Resources Code provisions to provide development standards and restrictions regarding structure design, fuel modification zone design, adequacy of emergency access, water for fire fighting, and other associated standards, as well as the "Napa Firewise" program. Subsequent projects will also require project-specific review regarding public (fire) services, safety, and emergency access pursuant to mitigation measure MM 4.9.4 and Policy SAF-20 in the Revised Draft General Plan Update.

Response 149-53 E: The commenters question whose words are "less than significant" and who determines what is less than significant. For purposes of this Draft EIR, the specific criteria used in determining whether implementation of the proposed Napa County General Plan Update would result in a significant impact are based on State CEQA Guidelines. Appendix G of the CEQA Guidelines contains an environmental checklist form that is used as the initial study for projects. The checklist contains columns titled "potentially significant impact," "less than significant with mitigation incorporated," "less than significant impact," and "no impacts." As stated on page 2.0-5 of the Draft EIR, "Levels of significance are determined by comparing the impact to thresholds of significance, also described in Sections 4.1 through 4.14." CEQA Guidelines Section 15064(b) defines significance as "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved (the lead agency [Napa County] ultimately determines what is significant as set forth in CEQA Guidelines Section 15050), based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban setting may be significant in a rural area."

Response 149-54 E: The commenters list their concerns regarding Impact 4.9.2, including development could expose workers and residents to contamination

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hazard, the development of new trails and recreation facilities would cause impacts to virgin growth and the destruction of trees, and expansion of uses in Angwin could result in impacts from accidental release of contaminants. As discussed in Section 4.9 of the Draft EIR, the transport of chemicals is highly regulated. Incidents related to accidental release of chemicals are far less common than other hazardous events (e.g., automobile accidents, etc.). While the odds of accidental release are low, the EIR addresses the potential to provide a thorough view of potential impacts associated with new development and additional traffic on County roadways. All current and future development in the County is already required to comply with federal, state, and local regulations pertaining to hazardous waste exposure and remediation of toxic sites. Mitigation measure MM 4.9.2 adds another layer of protection related to hazardous materials exposure by specifying the existing federal, state, and local standards in a new General Plan policy regulating the handling, transportation, disposal, and clean-up of hazardous materials. These measures would ensure that any potential exposure of workers to hazards and possible release of contamination would be mitigated to a less than significant level. The loss of trees and virgin growth are addressed in Section 4.5, Biological Resources, of the Draft EIR under Impact 4.5.2 related to loss of oak woodlands.

Response 149-55 E: The commenters state that land expansion of rural and urban uses under Alternative C would result in significant impact in Angwin. This comment is related to Impact 4.9.3 (Airport Hazards). The mitigation measure provided for this impact (mitigation measure MM 4.2.2) has not been crafted to apply in Angwin since existing zoning within Angwin essentially precludes residential development in airport compatibility zones where this would not be appropriate. Therefore, no change to the EIR is necessary.

Response 149-56 E: The commenters state that the land uses associated with the proposed General Plan Update could interfere with County emergency response and/or evacuation plans (in reference to Impact 4.9.4). The commenters appear to be making an internal comment since there is no disagreement with the impact statement, discussion, or mitigation measure. The implementation of the Napa Operational Area Hazards Mitigation Plan (OAHMP) in addition to mitigation measure MM 4.9.4, which would require a General Plan policy that requires subsequent development proposals in the unincorporated community of Angwin, the Napa Pipe site, and the Pacific Coast/Boca site to include provisions for adequate emergency access, would mitigate potential conflicts with emergency response plans, and would ensure the County's ability to respond to emergencies at new urban sites. It should be noted that this analysis does not state that there would be deficient emergency access for evacuation but rather that a preemptive policy be adopted to require that all subsequent development projects be responsible for ensuring adequate emergency access.

Response 149-57 E: The commenters state that expansion of Angwin under Alternatives B and C could result in conflicts with emergency response plans. The

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commenters are referred to Response 149-56 E for discussion on potential conflicts with the County emergency response plan.

Response 149-58 E: The commenters state that the Napa Firewise is a “red herring” and does not provide fire protection in Angwin. The commenters are referred to Section 4.13.1 of the Draft EIR, which discusses the requirements for adequate fire protection services within Napa County. The County appreciates the input regarding this issue and with implementation of mitigation measure MM 4.9.4 believes that significant impacts are reduced to less than significant.

Response 149-59 E: The commenters state that compliance with County Code provisions, short of a severe seismic event, seem to address potential impacts associated with geology and soils in Section 4.10 of the EIR. Because the comments agree with the assessment, no revisions to the EIR are necessary.

Response 149-60 E: The commenters state that Impact 4.11.5 inadequately addresses impacts to groundwater, specifically to Deer Park/Angwin. The commenters are referred to Water Supply Master Response 3.4.1. The commenters should also see Policy Ag/LU-61, which would preclude subdivisions resulting in net increases in groundwater use in Angwin.

Response 149-61 E: The commenters state that collectively the historical significance of Pacific Union College and related farming industries, etc., have not been adequately investigated for significance in the Cultural Resources section of the Draft EIR. The General Plan and Draft EIR identified sites and properties in the County listed on the National Register of Historic Places and the California Register of Historical Resources and provided a historic context for the County. There are many potentially significant sites and properties in the County not specifically identified in the Draft General Plan Update and Draft EIR. However, the Draft General Plan Update and Draft EIR focused on policies and mitigations for the treatment of significant sites and properties consistent with state requirements for protection of cultural resource and mitigation measures and policies have been designed to address potentially significant resources that have not yet been identified. Specifically, the Revised Draft General Plan Update and Draft EIR provide mechanisms for determining, enhancing, and protecting the historical significance of sites and properties in the County. (See MM 4.12.2.)

Response 149-62 E: The commenters state that the mitigation measures associated with Impacts 4.12.1 and 4.12.2 are inadequate, which is essentially the same conclusion reached in the Draft EIR, which finds impacts to cultural resources to be significant and unmitigable. The commenters do not provide any suggestions regarding ways to enhance the mitigation measures and eliminate the significant impact. The mitigation measures follow accepted professional standards and guidelines (e.g., Secretary of the Interior's Standards and Guidelines, National Park Service, and Office of Historic Preservation) for the identification and protection of significant archaeological sites and historic buildings/structures. Additionally, these mitigation measures address the need to identify significant cultural

3.0 COMMENTS AND RESPONSES TO COMMENTS

resources in the County and to protect those resources from any potential project impacts. No change to the EIR is necessary.

Response 149-63 E: The commenters state that under fire protection in public services there is no mention of Angwin or Pope Valley fire departments. The Draft EIR states that there are several volunteer fire departments within Napa County; however, none of them are listed by name. No change to the EIR is necessary.

Response 149-64 E: The commenters state that the CHP is currently understaffed, as is the sheriffs department. The commenters state that response time can be excessive. These comments appear to simply be informative in nature, therefore no response is necessary.

Response 149-65 E: The commenters state that the projected water requirements should be broken into specific water districts, not aggregated. The commenters are referred to Water Supply Master Response 3.4.1.

Response 149-66 E: The commenters state that the information contained in the General Plan regarding the public schools in the Howell Mountain School District may need to be updated because of proposed development in the district boundaries and upgrades to the school facilities. The commenters were referring to the Draft EIR not the General Plan in this comment. The Draft EIR addresses growth assumptions of the County and does not address specific projects such as the PUC/Triad project. Additionally, the Draft EIR does not give environmental clearance for subsequent projects. Therefore, any potential projects that would occur in the Angwin area would go through subsequent environmental review to address any potential environmental impacts from the provision of additional school sites.

All new public school facilities must undergo rigorous site-specific CEQA and California Board of Education evaluation prior to construction to identify and lessen environmental-related impacts. In addition, Government Code Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or the provision of adequate school facilities, and Section 65996 (b) states that the provisions of the Government Code provide full and complete school facilities mitigation. School districts in Napa County collect fees during the building permit process based on new building square footage and are entitled to adjust these fees as needed consistent with the Government Code.

Response 149-67 E: The commenters state the County consumes more electricity than it produces. The commenters suggest a General Plan policy to address significant increases in demand on power, specifically from projects. The Draft EIR does not provide clearance for specific projects, but appropriately provides a programmatic analysis of county-wide impacts based on available information. This analysis concludes that the county's energy providers generally have sufficient capacity to provide for the

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county's needs into the future. A project-specific review under CEQA will be required for individual development proposals that come before the County and will have to assess specific locations within the County, although at present, the County is not aware of any deficiencies in supply or transmission in Angwin or elsewhere. Also, the Revised Draft General Plan Update Conservation Element includes a suite of new policies to address energy conservation, generation, transmission, etc.

Response 149-68 E/P: The commenters state that the Aetna Springs project seems to over-reach what would be normally accepted growth. The commenters also note that there seems to be opposing standards for referendums. The County appreciates the comment; however, it appears to be directed at a specific project and not the proposed General Plan Update or Draft EIR. Therefore, no further response is necessary. (Please note that Aetna Springs is an historic resort in Pope Valley that has a Use Permit and Certificate of Legal Non Conformity. The golf course proposed elsewhere in Pope Valley can only be approved if certain rural recreation findings can be made as specified in County Code. These are separate projects that would not be entitled as part of the General Plan Update.)

Response 149-69 E: The commenters state that any development of Juliana Vineyards property requiring increased use of water supply would be in violation of the terms of the court decision and state monitoring of water usage. The Draft EIR addresses growth assumptions of the County and does not address specific projects, such as any further development of the Juliana Vineyards property. Any potential projects that would occur in the Juliana Vineyards property would go through subsequent environmental review to address any potential environmental impacts from increased use of water supply. The General Plan Update would not in any way abrogate or interfere with the court decision and, if applicable, authority of the SWRCB to enforce permitted limits on water use. The commenters are also referred to Water Supply Master Response 3.4.1.

Response 149-70 E: The commenters suggest the insertion of "...and private multi-residential or commercial development" into mitigation measure MM 4.14.1a. All development activity (e.g., wineries, residences) are be subject to the applicable provisions of the Viewshed Protection Ordinance that are intended to protect the visual landscape characteristics of ridgelines and views from designated scenic corridors. Therefore, the Napa County Viewshed Protection Program currently applies to all development activities including multi-family residential and commercial projects; the mitigation measure would extend this requirement to public projects as well. No change to this mitigation measure is necessary.

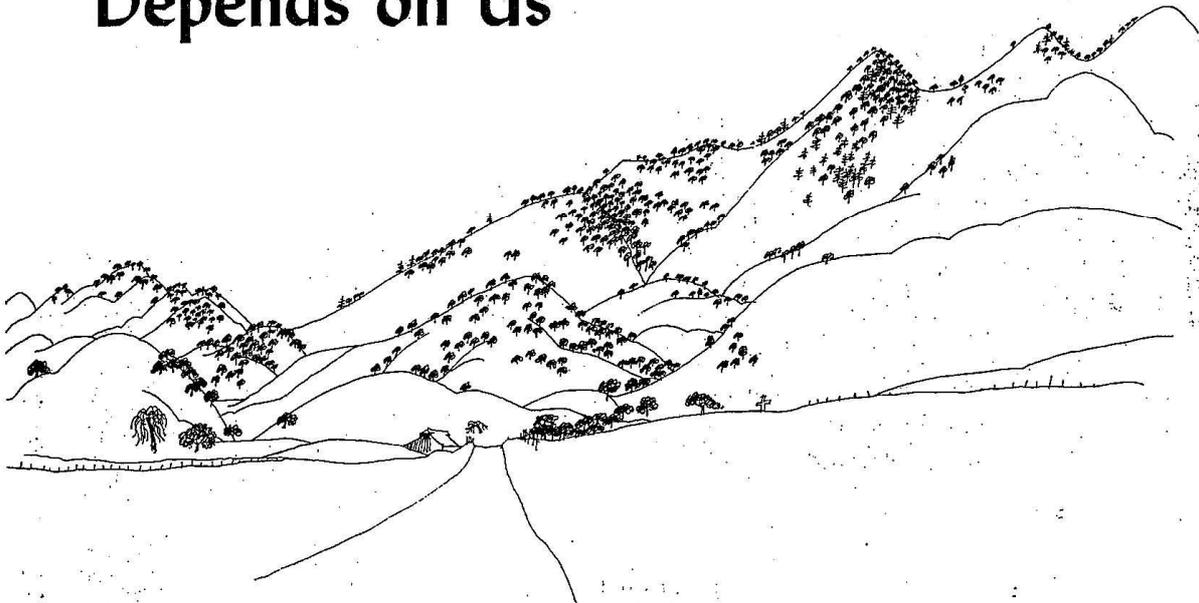
Response 149-71 E: The commenters suggest that text should be inserted into mitigation measure MM 4.14.1b that states "...and most significantly along Viewshed Designated Scenic Routes." MM 4.14.1b provides for the same level of retention of trees along all public roadways in Napa County including roads along Viewshed Designated Scenic Routes. No change to this mitigation measure is necessary.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response 149-72 E: The commenters suggest that the General Plan and the Draft EIR should identify County-designated scenic roadways throughout the County. The revised Community Character Element now provides this information.

Letter 150

The Road That Napa Takes Depends on Us



EARL
HOLLANDER

Ginny Simms
6/17/07

3.0 COMMENTS AND RESPONSES TO COMMENTS

General Plan - Short Comments

Do we encourage timber plantations? Ag/LU – 16. Should there be connections to EIR text 4.1 -19. | 150-1E/P

CIR & CC11 - We must include employer-specific subsidized busses if we expect transit to be chosen by commuters. Also, Park-n-Ride facilities placed to reduce traffic on HWY 29 north of Napa. | 150-2E/P

SAF Policies 8 & 10 – Napa has historically had more landslide damages than these indicate. Landslides need special mention. | 150-3E/P

CON – 56 - also CIR Goal 3. Climate change deserves its own discussion, with references into LU, CC and OS, plus Economic. | 150-4E/P

Ag/LU – 10 Since more than two-thirds of our farm laborers are permanent residents, we should consider requiring that when three units are on one Ag property, one be assigned for farm/household labor. If we are considering allowing second units in the Ag Preserve, should there be extra support for units of farm/household labor? | 150-5P

Ag/LU – 12 If we include Food Pairings, how will it be enforced? We have trouble with standards for wine-related souvenirs. Is a food-pairing an “event? In the Winery Ordinance if it advertised? | 150-6P

Ginny Simms
6/17/07

3.0 COMMENTS AND RESPONSES TO COMMENTS

OPEN SPACE - VALUES AND PROTECTION

I do not believe that the draft Recreation and Open Space Element meets the standards established and defined in the State Section 65563, quoted on pages 7 & 8 in your draft. The State requirements are very clear. In Paragraph (b) there are four categories of open space uses. I cannot find specific connections in the draft between language in your draft and the values in Section 65563-b-1.

150-7P

In the draft Recreation and Open Space Element there is a presumption that the recreational uses of open space are our greatest concern. That is not true. I may be true that our greatest concern about recreation in the County is the use of Open Space, but the primary values of Open Space in Napa County are those listed in other sections of Section 65563. You will notice that in 65563-(b), recreation is only one set of uses of open space.

There are very fine discussions of natural resources or undevelopable areas in the Community Character, Conservation and Safety Elements. However these do not cover all of the topics in the State section, nor do they connect with our Land Use element in a clear way. Also, realize that there will have to be an Open Space Plan, so that in the future we can do as it states in our Zoning Code 18.04.010: (requires an open space zoning ordinance consistent with the County' open space plan.)

Suggestion: Put those paragraphs into the ROS Element. Refer specifically in the CC, or the Safety or the Conservation Element to the values that are part of the Open Space Element .

Regarding the Land Use values of Open Space, the areas listed in 65563-b-(2) need to be greatly strengthened in the Land Use Element. Protection of agriculture depends on protection of watershed/open space.

150-8P

Suggestion: The protection of watershed/open space lands should be a Goal of the Land Use Element. If we are to preserve agriculture, we must have strong references to watershed/open space. The word "protection" or "preservation" is important.

The reference to open space in draft Goal 4 is not the place to use open space. Recreational compatibility is one thing, but in the case of most of the values we use in open space, *the question is more what other uses are compatible with open space.*

150-9P

Suggestion: Delete open space from this paragraph.

Open Space, Page 2

While the Waterwshed/Open Space zone areas are mentioned on draft pages 36, 88 and in Ag/LU-18, and elsewhere, there is no OS zone or combining zone referenced in the chart on draft page 93. The symbiotic relationship between agriculture/watershed/open space must be clear in every part of the draft.

150-10P

Suggestion: Clarify the chart in draft page 93.

When, in the future, someone wants to know about why we have open space, the answers should be very available and clear. If for any reason the values of open space are split among four Elements, then the very least should be that wherever the values in the Section are covered in your draft, there should be specific note at the beginning of the ROS Element, so that they are available in one place.

150-11P

Suggestion: Cross-reference, with specific paragraphs and page numbers, all of the places where open space values are being discussed, and show those at the first part of the ROS Element.

Ginny Simms
6/17/07

3.0 COMMENTS AND RESPONSES TO COMMENTS

Transitional Zone – Napa Pipe, Syar Boca**

The Transitional zone implies large urban uses, and is within the 100 year flood zone. There is no discussion of the impacts on properties along the river. The designation does not require any recreation/open space nor river accommodation, transportation uses, and exceeds the Growth Management Ordinance.

150-12P

The Transitional designation is fully urban, and is not responsive to the vote of the people expressed in the “W and X” issues . The rejected “new City” was just across Highway 29 from Napa Pipe and adjacent to Pacific-Syar-Boca. Urbanization of those lands was rejected by 84% of the voters.

Politically, the creation of this zone will cause deep conflict with any city or urbanized neighborhood designated “R”, “I”, or “C”. It creates pressure to challenge the entire DGP by referendum.

This is a gigantic step backwards, in governmental cooperation, environmental planning, growth management, and our community’s integrated interests. Ecomomically, it will throw the costs of a large urban development onto county taxpayers.

I believe that this “zone” is not well thought out. These areas, and others which the Board might select, pose unnecessary threats to basic policies of growth in cities, and slow growth throughout the unincorporated areas. I believe that some of the best opportunities of this “zone” can be accomplished by being direct about the reasons to take this risk.

Suggestion: Think in terms of creating a combining zone of AH-SA, which would reserve any changes of the areas for Affordable Housing, Study Area.

First and foremost, this is honest. The reason for proposing the Transitional Zone in the first place is that there are those who would like to take care of all of the State requirements for affordable housing zoning in these three “non-neighborhoods,” by means of inclusionary zoning. I am attaching a memo showing that in order to do this, we will need about 440 affordable units, which at 20% of the units built, creates a new “city” with a population of 5,700, in 2,220 units within the next seven years.

All residents of Napa County should ask themselves whether they really want to create this “city”.

St. Helena is 5,900. Our current Growth Management system would produce 2,850 over the next 25 years. That growth would be scattered, not concentrated.

Another reason for the AH:SA is that these properties have possibilities in addition to housing. The Study Area envisioned here would give both time and focus to their potentials, rather than simply open a wide door to all developers. WE should be making the proposals, not the developers.

Policy Ag/LU – 47, Page 47, creates a Transitional Zone, in which all non-agricultural development is possible. There is language that suggests limiting the designation to only

three properties, however this is not binding. As long as it exists in its present form, it can be applied to any non-ag area in the County.

There are some very good attributes to having a multi-use category, especially with a brownfield, since there needs to be enough money to do the clean-up. It also provides opportunities for getting a subsidy for affordable housing.

However, a careful reading does not assure any clean-up, it does not require affordable housing, nor does it assure any compliance with long term policies such as guiding growth to cities, nor any growth management. The new zone stands alone, with no internal standards.

It has been the policy of the County since 1974 to guide all possible growth into our existing cities. The Transitional Zone, especially in these three locations, violates that concept. We must also be honest here—these properties should be annexed to the City of Napa if they are developed for residential use. “Buyers Remorse” over a housing MOU is not a sufficient reason to throw out a policy that guided growth successfully. Realize that cities are multi-purpose service areas, and that this is how counties get public costs for urban services paid by urban residents.

(I am attaching a short personal recollection of what it was like living here before that policy, because few remember the effects on residents.)

Thus we have one proposal which creates an island of County land surrounded by the City of Napa, with 3,200 units, (x 2.6 per unit equals population of 7,400.) Using this as an example, there are 80 more acres, not brownfields, which could similarly propose 2,500 units, or 4,600 people.

We need to reserve these properties for further study, and signal that they will have affordable housing, and will annex to the city.

**See also Ag/LU – 120

Ginny Simms
6/17/07

Memoir – pre-1972

We came to Napa in 1955, and bought a house in Alta Heights.

At that time, the City of Napa had been completely surrounded with subdivisions in the unincorporated area, and Alta Heights was one of them. This was due to an ongoing battle between City and County, which the City was losing, mostly because of small water districts, but also power vs. power.

Our water bill was much higher than people five blocks away. The Napa Register regularly carried stories of house fires in neighborhoods like ours in which “the house

150-12P
cont'd

3.0 COMMENTS AND RESPONSES TO COMMENTS

was lost but the foundation was saved.” This caused our neighborhood to refer to the County Fire Department as The Foundation Savers. Our property insurance was also higher than inside the City.

When I needed help because of a stranger entering the house at night, I was told that they would be there as soon as they could, but the Deputy was in Calistoga. He did show up about two hours later.

We had no edges on our streets, so there was a small ditch. Only the City had any parks. And the County did not participate in the Recreation District, although it was countywide due to Napa College’s membership.

The City annexed the Stanly Ranch, more than two miles down the road hoping to prevent the county from developing to the South.

From 1948 until 1973 there was no County Supervisor who lived in the City of Napa, except one in the process of moving to an unincorporated subdivision.

Ginny Simms
6/17/07

150-12P
cont'd

LU – 120

State law allows a Board of Supervisors to amend the General Plan as many as four times a year. The Board may amend the plan for any parcel not zoned for agriculture without a vote of the people. It can also amend the growth management section at the same time.

This policy exists only to exempt selected housing projects from the Measure A Growth Management System, in the hope of achieving affordable units by inclusionary zoning. I have attached a copy of the memo computing the effect and potential impact of planning for that method of meeting our housing goals.

150-13E/P

Given the potential for sprawl in the proposed Transitional Zone, there is much greater clarity and visibility in a General Plan amendment process, which would examine both the project and the growth control issues at the same time.

Suggestion: Eliminate Ag/LU – 120 from this draft, recognizing that the Board always has the ability to act.

The Board of Supervisors may want a simpler method to exempt a completely affordable development from the Growth Management process, without using the General Plan amendment process. In that case, you could change the wording of Ag/LU – 120 to allow that.

Suggestion: The Board of Supervisors may approve certain multi-family projects which exceed the annual limits outlined in the Growth Management System, provided they meet all of the following criteria:

- 1.) All units meet the State criteria for affordable housing;
- 2.) The project is managed to preserve affordability;
- 3.) The residents live or work in Napa County at the time of occupancy;
- 4.) The project is located in non-agriculturally designated land.

This language should meet the need to achieve affordable housing in various parts of the County. It is not sprawl-inducing, because the projects are not part of a larger project.

It is preferable to deal with the 440(?) needed units of affordable housing in ways other than getting a one-for-10 or even 2-per-ten, since the resulting neighborhoods will have to be quite large if they are to provide significant affordable housing. Even if there are 2-per-ten, it would require 8,000 dwelling units to provide what is needed over the 25 years. That is a population gain of 20,000 people.

CALCULATIONS

I have done a print of my Measure A calculations of units in 25 years, and here they are:

New Population 1%growth compounded units@2.6

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7624.58	26.97	2932.53
If existing target (of 114 units)	114x25	2850

If 100 units/ year, Napa Pipe takes 33 years

The top figures are the result of 1% growth, compounded over 25 years.

There is a requirement that current population in the unincorporated area be re-calculated every five years, plus a requirement that it be done at the beginning of 2007. I think it is safe to assume that the figure of the present allocation of 114, times the 25 years, or 2850 new units, is going to be a little low, depending on how often they re-set the population.

This is a useful calculation. It shows that there will be plenty of room for the affordable housing and overall housing requirements for at least the first two rounds of seven years, and possibly even more. If you add the backlog of about 500 units from past years affordable units, the chances are that the entire 25 years can be taken care of.

Let's say that the HCD quota is 660 now. 660 divided by 7 years is 95 units per year, less than the 114 allowed..

We need 60% of our quota as affordable housing. 60% of 660 is 440. We now have 500 units in the bank, plus each year an additional allocation, per the current growth management plan.

There is no need for LU - 120 to do anything except exempt affordable units from the annual limit and use the backlog.

I think it is a persuasive argument that we do not need to allow hundreds of market-rate units to meet our quota.

The EIR should be challenged to show how many new units, and how much population growth there will be if we try to meet our quota via inclusionary zoning and transitional areas. The very best we get in mixed-use is 20% affordable. At that rate, if we try to meet our quota, we will have to zone for 3,080 units, with a population growth of 6,000 in the next seven years!

It is possible that the growth management plan needs to address the specific-plan proposals that need a share of more than one year, but I will leave that up to you to find the language. Certainly, they should not take more than four years, nor should they take up more than a set percentage of units available each year.

150-13E/P
cont'd

Ginny Simms
6/17/07

8

Housing Prices

In many places there is an acceptance AS FACT that growth limits, both in numbers and in guiding to urban areas have had a negative impact on the economy of the county. That is simply NOT TRUE, and any fair economic history of the last forty years will show that by being aggressive in the agriculture/urban designs of previous plans, Napa County residents have shared in steady economic progress without sacrificing the rural quality of life. In addition, the unemployment figures for that period will show that we were better off than the Bay Area during recessions.

150-14P

Another example is the apparent acceptance AS FACT that it has been our slow growth policies that have caused the rise in housing prices. Any careful review of the Bay Area housing market over the last 40 years will show that Napa has always lagged behind the Bay Area average, including the most recent information. DataQuick Information Systems reported, during the week of March 15th, 2007, that our housing prices still lag behind the Bay Area. Thus, it is NOT TRUE that “people spend more to live in Napa and thus have less disposable income”. Page 75.

The most misleading information is on Page 31, where the figures used for the high cost of housing are for the unincorporated area. This is like using Atherton to discuss San Mateo County.

It is also speculation just how many of the workers in the top 20% of affordable range commute because they can get more house for their money. Current figures show that families at 120% of median can afford a new house costing \$385,000. There is almost nothing new in neighboring counties for that price, but prices in Solano are lower.

Those workers earning less than \$60,000 per year are the ones with the fewest choices, and are those who would be helped greatly by not having a commute, and might be the best prospects for new affordable housing.

American Canyon City provides an informative example of housing price growth absent a slow growth policy. Immediately after incorporation, the asking price for new homes was in the mid-\$300,000. Now, a few years later, that asking price is in the mid \$600,000. That huge rise was not due to slow growth in Napa, but rather the effect of Bay Area prices on land close to Hwys 80, 780 and 37.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Jobs Information

Much of the jobs information is not detailed enough to be useful, especially when it comes to economic growth and income distribution.

150-15P

Page 220 and elsewhere the mean and the median incomes are used in a confusing way. The more meaningful figure for discussing housing is "median," since that is what the State uses.

Suggestion: Insert the median hourly wage, if it is available, in paragraph 3.

The jobs information needs some adjustments. In the first place, the numbers of jobs predicted is high, unless there is an assumption that there will be a change in the slow growth policy.

150-16P

Suggestion: Modify if the slow growth policy is re-confirmed.

The job sector table shows a high percentage of jobs in the manufacturing sector. This is misleading for the purposes of planning, because the majority of these jobs are probably in the wine industry, and unless we show them separately, the economic decisions can be wrong.

150-17P

The same is true of the tourism jobs in the service sector. These jobs should also have a special sub-category of numbers, especially in the new jobs created information. Also, the average income per job is needed, as these jobs should will increase the need for certain levels of affordable housing, and policies need to be adjusted.

Suggestion: Show sub-sets of wine-related manufacturing jobs and tourism jobs. Show the average wages, especially of the tourism jobs.

When we look at the jobs/housing balance, we should make a better attempt to find the relationships between an aging population and second homes. On the one hand, the second homes provide housing with service jobs but no resident job, and on the other hand the senior population may be wealthier than the averages in wage-earners.

150-18P

Suggestion: Use this information to find the number of working family needs for affordable housing. The need may well be heavily weighted near the 80th percentile, which should guide actions.

Ginny Simms
6/17/07

BUBBLES

The Urban “Bubbles” in this draft differ from one another in many ways. But they do have in common the characteristics of being spots of urban development in the unincorporated area of the county. Their history dates back to the 1970’s, when they were areas where the planners did not plan to “down-zone” them, but rather to accept them as they existed on the land. Many parcels outside of these areas were down-zoned, especially parcels along Highway 29.

150-19P

A more useful sub-title might be “Urbanized Areas of Concern.” This draft finally recognizes that most of these parcels with urban uses on them will be accepted as conforming.

Above Yountville there are five parcels, non-contiguous, with urban uses and zoning. They have not been shown as an area of concern.

The Oakville urbanized parcels are nearly all zoned correctly.

In Rutherford proper when you use the criteria of looking at the uses, and then looking at current zoning, again almost all of the urbanized parcels conform. There may be one large parcel along the railway incorrectly zoned for its use.

Above Rutherford and below St. Helena is a large Urbanized Area of Concern, but it is treated as an area of consultation with St. Helena.

Suggestion: This plan should examine the potential for affordable housing sites, as well as encourage an RUL for St. Helena .

Pope Valley needs more types of services, if we are to meet goals of reducing auto mileage.

150-20P

Suggestion: There should be a Pope Valley temporary advisory committee appointed to evaluate the possible sites, and to identify needed services. In the draft, show a non-specific commercial area.

Berryessa is a large geographic area in flux. No one really knows what the public attendance will be after the trailers are removed, and no one knows how quickly a new concessionaire will build new facilities. Berryessa could drop in attendance permanently, or the new concession areas could become popular. There will be a need to re-visit a Berryessa Area Plan in the future, to adapt to changes.

150-21P

3.0 COMMENTS AND RESPONSES TO COMMENTS

Angwin's Urbanized Area of Concern does not follow in any way either what is on the land, nor its current zoning. The current "bubble" is a poor planning tool for the community and for the future. The commercial area needs enhancement. Angwin is further complicated by an existing PD, plus Ag zones and airport uses. It is probable that the PD should be eliminated or re-drawn so that it does not contain ag lands or airport constraints.

150-22P

Suggestion: The "Bubble" should be re-shaped, using the criteria of what is on the land, and what is the zoning. Consider altering the PD. Include the Residential zones.

Angwin is a good location for some affordable housing, because of low income retired faculty, and proximity to a hospital that may have lower income workers. The availability of infrastructure will be a problem, as noted in the recommendations on water and sewer improvements.

Ginny Simms
6/17/07.

Hess Vineyard

There is a suggested policy, Ag/LU – 37, which suggest that this property now zoned Agricultural, should remain in some kind of industrial reserve as well.

This area is zoned agricultural, and should remain so. To foresee an industrial future is premature. Language that suggests converting this important agricultural parcel may prejudice the future. Either County voters will have to approve any zoning change via a Measure J vote, or the parcel(s) will develop otherwise through annexation to the city of American Canyon.

The City of American Canyon has stated that it wishes to preserve this as an agricultural area, providing a buffer between their planned area of growth and the potential pressure for industrial/commercial uses to the north.

The EIR indicates that there are enough lands for industry to develop elsewhere.

There are proposed regulations to provide replacement of good agricultural lands on a one-to-one basis, and the EIR should examine the likeliness of land being available, IF the General Plan contemplates future industrial development.

Suggestion: Remove all language referring to an industrial future for the Hess property at the edge of American Canyon.

There are many alternatives to change this land use in the future, but the General Plan should not hasten the loss of this last greenbelt north of the City of American Canyon.

The EIR should comment on any possible mitigations to the loss of the Hess property as the last greenbelt. Page 75.

150-23E/P

Ginny Simms
6/17/07

3.0 COMMENTS AND RESPONSES TO COMMENTS

Viewsheds, Scenic Roads

The draft General Plan contains three descriptions of scenic roads. One is the State designation, which Napa has chosen to avoid. The majority of our roads are scenic due to their locations in Napa, and the draft has good discussion and guidelines for these in Policies CC -8 & 9.

150-24P

In Policy CC-7 on Page 153, there is a citation of the Viewshed Protection Program. This Ordinance specifies several viewsheds of special concern, and sets policies for them. These viewsheds should be listed or shown on a map, in the General Plan. Their standards are more explicit and the areas covered have more protection.

Suggestion: List the road segments covered in this Policy within the Policy, or include a map showing the specifics.

This is comparable to the listing of the properties being considered for Transitional Zones – specific but not all there might be in the future. It is also comparable of the listing of publicly owned lands in the ROS..

By being specific in the General Plan, they cannot be de-listed without an amendment, and any new areas of concern will gain that extra protection.

Ginny Simms
6/17/07.

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3.0 COMMENTS AND RESPONSES TO COMMENTS

General Plan – EIR Short Comments

Overall, the EIR of the Land Use Element of the draft is not as useful as it might have been.. Possibly because there was no comparison to the existing plan? The mitigations seem to be few, and could apply to any county.. | 150-25E

Tourist Facilities Ag/LU – 38. Are there mitigations when such facilities are not in cities? | 150-26E

Population estimates for Alternative A are still too high, unless Ag/LU – 120 is adopted. | 150-27E

New job numbers are too high, and need to be examined in depth for average wage/job. | 150-28E

Population estimates for Alternatives B & C should include the 7,300 people applied for by Napa Pipe, NOT only 500 units used in this document.. | 150-29E

Populations of two other Transitional sites need to be estimated at density 14 or more per net acre. Your 4.2.1 page does not begin to understand the impacts. This zone cannot be reduced to “LS”. | 150-30E

EIR should show the impacts of meeting an affordable housing goal of 440 units every seven years, using inclusionary zoning of 20%, computing the resulting population at 2.6 persons per unit. | 150-31E

Wherever the phrase “developed” or “developed lands” occurs, the EIR must use the definition of a road and a building, when looking at the environmental effects. In contrast with existing plans, this leads to explosive change. (This will not be important if “urbanized” is substituted.) | 150-32E

Evaluate the impacts of Transition Zone Ag/LU - 47, and Ag/LU – 120. | 150-33E

Since the EIR uses the term “Open Space Element,” assemble references to all segments of the draft which are relevant to Open Space, so that it can be checked for compliance to State guidelines. | 150-34E

Ginny Simms
6/17/07

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER 150: GINNY SIMMS, JUNE 17, 2007

Response 150-1 E/P: The commenter questions whether the County supports timber plantation under policy Ag/LU-16. The commenter questions if there should be a connection between Ag/LU-16 and page 4.1-19 of the Draft EIR. The County encourages timber plantations for fuel wood and lumber productions. (See Policies Ag/LU-17 and -18 in the Revised Draft General Plan Update, as well as Policies CON-35 and -36.) The text on page 4.1-12 of the Draft EIR describes the potential timberland by timber group and evaluation areas.

Response 150-2 E/P: The commenter suggests providing employer-specific subsidized buses in the County and Park-n-Ride facilities on Highway 29 north of the City of Napa. The County notes that several policies in the Circulation Element support expanded transit service within the County and throughout the region. Although the commenter's specific suggestions are not called out, they would be consistent with the policy framework presented. (See for example, Policy CIR-10 and -23, and Action Item CIR-28.2.)

Response 150-3 E/P: The commenter states that landslide occurrences in Napa occur more frequently than reported and this subject merits more mention in the General Plan. Draft EIR Section 4.10, Geology and Soils, page 4.10-13 discusses the landslide potential within the County. The Safety Element of the draft General Plan includes several policies that protect against the hazards of landslides, including requiring a geotechnical study for projects located near geological hazard areas and limiting grading on slopes over 15% where geological hazards occur. Additionally, the Draft EIR includes mitigation measures that require that the County not accept dedication of roads jeopardized by landslides. The County deems that these policies and mitigation measures are adequate to protect against the hazards associated with landslides within the County.

Response 150-4 E/P: The commenter notes that global warming should have its own discussion in the Land Use and Agricultural Preservation, Community Character, Open Space, and Economics Sections of the General Plan. The commenter is referred to Climate Change Master Response 3.4.4 and the new section of the Conservation Element specific to this issue.

Response 150-5 P: The commenter suggests requiring farm/labor housing in one residential unit if three or more residential units are located on an agricultural property. The commenter notes support for adding more farm/household labor units. The County appreciates the input and allows farm labor dwellings in agriculturally zoned areas in conformance with state law. Also, the County has agreed to consider the extent to which second units allowed in the AP could be maintained as affordable or workforce units (Action Item Ag/LU-30.1 in the Revised Draft General Plan Update).

Response 150-6 P: The commenter notes on Ag/LU-12 and would like more information on how food pairing would be enforced, if it is considered an "event" and if it would be advertised in the Winery Ordinance. The commenter's questions are appreciated. As proposed, food-wine pairings would be permitted as part of the marketing program of wineries, similar to pre-arranged events for the wine trade.

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Response 150-7 P:* The commenter notes that the Recreation and Open Space Element does not meet standards defined in State Section 65563. The commenter also notes that the County needs to develop an Open Space Plan. The commenter suggests inserting paragraphs provided into ROS Element and referencing paragraphs in the CC, Safety, and Conservation Elements as values that are part of the Open Space Element. The Revised Draft General Plan Update meets the requirements of Government Code 65563, and the locations where open space is addressed are noted on p. 211. In addition to addressing open space in the Recreation and Open Space Element, the Revised Draft General Plan Update addresses the topic in the Conservation Element. Additional, related policies can be found in the Agricultural Preservation and Land Use Element, the Safety Element, and the Community Character Element.
- Response 150-8 P:* The commenter states that the protection of agriculture depends on the protection of watershed/open space. The commenter suggests a goal in the Land Use Element to protect watershed/open space lands and the words "protection" or "preservation" should be included as a Goal in the Land Use Element of the General Plan Update. The commenter is referred to Goal Ag/LU-3, which now references the preservation of agricultural lands, and Policy CON-4, which does likewise.
- Response 150-9 P:* The commenter states that the reference to open space in Goal 4 is not the correct place and questions what other uses are compatible with open space. The commenter is referred to revisions to the Recreation and Open Space Element.
- Response 150-10 P:* The commenter suggests clarifying the relationship between agriculture/watershed/open space land use category to include an open space zoning designation in the General Plan Update and make sure the strong connection between these categories is carried throughout the document. County staff believes that the importance of open space conservation is apparent throughout the Revised General Plan Update but has declined to create a new "open space" zoning district since that would inevitably raise issues about consistency if some open space areas were zoned open space and some retained their current zoning. Also, note that Table Ag/LU-B is for use in reviewing rezoning application consistent with Policy Ag/LU-114.
- Response 150-11 P:* The commenter suggests cross-referencing places where open space values are discussed to the first part of the Recreation and Open Space Element. Revisions to the General Plan Update have been made and cross-references included on p. 211 of the Revised Draft General Plan Update.
- Response 150-12 P:* The commenter suggests creating a combining zone of Affordable Housing, Study Area (AH-SA) in place of the Transitional Zone for Napa Pipe and Syar/Boca. The commenter provides reasoning for AH-SA zoning and states that properties need further study. Many of the commenter's statements do not specifically relate to the General Plan Update but rather County policy on affordable housing. The proposed General Plan Update has been revised and now designates the Napa Pipe site and the

3.0 COMMENTS AND RESPONSES TO COMMENTS

Pacific Coast/Boca site as a Study Area that would require further study prior to consideration of land use changes to the sites.

Response 150-13 P: The commenter notes that Ag/LU-120 should be eliminated, recognizing that the Board will always have the ability act on development. The commenter provides suggestions to simplify approval of multi-family developments by the Board of Supervisors. Policy Ag/LU-120 has been eliminated from the General Plan Update as suggested by the commenter.

Response 150-14 P: The commenter states that growth limits have not had negative impacts on the economy of the County and provides reasoning for that opinion. The commenter suggests text changes and states that the information on page 31 is misleading. The County appreciates the input and refers the commenter to the introductory section of the Agricultural Preservation and Land Use Element, which has been revised to address the commenter's concerns.

Response 150-15 P: The commenter states that the job information provided in the Draft General Plan Update is not detailed enough and suggests including the median hourly wage in paragraph 3 on page 220. The County appreciates the input but believes that median income is relevant to the issues discussed, as is the housing affordability index. (See pp. 197-98 in the revised Economic Development Element.)

Response 150-16 P: The commenter states that the jobs information should be adjusted, unless there is an assumption that there will be a change in the slow growth policy. The commenter states that the number of jobs predicted is high. The County appreciates the input and has adjusted the population and employment projections associated with the Revised Draft General Plan Update to reflect the plan's retention of the County's 1% growth limit. See Section 2.0 of an analysis of the "Preferred Plan" and its impacts related to population, housing and employment.

Response 150-17 P: The commenter suggests including sub-sets of wine-related manufacturing jobs and tourism jobs. The commenter also suggests showing the average wage, especially for tourism jobs. Section 4.3 of the Draft EIR discusses jobs in the County as a whole, although policies in the revised Economic Development Element discuss the role of agriculture. A detailed breakdown of jobs and wages by sector has not been deemed necessary.

Response 150-18 P: The commenter suggests finding the number of working family needs for affordable housing and states this need should be heavily weighted near the 80th percentile. The County appreciates the input and refers the commenter to Section 4.3 of the Draft EIR, which discusses the concept of jobs-housing balance.

Response 150-19 P: The commenter suggests the draft General Plan should examine affordable housing sites and encourage an RUL for St. Helena. The County appreciates the input and has included policies specific to Rutherford and South Saint Helena. The City of St. Helena does, in fact, have an urban limit line that is wholly contained within City boundaries. See Policy

3.0 COMMENTS AND RESPONSES TO COMMENTS

Ag/LU-30 for strategies related to housing, which will be further addressed in the next update of the County's Housing Element.

- Response 150-20 P:* The commenter notes there needs to be more services in Pope Valley in order to reduce vehicle miles traveled. The commenter suggests there should be a Pope Valley temporary advisory committee to identify needed services and possible sites. The commenter also suggests the draft General Plan should show non-specific commercial areas. The County appreciates the input; however the County received multiple comments advocating the opposite position. In the end, the County revised the Agricultural Preservation and Land Use Element to eliminate the idea of a new non-agricultural designation for Pope Valley and to eliminate the neighborhood councils proposed for Angwin and elsewhere. Re-use of existing historic buildings in Pope Valley would be possible under Policy CC-28.
- Response 150-21 P:* The commenter suggests revisiting a Berryessa Area Plan in the future to adapt to changes. The County appreciates the input.
- Response 150-22 P:* The commenter suggests the Angwin "urban bubble" should be re-shaped using the criteria of what is the zoning and what is on the land. Consider altering the planned development and including residential zones. The commenter notes that Angwin is a good location for affordable housing due to low-income hospital workers and retired college faculty. The proposed General Plan Update has been revised and removes areas currently zoned for agricultural use from the Angwin bubble, retaining sufficient urban residential lands for affordable housing. The revised plan also identifies the existing residential neighborhood of Angwin as appropriate for inclusion in the bubble someday (subject to a Measure J vote).
- Response 150-23 P:* The commenter suggests removing all language referring to an industrial future for the Hess property at the edge of American Canyon in Policy Ag/LU-37. The commenter states that the site is zoned agricultural currently. The Revised Draft General Plan Update has incorporated the commenter's suggestion and would re-designate the Hess Vineyard from "Industrial" to "Agriculture, Watershed and Open Space."
- Response 150-24 E/P:* The commenter suggests listing road segments on the Viewshed Protection Program or including a map of road segments covered in policy CC-7. This change has been made to the Community Character Element, which includes the map suggested by the commenter.
- Response 150-25 E:* The commenter states that the land use section of the Draft EIR was not as helpful as it would have been. The commenter states that the mitigations seem to be few and could apply to any county. As described throughout the Draft EIR, Alternative A is based on the existing General Plan (see pages 2.0-2 and 3.0-13 through -17 of the Draft EIR). Sections 4.1 through 4.14 of the Draft EIR provide a comparative analysis between Alternatives A, B, and C. The commenter is referred to pages 4.2-19 through -25 in Section 4.2, Land Use, of the Draft EIR for the impact analysis associated with land use. Impact 4.2.1 under Alternative A on page 4.2-20 states,

3.0 COMMENTS AND RESPONSES TO COMMENTS

"Implementation of Alternative A would retain the existing land use pattern of the County and would not introduce any new land use or other physical feature that would result in the division of any of the communities in the County." The County deems that the impact analysis and mitigation measures in the Land Use Section of the Draft EIR are adequate to address potential land use impacts as a result of the draft General Plan.

Response 150-26 E: The commenter questions whether there are mitigations under Ag/LU-38 when tourist facilities are not in cities. The development of tourist facilities under Ag/LU-38 in unincorporated areas of the County will be subject to all mitigations described in the Draft EIR, including but not limited to mitigation measures in the following sections: hydrology and water quality, geology, biology, air quality, and noise. This policy is based on existing General Plan Land Use policy 5.2.

Response 150-27 E: The commenter states that the population estimates in Alternative A are too high unless Ag/LU-120 is adopted. The population and job estimates for the Draft EIR Alternatives were developed using the dwelling unit concepts and assumptions for the residential sites identified for EIR analysis. The results and methods are located in Appendix B, Industrial Land Use Study by KMA. The assumptions for population and job estimates included the intensity, density, and development; employment densities and household size; and gross versus net acres of a site. Additionally, given the EIR analyses required to assess potential environmental impacts, the population and employment projection used in the KMA study reflects reasonable but possibly high estimates in order to assess all potential impacts. The commenter is also referred to Alternatives Master Response 3.4.2 and Section 2.0 for a description of population and employment projections associated with the Revised Draft General Plan Update ("Preferred Plan").

Response 150-28 E: The commenter states that the job numbers are too high and should be further examined for average wage/job. The commenter is referred to Response 150-27 E for the discussion of population and job projections.

Response 150-29 E: The commenter states that the population estimates for Alternatives B and C should include 7,300 people for Napa Pipe, not only 500 units used in the Draft EIR. Appendix B, the Industrial Land Use Study by KMA, provides the breakdown of the total dwelling units and persons for each EIR Alternative for the individual residential sites analyzed in the EIR. The Napa Pipe project in Alternative B would result in the development of 14 acres with an estimated 700 dwelling units and 1,727 persons at a density of 50 dwelling units/acre. The Napa Pipe project in Alternative C would result in the development of 80 acres with an estimated 3,200 dwelling units and 7,895 persons at a density of 40 dwelling units/acre. These results have been presented in Draft EIR Table 4.3-12 in Section 4.3, Population and Housing.

Response 150-30 E: The commenter states that populations of two other transitional sites should be estimated at density 14 or more dwelling units per net acre. The commenter also states that Impact 4.2.1 cannot be reduced to a level of less than significant. The density of the transitional sites was estimated by working with County staff to identify dwelling unit concepts and counts for

3.0 COMMENTS AND RESPONSES TO COMMENTS

the residential and transitional sites identified for EIR analysis. Assumptions are provided in Appendix B of the Draft EIR and assume a reasonable build-out for “transitional” sites south of the City of Napa. Please note that the Revised Draft General Plan Update no longer proposes a “transitional” designation for these sites, and further site-specific studies will be required prior to their reuse for other than industrial uses.

Response 150-31 E: The commenter remarks that the Draft EIR should address impacts of meeting affordable housing goal of 440 units every seven years, using inclusionary zoning of 20% and computing the resulting population at 2.6 persons per units. The Draft EIR assesses the impacts resulting from meeting successive RHNA requirements by examining alternatives that assume substantial increases in housing and population between now and 2030. Policy Ag/LU-30 in the Revised Draft General Plan Update also articulates a variety of strategies that should be used to meet the County's housing needs over time.

Response 150-32 E: The commenter suggests that the term “developed or developed lands” should be defined to include existing roads and buildings when looking at environmental effects. The Draft EIR evaluated impacts to areas proposed for development of roads, residential, non-residential, recreation, and agricultural uses (see Section 4.0 of the Draft EIR). Also, please note that the term “already developed areas” has been replaced where appropriate with terms like “urbanized areas” in the Revised Draft General Plan Update.

Response 150-33 E: The commenter states that the Draft EIR should evaluate impacts from Transitional Zone Ag/LU-47 and Ag/LU-120. The Transitional Zones refer only specifically to the Napa Pipe site and the Boca/Pacific Coast parcels. The Draft EIR evaluated environmental impacts resulting from potential land use changes on the specific Napa Pipe and Boca/Pacific Coast parcels and from growth in excess of the County's 1% limit as allowed by policy Ag/LU-120 in the prior draft General Plan Update. The Draft EIR does not give environmental clearance for subsequent projects. Therefore, any potential projects that would occur at the Napa Pipe site and the Boca/Pacific Coast parcels would go through subsequent environmental review to address any potential environmental impacts. Please note that the “Transitional” designation no longer appears in the Revised Draft General Plan Update, and Policy Ag/LU-120 has been eliminated in response to commenters' concerns.

Response 150-34 E: The commenter suggests that when the term “Open Space Element” is used in the Draft EIR, it should reference all elements of the General Plan which are relevant to open space, so that they can be checked for compliance with State guidelines. The Draft EIR references the Recreation and Open Space Element for all sections that have references to trails, recreation, and open space. The Draft EIR includes references to the other elements of the General Plan as applicable. While every effort has been made to include references to applicable elements throughout the Draft EIR, it is intended that the public would review the Draft General Plan Update and Draft EIR simultaneously. No changes to the EIR are necessary.