

**RESOLUTION NO. 08-86**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF NAPA, STATE OF CALIFORNIA,  
ADOPTING FINDINGS, A STATEMENT OF OVERRIDING  
CONSIDERATIONS AND A MITIGATION MONITORING  
OR REPORTING PLAN PURSUANT TO THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR  
THE 2008 GENERAL PLAN UPDATE; AND  
SUPERSEDING AND REPLACING THE EXISTING NAPA  
COUNTY GENERAL PLAN, EXCEPT FOR THE HOUSING  
ELEMENT, WITH THE 2008 NAPA COUNTY GENERAL  
PLAN UPDATE AND CARRYING FORWARD THE  
EXISTING HOUSING ELEMENT**

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WHEREAS, on May 10, 2005, the Board of Supervisors adopted Resolution No. 05-77 approving creation of a 21-member Napa County General Plan Update Steering Committee (GPUSC) intended to be an advisory committee created for the purpose of assisting County staff, providing a forum for public involvement and making recommendations to the Planning Commission and Board of Supervisors on the General Plan Update;

WHEREAS, on June 28, 2005, the Board of Supervisors appointed members to the GPUSC representing a broad cross-section of interests;

WHEREAS, on October 11, 2005, the Board of Supervisors adopted Resolution No. 05-178 directing the Conservation, Development and Planning Department (Planning Department) to formally commence preparation of a comprehensive General Plan Update to include policies, goals, objectives and implementation measures on the following elements: Agricultural Preservation & Land Use; Housing; Economic Development; Circulation; Recreation & Open Space; Conservation; Safety; and Community Character. The Board further directed the Planning Department to conduct an environmental impact report (EIR) of the possible environmental impacts associated with the General Plan Update and a reasonable range of alternatives thereto as determined by the Board;

WHEREAS, a formal Notice of Preparation of an EIR (NOP) was issued on October 21, 2005, soliciting public input regarding the Draft EIR for the General Plan Update. The comment period was from October 21 to December 12, 2005;

WHEREAS, the Draft General Plan Update and Draft EIR were released for public and agency review on February 16, 2007. The public comment period was from February 16, 2007, to April 17, 2007;

WHEREAS, on April 3, 2007, the Board of Supervisors agreed to extend the public comment period on the Draft General Plan Update and Draft EIR by 60 days to end on June 18, 2007;

WHEREAS, between the start of the public comment period on February 16, 2007, and its end on June 18, 2007, the County received an abundance of public and agency comments on the draft documents, including close to 300 written and oral comments received at multiple public hearings;

WHEREAS, the Draft General Plan was revised based on public and agency comments and a Revised Public Hearing Draft General Plan Update (titled "Revised "to acknowledge changes since the February 2007 draft) was released to the public on December 3, 2007;

WHEREAS, in accordance with CEQA, all comments received on the Draft EIR during the public comment period were responded to and included in a Final Environmental Impact Report (Final EIR);

WHEREAS, on November 30, 2007, pursuant to Government Code section 65352.3, notification of the Napa County General Plan Update was mailed to the California Native

American tribes that are on the contact list maintained by the Native American Heritage Commission and the tribes were offered the opportunity to consult with the County;

WHEREAS, on November 30, 2007, pursuant to Government Code section 65302.5(a)(1)-(a)(2), the County mailed a notice of public hearings and a CD containing the Revised Public Hearing Draft of the Napa County General Plan Update including the draft Safety Element to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection in Napa County;

WHEREAS, on November 30, 2007, pursuant to Government Code section 65302.5(g), the County mailed a notice of public hearings and a CD containing the Revised Public Hearing Draft of the Napa County General Plan Update including the draft Safety Element to the State Mining & Geology Board and the Department of Conservation, Office of Mine Reclamation;

WHEREAS, on December 3, 2007, pursuant to Government Code section 65353 (b) a notice of public hearings and a CD containing the Revised Public Hearing Draft of the Napa County General Plan Update was mailed to all owners of real property advising them that the proposed Napa County General Plan Amendment may affect the permitted uses or intensity of uses of real property in the area in which they live or own property;

WHEREAS, on December 20, 2007, in accordance with CEQA, all comments received on the Draft EIR during the public comment period were responded to and included in a Final EIR which was mailed to commenting state and local agencies, organizations and individuals. The Final EIR includes the Draft EIR, comments and responses to comments on the Draft EIR, an assessment of revisions to the Draft General Plan Update (dated February 2007), necessary revisions to the Draft EIR (dated February 2007), and comments and responses to comments received orally and in writing since publication of the Final EIR;

WHEREAS, pursuant to Government Code section 65355, a Notice of Public Hearing was published in the following newspapers of general circulation within the jurisdiction of the local agency: a) Napa Valley Register on January 2, 2008; 2) St. Helena Star on January 3, 2008; 3) Weekly Calistogan on January 3, 2008; and b) American Canyon Eagle on January 8, 2008;

WHEREAS, on January 14, 2008, pursuant to Government Code section 65352, a Notice of Public Hearing and a CD containing the Revised Public Hearing Draft of the Napa County General Plan Update was provided to all public entities;

WHEREAS, on January 15, 2008, the Planning Commission and the Board of Supervisors met in joint session to hear a presentation about the proposed General Plan Update and initiate the hearing process;

WHEREAS, on January 16, January 30 and February 6, 2008, the Planning Commission held public hearings and took additional public testimony on the General Plan Update;

WHEREAS, on February 6, 2008, the Napa County Airport Land Use Commission (ALUC) held a public hearing to consider whether the Draft General Plan Update was consistent with applicable airport land use compatibility plans pursuant to Public Utilities Code Section 21676(b) and concluded that the Draft General Plan Update was consistent;

WHEREAS, on February 26, 2008, the Planning Commission and the Board of Supervisors met in joint session at the Lincoln Theater (Veterans Home grounds) in Yountville to listen to public comments on all topics related to the General Plan Update and on issues including, but not limited to, Angwin, other Rural and Urban Residential areas ("bubbles"), growth projections and policies, water resources, and the Implementation section;

WHEREAS, on March 5, 2008, the Planning Commission held a duly noticed public hearing to take additional testimony and consider its recommendations to the Board of Supervisors on certifying the Final EIR and adopting the 2008 General Plan Update. Upon considering all oral and written testimony, the Planning Commission closed the public hearing and adopted two resolutions. Planning Commission Resolution No. 08-01 found that the Final EIR had been completed in compliance with CEQA, the State CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA; indicated that the Commission had reviewed and considered the information contained in the Final EIR, and recommended that the Board of Supervisors certify the Final EIR in accordance with CEQA Guidelines Section 15090. By Resolution No. 08-02, the Planning Commission found that there will be 18 significant and unavoidable impacts resulting from the 2008 General Plan Update but that specific economic, legal, social, technological and other benefits of the project outweigh the unavoidable adverse effects, and recommended that the Board of Supervisors adopt the General Plan Update with modifications included in exhibits attached to Resolution No. 08-02 and carry forward the existing Housing Element;

WHEREAS, on March 18, 2008, the Board of Supervisors received the Planning Commission's recommendations and held a continued public hearing to receive public testimony on the 2008 General Plan Update;

WHEREAS, on April 8, 2008, and April 15, 2008, the Board of Supervisors held continued public hearings regarding the 2008 General Plan Update;

WHEREAS, on April 22, 2008, the Board of Supervisors held a continued public hearing and testimony was presented regarding the 2008 General Plan Update. After considering all the evidence in the record, the Board closed the public hearing and thereafter adopted a motion of intent to approve: (a) a resolution certifying the Final EIR; and (b) a resolution adopting findings, a statement of overriding considerations and a mitigation monitoring or reporting plan pursuant to CEQA, and superseding and replacing the existing General Plan, except for the Housing Element, with the 2008 General Plan Update, consisting of the December 3, 2007 Revised Public Hearing Draft and the list of errata and text changes included in the April 16, 2008 Errata and in the April 22, 2008 Memorandum, and carrying forward the existing Housing Element. The Board directed that the County Counsel's office prepare the referenced resolutions in accordance with the Board's intended decision and bring them back to the Board for consideration on June 3, 2008;

WHEREAS, consistent with the direction provided by the Board of Supervisors on April 22, 2008, the 2008 General Plan Update referenced in subsequent sections of these Findings shall consist of the December 3, 2007, Revised Public Review Draft of the General Plan Update plus those changes included in Exhibit "A" attached and incorporated here by reference, all of which is hereafter referred to as the 2008 GPU or the Project;

WHEREAS, the Final EIR referenced in subsequent sections of these Findings shall consist of the December 20, 2007 document containing the Draft EIR, comments and responses to comments on the Draft EIR, text changes to the Draft EIR, and a summary of the "preferred plan," as well as all of the comments and staff responses entered into the record orally and in writing between December 20, 2007 and April 22, 2008, as well as accompanying technical memos or evidence entered into the record;

WHEREAS, the Revised Executive Summary from Section 1.0 of the Final EIR attached as Exhibit "B" contains corrects typographical and non-substantive errors that were discovered in preparing these Findings and is provided to ensure that the administrative record is correct and complete;

WHEREAS, on June 3, 2008, the Board considered a proposed resolution certifying the Final EIR, considered public comment and thereafter adopted the resolution;

WHEREAS, the Board now desires to adopt findings, mitigation measures, a statement of overriding considerations, a mitigation monitoring or reporting plan in connection with the Final EIR and to approve the 2008 General Plan Update;

**NOW, THEREFORE, BE IT RESOLVED as follows:**

**SECTION 1.**            **Recitals.**

The Board hereby finds that the foregoing recitals are true and correct.

**SECTION 2.**            **Purpose of the Findings.**

The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with adoption of the 2008 General Plan Update. These Findings provide the written analysis and conclusions of the Board of Supervisors regarding the General Plan Update. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are readily available for review in the County's Conservation, Development and Planning Department.

### **SECTION 3. Project Objectives.**

As noted in Section 3.0 of the Final EIR, the Board of Supervisors declared that the objectives of the General Plan Update are to:

- Develop a legally adequate General Plan that reflects an updated vision for the County's future and provides a blueprint for future decisions regarding land use and development;
- Protect the County's rural character and maintain the total amount of land designated for agriculture in the County;
- Provide for the use and protection of the County's natural resources;
- Develop incentives to encourage good land use stewardship such as a streamlined approval process for environmentally superior projects;
- Accommodate a reasonable amount of growth (i.e., housing and employment), principally within existing developed or "urbanized" areas;
- Identify performance standards for roadways in the County, including areas that currently experience congestion;
- Increase access to public open spaces and publicly owned recreational trails over the next 25 years;
- Address other issues of concern to the community such as the need for moderate priced "workforce" housing, the needs of an increasingly aging population, incentives for historic preservation, and the effects of global climate change; and
- Provide a set of goals and a policy framework that has been developed with extensive community support and that enjoys political support.

### **SECTION 4. The Napa County General Plan Update.**

Since release of the Draft EIR and Final EIR, the Board directed that several changes and edits be made to the General Plan policies and action items. These edits consist of the December 3, 2007, Revised Public Review Draft of the General Plan Update plus those changes included in Exhibit "A" attached and incorporated here by reference, all of which is hereafter referred to as the 2008 GPU or the Project.

### **SECTION 5. Findings are Determinative.**

The Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts disagree; and that the Board of Supervisors must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the Board of Supervisors ratifies, clarifies, and/or makes insignificant modifications to the FEIR and resolves that these findings shall control and are determinative of the significant impacts of the Project. In addition, the Board of Supervisors declares that except as otherwise provided herein, in the event of a discrepancy between the wording of a policy or program in these Findings and the wording in the Napa County General Plan Update or the Implementation Plan, the wording in the Plan or the Implementation Plan is in error and shall be replaced with the wording in these Findings.

## **SECTION 6.**

### **Findings Associated With Less Than Significant Impacts Without Need for Imposition of Mitigation.**

The Board of Supervisors has reviewed and considered the information in the Draft EIR and Final EIR, addressing environmental effects, mitigation measures, and alternatives. The Board of Supervisors, relying on the facts and analysis in the DEIR and FEIR, which were presented to the Board of Supervisors and reviewed and considered prior to any approvals for the 2008 GPU, concurs with the conclusions of the DEIR and FEIR regarding the less than significant environmental effects.

The following new policies and programs in the 2008 Napa County General Plan Update ensure that the following impacts from implementation of the proposed Project are less than significant:

#### **AGRICULTURE**

**A) Impact 4.1.3:** Implementation of the proposed 2008 General Plan Update could result in the placement of urban and other uses adjacent to agricultural uses resulting in potential land use conflicts. This impact is less than significant. (DEIR, p. 4.1-29; FEIR, p. 2.0-12; PMC Memorandum dated March 31, 2008.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that agricultural/urban interface conflicts are **less than significant** because the proposed 2008 General Plan Update reinforces and perpetuates the County's "right to farm" ordinance, provides a more explicit definition of "agriculture" and reiterates existing County Code requirements for buffers and setbacks between agricultural and residential uses.

Reference: DEIR, p. 4.1-29; FEIR, p. 2.0-12; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policies AG/LU-15, AG/LU-15.5, AG/LU-22 through AG/LU-29, AG/LU-35, AG/LU-110, AG/LU-119, AG/LU-127 through AG/LU-131, and Goals AG/LU-1, AG/LU-2, and AG/LU-5.

#### **LAND USE**

**B) Impact 4.2.1:** Implementation of the proposed 2008 General Plan Update would not result in the physical division of established communities because the proposed 2008 General Plan Update consists of maintaining the overall land use patterns of the County rather than developing in a way that might divide established communities (e.g., development of a highway or establishment of land use patterns that divide existing communities). This impact is less than significant. (DEIR, p. 4.2-19; FEIR, p.2.0-13.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that implementation of the proposed 2008 General Plan Update would not result in the physical division of established communities and therefore this impact would be

**less than significant** because no significant changes are proposed to the County's Land Use Map, the Napa Pipe and Boca/Pacific Coast sites would remain in industrial use and zoning and would be subject to further study (and require further General Plan amendments) before any non-industrial use could occur. Furthermore, any development in the Angwin area or Airport Industrial Area would conform to long-standing land use and zoning designations.

Reference: DEIR, p. 4.1-19; FEIR, p. 2.0-13, PMC Memorandum dated March 31, 2008; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policies AG/LU-49, AG/LU-52, AG/LU-57 through AG/LU-67, AG/LU-93 through AG/LU-96.

**C) Impact 4.2.2:** Implementation of the proposed 2008 General Plan Update would not substantially conflict with applicable land use plans, policies, or regulations of other agencies that provide for environmental protection. This impact is less than significant. (DEIR, p. 4.2-21; FEIR, p. 2.0-13.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that implementation of the proposed 2008 General Plan Update would not re-designate land in such a way as to increase the likelihood of development that is inconsistent with applicable airport land use compatibility plans and therefore this impact would be **less than significant**.

Reference: DEIR, p. 4.2-21; FEIR, p. 2.0-13; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policies AG/LU-38, AG/LU-49, and AG/LU-52.

## **POPULATION/HOUSING/EMPLOYMENT**

**D) Impact 4.3.1:** Implementation of the proposed 2008 General Plan Update could result in substantial growth in population, housing or employment in excess of regional projections prepared by the Association of Bay Area Governments. This impact is less than significant (DEIR, p. 4.3-13; FEIR, p. 2.0-14.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that this impact would be less than significant because the 2008 GPU has been revised and would not result in dwelling units in excess of the County's Growth Management System, there is no potential growth limit impact, and Mitigation Measure MM 4.3.1 is rejected because it is no longer necessary. Since release of the Draft EIR, the Project has been modified to eliminate an amendment to the County's Growth Management System which would have allowed the 1% growth limit to be exceeded. (See 2008 General Plan Update Agriculture and Land Use Element Policy AG/LU-119.) Therefore, the significant and unavoidable impact related to population, housing, and employment growth from exceeding the 1% Growth Management System limits, has been avoided because it is not part of the 2008 General Plan Update, and the concomitant Mitigation Measure MM 4.3.1 is unnecessary and the impact is less than significant.

Reference: DEIR, p. 4.3-13; FEIR, p. 2.0-14; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policy AG/LU-119.

**E) Impact 4.3.2:** Implementation of the proposed 2008 General Plan Update could alter the ratio or “balance” between housing and employment in the unincorporated area, substantially increasing commutes in or out of the County. This impact is less than significant. (DEIR, p. 4.3-13; FEIR, p. 2.0-14.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that jobs/housing balance impacts would be **less than significant** because implementation of the proposed 2008 General Plan Update would permit continued development of new housing and new jobs, and at the end of the planning period (year 2030), there would be 12,579 dwelling units in the unincorporated County and 31,309 jobs, for a ratio of approximately 2.5 to 1. The resulting ratio of jobs to houses of 2.5 would be the same as ABAG reported for Napa County in 2005.

Reference: DEIR, p.4.3-13; FEIR, p. 2.0-14; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policy AG/LU-42 and Economic Development Element Policy E-12.

**F) Impact 4.3.3:** Implementation of the proposed 2008 General Plan Update would not result in the displacement of a substantial number of people or housing. This impact is less than significant. (DEIR, p. 4.3-17; FEIR, p. 2.0-15.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that impacts resulting from the displacement of a substantial number of people or housing would be **less than significant** because implementation of the proposed 2008 General Plan Update would not involve changes that could displace a large number of people.

Reference: DEIR, p. 4.3-17; FEIR, p. 2.0-15; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policies AG/LU-30 through AG/LU-35 and Economic Development Element Policy E-8.

## **NOISE**

**G) Impact 4.7.5:** With implementation of the proposed 2008 General Plan Update, new significant noise increases at noise sensitive land uses could occur from the continued development of noise generating activities associated with existing or new agricultural, industrial and commercial land uses. This impact is less than significant. (DEIR, p. 4.7-35; FEIR, p. 2.0-23.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that project generated non-transportation noise source impacts would be **less than significant** because continued implementation of the County’s Right to Farm Ordinance (for agricultural uses) and Noise Ordinance (for industrial, commercial, and winery

uses) under the proposed 2008 General Plan Update would ensure that potential noise conflicts with new non-residential uses are avoided or minimized.

Reference: DEIR, p. 4.7-35; FEIR, p. 2.0-23; proposed 2008 General Plan Update Community Character Element Policies CC-35 through CC-50 and Goals CC-7 and CC-8.

**H) Impact 4.7.6:** Implementation of the proposed 2008 General Plan Update would generate construction noise and would temporarily increase noise levels at adjacent land uses. This impact is less than significant. (DEIR, p. 4.7-36; FEIR, p. 2.0-23.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that project generated construction noise impacts would be **less than significant** because the proposed 2008 General Plan Update includes noise standards, compatibility guidelines and requires that reasonable measures be taken to adhere to those standards and ensure construction noise does not become intolerable to those in the area.

Reference: DEIR, p.4.7-36; FEIR, p. 2.0-23; proposed 2008 General Plan Update Community Character Element Policies CC-35 through CC-50 and Goals CC-7 and CC-8.

## AIR QUALITY

**I) Impact 4.8.6:** Future growth in traffic could cause increases to carbon monoxide levels along County roadways. However, overall concentration would remain below health-based ambient air quality standards. This impact is less than significant. (DEIR, p. 4.8-33; FEIR, p. 2.0-26.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from carbon monoxide concentrations along roadways would be **less than significant** because projected development under the proposed 2008 General Plan Update would not exceed the 1-hour or 8-hour carbon monoxide standards of National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS).

Reference: DEIR, p. 4.8-33; FEIR, p. 2.0-26; proposed 2008 General Plan Update Conservation Element Policies CON-75 through CON-79, and Goal CON-17.

## HUMAN HEALTH/RISK OF UPSET

**J) Impact 4.9.1:** Land uses and development consistent with the proposed 2008 General Plan Update could result in the transport, use, and/or disposal of hazardous materials, which could result in exposure of such materials to the public either through routine use or due to accidental release. This impact is less than significant. (DEIR, p. 4.9-26; FEIR, p. 2.0-27)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts related to the routine transport of hazardous materials would be **less than significant** because all existing and future development under the proposed 2008 General Plan Update would be required to comply with federal, state, and local regulations regarding the handling, transportation, disposal, and clean-up of hazardous materials.

Reference: DEIR, p. 4.9-26; FEIR, p. 2.0-27; proposed 2008 General Plan Update Safety Element Policies SAF-30 through SAF-32.

**K) Impact 4.9.5:** Implementation of the proposed 2008 General Plan Update could result increased exposure of people or structures to wildland fires. This is considered a less than significant impact given proposed policy provisions of the proposed 2008 General Plan Update. (DEIR, p. 4.9-32; FEIR, p. 2.0-29.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential wildland fire impacts would be **less than significant** because under the proposed 2008 General Plan Update all subsequent development would be subject to County Code and Public Resources Code provisions that 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.

Reference: DEIR, p. 4.9-32; FEIR, p. 2.0-29; proposed 2008 General Plan Update Safety Element Policies SAF-14 through SAF-20.

## **GEOLOGY AND SOILS**

**L) Impact 4.10.3:** Land uses and development under the proposed 2008 General Plan Update are not expected to expose substantial numbers of people and structures to hazards associated with seismically induced tsunamis and seiches. This impact is less than significant. (DEIR, p. 4.10-31; FEIR, p. 2.0-30.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential exposure to tsunamis and seiches would be **less than significant** because the proposed 2008 General Plan Update does not propose any rural or urban uses at the southernmost portion of the County or adjacent to large reservoirs in the County.

Reference: DEIR, p. 4.10-31; FEIR, p. 2.0-30; proposed 2008 General Plan Update Safety Element Policies SAF-3, SAF-23 through SAF-27, and Agricultural Preservation and Land Use Element Policy AG/LU-20.

**M) Impact 4.10.6:** Land uses and development under proposed 2008 General Plan Update could expose property improvements and new development to the potential adverse effects of expansive soils. This impact is less than significant. (DEIR, p. 4.10-37; FEIR, p. 2.0-32.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts related to expansive soils would be **less than significant** because the proposed 2008 General Plan Update requires all new development to conduct site-specific geotechnical investigations and adhere to the Uniform Building Codes (UBC) and California Building Codes (CBC).

Reference: DEIR, p. 4.10-37; FEIR, p. 2.0-32; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policies AG/LU-20, AG/LU-35, AG/LU-111, and AG/LU-122 and Conservation Element Policy CON-47.

**N) Impact 4.10.7:** Land uses and development under the proposed 2008 General Plan Update could impact areas where soils may be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems and result in impacts to surface or groundwater resources. This impact is less than significant. (DEIR, p. 4.10-38; FEIR, p. 2.0-32)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts due to septic system failure would be **less than significant** because the proposed 2008 General Plan Update requires continued compliance with County Code Chapter 13, Division II (Sewage Systems) which would ensure that septic systems are designed and operated adequately to avoid system failure.

Reference: DEIR, p. 4.10-38; FEIR, p. 2.0-32; proposed 2008 General Plan Update Conservation Element Policy CON-62.

**O) Impact 4.10.8:** Land uses and development under the proposed 2008 General Plan Update would not result in the substantial loss of availability of aggregate resources, which are locally important due to their use by the construction community in development of the area. This impact is less than significant. (DEIR, p. 4.10-39; FEIR, p. 2.0-32.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts to mineral resources would be **less than significant** because the proposed 2008 General Plan Update would not result in the expansion of substantial new rural or urban land uses that would preclude future mineral extraction.

Reference: DEIR, p. 4.10-39; FEIR, p. 2.0-32; proposed 2008 General Plan Update Land Use Map Figure AG/LU-3.

## **HYDROLOGY AND WATER QUALITY**

**P) Impact 4.11.1:** Residential, commercial, industrial, and public uses consistent with the proposed 2008 General Plan Update could introduce new and additional non-point source pollutants to downstream surface waters. This impact is less than significant. (DEIR, p. 4.11-44; FEIR, p. 2.0-33.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential non-point source pollution from urban runoff would be **less than significant** because the 2008 GPU requires subsequent development to comply with the County's Stormwater Management and Discharge Control Ordinance (County Code Chapter 16.28) to protect water resources and improve water quality through the use of best management practices (BMPs). The Ordinance requires identification and use of BMPs to control the volume, rate and potential pollutant discharge from new development and redevelopment that may cause or contribute to storm water pollution. The 2008 General Plan Update also requires continued implementation of these BMPs and other measures designed to protect water quality.

Reference: DEIR, p. 4.11-44; FEIR, p. 2.0-33; proposed 2008 General Plan Update Conservation Element Policies CON-48 through CON-50.

**Q) Impact 4.11.4:** Implementation of a ministerial streamlined vineyard development process under the proposed 2008 General Plan Update could introduce new and additional non-point source pollutants to downstream surface waters. This is a less than significant impact. (DEIR, p. 4.11-54; FEIR, p. 2.0-34.)

**Mitigation Measures:**

MM 4.11.4: The County shall include a process in the General Plan and/or County Code Chapter 18.108, which will allow new vineyard development projects meeting criteria below to participate in a streamlined permitting process. The permit process shall require that an erosion control plan be developed and implemented for all disturbed lands where new cultivation is proposed. This permit process will require only County determination of "completeness" and no discretionary review. Conditions for participation in this ministerial permit process are described on page 4.11-55 of the DEIR. **(This mitigation measure has not been incorporated into the proposed 2008 General Plan Update.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological or other considerations make Mitigation Measure MM 4.11.4 infeasible, and hereby rejects this measure in its entirety.

Rationale: The basis for the Board's rejection of Mitigation Measure MM 4.11.4 as infeasible is set forth in Section 9 below. The Board further finds that because the streamlined process envisioned by Mitigation Measure MM 4.11.4 will not be included in the 2008 GPU and instead will be the subject of a future process and subject to its own environmental review, this impact would be less than significant even without implementation of MM 4.11.4.

**R) Impact 4.11.10:** Land uses and development under the proposed 2008 General Plan Update would allow continued development in 100-year flood hazard areas. This impact is less than significant. (DEIR, p. 4.11-73; FEIR, p. 2.0-37.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from development in 100-year flood hazard areas would be **less than significant** because new development would be subject to the County's Floodplain Management Ordinances and the Code of Federal Regulations for the National Flood Insurance Program that ensures structures placed within the designated 100-year floodplain are designed to avoid flooding impacts. The 2008 General Plan Update also includes policies requiring new development proposed in floodways to conduct an evaluation of potential flood impacts.

Reference: DEIR, p. 4.11-73; FEIR, p. 2.0-37; proposed 2008 General Plan Update Safety Element Policies SAF-23, SAF-24 and SAF-25, and Conservation Element Policies CON-26, CON-31, AND CON-50.

## **PUBLIC SERVICES AND UTILITIES**

**S) Impact 4.13.5.1:** Land uses and development under the proposed 2008 General Plan Update would increase solid waste generation and the demand for related services. This impact is less than significant. (DEIR, p. 4.13-59; FEIR, p. 2.0-41.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that solid waste impacts would be **less than significant** because there is adequate capacity at County utilized landfill facilities and the 2008 General Plan Update implements the Source Reduction and Recycling Element, Non-Disposal Facility Element, and Household Hazardous Waste Element that are included in the County's Integrated Waste Management Plan, which would ensure continued compliance with AB 939. The 2008 General Plan Update also includes policies that promote waste reduction and recycling.

Reference: DEIR, p. 4.13-59; FEIR, p. 2.0-41; proposed 2008 General Plan Update Conservation Element Policies CON-86 through CON-90.

**T) Impact 4.13.6.1:** Land uses and development under the proposed 2008 General Plan Update would increase population and subsequent student enrollment in the County District's schools and may require the construction of new school facilities to serve the increased demand. This impact is less than significant. (DEIR, p. 4.13-63; FEIR, p. 2.0-42.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the increased demand for public schools would be **less than significant** because pursuant to Government Code Sections 65995 (h) and 65996 (b), payment of fees provides full and complete school facilities mitigation. The County collects school facilities mitigation fees prior to building permit issuance from project applicants proposing new building square footage. The 2008 General Plan Update requires developers to pay their fair share of school facilities mitigation fees to off-set impacts created by new projects.

Reference: DEIR, p. 4.13-63; FEIR, p. 2.0-42; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policy AG/LU-123.

U) **Impact 4.13.7.1:** Land uses and development under the proposed 2008 General Plan Update would increase energy use and the demand for electrical and natural gas facilities and related infrastructure. This impact is less than significant. (DEIR, p. 4.13-70; FEIR, p. 2.0-42.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the potential for impacts to electrical and natural gas resources would be **less than significant** because Pacific Gas & Electric (PG&E) has identified that there is adequate electrical transmission capacity and natural gas resources to accommodate demand associated with the proposed 2008 General Plan Update through 2010. Additional electrical transmission capacity would be needed by 2015, to accommodate the increased demand and projected shortfall. PG&E is currently working on two projects that will provide some additional capacity. Future PG&E energy related projects will be subject to site-specific environmental review. PG&E produces the majority of the electrical and natural gas resources in the County and no other sources are available. Subsequent development would be required to comply with adopted energy efficiency standards contained in Title 24 of the California Code of Regulations designed to reduce energy needs. The 2008 General Plan Update would concentrate new urban and rural development into and adjacent to existing cities and incorporated areas where services exist and thus reducing demand for energy and resource usage from new growth (as opposed to substantial expansion of urban areas). The proposed 2008 General Plan Update includes policies and action items that promote green buildings, renewable energy technology, energy conservation, and alternative energy sources.

Reference: DEIR, p. 4.13-70; FEIR, p. 2.0-42; proposed 2008 General Plan Update Conservation Element Policies CON-66 through CON-72 and CON-74.

V) **Impact 4.13.8.1:** Land uses and development under the proposed 2008 General Plan Update would increase the demand for the social services. This impact is less than significant. (DEIR, p. 4.13-75; FEIR, p.2.0-43)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the increased demand for social services would be **less than significant** because a limited amount of physical improvements would be required to accommodate additional growth under the proposed 2008 General Plan Update.

Reference: DEIR, p. 4.13-75; FEIR, p. 2.0-43; proposed 2008 General Plan Update Agricultural Preservation and Land Use Element Policies AG/LU-106 through AG/LU-109 and GOAL AG/LU-7.

## **SECTION 7. Findings Associated With Potentially Significant Impacts Which Can Be Mitigated To A Less Than Significant Level.**

According to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the

project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The new policies, programs and actions in the 2008 Napa County General Plan Update indicated in bold parentheses below have been incorporated into the Project to mitigate the following impacts and reduce them to less than significant. When the wording of the policies, programs and action items indicated is different from the mitigation measure it implements, the Board has determined that the differences do not substantively change the effectiveness of the measure or constitute significant new information pursuant to CEQA Guidelines Section 15088.5 or new information of substantial importance pursuant to CEQA Guidelines Section 15162.

## AGRICULTURE

A) **Impact 4.1.1:** Implementation of the proposed 2008 General Plan Update could directly or indirectly result in the loss of Prime Farmland, Unique Farmland and Farmland of Statewide Importance to non-agricultural uses, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. This is a significant and mitigable impact. (DEIR p. 4.1-22; FEIR p. 2.0-11; PMC Memorandum dated March 31, 2008.)

### **Mitigation Measures:**

**MM 4.1.1a:** As part of consideration of subsequent projects, the County shall evaluate individual rezoning, development and public projects to determine the potential for impacts on farmlands of concern under CEQA (defined as Prime Farmland, Farmland of Statewide Importance and Unique Farmland as mapped by the State Farmland Mapping and Monitoring Program) and avoid converting farmland where feasible. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-9.)**

**MM 4.1.1b:** Where conversion of farmlands of concern under CEQA cannot be avoided, the County shall require, at minimum, long-term preservation of one acre of existing farmland of equal or higher quality for each acre of state designated Prime Farmland, Farmland of Statewide Importance and Unique Farmland that would be converted to non-agricultural uses. This protection may consist of the establishment of

farmland easements or other similar mechanisms. The farmland to be preserved shall be located within the County and the preservation of such farmland shall occur prior to the conversion of the subject lands. The County shall recommend that this measure be implemented by cities and LAFCO as part of the consideration of annexations that involve farmlands of concern under CEQA. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-9.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the EIR, FEIR and the administrative record, this impact on agriculture is mitigated by imposition of Mitigation Measures MM 4.1.1a and 4.1.1b, found on page 4.1-27 of the DEIR. With incorporation of these mitigation measures as Agricultural Preservation and Land Use Policy AG/LU-9 into the 2008 GPU, the impact would be reduced to a less than significant level because the measures require consideration and protection of farmlands of concern under CEQA on all discretionary and public projects and would minimize these farmland losses by requiring long term preservation of one acre of existing farmland of equal or higher quality in the event conversion cannot be avoided.

## TRANSPORTATION

**B) Impact 4.4.2:** Implementation of the proposed 2008 General Plan Update could substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses as well as potentially adversely affect emergency access needs. This is a significant and mitigable impact. (DEIR, p. 4.4-54; FEIR, p. 2.0-16.)

### Mitigation Measures:

MM 4.9.4: The County shall include a General Plan policy that requires subsequent development proposals in the unincorporated community of Angwin, Napa Pipe site and the Pacific Coast/Boca site include provisions for adequate emergency access for evacuation and access by emergency vehicles consistent with the requirements of the County and Public Resources Code Section 4290 subject to County approval. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-20.)**

MM 4.13.1.1a: The County shall include a General Plan policy that requires that facilities constructed in caves shall conform to access and fire suppression requirements as determined by the Napa County Fire Department based on the cave's use or occupancy. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-13.)**

MM 4.13.1.1b: The County shall include a General Plan policy that requires all new development comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment to verify compliance with applicable requirements as to adequacy of water supply for firefighting; site design for fire department access and equipment in and around structures; ability for a safe and efficient fire department response; and site-specific built-in fire protection features. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-20.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the EIR, FEIR and the administrative record, this transportation impact is mitigated by imposition of Mitigation Measures MM 4.9.4, 4.13.1.1a and 4.13.1.1b, found on page 4.4-54 of the DEIR. With incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), the impact would be reduced to a less than significant level because the measures and policies emphasize traffic safety and local access rather than roadway capacity enhancements in most of the County. Additionally, the measures and policies as well as compliance with County Code (Chapters 15.32 and 18.84) and Public Resources Code Sections 4290 and 4291 (e.g., provisions associated with development standards and restrictions regarding structure design, fuel modification zone design, adequacy of emergency access) would apply established fire standards and provide adequate emergency response and evacuation planning.

**C) Impact 4.4.3:** Implementation of the proposed 2008 General Plan Update could conflict with Napa County Transportation and Planning Agency (NCTPA) planning efforts associated with transit provision and pedestrian and bicycle facilities. This is a significant and mitigable impact. (DEIR, p. 4.4-54; FEIR, p. 2.0-16.)

**Mitigation Measures:**

MM 4.4.1d: The County shall include a General Plan policy that requires new residential and commercial development to be concentrated within already developed areas and areas planned for development where sufficient densities can support transit services and development of pedestrian and bicycle facilities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-1.)**

MM 4.4.1e: The County shall include a General Plan policy that supports programs to reduce single-occupant vehicle use and encourage carpooling, transit use, and alternative modes such as bicycling, walking, and telecommuting. In addition, the County shall seek to maintain total trips in the County using travel modes other than private vehicles (walking, bicycling, public transit, etc.) at 2006 levels. **(This mitigation**

**measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policies CIR-28, CIR-30 and CIR-32.)**

MM 4.4.1f: The County shall include a General Plan policy that supports programs to reduce single-occupant vehicle use and encourage carpooling, transit use, and alternative modes such as bicycling, walking, and telecommuting. In addition, the County shall seek to maintain total trips in the County using travel modes other than private vehicles (transit, walking, bicycling, public transit, etc.) at 2006 levels such as preferential carpool parking and other ridesharing incentives, flexible working hours, a purchasing program that favors hybrid, electric or other non-gasoline vehicles, secure bicycle parking, and transit incentives. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policies CIR-26, CIR-28, CIR-29, CIR-33, CIR-34, CIR-35, CIR-36, Objective CIR-3, and Action Items CIR-28.1 and CIR 28.2.)**

MM 4.4.1g: The County shall include a General Plan policy that requires all developments along fixed transit routes to provide amenities designed to encourage carpooling, bicycle, and transit use in coordination with NCTPA. Typical features would include bus turnouts/access, bicycle lockers, and carpool/vanpool parking. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-32.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this transportation impact is mitigated by imposition of Mitigation Measures MM 4.4.1.d through 4.4.1.g, found on page 4.4-55 of the DEIR. With incorporation of these mitigation measures as policies into the 2008 GPU, this impact would be reduced to a less than significant level. The policies and measures emphasize the use of alternative modes of transportation and addressing other strategies for reducing traffic in peak periods and support the provision of transit, pedestrian, and bicycle facilities. They also provide incentives for transit use consistent with NCTPA policies, ensure new development is appropriately located, provide transit amenities and incentives, and encourage the County to take steps to support alternatives to the private automobile.

**D) Impact 4.4.4:** Land uses and development under the proposed 2008 General Plan Update could create additional demand for parking facilities and therefore inadequate parking capacity if these facilities are not constructed. This is a significant and mitigable impact. (DEIR, p. 4.4-55; FEIR, p. 2.0-16.)

**Mitigation Measures:**

MM 4.4.4a: The County shall provide a General Plan policy that new development projects shall provide adequate parking to meet their anticipated parking

demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. The required parking supply shall be based on compliance with County Zoning Code parking requirements. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-23.)**

MM 4.4.4b: The County shall provide a General Plan policy that requires roadway improvement projects expected to result in the loss of parking for an existing use to provide replacement parking if required meeting County Zoning Code parking requirements. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-24. This measure is also already implemented by County Code Chapter 18.110 (Off Street Parking and Loading Facilities.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this parking capacity impact is mitigated by imposition of Mitigation Measures MM 4.4.4a and 4.4.4b, found on page 4.4-55 of the DEIR. With incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), this impact would be reduced to a less than significant level because the measures and policies would ensure that additional parking demand from new development would be met and adequate parking facilities would exist.

## **BIOLOGICAL RESOURCES**

E) **Impact 4.5.1:** Land uses and development under the proposed 2008 General Plan Update could result in the loss of special-status plant and animal species. This is a significant and mitigable impact. (DEIR, p. 4.5-56; FEIR p. 2.0-17; PMC Memorandum dated March 31, 2008.)

### **Mitigation Measures:**

MM 4.5.1a: The County shall provide a General Plan policy that requires a biological resources evaluation for discretionary projects in areas identified to contain or possibly contain listed plant and/or wildlife species based upon data provided in the Baseline Data Report (BDR) or other technical materials. This evaluation shall be conducted prior to the authorization of any earthmoving activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-16.)**

MM 4.5.1b: The County shall provide a General Plan policy that requires all discretionary residential, commercial, industrial and recreational projects, wineries and

new vineyards, and water development projects that identify special-status species in a biological resources evaluation to avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction (if applicable) including, but not limited to, the following strategies:

- Preservation of habitat and connectivity of adequate size, quality and configuration to support the special-status species identified in a manner generally consistent with the provisions of County Code Chapter 18.108. Connectivity shall be determined based on the specifics of the species needs.
- Provision of supplemental planting and maintenance of grasses, shrubs and trees of similar quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife.
- Provide protection for habitat and the known locations of special-status species through adequate buffering or other means.
- Provide replacement habitat of like quantity and quality on or off-site for special-status species.
- Enhance existing special-status species habitat values through restoration and replanting of native plant species.
- Provision of temporary or permanent buffers of adequate size (based on the specifics of the special-status species) to avoid nest abandonment by nesting migratory birds and raptors associated with construction and site development activities.
- Incorporation of the provisions or demonstration of compliance with applicable recovery plans for federally listed species. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-10, CON-13, CON-15, CON-17, CON-18, CON-19, CON-22 and Action Items CON NR-6 and CON NR-7.)**

MM 4.5.1c: The County shall provide a General Plan policy that requires the development of a Noxious Weed Ordinance. The Noxious Weed Ordinance shall include regulatory standards for construction activities that occur adjacent to natural areas to inhibit the establishment of noxious weeds through accidental seed import. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-23.)**

MM 4.5.2a: The County shall provide a policy in the General Plan that requires the development of CEQA standards that require disclosure of impacts to all sensitive biotic communities and oak woodlands during review of discretionary projects. The County, in its discretion, shall require mitigation that results in the following standards:

Sensitive Biotic Communities – For all sensitive biotic communities that are listed on DEIR page 4.5-8 and -11 or are designated by the County, ensure no net loss through restoration or creation where a qualified biologist determines that

restoration or creation are ecologically feasible; or preserve like habitat at a 2:1 ratio.

Oak Woodland - Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:

- Preserve, to the maximum extent possible, oak trees and other significant vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.
- Comply with the Oak Woodlands Preservation Act (Public Resources Code Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain to the maximum extent feasible existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial development approvals.
- Provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-17 and CON-23 and Goals CON-3, CON-4 and CON-5.)**

MM 4.5.2b: The County shall provide a policy in the General Plan that requires that all public and private projects shall be required to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-30.)**

MM 4.5.2c: The County shall provide a General Plan policy that: (1) requires continued implementation of the intermittent and perennial stream setback requirements set forth in the Napa County Conservation Regulations (County Code Chapter 18.108); (2) provides education and information regarding the importance of stream setbacks, the active management of native vegetation within setbacks and development of incentives to encourage greater stream setbacks where appropriate. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-25, CON-27, CON-29, and Action Item CON NR-1.)**

MM 4.6.1b: The County shall provide a policy in the 2008 General Plan that requires the County shall develop or modify the County Code to ensure that all construction-related activities within 0.25 miles of a stream or other drainage course that have a potential for excess soil erosion due to winter rains have protective measures in place or occur before September 30th. In addition, the County shall ensure enforceable fines are levied upon violators and violators are required to perform all necessary remediation activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-50 (g).)**

MM 4.6.5a: The County shall provide a policy in the General Plan that requires the County to modify the County Code or establish an ordinance that protects riparian vegetation and ensures the restoration of historic riparian vegetation where feasible for projects requiring discretionary approval. The County shall develop a stream and wetlands protection program in coordination with Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration National Marine Fisheries Service and other coordinating resource agencies that identifies essential stream and stream reaches necessary for the health of populations of native fisheries and other sensitive aquatic organisms within the County's watersheds. Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that mitigation restoration and enhancement activities will occur within these identified stream reaches that support or could support native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within the County's watersheds. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-10, CON-14, CON-26, CON-29 and CON-50 (h).)**

MM 4.6.5b: The County shall provide a policy in the General Plan that requires the County to develop CEQA standards that require disclosure of gravel removal that results in adverse effects to native fisheries during project review. The County shall require mitigation that results in no net adverse effects to stream bed attributes necessary for native fisheries health. This may include restoration and improvement of impacted habitat areas (e.g., gravel areas and pools with woody debris areas). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11 (j) and CON-38.)**

MM 4.6.5c: The County shall provide a General Plan policy that requires the County to modify the County Code or establish an ordinance that prohibits construction activities within the channel of any waterway identified (based on information in the BDR and Appendix G of the DEIR) to contain existing or potential spawning habitat for special-status fish species during limited time periods of spawning activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11 (j) and CON-13 (d) and Action Item NR-4.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this biological impact is mitigated by imposition of Mitigation Measures MM 4.5.1a through 4.5.1c, MM 4.5.2a through 4.5.2c, MM 4.6.1b and MM 4.6.5a through 4.6.5c, found on page 4.4-56 of the DEIR. With incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), this impact on biological resources would be reduced to a less than significant level because

these measures and policies require that all discretionary projects address, analyze and mitigate impacts on special-status species, sensitive biotic communities, and wetlands. The policies also provide additional protections for these resources and will result in the development of a Noxious Weed Ordinance.

**F) Impact 4.5.3:** Land uses and development under the proposed 2008 General Plan Update could result in the loss of wildlife movement and plant dispersal opportunities. This is a significant and mitigable impact. (DEIR, p. 4.5-65; FEIR, p. 2.0-19.)

**Mitigation Measures:**

MM 4.5.3a: The County shall provide a General Plan policy that requires individual projects retain movement corridor(s) adequate (both in size and in habitat quality) to allow for continued wildlife use based on the species anticipated to use the corridor. This may be accomplished through continued implementation of the Napa County Conservation Regulations associated with vegetation retention (Sections 18.108.027 and 18.108.100) and setbacks from waterways (Section 18.108.025). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-27, CON-18, CON-19, CON-20, CON-21.)**

MM 4.5.3b: All new vineyards shall only be allowed to fence individual vineyard blocks. All existing vineyards shall be required to reduce their existing fencing to just vineyard blocks at any point in which they obtain a discretionary permit for any activity (vineyard, winery, other use) on a parcel which has vineyard fencing to the extent the nexus exists between the fencing. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-18e.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this biological impact is mitigated by imposition of Mitigation Measures MM 4.5.3a and 4.5.3b, found on page 4.4-67 of the DEIR. With incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), this impact on biological resources would be reduced to a less than significant level because these measure and policies would protect the vast majority of wildlife and retain plant dispersal communities.

**G) Impact 4.5.4:** Land uses and development under the proposed 2008 General Plan Update could conflict with existing recovery plans that cover portions of Napa County. This is a significant and mitigable impact. (DEIR, p. 4.5-67; FEIR, p. 2.0-19.)

**Mitigation Measures:**

MM 4.5.1a: The County shall provide a General Plan policy that requires a biological resources evaluation for discretionary projects in areas identified to contain or possibly contain listed plant and/or wildlife species based upon data provided in the Baseline Data Report (BDR) or other technical materials. This evaluation shall be conducted prior to the authorization of any earthmoving activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-16.)**

MM 4.5.1b: The County shall provide a policy in the General Plan that requires all discretionary residential, commercial, industrial and recreational projects, wineries and new vineyards, and water development projects that identify special-status species in a biological resources evaluation to avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction (if applicable). (See DEIR, p.4.5-62 for more detail.) **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-10, CON-13, CON-15, CON-17, CON-18, CON-19, CON-22 and Action Items CON NR-6 and CON NR-7.)**

MM 4.5.1c: The County shall provide a policy in the General Plan that requires the development of a Noxious Weed Ordinance. The Noxious Weed Ordinance shall include regulatory standards for construction activities that occur adjacent to natural areas to inhibit the establishment of noxious weeds through accidental seed import. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-23.)**

MM 4.5.2a: The County shall provide a policy in the General Plan that requires the development of CEQA standards that require disclosure of impacts to all sensitive biotic communities and oak woodlands during review of discretionary projects. The County, in its discretion, shall require mitigation that results in the following standards:

Sensitive Biotic Communities – For all sensitive biotic communities that are listed on DEIR page 4.5-8 and -11 or are designated by the County, ensure no net loss through restoration or creation where a qualified biologist determines that restoration or creation are ecologically feasible; or preserve like habitat at a 2:1 ratio.

Oak Woodland - Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:

- Preserve, to the maximum extent possible, oak trees and other significant vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.
- Comply with the Oak Woodlands Preservation Act (Public Resources Code Section 21083.4) regarding oak woodland preservation to conserve

the integrity and diversity of oak woodlands, and retain to the maximum extent feasible existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial development approvals.

- Provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-17 and CON-23 and Goals CON-3, CON-4 and CON-5.)**

MM 4.5.2b: The County shall provide a policy in the General Plan that requires that all public and private projects shall be required to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-30.)**

MM 4.5.2c: The County shall provide a General Plan policy that: (1) requires continued implementation of the intermittent and perennial stream setback requirements set forth in the Napa County Conservation Regulations (County Code Chapter 18.108); (2) provides education and information regarding the importance of stream setbacks, the active management of native vegetation within setbacks and development of incentives to encourage greater stream setbacks where appropriate. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-25, CON-27, CON-29, and Action Item CON NR-1.)**

MM 4.6.5a: The County shall provide a policy in the General Plan that requires the County to modify the County Code or establish an ordinance that protects riparian vegetation and ensures the restoration of historic riparian vegetation where feasible for projects requiring discretionary approval. The County shall develop a stream and wetlands protection program in coordination with Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration National Marine Fisheries Service and other coordinating resource agencies that identifies essential stream and stream reaches necessary for the health of populations of native fisheries and other sensitive aquatic organisms within the County's watersheds. Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that mitigation restoration and enhancement activities will occur within these identified stream reaches that support or could support native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within the County's watersheds. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-10, CON-14, CON-26, CON-29 and CON-50 (h).)**

MM 4.6.5b: The County shall provide a policy in the General Plan that requires the County to develop CEQA standards that require disclosure of gravel removal that results in adverse effects to native fisheries during project review. The County shall

require mitigation that results in no net adverse effects to stream bed attributes necessary for native fisheries health. This may include restoration and improvement of impacted habitat areas (e.g., gravel areas and pools with woody debris areas). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11 (j) and CON-38.)**

MM 4.6.5c: The County shall provide a General Plan policy that requires the County to modify the County Code or establish an ordinance that prohibits construction activities within the channel of any waterway identified (based on information in the BDR and Appendix G of the DEIR) to contain existing or potential spawning habitat for special-status fish species during limited time periods of spawning activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11 (j) and CON-13 (d) and Action Item NR-4.)**

MM 4.11.2a: The County shall provide a policy in the General Plan that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) and the Stormwater Management and Discharge Control Ordinance (County Code Chapter 16.28) in order to mitigate surface water quality impacts consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River total maximum daily load (TMDL) for sediment. Construction associated with subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans and stormwater pollution prevention plans) that demonstrate mitigation of soil erosion impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of the County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed BMPs will function under site-specific conditions. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-45 and CON-48.)**

MM 4.11.2b: The County shall provide a policy in the General Plan that requires the establishment of water quality monitoring program(s) in order to track the effectiveness of temporary and permanent BMPs in the watersheds and implement corrective actions for identified water quality issues (in violation of Basin Plans and/or associated TMDLs) identified during monitoring. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-47 (a) and CON-49.)**

MM 4.11.3a: The County shall provide a policy in the General Plan that requires post development conditions not to increase 2-, 10-, 50- and 100-year events above pre-development peak flow rates. Subsequent projects in the County shall comply through the submittal of technical reports (e.g., associated with compliance with the County Conservation Regulations [County Code Chapter 18.108]) that demonstrate compliance

with this requirement. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-50 (c) and CON-48.)**

MM 4.11.3b: The County shall provide a policy in the General Plan that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) in order to mitigate surface water quality impacts from land use activities consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment, pathogens and nutrients. Subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans) that demonstrate mitigation of potential water quality impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed vineyard site design and management (e.g., proposed layout of vineyard, setbacks from waterways, drainage system and use of drip irrigation to apply fertilizers) and BMPs will function under site-specific conditions and their projected effectiveness in addressing sediment, nutrient, pesticides and other sources of water quality pollution. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-48 and CON-50 (g).)**

MM 4.11.4: The County shall include a process in the General Plan and/or County Code Chapter 18.108, which will allow new vineyard development projects meeting criteria below to participate in a streamlined permitting process. The permit process shall require that an erosion control plan be developed and implemented for all disturbed lands where new cultivation is proposed. This permit process will require only County determination of “completeness,” and no discretionary review. Conditions for participation in this ministerial permit process are described on page 4.11-55 of the DEIR. **(This mitigation measure has not been incorporated into the proposed 2008 General Plan Update.)**

MM 4.11.5e: The County shall include a policy in the proposed General Plan that requires pump tests or hydrogeologic studies be conducted for all new high-capacity wells, including high-capacity agricultural production wells, where there may be a potential to adversely affect existing adjacent domestic or water system wells. The County shall not allow the operation of any new wells for which pump tests or hydrogeologic studies show the potential for significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries. The County shall also not allow the drilling or operation of any new wells in known areas of saltwater intrusion until such time as a program has been approved and funded which will minimize or avoid expansion of salt water intrusion into useable groundwater supplies. **(This mitigation measure has effectively been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-55, CON-56 and Action Item WR-8.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. As to Mitigation Measure 4.11.4, pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological or other considerations make this mitigation measure infeasible, as further set forth in Section 9 below.

Rationale: Based upon the DEIR, FEIR and the administrative record, this biological resources impact is mitigated by imposition of Mitigation Measures MM 4.5.1a through 4.5.1c, 4.5.2a through 4.5.2c, 4.6.5a through 4.6.5c, 4.11.2.a, 4.11.2b, 4.11.3a, 4.11.3b and 4.11.5e found on page 4.5-69 of the DEIR. With incorporation of all of these mitigation measures (except MM 4.11.4) as policies into the 2008 GPU (as noted above), this impact on biological resources would be reduced to a less than significant level because these measures and policies would require preservation and mitigation of special-status plant and animal species and their associated habitat in a manner generally consistent with various adopted plans including, the USFWS adopted Recovery Plans for certain federally listed species that are located within Napa County, the 2006 Bureau of Land Management's 2006 Management Plan for Ukiah Region Public Lands, and the San Francisco Regional Water Quality Control Board and would protect water quality and flows. Because the streamlined process envisioned by Mitigation Measure MM 4.11.4 will not be included in the 2008 GPU, and instead will be the subject of a future process and subject to its own environmental review, this impact would still be reduced to a less than significant level even without implementation of MM 4.11.4.

## **FISHERIES**

**H) Impact 4.6.1:** Land use and development under the proposed 2008 General Plan Update could adversely affect sediment load and thus indirectly result in the loss of populations or degradation of spawning and rearing habitat for special-status fish species. This is a significant and mitigable impact. (DEIR, p. 4.6-22; FEIR, p. 2.0-20.)

### **Mitigation Measure:**

**MM 4.6.1a:** The County shall provide a General Plan policy (in coordination with Mitigation Measure MM 4.11.2b) that requires the establishment of fishery monitoring program(s) in coordination with the Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration National Marine Fisheries Service in order to track the current condition of special-status fisheries and associated habitats in the County's watersheds. This will include tracking of the effectiveness of BMPs for individual projects in the watersheds and the implementation of corrective actions for identified water quality issues that are identified as adversely impacting fisheries. **(This mitigation measure has been incorporated into the proposed 2008 General Plan**

**Update Conservation Element as Policies CON-11, CON-13, CON-15, CON-26, CON-50 (e), (g), (i) and (j), and Action Item CON NR-2.)**

MM 4.6.1b: The County shall provide a policy in the 2008 General Plan that requires the County shall develop or modify the County Code to ensure that all construction-related activities within 0.25 miles of a stream or other drainage course that have a potential for excess soil erosion due to winter rains have protective measures in place or occur before September 30th. In addition, the County shall ensure enforceable fines are levied upon violators and violators are required to perform all necessary remediation activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-50 (g).)**

MM 4.11.2a: The County shall provide a policy in the General Plan that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) and the Stormwater Management and Discharge Control Ordinance (County Code Chapter 16.28) in order to mitigate surface water quality impacts consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River total maximum daily load (TMDL) for sediment. Construction associated with subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans and stormwater pollution prevention plans) that demonstrate mitigation of soil erosion impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of the County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed BMPs will function under site-specific conditions. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-45 and CON-48.)**

MM 4.11.2b: The County shall provide a policy in the General Plan that requires the establishment of water quality monitoring program(s) in order to track the effectiveness of temporary and permanent BMPs in the watersheds and implement corrective actions for identified water quality issues (in violation of Basin Plans and/or associated TMDLs) identified during monitoring. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-47 (a) and CON-49.)**

MM 4.6.5a: The County shall provide a policy in the General Plan that requires the County to modify the County Code or establish an ordinance that protects riparian vegetation and ensures the restoration of historic riparian vegetation where feasible for projects requiring discretionary approval. The County shall develop a stream and wetlands protection program in coordination with Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration National Marine Fisheries Service and other coordinating resource agencies that identifies essential stream

and stream reaches necessary for the health of populations of native fisheries and other sensitive aquatic organisms within the County's watersheds. Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that mitigation restoration and enhancement activities will occur within these identified stream reaches that support or could support native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within the County's watersheds. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-10, CON-14, CON-26, CON-29 and CON-50 (h).)**

MM 4.6.5b: The County shall provide a policy in the General Plan that requires the County to develop CEQA standards that require disclosure of gravel removal that results in adverse effects to native fisheries during project review. The County shall require mitigation that results in no net adverse effects to stream bed attributes necessary for native fisheries health. This may include restoration and improvement of impacted habitat areas (e.g., gravel areas and pools with woody debris areas). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11 (j) and CON-38.)**

MM 4.6.5c: The County shall provide a General Plan policy that requires the County to modify the County Code or establish an ordinance that prohibits construction activities within the channel of any waterway identified (based on information in the BDR and Appendix G of the DEIR) to contain existing or potential spawning habitat for special-status fish species during limited time periods of spawning activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11 (j) and CON-13 (d) and Action Item NR-4.)**

MM 4.6.6 The County shall provide a policy in the General Plan that requires that subsequent development activities and roadway improvements not directly disturb the bed and bank of any waterway known, or suspected, to contain fishery resources to the maximum extent feasible. If avoidance is determined to be infeasible by the County, then BMPs and/or habitat restoration shall be incorporated (in consultation with California Department of Fish and Game, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration National Marine Fisheries Service) into the project design that demonstrates no adverse impacts to fishery resources and allows for fish passage. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-6, CON-11(n), CON-13, CON-14 and the Circulation Element as Policy CIR-8.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this impact on fisheries is mitigated by imposition of the mitigation measures noted above and found on page 4.6-25 of the DEIR. Incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), would address soil erosion, loss of riparian vegetation, gravel removal, water quality and flows, impacts to fisheries and would reduce sedimentation impacts to fisheries. Additionally, imposition of these measures would ensure that current effective provisions of the County's Conservation Regulations (County Code Chapter 18.108) and the Stormwater Management and Discharge Control Ordinance (County Code Chapter 16.28) continue to be implemented to mitigate surface water quality impacts and ensure that water quality monitoring occurs to identify and correct any water quality issues.

**I) Impact 4.6.2:** Land use and development under the proposed 2008 General Plan Update could adversely affect water quality parameters other than sediment and thus indirectly result in the loss of populations or degradation of habitat for special-status fish species. This is a significant and mitigable impact. (DEIR, p. 4.6-25; FEIR, p. 2.0-20.)

**Mitigation Measures:**

MM 4.11.3b: The County shall provide a policy in the General Plan that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) in order to mitigate surface water quality impacts from land use activities consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment, pathogens and nutrients. Subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans) that demonstrate mitigation of potential water quality impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed vineyard site design and management (e.g., proposed layout of vineyard, setbacks from waterways, drainage system and use of drip irrigation to apply fertilizers) and BMPs will function under site-specific conditions and their projected effectiveness in addressing sediment, nutrient, pesticides and other sources of water quality pollution. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-48 and CON-50 (g).)**

MM 4.11.2a: The County shall provide a General Plan policy that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) and the Stormwater Management and Discharge Control Ordinance (County Code Chapter 16.28) in order to mitigate surface water quality impacts consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment. Construction associated with subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans and stormwater pollution prevention plans) that demonstrate mitigation of soil erosion

impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed BMPs will function under site-specific conditions. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-45, CON-47 and CON-48. This measure is also implemented by Napa County Code Chapters 16.28 Stormwater Management and Discharge Control Ordinance and 18.108.)**

MM 4.6.1a: The County shall provide a General Plan policy (in coordination with Mitigation Measure MM 4.11.2b) that requires the establishment of fishery monitoring program(s) in coordination with the Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration National Marine Fisheries Service in order to track the current condition of special-status fisheries and associated habitats in the County's watersheds. This will include tracking of the effectiveness of BMPs for individual projects in the watersheds and the implementation of corrective actions for identified water quality issues that are identified as adversely impacting fisheries. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11, CON-13, CON-15, CON-26, CON-50 (e), (g), (i) and (j), and Action Item CON NR-2.)**

MM 4.11.4: The County shall include a policy in the General Plan and/or County Code Chapter 18.108, which will allow new vineyard development projects meeting the criteria below to participate in a streamlined permitting process. The permit process shall require that an erosion control plan be developed and implemented for all disturbed lands where new cultivation is proposed. This permit process will require only County determination of "completeness," and no discretionary review. (Conditions for participation in this ministerial permit process are described on page 4.11-55 of the DEIR.) **(This mitigation measure has not been incorporated into the proposed 2008 General Plan Update.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. As to Mitigation Measure 4.11.4, pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological or other considerations make this mitigation measure infeasible, as further set forth in Section 9 below.

Rationale: Based upon the DEIR, FEIR and the administrative record, this sediment impact on fisheries is mitigated by imposition of Mitigation Measures MM 4.11.3b, 4.11.2a, and 4.6.1a, found on page 4.6-27 of the DEIR. Incorporation of these mitigation measures as policies into the proposed 2008 GPU (as noted above), as best management practices on projects would ensure water quality in compliance with applicable Basin Plans and the Policy for

Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bay, and Estuaries of California that would also provide protection of fisheries. Thus, implementation of these mitigation measures as well as implementation of County Code (e.g., Conservation Regulations and Stormwater Management and Discharge Control Ordinance) would reduce this impact to less than significant. Because the streamlined process envisioned by Mitigation Measure MM 4.11.4 will not be included in the 2008 GPU, and instead will be the subject of a future process and subject to its own environmental review, this impact would still be reduced to a less than significant level even without implementation of MM 4.11.4.

**J) Impact 4.6.3:** Land use and development under the proposed 2008 General Plan Update could adversely change surface hydrologic conditions and thus indirectly result in the loss of populations or degradation of habitat for special-status fish species. This is a significant and mitigable impact. (DEIR, p. 4.6-28; FEIR, p.2.0-20.)

**Mitigation Measures:**

**MM 4.11.3a:** The County shall provide a policy in the General Plan that requires post-development conditions not to increase 2-, 10-, 50- and 100-year events above pre-development peak flow rates. Subsequent projects in the County shall comply through the submittal of technical reports (e.g., associated with compliance with the County Conservation Regulations [County Code Chapter 18.108]) that demonstrate compliance with this requirement. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-50 (c) and CON-48.)**

**MM 4.11.3b:** The County shall provide a General Plan policy that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) in order to mitigate surface water quality impacts from land use activities consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment, pathogens and nutrients. Subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans) that demonstrate mitigation of potential water quality impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of the County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed vineyard site design and management (e.g., proposed layout of vineyard, setbacks from waterways, drainage systems and use of drip irrigation to apply fertilizers) and BMPs will function under site-specific conditions and their projected effectiveness in addressing sediment, nutrient, pesticides and other sources of water quality pollution. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-48 and CON-50 (g).)**

**MM 4.11.9:** The County shall include a policy in the General Plan that requires subsequent projects include drainage improvements to ensure no new or increased

flooding impacts on adjoining parcels or upstream and downstream areas. (**This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-50 (c) and (e), Circulation Element Policy CIR-8 and Safety Element Policy SAF-25.**)

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this fisheries impact is mitigated by imposition of Mitigation Measures MM 4.11.3a, 4.11.3b and 4.11.9, found on page 4.6-29 of the DEIR. Incorporation of these mitigation measures as policies into the 2008 GPU would protect hydrology and water quality because it would ensure no increase in scour events along waterways by requiring the retention of pre-development peak flow conditions when scour events occur, and would ensure that subsequent land uses would not result in new or increased flood impacts.

**K) Impact 4.6.4:** Land use and development under the proposed 2008 General Plan Update could result in localized groundwater drawdowns that could impact surface water flows and groundwater interflow that provide necessary habitat for fisheries. This is a significant and mitigable impact. (DEIR, p. 4.6-29; FEIR, p. 2.0-20.)

**Mitigation Measures:**

MM 4.11.5e: The County shall include a General Plan policy that requires pump tests or hydrogeologic studies be conducted for all new high-capacity wells, including high-capacity agricultural production wells, where there may be a potential to adversely affect existing adjacent domestic or water system wells. The County shall not allow the operation of any new wells for which pump tests or hydrogeologic studies show the potential for significant adverse well interference, or substantial reductions in groundwater discharge to surface waters that, would alter critical flows to sustain riparian habitat and fisheries. The County shall also not allow the drilling or operation of any new wells in known areas of saltwater intrusion until such time as a program has been approved and funded, which will minimize or avoid expansion of salt water intrusion into useable groundwater supplies. (**This mitigation measure has been incorporated into the proposed 2008 General Plan Update as Conservation Element as Policies CON-55, CON-56 and Action Item CON WR-8.**)

MM 4.11.4: The County shall include a policy in the General Plan and/or County Code Chapter 18.108, which will allow new vineyard development projects meeting criteria below to participate in a streamlined permitting process. The permit process shall require that an erosion control plan be developed and implemented for all disturbed lands where new cultivation is proposed. This permit process will require only County determination of “completeness” and no discretionary review. (Conditions for participation in this ministerial permit process are described on page 4.11-55 of the

DEIR.) (This mitigation measure has not been incorporated into the proposed 2008 General Plan Update.)

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. As to Mitigation Measure MM 4.11.4, pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological or other considerations make Mitigation Measure MM 4.11.4 infeasible, as further set forth in Section 9 below.

Rationale: Based upon the DEIR, FEIR and the administrative record, this fisheries impact is mitigated by imposition of Mitigation Measure MM 4.11.5e, found on page 4.6-30 of the DEIR. Incorporation of this mitigation measure as a policy into the 2008 GPU (as noted above), would require applicants to demonstrate no substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries. Because the streamlined process envisioned by Mitigation Measure MM 4.11.4 will not be included in the 2008 GPU and instead will be the subject of a future process and subject to its own environmental review, this impact would still be reduced to a less than significant level even without implementation of MM 4.11.4.

L) **Impact 4.6.5:** Land use and development (direct physical construction) under the proposed 2008 General Plan Update could adversely affect riparian vegetation, rearing and spawning habitat and thus indirectly result in the loss of populations or degradation of habitat for special-status fish species. This is a significant and mitigable impact. (DEIR, p.4.6-31; FEIR, p. 2.0-21.)

**Mitigation Measures:**

MM 4.6.5a The County shall provide a policy in the General Plan that requires the County to modify the County Code, or establish an ordinance, that protects riparian vegetation and ensures the restoration of historic riparian vegetation where feasible for projects requiring discretionary approval. The County shall develop a stream and wetlands protection program in coordination with Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration National Marine Fisheries Service and other coordinating resource agencies that identifies essential stream and stream reaches necessary for the health of populations of native fisheries and other sensitive aquatic organisms within the County's watersheds. Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that mitigation, restoration and enhancement activities will occur within these identified stream reaches that support, or could support, native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within County watersheds. **(This mitigation measure has been incorporated**

**into the proposed 2008 General Plan Update Conservation Element as Policies CON-10, CON-14, CON-26, CON-29, and CON-50 (h.)**

MM 4.6.5b: The County shall provide a General Plan policy that requires the County to develop CEQA standards that require disclosure of gravel removal that results in adverse effects to native fisheries during project review. The County shall require mitigation that results in no net adverse effects to stream bed attributes necessary for native fisheries health. This may include restoration and improvement of impacted habitat areas (e.g., gravel areas and pools with woody debris areas. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11(j) and CON-38.)**

MM 4.6.5c: The County shall provide a policy in the General Plan that requires the County to modify the County Code or establish an ordinance that prohibits construction activities within the channel of any waterway identified (based on information in the Baseline Data Report and Appendix G of the DEIR) to contain existing or potential spawning habitat for special-status fish species during limited time periods of spawning activities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-11 (l), CON-13(d), and Action Item NR-4.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this fisheries impact is mitigated by imposition of Mitigation Measures MM 4.6.5a through 4.6.5c, found on page 4.6-32 of the DEIR. Incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), would ensure that potential direct impacts to fish habitat are mitigated to no net loss and that construction activities avoid spawning periods.

**M) Impact 4.6.6:** Land use and development under the proposed 2008 General Plan Update could adversely affect fish migration and thus directly result in the loss of populations or degradation habitat for special-status fish species. This is a significant and mitigable impact. (DEIR, p.4.6-33; FEIR, p. 2.0-21.)

**Mitigation Measure:**

MM 4.6.6 The County shall provide a policy in the General Plan that requires that subsequent development activities and roadway improvements not directly disturb the bed and bank of any waterway known, or suspected, to contain fishery resources to the maximum extent feasible. If avoidance is determined to be infeasible by the County, then BMPs and/or habitat restoration shall be incorporated (in consultation with California Department of Fish and Game, U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration National Marine Fisheries Service) into the

project design that demonstrates no adverse impacts to fishery resources and allows for fish passage. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-6, CON-11(n), CON-13, CON-14 and the Circulation Element as Policy CIR-8.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this fisheries impact is mitigated by imposition of Mitigation Measure MM 4.6.6, found on page 4.6-34 of the DEIR. Incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), and associated BMPs (see Appendix G of the DEIR) would ensure fish barriers are avoided.

## NOISE

**N) Impact 4.7.1:** Implementation of the proposed 2008 General Plan Update would allow for some development in rural residential areas. The Napa Pipe and Boca/Pacific Coast sites would remain industrially zoned and designated and would be subject to further study (and require further General Plan amendments) before any non-industrial use could be introduced. This growth could place new noise sensitive uses (e.g. residences) in areas which could exceed the current Napa County Noise and Land Use Compatibility Standards or the Napa County Noise Ordinance limits. This is a significant and mitigable impact. (DEIR, p.4.7-24; FEIR, p. 2.0-21.)

### Mitigation Measures:

MM 4.7.1a: The County shall, at a minimum, retain noise policies in the current General Plan requiring land use decisions to conform to noise-related compatibility criteria and noise standards as shown in Draft EIR Tables 4.7-8 and 4.7-10 and establish recommended interior noise levels for sensitive land uses (e.g., residences, schools, daycares, hospitals and other similar uses) as shown in Draft EIR Table 4.7-11. The County shall, through retention of these current noise policies, not approve the placement of residential or other noise-sensitive land uses in areas that exceed these noise standards without the provision of noise attenuation features that result in noise levels meeting the current standards of the County for exterior and interior noise exposure. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policies CC-38, CC-39, CC-36 and CC-44.)**

MM 4.7.1b: The County shall continue to incorporate a policy in the General Plan that requires prospective residents be notified of agricultural-related noises and the County's "Right to Farm" Ordinance in each parcel map approved for locations in or adjacent to designated agricultural areas. **(This mitigation measure has been**

**incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-35 and Agricultural Preservation and Land Use Element Policy AG/LU-15.)**

MM 4.7.1c: The County shall provide a General Plan policy that requires property owners proposing new noise-sensitive uses in proximity to existing industrial activities and railroad corridors (such as subsequent development of the Pacific Coast/Boca and the Napa Pipe sites) retain the services of a qualified noise expert to evaluate the potential for noise-related land use conflicts and to recommend methods to ensure that noise standards referenced in Mitigation Measure MM 4.7.1a are met. In the case of potential residential development of County-owned sites within the City of Napa, the County shall ensure that residential development of these sites meets the noise standards of the City prior to approval of the redevelopment of the sites. In both instances, methods may include, but are not limited to, noise barriers, building orientation and building design (such as additional insulation). As a condition of building permit issuance, the County shall require property owners to demonstrate implementation of the recommended methods. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policies CC-40, CC-41, and CC-48.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this noise impact is mitigated by imposition of Mitigation Measures MM 4.7.1a through 4.7.1c, found on page 4.7-25 of the DEIR. With incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), land use decisions would be required to conform to noise-related compatibility criteria and noise standards contained in the County's Noise Ordinance (County Code Chapter 8.16). The measures and policies also include provisions for siting noise-sensitive uses in industrial areas and railroad corridors and continued implementation of the County's "Right to Farm" ordinance. Implementation of these measures and policies would avoid or reduce conflicts between noise and land use to a less than significant level.

**O) Impact 4.7.2:** Implementation of the proposed 2008 General Plan Update could result in the development of residential land uses in proximity to significant known sources of groundborne vibration. This is a significant and mitigable impact. (DEIR, p. 4.7-26; FEIR, p. 2.0-22.)

**Mitigation Measures:**

MM 4.7.2a: The County shall include a policy in the General Plan that requires that new vibration-sensitive development, such as residences, shall be avoided within 100 feet of all railroad tracks and other identified sources of strong ground vibration to the extent feasible. For residences proposed within 100 feet of any significant source of

groundborne vibration, a vibration study shall be conducted prior to construction by a qualified consultant to ensure that residents would not be exposed to excessive vibration levels that would be disruptive (e.g., potential to interrupt sleep) or cause structural damage. The results of the study shall include performance standards to fully mitigate vibration impacts, which may take the form of building setbacks, site design, soil compaction/grouting and other appropriate methods. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policies CC-36, CC-40, and CC-44.)**

MM 4.7.2b: The County shall include a General Plan policy that requires new vibration sensitive development, such as residences, within proximity of the Syar Quarry or haul roads leading to the Syar Quarry be buffered and constructed to avoid significant disturbance related to groundborne vibration (e.g., potential to interrupt sleep or cause structural damage). A vibration study shall be conducted by a qualified consultant prior to construction to determine the extent of the buffer and other required measures related to building/foundation design. Prior to issuance of a building permit, the property owner shall demonstrate how study recommendations will be implemented to fully mitigate vibration impacts. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policies CC-36, CC-40, and CC-44.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this noise impact is mitigated by imposition of Mitigation Measures MM 4.7.2a and 4.7.2b, found on page 4.7-27 of the DEIR. Incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), would ensure potential exposure to sources of groundborne vibration would be minimized through setbacks and/or construction design to avoid structural damage as well as significant disturbance of future residents.

**P) Impact 4.7.7:** Implementation of the proposed 2008 General Plan Update could result in the development of residential land uses in proximity to the Napa County Airport and Angwin-Virgil O. Parrett Field. This is a significant and mitigable impact. (DEIR, p.4.7-37; FEIR, p. 2.0-23)

**Mitigation Measures:**

MM 4.7.7: The County shall include a General Plan policy that requires the use of aviation easements, disclosure statements or other appropriate disclosure measures to ensure that new development within any airport influence area are informed of the presence of the airport and its potential for creating current and future noise. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Action Item CC-45.1.)**

MM 4.2.2 Residential development at the Napa Pipe site could conflict with the Airport Land Use Compatibility Plan if it occurred within the “D” Zone, which essentially covers the southern one-third (about 50 acres) of the site. To reduce this impact to less than significant, the County would ensure that any future development plan for the Napa Pipe property does not include residential use or other incompatible uses in the “D” Zone. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-95.)**

MM 4.7.1a The County shall, at a minimum, retain noise policies in the current General Plan requiring land use decisions to conform to noise-related compatibility criteria and noise standards as shown in Draft EIR Tables 4.7-8 and 4.7-10, and establishing recommended interior noise levels for sensitive land uses (e.g., residences, schools, daycares, hospitals and other similar uses) as shown in Draft EIR Table 4.7-11. The County shall (through retention of these current noise policies) not approve the placement of residential or other noise-sensitive land uses in areas that exceed these noise standards without the provision of noise attenuation features that result in noise levels meeting the current standards of the County for exterior and interior noise exposure. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policies CC-38, CC-39, CC-36, and CC-44.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this noise and land use compatibility impact is mitigated by imposition of Mitigation Measures MM 4.7.7, 4.2.2 and 4.7.1a found on page 4.7-38 of the DEIR. Incorporation of these mitigation measures as policies into the 2008 GPU (as noted above), would ensure that buyers of property within any airport influence area are informed of the presence of the airport and its potential noise impacts, ensure that future development near Angwin-Virgil O. Parrett Field in Angwin would either meet the noise restriction requirements of the airport and/or include noise attenuation features to meet current County noise standards. Thus, implementation of these mitigation measures would reduce this impact to less than significant.

## **AIR QUALITY**

**Q) Impact 4.8.3:** Implementation of the proposed 2008 General Plan Update may result in grading and increased construction that may impact air quality. These activities would impact air quality by increasing ozone precursor and particulate matter emissions for an area that already exceeds ambient air quality standards and could also result in the release of hazardous air

pollutants associated with diesel emissions, lead and asbestos. This is a significant and mitigable impact. (DEIR, p. 4.8-26; FEIR, p. 2.0-25.)

**Mitigation Measures:**

MM 4.8.3a: The County shall include a General Plan policy that requires the following dust control measures be applied to discretionary projects as appropriate. These measures are consistent with those recommended for use by the BAAQMD.

- a) For all construction and similar earth disturbing activities: apply water on all active construction areas at least twice daily and more often when conditions warrant; cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard; pave, apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites daily as needed to control dust; sweep all paved access roads, parking areas and staging areas at construction sites and sweep streets daily if visible soil materials are carried onto adjacent public streets; and implement the Napa County Conservation Regulations (Chapter 18.108 of County Code) where these regulations are applicable.
- b) For sites greater than 4 acres in size: hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas; enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); limit traffic speeds on unpaved roads to 15 miles per hour; install appropriate erosion control measures to prevent silt runoff to public roadways and replant soil stabilizing vegetation in disturbed areas as quickly as possible.
- c) For sites that are located adjacent to sensitive receptors or warrant additional controls: install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site; suspend grading activities when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas and limit the area subject to excavation, grading and other construction activities at any one time. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-80(d), CON-81, and CON-83.)**

MM 4.8.3b: The County shall include a General Plan policy that requires that applicants seeking demolition permits demonstrate compliance with applicable BAAQMD requirements involving lead paint and asbestos containing materials (ACMs) designed to mitigate exposure to lead paint and asbestos. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-82.)**

MM 4.8.3c: The County shall include a General Plan policy that requires the development of maps identifying areas known and/or suspected to contain naturally occurring asbestos and shall require the use of enhanced dust suppression requirements and air quality monitoring (if determined necessary by the County and BAAQMD) for grading and construction projects consistent with applicable BAAQMD requirements to

protect the public from exposure. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-83.)**

MM 4.8.3d: The County shall include a General Plan policy that requires the utilization of construction emission control measures recommended by BAAQMD that are appropriate for the specifics of the project (e.g., length of time of construction and distance from sensitive receptors). This may include the utilization of low emission construction equipment, restrictions on the length of time of use of certain heavy-duty construction equipment and utilization of methods to reduce emissions from construction equipment (alternative fuels, particulate matter traps and diesel particulate filters). These measures shall be made conditions of approval and/or mitigation to projects to ensure implementation. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-85.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this air quality impact is mitigated by imposition of Mitigation Measures MM 4.8.3a through 4.8.3.d, found on page 4.8-28 of the DEIR. Because of the temporary nature of these emissions and because these mitigation measures will be incorporated as policies into the 2008 GPU (as noted above), including compliance with the BAAQMD CEQA Guidelines, odor impacts would be reduced to less than significant.

**R) Impact 4.8.4:** Implementation of the proposed 2008 General Plan Update may locate new sensitive receptors near existing or future sources of odors. In addition, existing sensitive receptors could be affected by new sources of odors developed under the proposed 2008 General Plan Update. This is a significant and mitigable impact. (DEIR, p. 4.8-30; FEIR, p. 2.0-25.)

**Mitigation Measures:**

MM 4.8.4: The County shall include a General Plan policy that requires: (a) When new development that would be a source of odors is proposed near residences or sensitive receptors, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD) or filters or other equipment shall be provided to reduce the potential exposure to acceptable levels. Potential mitigation associated with this policy requirement will be coordinated with any required permit conditions from BAAQMD; and (b) When new residential or other sensitive receptors are proposed near existing sources of odors, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD) or filters or other equipment shall be provided to the source to reduce the potential exposure to acceptable levels. **(This mitigation measure has been**

**incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-54.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this odor impact is mitigated by imposition of Mitigation Measure MM 4.8.4, found on page 4.8-31 of the DEIR. Incorporation of Mitigation Measure MM 4.8.4 as a policy into the 2008 GPU as Community Character Element policy CC-54 would ensure that subsequent development is sited and/or designed to avoid exposure to offensive odors (in coordination with BAAQMD) and thereby reducing this impact to less than significant.

## **HUMAN HEALTH/RISK OF UPSET**

S) Impact 4.9.2: Land uses or development associated with the proposed 2008 General Plan Update could result in the release of hazardous materials into the environment under reasonably foreseeable upset or accident conditions. This is a significant and mitigable impact. (DEIR, p. 4.9-27; FEIR, p. 2.0-27.)

### **Mitigation Measures:**

MM 4.9.2: The County shall include a General Plan policy that requires that all development projects that consist of sites that are suspected, or known to contain, hazardous materials (such as data contained in the BDR) and/or are identified in a hazardous material/waste search to be reviewed, tested and remediated for potential hazardous materials in accordance with all local, state and federal regulations. The County shall require written confirmation from applicable local, regional, state and federal agencies, that known contaminated sites have been deemed remediated to a level appropriate for land uses proposed, prior to the County approving site development or provide an approved remediation plan that demonstrates how contamination will be remediated prior to site occupancy. This documentation will specify the extent of development allowed on the remediated site, as well as any special conditions and/or restrictions on future land uses. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-31 and Action Item SAF-31.1.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential hazardous materials impact is mitigated by imposition of Mitigation Measure MM 4.9.2, found on page 4.9-29 of the DEIR. Incorporation of Mitigation Measure MM 4.9.2 as a policy into the 2008 GPU (as noted above), would ensure that potential hazardous materials/contamination from previous or current land uses, on land areas within the County, are remediated prior to development in order to protect public health. Thus, implementation of this mitigation measure and Mitigation Measure MM 4.9.2 would mitigate this impact to less than significant.

T) **Impact 4.9.3:** Land uses and development consistent with the proposed 2008 General Plan Update would locate land uses within the vicinity of public use airports or private airstrips. This is a significant and mitigable impact. (DEIR, p. 4.2-21; FEIR, p. 2.0-28.)

**Mitigation Measures:**

MM 4.2.2: Residential development at the Napa Pipe site could conflict with the Airport Land Use Compatibility Plan if it occurred within the “D” Zone, which essentially covers the southern one-third (about 50 acres) of the site. To reduce this impact to less than significant, the County would ensure that any future development plan for the Napa Pipe property does not include residential use or other incompatible uses in the “D” Zone. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-95.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential airport hazards impact is mitigated by imposition of Mitigation Measure MM 4.2.2, found on page 4.2-21 of the DEIR. Incorporation of Mitigation Measure MM 4.2.2 as a policy into the 2008 GPU (as noted above), would ensure that subsequent development in the South County Industrial Area is compatible with or buffered from adjacent industrial uses and consistent with the Napa County Airport Land Use Compatibility Plan.

U) **Impact 4.9.4:** Proposed land uses and/or changes in land use patterns that would occur as a result of implementation of the proposed 2008 General Plan Update could interfere with County emergency response and/or evacuation plans. This is a significant and mitigable impact. (DEIR, p. 4.9-30; FEIR, p. 2.0-28.)

**Mitigation Measures:**

MM 4.9.4: The County shall include a General Plan policy that requires subsequent development proposals in the unincorporated community of Angwin, Napa Pipe site and the Pacific Coast/Boca site include provisions for adequate emergency access for evacuation and access by emergency vehicles consistent with the requirements

of the County, and of Public Resources Code Section 4290, subject to County approval. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-20.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential emergency response and evacuation plan impact is mitigated by imposition of Mitigation Measure MM 4.9.4, found on page 4.9-31 of the DEIR. Incorporation of Mitigation Measure MM 4.9.4 as a policy into the 2008 GPU as Safety Element Policy SAF-20 would mitigate this impact to less than significant by ensuring that new development proposals include provisions for adequate emergency access consistent with County and Public Resources Code section 4290 requirements.

## **HYDROLOGY AND WATER QUALITY**

V) **Impact 4.11.2:** Land uses and development consistent with the proposed 2008 General Plan Update could result in increased soil erosion and sedimentation during construction activities, thereby degrading water quality in downstream waterways. This is a significant and mitigable impact. (DEIR, p. 4.11-46; FEIR, p. 2.0-33.)

### **Mitigation Measures:**

**MM 4.11.2a:** The County shall provide a policy in the General Plan that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) and the Stormwater Management and Discharge Control Ordinance (County Code Chapter 16.28) in order to mitigate surface water quality impacts consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment. Construction associated with subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans and stormwater pollution prevention plans) that demonstrate mitigation of soil erosion impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil and hydrologic conditions, and how proposed BMPs will function under site-specific conditions. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-45, CON-47 and CON-48.)**

MM 4.11.2b: The County shall provide a General Plan policy that requires the establishment of water quality monitoring program(s) in order to track the effectiveness of temporary and permanent BMPs in the watersheds and implement corrective actions for identified water quality issues (in violation of Basin Plans and/or associated TMDLs) identified during monitoring. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-47(a) and CON-49.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential construction-related soil erosion impact is mitigated by imposition of Mitigation Measures MM 4.11.2a and 4.11.2b, found on page 4.11-48 of the DEIR. Incorporation of Mitigation Measure MM 4.11.2a into the 2008 GPU (as noted above), would ensure that current effective provisions of the County Code continue to be implemented and would demonstrate compliance with the Basin Plans and the Napa River TMDL for sediment. As documented in DEIR Appendix I, implementation of the County Conservation Regulations has resulted in technical demonstration of the effectiveness of the use of erosion control plans and their associated BMPs for controlling soil erosion. Appendix I identifies the details and effectiveness of the typical site preparation, cover crop, slope protection, runoff control, sediment retention and roadway BMPs commonly used in the County (see Table 4.11-2 of the DEIR for a summary list of these BMPs and pages 2 through 30 of Appendix I). A component of the Napa River TMDL implementation measures includes continued compliance with County Conservation Regulations and Stormwater Management and Discharge Control Ordinance. Incorporation of Mitigation Measures MM 4.11.2a and 4.11.2b as policies into the 2008 GPU (as noted above), would ensure that water quality monitoring occurs to identify and correct any water quality issues. Thus, implementation of these mitigation measures would ensure that construction-related soil erosion impacts are mitigated to less than significant.

**W) Impact 4.11.3:** Continued agricultural and resource development (e.g., timber harvesting and mineral resources extraction) land uses under the proposed 2008 General Plan Update could result in an increase in sediment and nutrients in downstream waterways. This is a significant and mitigable impact. (DEIR, p. 4.11-49; FEIR, p. 2.0-33.)

**Mitigation Measures:**

MM 4.11.3a: The County shall provide a General Plan policy that requires post development conditions not to increase 2-, 10-, 50- and 100-year events above pre-development peak flow rates. Subsequent projects in the County shall comply through the submittal of technical reports (e.g., associated with compliance with the County Conservation Regulations [County Code Chapter 18.108]) that demonstrates compliance with this requirement. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-50(c).)**

**MM 4.11.3b:** The County shall provide a policy in the General Plan that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) in order to mitigate surface water quality impacts from land use activities consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment, pathogens and nutrients. Subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans) that demonstrate mitigation of potential water quality impacts to either, at a minimum, pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil and hydrologic conditions and how proposed vineyard site design and management (e.g., proposed layout of vineyard, setbacks from waterways, drainage system and use of drip irrigation to apply fertilizers) and BMPs will function under site-specific conditions and their projected effectiveness in addressing sediment, nutrient, pesticides and other sources of water quality pollution. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-48 and CON-50 (g).)**

**Finding:** Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

**Rationale:** Based on the DEIR, FEIR and the administrative record, this potential water quality impact is mitigated by imposition of Mitigation Measures MM 4.11.3a and 4.11.3b, found on page 4.11-54 of the DEIR. Incorporation of Mitigation Measures MM 4.11.3a and 4.11.3b as policies into the 2008 GPU (as noted above), would mitigate and ensure no increased scour events along waterways by requiring the retention of pre-development peak flow conditions when scour events occur. Policies in the 2008 GPU also include BMPs to ensure protection of current water quality conditions in compliance with applicable Basin Plans and TMDLs.

**X) Impact 4.11.6:** Land uses and development associated with the proposed 2008 General Plan Update could result in an increase in the number of private wells in unincorporated areas of the County. Approval of wells in these areas could result in well interference impacts. This is a significant and mitigable impact. (DEIR, p. 4.22-65; FEIR, p. 2.0-35.)

**Mitigation Measures:**

**MM 4.11.5e:** The County shall include a General Plan policy that requires pump tests or hydrogeologic studies be conducted for all new high-capacity wells, including high-capacity agricultural production wells, where there may be a potential to adversely affect existing adjacent domestic or water system wells. The County shall not allow the operation of any new wells for which pump tests or hydrogeologic studies show the

potential for significant adverse well interference, or substantial reductions in groundwater discharge to surface waters, that would alter critical flows to sustain riparian habitat and fisheries. The County shall also not allow the drilling or operation of any new wells, in known areas of saltwater intrusion, until such time as a program has been approved and funded, which will minimize or avoid expansion of salt water intrusion into useable groundwater supplies. **(This mitigation measure has effectively been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-55 and CON-56 and Action Item CON WR-8.)**

MM 4.11.4: The County shall include the following into the proposed 2008 General Plan Update and/or County Code Chapter 18.108, which will allow new vineyard development projects, meeting specified criteria, to participate in a streamlined permitting process. The permit process shall require that an erosion control plan be developed and implemented for all disturbed lands where new cultivation is proposed. This permit process will require only County determination of “completeness” and no discretionary review. Conditions for participation in this ministerial permit process are described below. **(This mitigation measure has not been incorporated into the proposed 2008 General Plan Update.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. As to Mitigation Measure 4.11.4, pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological or other considerations make Mitigation Measure MM 4.11.4 infeasible as set forth in Section 9 below.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential well interference impact is mitigated by imposition of Mitigation Measures MM 4.11.5e, found on page 4.11-65 of the DEIR. Mitigation Measure MM 4.11.5e is effectively implemented by policies in the 2008 GPU (as noted above), by requiring consideration of existing water uses during the review of new water uses associated with discretionary projects, discouraging wells in known areas of saltwater intrusion and requiring the County to monitor groundwater and surface water resources. Therefore, this impact would be reduced to a less than significant level. Because the streamlined process envisioned by Mitigation Measure MM 4.11.4 will not be included in the 2008 GPU, and instead will be the subject of a future process and subject to its own environmental review, this impact would still be reduced to a less than significant level, even without implementation of Mitigation Measure MM 4.11.4.

**Y) Impact 4.11.7:** Land use and development under the proposed 2008 General Plan Update would result in alterations to existing drainage patterns. Such changes would increase erosion, both in overland flow paths and in drainage swales and creeks. This is a significant and mitigable impact. (DEIR, p. 4.11-67; FEIR, p. 2.0-35.)

**Mitigation Measures:**

MM 4.11.3a: The County shall provide a General Plan policy that requires post-development conditions not to increase 2-, 10-, 50- and 100-year events above pre-development peak flow rates. Subsequent projects in the County shall comply through the submittal of technical reports (e.g., associated with compliance with the County Conservation Regulations [County Code Chapter 18.108]) that demonstrates compliance with this requirement. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-50(c).)**

MM 4.11.3b: The County shall provide a General Plan policy that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) in order to mitigate surface water quality impacts from land use activities consistent with, and in compliance with, applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment, pathogens and nutrients. Subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans) that demonstrate mitigation of potential water quality impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed vineyard site design and management (e.g., proposed layout of vineyard, setbacks from waterways, drainage system and use of drip irrigation to apply fertilizers) and BMPs will function under site-specific conditions and their projected effectiveness in addressing sediment, nutrient, pesticides and other sources of water quality pollution. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-48 and CON-50(g).)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential change to drainage patterns impact is mitigated by imposition of Mitigation Measures MM 4.11.3a and 4.11.3b, found on page 4.11-54 of the DEIR. Incorporation of Mitigation Measure MM 4.11.3a and MM 4.11.3b as policies into the 2008 GPU (as noted above), would ensure no increase scour events along waterways by requiring the retention of pre-development peak flow conditions when scour events occur and would reduce this impact to less than significant.

**Z) Impact 4.11.8:** Land use and development under the proposed 2008 General Plan Update would result in alterations to existing upland drainage patterns. Such changes would increase erosion, both in overland flow paths and in drainage swales on hillsides. This is a significant and mitigable impact. (DEIR, p. 4.11-68; FEIR p. 2.0-36)

### **Mitigation Measures:**

MM 4.11.3a: The County shall provide a policy in the General Plan that requires post-development conditions not to increase 2-, 10-, 50- and 100-year events above pre-development peak flow rates. Subsequent projects in the County shall comply through the submittal of technical reports (e.g., associated with compliance with the County Conservation Regulations [County Code Chapter 18.108]) that demonstrates compliance with this requirement. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-50(c) and CON-48.)**

MM 4.11.3b: The County shall provide a policy in the General Plan that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) in order to mitigate surface water quality impacts from land use activities consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment, pathogens and nutrients. Subsequent projects and development activity in the County shall comply through the submittal of technical reports (e.g., erosion control plans) that demonstrate mitigation of potential water quality impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed vineyard site design and management (e.g., proposed layout of vineyard, setbacks from waterways, drainage system and use of drip irrigation to apply fertilizers) and BMPs will function under site-specific conditions and their projected effectiveness in addressing sediment, nutrient, pesticides and other sources of water quality pollution. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-48 and CON-50(g).)**

MM 4.11.2a: The County shall provide a General Plan policy that requires continued implementation of Napa County Conservation Regulations (County Code Chapter 18.108) and the Stormwater Management and Discharge Control Ordinance (County Code Chapter 16.28) in order to mitigate surface water quality impacts consistent with, and in compliance with, applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa River TMDL for sediment. Construction associated with subsequent projects, and development activity in the County, shall comply through the submittal of technical reports (e.g., erosion control plans and stormwater pollution prevention plans) that demonstrate mitigation of soil erosion impacts to either (at a minimum) pre-development conditions or in compliance with the Basin Plan requirements, and are protective to municipal water supply watersheds prior to construction commencing. These technical reports shall meet the requirements of County Code and will provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how proposed BMPs will function under site-specific conditions. **(This mitigation measure has been incorporated into**

**the proposed 2008 General Plan Update Conservation Element as Policies CON-45, CON-47 and CON-48.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential runoff and hillside erosion impact is mitigated by imposition of Mitigation Measures MM 4.11.3a, 4.11.3b, and 4.11.2a, found on page 4.11-71 of the DEIR. Incorporation of Mitigation Measures MM 4.11.3a and MM 4.11.3b as policies into the 2008 GPU (as noted above), would ensure no increase scour events along waterways by requiring the retention of pre-development peak flow conditions when scour events occur, while incorporation of Mitigation Measure 4.11.2a (as noted above), would require demonstration that BMPs would mitigate soil erosion. Implementation of these mitigation measures would reduce this impact to less than significant.

**AA) Impact 4.11.9:** Land uses and development under the proposed 2008 General Plan Update would result in increases in stormwater runoff and peak discharge. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in increased on or off-site flooding. This is a significant and mitigable impact. (DEIR, p. 4.11-71; FEIR, p. 2.0-36.)

**Mitigation Measures:**

MM 4.11.9: The County shall include a General Plan policy that requires that subsequent projects to include drainage improvements that ensure no new or increased flooding impacts on adjoining parcels or upstream and downstream areas. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-25; the proposed 2008 General Plan Update Circulation Element as Policy CIR-8; and the proposed 2008 General Plan Update Conservation Element as Policies CON-50(c) and CON-50(d).)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential flood risk from drainage system alteration impact is mitigated by imposition of Mitigation Measure MM 4.11.9, found on page 4.11-73 of the DEIR. Incorporation of Mitigation Measure MM 4.11.9 as policies in the 2008 GPU (as noted above), would require review of new proposed projects in a floodway to ensure no new or increased flood impacts on the Napa River and in the area of the Napa River Flood Protection Project and reduce this impact to less than significant.

**BB) Impact 4.11.11:** New vineyard development could result in increased 100-year peak discharge rates and water surface elevations. This is a significant and mitigable impact. (DEIR, p. 4.11-74; FEIR, p. 2.0-38.)

**Mitigation Measures:**

MM 4.11.9: The County shall include a policy in the General Plan that requires that subsequent projects to include drainage improvements that ensure no new or increased flooding impacts on adjoining parcels or upstream and downstream areas. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-25; the proposed 2008 General Plan Update Circulation Element as Policy CIR-8; and the proposed 2008 General Plan Update Conservation Element as Policies CON-50(c) and CON-50(d).)**

MM 4.11.3a: The County shall provide a General Plan policy that requires post development conditions not to increase 2-, 10-, 50- and 100-year events above pre-development peak flow rates. Subsequent projects in the County shall comply through the submittal of technical reports (e.g., associated with compliance with the County Conservation Regulations [County Code Chapter 18.108]) that demonstrate compliance with this requirement. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-50 (c) and CON-48.)**

MM 4.11.4: The County shall include a process in the General Plan and/or County Code Chapter 18.108, which will allow new vineyard development projects meeting criteria below to participate in a streamlined permitting process. The permit process shall require that an erosion control plan be developed and implemented for all disturbed lands where new cultivation is proposed. This permit process will require only County determination of “completeness” and no discretionary review. (Conditions for participation in this ministerial permit process are described on page 4.11-54 of the DEIR.) **(This mitigation measure has not been incorporated into the proposed 2008 General Plan Update.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. As to Mitigation Measure MM 4.11.4, pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological or other considerations make this mitigation measure infeasible.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential flood impact is mitigated by imposition of Mitigation Measures MM 4.11.9 and 4.11.3a found on page 4.11-75 of the DEIR. Incorporation of Mitigation Measures MM 4.11.9 and 4.11.3a as policies in the 2008 GPU would ensure that subsequent land uses not result in new or increased flooding impacts, and that pre-development peak flow conditions would be retained. Because the

streamlined process envisioned by Mitigation Measure MM 4.11.4 will not be included in the 2008 GPU, and instead will be the subject of a future process and subject to its own environmental review, this impact would still be reduced to a less than significant level even without implementation of MM 4.11.4. Thus, implementation of Mitigation Measures MM 4.11.9 and MM 4.11.3a would reduce this impact to less than significant. The Board's rationale for rejecting Mitigation Measure MM 4.11.4 as infeasible is set forth in Section 9 below.

## **CULTURAL AND PALEONTOLOGICAL RESOURCES**

**CC) Impact 4.12.1:** Implementation of the land uses and development under the proposed 2008 General Plan Update could result in the potential disturbance of archaeological resources (i.e., prehistoric and historic sites), paleontological resources and human remains. This is a significant and mitigable impact. (DEIR, p. 4.12-17; FEIR, p. 2.0-38.)

### **Mitigation Measures:**

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

Retain the services of a qualified archaeologist to conduct archival research and/or pre-construction cultural resource investigations on sites identified as having cultural resource sensitivity in Baseline Data Report Map 14-3, which may be updated from time to time. Where archaeological resources are discovered, that are determined to be eligible for the California Register of Historic Resources, implement measures for the protection of the identified archaeological resources consistent with the provisions of Public Resources Code Section 21083.2. These measures may include, but are not limited to: excavation of the archaeological resource by qualified archaeologists leading to curation of recovered materials and publication of resulting information and analysis, and avoidance or capping of the cultural resource site. The results of archival research and/or pre-construction investigations shall be provided to the County for review, along with recommendations regarding construction measures (e.g., excavation and recovery or avoidance), prior to the commencement of construction.

The Napa County Planning Department shall be notified immediately if any prehistoric or historic artifacts or paleontological resources (e.g., fossils) are uncovered during construction. All construction shall stop in vicinity of the discovery and a qualified archaeologist shall be retained to evaluate the finds and recommend appropriate action prior to recommencement of construction. Appropriate action may include data collection and/or recovery of significant artifacts, project redesign to avoid the resource, and shall always include preparation of a written report documenting the find and describing steps taken to evaluate and protect significant resources.

The Napa County Planning Department shall be notified immediately if any human remains are uncovered during construction. All construction shall stop in vicinity

of any uncovered human remains and the County Coroner shall be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in State CEQA Guidelines Section 15064.5 (d) and (e) shall be followed.

If the project area is determined sensitive for paleontological resources, a qualified paleontologist shall be retained to recommend appropriate actions. Appropriate action may include avoidance, preservation in place, excavation, documentation and/or data recovery and shall always include preparation of a written report documenting the find and describing steps taken to evaluate and protect significant resources. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-23 and Action Items CC-23.1 and CC-23.2.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential archaeological impact is mitigated by imposition of Mitigation Measure MM 4.12.1 found on page 4.12-18 of the DEIR. Incorporation of Mitigation Measure MM 4.12.1 as policies into the 2008 GPU (as noted above), would identify significant archaeological resources, human remains, and paleontological resources prior to implementation of a project and would ensure appropriate actions when resources are encountered. Therefore, this impact is reduced to less than significant.

## **PUBLIC SERVICES AND UTILITIES**

**DD) Impact 4.13.1.1:** Land uses and development under the proposed 2008 General Plan Update would increase the demand for additional fire protection and emergency medical services and facilities, which may result in physical environmental impacts. This is a significant and mitigable impact. (DEIR, p. 4.13-6; FEIR, p. 2.0-39.)

### **Mitigation Measures:**

MM 4.13.1.1a: The County shall include a General Plan policy that requires facilities constructed in caves conform to access and fire suppression requirements, as determined by the Napa County Fire Department based on the cave's use or occupancy. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-13.)**

MM 4.13.1.1b: The County shall include a General Plan policy that requires that all new development comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment to verify compliance with applicable

requirements as to adequacy of water supply for firefighting, site design for fire department access and equipment in and around structures, ability for a safe and efficient fire department response and site-specific built-in fire protection features. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-20.)**

MM 4.13.1.1c: The County shall include a General Plan policy that requires that water wells and other critical infrastructure intended for emergency use be provided with a source of alternate power. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-40.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential fire protection and emergency services impact is mitigated by imposition of Mitigation Measures MM 4.13.1.1b and 4.13.1.1c found on page 4.13-8 of the DEIR. Incorporation of Mitigation Measures MM 4.13.1.1b and 4.13.1.1c as policies into the 2008 GPU (as noted above), would ensure that facilities constructed in caves conform to Napa County Fire Department requirements, all new development complies with fire safety standards and water wells intended for emergency use are equipped with alternate power. Implementation of these measures as policies in the 2008 GPU, and continuation of the “Napa Firewise” program, and County Code provisions associated with building requirements (County Code Chapter 15.32) and fire risk zones (County Code Chapter 18.84) and Public Resources Code Sections 4290 and 4291 (e.g., provisions associated with development standards and restrictions regarding structure design, fuel modification zone design, adequacy of emergency access, water for fire fighting) would further ensure that subsequent development would not adversely affect fire protection services.

**EE) Impact 4.13.2.1:** Land uses and development under the proposed 2008 General Plan Update would increase the demand for law enforcement services. This is a significant and mitigable impact. (DEIR, p. 4.13-12; FEIR, p. 2.0-40.)

**Mitigation Measures:**

MM 4.13.2.1a: The County shall include a General Plan policy that requires that all new multifamily residential developments and non-residential developments resulting in substantial concentrations of daytime or nighttime populations to consult with County law enforcement to determine the need for special services and/or additional facilities, and to determine how those services and/or facilities can be provided prior to project approval. If the proposed project is adjacent to or within an incorporated city/town, consultation with their law enforcement agency shall also be required. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-34.)**

MM 4.13.2.1b: New public safety facilities shall be located within already developed (i.e., non-agricultural) areas of the County and the County shall require site-specific analysis of new public safety facilities prior to their construction. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-20.5.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, the potential increased demand for police services is mitigated by imposition of Mitigation Measures MM 4.13.2.1a and 4.13.2.1b found on page 4.13-14 of the DEIR. Incorporation of Mitigation Measures MM 4.13.2.1a and 4.13.2.1b as policies into the 2008 GPU (as noted above), would ensure that all new commercial and non-residential development is referred to the County Sheriff's Department for review of public safety issues including the demand for law enforcement services.

**FF) Impact 4.13.4.1**: Land uses and development under the proposed 2008 General Plan Update would require additional sewer treatment capacity and conveyance facilities to accommodate the increase in demand. This is a significant and mitigable impact. (DEIR, p. 4.13-54; FEIR, p. 2.0-41.)

**Mitigation Measures:**

MM 4.13.4.1: The County shall include a General Plan policy that requires (as part of continued implementation of County Code Title 13 Division 2 provisions associated with sewer systems) verification of adequate wastewater service for development projects prior to their approvals. This will include coordination with wastewater service purveyors to verify adequate capacity and infrastructure either exists or will be available upon operation of the development project. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-62.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, the potential increased sewer demand is mitigated by imposition of Mitigation Measure MM 4.13.4.1, found on page 4.13-56 of the DEIR. Incorporation of Mitigation Measure MM 4.13.4.1 as Conservation Element Policy CON-62 into the 2008 GPU and adherence to the existing County Code requirements would ensure that adequate wastewater service capacity and infrastructure exists prior to projects being approved.

**GG) Impact 4.13.9.1:** Land uses and development under the proposed 2008 General Plan Update would increase population and would result in an increase in the demand for recreational opportunities and facilities. This is a significant and mitigable impact. (DEIR, p. 4.13-79; FEIR, p. 2.0-44)

**Mitigation Measures:**

**MM 4.13.9.1a:** The County shall include a General Plan policy that increases (by the year 2030) the amount of dedicated open space available, improved and managed for nature-based recreation by the general public by improving access to existing public lands and by selective public acquisition from willing landowners of fee title ownership, easements, and/or license agreements over high priority open space lands. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Recreation and Open Space Element as Policy ROS-11.)**

**MM 4.13.9.1b:** The County shall include a General Plan policy that increases (by the year 2030) the number and length of non-motorized, off-street trails available for walkers, joggers, bicyclists and equestrians. This will include provisions for the completion of the San Francisco Bay Trail through the County and sections of the Bay Area Ridge Trail. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Recreation and Open Space Element as Policy ROS-12, Action Item ROS-12.1 and Policy ROS-15 and the Circulation Element as Policy CIR-34.)**

**MM 4.13.9.1c:** The County shall include a General Plan policy that (by the year 2030) that ensures the majority of Napa County residents live within close proximity of parks offering a variety of nature-based recreation opportunities by at least doubling the acreage of publicly accessible open space within a 15-minute driving time of each of the County's four cities and one town. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Recreation and Open Space Element as Objective ROS-1.)**

**MM 4.13.9.1e:** The County shall include a General Plan policy that requires the development of recreation facilities and/or participation in the funding of planned recreation facilities (e.g., parkland dedication fees) for anticipated multifamily development in the unincorporated community of Angwin and at the Napa Pipe, Pacific Coast/Boca sites and County-owned sites within the City of Napa. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-9 and the Recreation and Open Space Element as Policy ROS-24.)**

**Finding:** Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, incorporation of the above mitigation measures as policies into the 2008 GPU (as noted above), would increase recreational opportunities and ensure that recreational facilities are provided to meet projected demand and would result in a less than significant impact.

## VISUAL RESOURCES/LIGHT AND GLARE

**HH) Impact 4.14.1:** Land uses and development under the proposed 2008 General Plan Update could result in potential alterations to designated scenic resources within the County and could alter or degrade existing views or visual quality of the County. This is a significant and mitigable impact. (DEIR, p. 4.14-12; FEIR, p. 2.0-44.)

### Mitigation Measures:

MM 4.14.1a: The County shall provide a General Plan policy that requires continued implementation of Napa County Viewshed Protection Program (County Code Chapter 18.106) and will apply the protective provisions of this Program on all public projects, including any trail improvements that would affect ridgelines subject to the Program. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-10 and Action Item 10.1.)**

MM 4.14.1b: The County shall provide a General Plan policy that requires retention of trees along public roadways on forested lands proposed for conversion to vineyard or non-agricultural activity in order to retain the existing landscape characteristics of the site (as viewed from public roadways) and screen the proposed development. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-5.)**

MM 4.14.1c: The County shall provide a policy in the General Plan that, to the maximum extent allowed by law, new telecommunication facilities and transmission lines shall not be located within view of any County-designated scenic roadway unless they are sited and designed so as to blend with the existing landscape characteristics of the area. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-14.)**

MM 4.14.1d: The County shall provide a policy in the General Plan that requires new roadway construction or expansion to retain the current landscape characteristics of County-designated scenic roadways. This will include retention of existing trees to the maximum extent feasible and required renegotiation and recontouring of disturbed areas to match the existing landscape characteristics of areas along roadway improvements. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-7 and the Community Character Element as Policy CC-10.)**

MM 4.14.1e: The County shall provide a General Plan policy that requires development projects on County owned sites within the City of Napa to be designed to be visually compatible with their surroundings in terms of use, scale, and materials. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-12.)**

MM 4.14.1f: Prior to annexation of any land to the City of American Canyon with slopes of greater than 15%, the County and the City shall agree that such lands remain as dedicated public open space. **(This mitigation measure has *not* been incorporated into the proposed 2008 General Plan Update because the area proposed for future annexation is less than 15%. See Agricultural Preservation and Land Use Map Figure AG/LU-5.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. As to Mitigation Measure MM 4.14.1f, the 2008 GPU does not propose annexation of lands greater than 15%, therefore, this mitigation measure is no longer necessary. (See also Section 7 above.)

Rationale: Based on the DEIR, FEIR and the administrative record, the potential visual impact is mitigated by imposition of Mitigation Measures MM 4.14.1a through 4.14.1e, found on page 4.14-14 of the DEIR. Incorporation of Mitigation Measures MM 4.14.4.1a through 4.14.4.1e as policies in the 2008 GPU (as noted above), would require retention of trees and revegetation, visual compatibility, siting of new telecommunication facilities outside of designated scenic roadways, and ensure that County-designated scenic ridgelines and roadways retain their existing visual character. These policies would ensure that views and the visual character of the County are not substantially affected. Because slopes greater than 15% are not proposed for future annexation, this impact would remain less than significant even without implementation of Mitigation Measure MM 4.14.1f.

**II) Impact 4.14.2:** New development under the proposed 2008 General Plan Update would create new sources of daytime glare, and could change nighttime lighting and illumination levels in the County. This is a significant and mitigable impact. (DEIR, p, 4.14-2; FEIR, p. 2.0-45.)

**Mitigation Measures:**

MM 4.14.2a: As part of planned roadway improvements identified under the Circulation Element, the County shall include a General Plan policy that requires the installation of landscaping with major roadway improvements (e.g., widening of Highway 12 in Jamieson Canyon) in areas identified where vehicle headlights would generate glare on existing residences. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-13.)**

MM 4.14.2b: The County shall provide a General Plan policy that street lighting on County roadways shall be limited to the minimum amount needed for public safety and shall be designed to focus light where it is needed (e.g., intersections). Street lights shall consist of fixtures that are designed to block illumination of adjoining properties and prohibit light rays emitted from the fixture at angles above the horizontal plane. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-32 and Action Item 32.1.)**

MM 4.14.2c: The County shall provide a General Plan policy that requires the design of buildings visible from County-designated scenic roadways that avoid the use of reflective building materials that could cause glare. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-33.)**

MM 4.14.2d: The County shall provide a policy in the General Plan that nighttime lighting associated with new development shall be designed to limit upward and sideways spillover of light. Standards shall be as specified in the most recent update of the “Nonresidential Compliance Manual for California’s 2005 Energy Efficiency Standards” or the “Residential Compliance Manual for California’s 2005 Energy Efficiency Standards” published by the state. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-34.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential visual impact is mitigated by imposition of Mitigation Measures MM 4.14.2a through 4.14.2d, found on page 4.14-14 of the DEIR. Incorporation of Mitigation Measures MM 4.14.2a through 4.14.2d as policies into the 2008 GPU (as noted above), would establish design features to avoid and minimize nighttime lighting and daytime glare impacts to a less than significant level. Because the 2008 GPU no longer includes possible annexation of lands greater than 15% per Agricultural Preservation and Land Use Map Figure AG/LU-5, the Board finds this impact remains less than significant even without implementation of Mitigation Measure MM 4.14.1f.

**SECTION 8. Findings Associated With Significant Unavoidable, Growth Inducing, and/or Cumulative Significant Impacts Which Cannot Feasibly Be Mitigated To A Less Than Significant Level.**

**AGRICULTURAL RESOURCES**

A) **Impact 4.1.2:** Implementation of the 2008 GPU would result in the loss of agricultural land as designated on the current Napa County General Plan Land Use Map if voters of

American Canyon approve a ballot measure pursuant to Policy AG/LU-130, the City and the County subsequently agree to a revenue sharing agreement, and the Napa County Local Agency Formation Commission (LAFCO) approves annexation of more than 300 acres of agricultural lands into the City of American Canyon. This is a significant and unavoidable impact. (DEIR p. 4.1-27; FEIR p. 2.0-12; PMC Memorandum dated March 31, 2008.)

**Mitigation Measures:**

**MM 4.1.1a:** As part of consideration of subsequent projects, the County shall evaluate individual rezoning, development and public projects to determine the potential for impacts on farmlands of concern under CEQA (defined as Prime Farmland, Unique Farmland and Farmland of Statewide Importance as mapped by the State Farmland Mapping and Monitoring Program) and avoid converting farmland where feasible. **(This mitigation measure has been incorporated into the 2008 GPU Agricultural Preservation and Land Use Element as Policy AG/LU-9.)**

**MM 4.1.1b:** Where conversion of farmlands of concern under CEQA cannot be avoided, the County shall require, at minimum, long-term preservation of one acre of existing farmland of equal or higher quality for each acre of state designated Prime Farmland, Farmland of Statewide Importance, and Unique Farmland that would be converted to non-agricultural uses. This protection may consist of the establishment of farmland easements or other similar mechanism. The farmland to be preserved shall be located within the County and the preservation of such farmland shall occur prior to the conversion of the subject lands. The County shall recommend that this measure be implemented by cities and LAFCO as part of the consideration of annexations that involve farmlands of concern under CEQA. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-9.)**

**Finding:** Even with implementation of Mitigation Measures MM 4.1.1a and 4.1.1b, which are incorporated into the proposed 2008 General Plan Update as Agricultural Preservation and Land Use Element Policy AG/LU-9, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** The proposed 2008 General Plan Update would result in an increase in General Plan designated agricultural land because of the re-designation of 300 acres of Industrial land at the Hess Vineyard to Agriculture, Watershed and Open Space (AWOS). However, Policy Ag/LU-130 establishes an ultimate growth boundary for the City of American Canyon that, if a ballot measure establishing the proposed growth boundary in American Canyon is approved, could lead to future annexations of approximately 460 acres of AWOS designated land to the City of American Canyon following pre-zoning, environmental review, a City-County

agreement on revenue sharing, and approval by LAFCO. The net increase of approximately 300 acres of agricultural land in the unincorporated County (if the ballot measure is not approved and annexations do not occur) would be considered a beneficial impact. But the net decrease of agriculturally designated land (if the ballot measure is approved and annexation(s) of more than 300 acres are subsequently approved by LAFCO) would be considered a significant and unavoidable impact of the Project.

**B) Impact 4.1.4:** Implementation of the 2008 GPU could result in a conflict with existing agricultural zoning if voters of American Canyon approve a ballot measure pursuant to Policy AG/LU-130, the City and the County subsequently agree to a revenue sharing agreement, and the Napa County Local Agency Formation Commission (LAFCO) approves annexation of agriculturally-zoned land into the City of American Canyon. This is a significant and unavoidable impact. (DEIR p. 4.4.1-30; FEIR p. 2.0-12; PMC Memorandum dated March 31, 2008.)

**Mitigation Measures:**

MM 4.1.1a: As part of consideration of subsequent projects, the County shall evaluate individual rezoning, development and public projects to determine the potential for impacts on farmlands of concern under CEQA (defined as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance as mapped by the State Farmland Mapping and Monitoring Program) and avoid converting farmland where feasible. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-9.)**

MM 4.1.1b: Where conversion of farmlands of concern under CEQA cannot be avoided, the County shall require (at minimum) long-term preservation of one acre of existing farmland of equal or higher quality for each acre of state designated Prime Farmland, Farmland of Statewide Importance, and Unique Farmland that would be converted to non-agricultural uses. This protection may consist of the establishment of farmland easements or other similar mechanism. The farmland to be preserved shall be located within the County and the preservation of such farmland shall occur prior to the conversion of the subject lands. The County shall recommend that this measure be implemented by cities and LAFCO as part of the consideration of annexations that involve farmlands of concern under CEQA. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policy AG/LU-9.)**

Finding: Even with implementation of Mitigation Measures MM 4.1.1a and 4.1.1b, which are incorporated into the 2008 General Plan Update as Agricultural Preservation and Land Use Element Policy AG/LU-9, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and

other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Since the 2008 GPU would perpetuate the existence of agriculturally zoned land in areas designated for non-agricultural uses on the Land Use Map in some areas, it would not preclude rezoning and redevelopment of land that is zoned agricultural. Also, inclusion of Policy AG/LU-130 establishing an ultimate growth boundary for the City of American Canyon, as described above, could lead to future annexations of agriculturally zoned land following voter approval of the referenced growth boundary, pre-zoning, environmental review, a City-County agreement on revenue sharing, and approval by LAFCO. The 2008 GPU would reduce this impact because of its Land Use Map changes (i.e., re-designation of the 300-acre Hess Vineyard from Industrial to Agriculture Watershed and Open Space) and the future planning process committed to in Action Item AG/LU-114.1 However, the potential annexation of agriculturally-zoned land (if the ballot measure referred to in Policy AG/LU-130 is approved and annexation(s) are subsequently approved by LAFCO ) was conservatively identified as a significant and unavoidable impact of the project.

However, the 2008 GPU would reduce this impact because of the Land Use Map changes and the future planning process committed to, and because potential rezoning and redevelopment would occur only in those areas designated for non-agricultural uses under the current Napa County General Plan. However, designation of the growth boundary for the City of American Canyon would result in this conflict, which would make this impact significant and unavoidable for the Preferred Plan. This impact was conservatively identified as significant and unavoidable.

C) **Impact 4.4.1:** Land uses and growth under the proposed 2008 General Plan Update could cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system within the County and adjacent jurisdictions, and could effect emergency access. This impact is significant and unavoidable. (DEIR, p.4.4-31; FEIR, p. 2.0-15.)

**Mitigation Measures:**

MM 4.4.1.a: The County shall provide a policy in the General Plan establishing a standard for adequate level of service on roads and intersections to be applied to all discretionary projects reviewed by the County (**This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-16.**)

MM 4.4.1b: The County shall include a General Plan policy that requires new developments, with the potential to significantly effect traffic operations, to prepare a traffic analysis prior to discretionary approval of the project. (**This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-19.**)

MM 4.4.1c: The County shall include a General Plan policy that requires new development projects to mitigate their impacts, and to pay their fair share of countywide

traffic improvements they contribute the need for, including improvements identified in DEIR Table 4.4-17. A countywide traffic impact fee shall be developed in cooperation with NCTPA. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-19 and Action Item CIR-19.1.)**

MM 4.4.1d: The County shall include a General Plan policy that requires new residential and commercial development to be concentrated within already developed areas and areas planned for development where sufficient densities can support transit services and development of pedestrian and bicycle facilities. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-1.)**

MM 4.4.1e: The County shall include a General Plan policy that supports programs to reduce single-occupant vehicle use, and encourage carpooling, transit use, and alternative modes such as bicycling, walking, and telecommuting. In addition, the County shall seek to maintain total trips in the County using travel modes other than private vehicles (transit, walking, bicycling, public transit, etc.) at 2006 levels. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policies CIR-28, CIR-30 and CIR-32)**

MM 4.4.1f: The County shall include a General Plan policy that supports programs to reduce single-occupant vehicle use, and encourage carpooling, transit use, and alternative modes such as bicycling, walking, and telecommuting. In addition, the County shall seek to maintain total trips in the County using travel modes other than private vehicles (transit, walking, bicycling, public transit, etc.) at 2006 levels. Examples include, preferential carpool parking and other ridesharing incentives, flexible working hours, a purchasing program that favors hybrid, electric or other non-gasoline vehicles, secure bicycle parking, and transit incentives. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policies CIR-26, CIR-28, CIR-29, CIR-33, CIR-34, CIR-35, CIR-36, Objective CIR-3 and Action Items CIR-28.1 AND CIR-28.2.)**

MM 4.4.1g: The County shall include a General Plan policy that requires all developments along fixed transit routes to provide amenities designed to encourage carpooling, bicycle, and transit use in coordination with NCTPA. Typical features would include bus turnouts/access, bicycle lockers, and carpool/vanpool parking. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-32.)**

MM 4.4.1h: The County shall include a General Plan policy that states where sufficient right of way is available, bicycle lanes shall be added to county roadways when repaving or upgrading of the roadway occurs as feasible. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-37.)**

MM 4.4.1i: The County shall provide a General Plan policy that requires that abandoned rail right-of-way shall be used for alternative uses such as public transit routes, bicycle paths, or pedestrian/hiking routes when feasible. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-34 and Recreation and Open Space Element Policy R/OS-12.5.)**

MM 4.4.1j: The County shall provide a General Plan policy that requires that pedestrian and bicycle access shall be integrated into all parking lots and considered in the evaluation of development proposals and public projects. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policy CIR-23.)**

Finding: Even with implementation of Mitigation Measures MM 4.4.1a through 4.4.1j, which are incorporated into the proposed 2008 General Plan Update as policies in the Circulation and Recreation and Open Space Elements (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The projected growth in population and employment under the Project would combine with regional traffic that is projected to increase with or without the 2008 GPU, and would result in additional traffic in the PM peak hour - the time of day when traffic is usually at its worst. The 2008 GPU would result in an increase in PM peak hour vehicle trips of between 21,000 and 23,000 trips (an increase of between 37% and 39%) although a 37% increase is projected to occur whether or not the General Plan Update proceeds (i.e., in the No Project Alternative). The 37-39% increase in PM peak hour vehicle trips would necessarily impact the vehicle miles traveled in 2030, the level of service on County roadways, and delay experienced by drivers when compared to existing conditions. It is anticipated that the 2008 GPU would result in 36 to 39 roadway segments would operate with a deficient level of service in 2030 with volumes attributable to the 2008 GPU in combination with city and regional traffic growth. This impact would be considered significant and unavoidable. Mitigation Measures MM 4.4.1a through 4.4.1j have been included as policies in the 2008 GPU, and would reduce the impact, but not to a less than significant level. (See also DEIR p.4.4-31 and Appendix C of the DEIR.)

**D) Impact 4.5.2**: Land uses and development under the proposed 2008 General Plan Update could result in the loss of sensitive biotic communities and oak woodlands within the County. This impact is significant and unavoidable. (DEIR, p. 4.5-63; FEIR, p.2.0-19; PMC Memorandum dated March 31, 2008.)

## Mitigation Measures:

MM 4.5.2a: The County shall provide a policy in the General Plan that requires the development of CEQA standards that require disclosure of impacts to all sensitive biotic communities and oak woodlands during review of discretionary projects. The County, in its discretion, shall require mitigation that results in the following standards:

Sensitive Biotic Communities – For all sensitive biotic communities that are listed on DEIR page 4.5-8 and -11, or are designated by the County, ensure no net loss through restoration or creation where a qualified biologist determines that restoration or creation are ecologically feasible; or preserve like habitat at a 2:1 ratio.

Oak Woodland - Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat through the following measures:

- Preserve, to the maximum extent possible, oak trees and other significant vegetation that occur near the heads of drainages, or depressions, to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.
- Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation, to conserve the integrity and diversity of oak woodlands, and retain to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial development approvals.
- Provide replacement of lost oak woodlands, or preservation of like habitat at a 2:1 ratio. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-17 and CON-24.)**

MM 4.5.2b: The County shall provide a General Plan policy that requires all public and private projects shall be required to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-25, CON-27, CON-29 and Action Item NR-1.)**

MM 4.5.2c: The County shall provide a policy in the General Plan that requires: (1) continued implementation of the intermittent and perennial stream setback requirements set forth in the Napa County Conservation Regulations (County Code Chapter 18.108); (2) provides education and information regarding the importance of stream setbacks, and the active management of native vegetation within setbacks, and development of incentives to encourage greater stream setbacks where appropriate. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-25, CON-27, CON-29 and Action Item NR-1.)**

Finding: Even with implementation of Mitigation Measures MM 4.5.2a through 4.5.2c, which are incorporated into the proposed 2008 General Plan Update as policies in the Conservation Element (as noted above), this impact would remain significant, and there are no

other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Mitigation Measure MM 4.5.2a through 4.5.2c would directly address this impact and have been included as policies in the 2008 GPU. These mitigation measures would ensure that sensitive biotic communities and oak woodlands are avoided if feasible. If they cannot be avoided, the measure would ensure that either the sensitive communities would be recreated/restored to ensure “no net loss” of the habitat, or it would require that other comparable habitat of like quality be preserved and protected at a 2:1 ratio in perpetuity. Implementation of this measure, other policies in the 2008 GPU, and the County’s Conservation Regulations would protect the vast majority of the County’s sensitive biotic communities, but would not prevent some loss from occurring where avoidance and recreation are infeasible and protection of equivalent habitat is selected as the approach. Thus, while the mitigation measure and policies would reduce the overall County-wide impact such that it would be considered less than significant, it would not eliminate the possibility of disproportionate impacts in some localized areas of the County. For this reason, the 2008 GPU is considered to have a significant and unavoidable impact on sensitive biotic communities despite the mitigation measure provided. (See DEIR, p. 4.5-63.)

E) **Impact 4.7.3:** Traffic-related noise would increase along County roadways with projected increases in traffic volumes under all future scenarios. This is a significant and unavoidable impact. (DEIR, p. 4.7-28; FEIR, p. 2.0-22.)

**Mitigation Measures:**

MM 4.7.1a: The County shall, at a minimum, retain noise policies in the current General Plan requiring land use decisions to conform to noise-related compatibility criteria and noise standards as shown in Draft EIR Tables 4.7-8 and 4.7-10, and establishing recommended interior noise levels for sensitive land uses (e.g., residences, schools, daycares, hospitals and other similar uses) as shown in Draft EIR Table 4.7-11. County shall (through retention of these current noise policies) not approve the placement of residential or other noise-sensitive land uses in areas that exceed these noise standards without the provision of noise attenuation features that result in noise levels meeting the current standards of the County for exterior and interior noise exposure. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policies CC-38, CC-39, CC-36 and CC-44.)**

MM 4.7.4: The County shall include as a General Plan policy, that a detailed noise analysis be conducted by a qualified noise consultant as part of roadway improvement project design where it is determined that a proposed roadway widening or extension may expose existing noise-sensitive land uses to traffic noise in excess of

County noise standards, or (in the case where noise standards have already been exceeded) could result in a substantial increase in traffic noise levels. The noise analysis shall identify anticipated noise impact to noise-sensitive receptors and identify noise attenuation features to mitigate substantial noise increases to the extent feasible. Such features may include noise barriers, retrofitting buildings with additional noise insulation, use of specialized construction materials, or other appropriate measures. These features shall be incorporated in the roadway improvement design and implemented as part of construction of roadway improvements. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-46.)**

Finding: Even with implementation of Mitigation Measures MM 4.7.1a and 4.7.4, which are incorporated into the proposed 2008 General Plan Update as policies in the Community Character Element (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Many projected traffic noise increases would occur whether or not the 2008 GPU is implemented since they are attributable to increases in traffic volumes that would occur even if there are no substantive changes in General Plan policy. All project alternatives were determined to result in a traffic noise increase ranging from 1dB to 13dB on County roadways over existing conditions and would likely exceed County noise standards on 27 to 29 roadway segments. Implementation of Mitigation Measures MM 4.7.1a and MM 4.7.4 as policies in the 2008 GPU (as noted above), would assist in reducing traffic noise exposure impacts. However, the mitigation in all circumstances may not be reasonable or feasible due to considerations such as roadway access, cost, terrain, and the needs of the local property owner and, therefore, this impact cannot be reduced to a less than significant level.

**F) Impact 4.7.4:** Circulation Element roadway improvements associated with the proposed 2008 General Plan Update could move traffic noise closer to noise sensitive uses. This is a significant and unavoidable impact. (DEIR, p.4.7-34; FEIR, p. 2.0-22.)

#### **Mitigation Measures:**

MM 4.7.4: The County shall include as a policy in the General Plan that a detailed noise analysis be conducted by a qualified noise consultant as part of roadway improvement project design where it is determined that a proposed roadway widening or extension may expose existing noise-sensitive land uses to traffic noise in excess of County noise standards or (in the case where noise standards have already been exceeded) could result in a substantial increase in traffic noise levels. The noise analysis shall identify anticipated noise impact to noise-sensitive receptors and identify noise attenuation features to mitigate substantial noise increases to the extent feasible. Such

features may include noise barriers, retrofitting buildings with additional noise insulation, use of specialized construction materials, or other appropriate measures. These features shall be incorporated in the roadway improvement design and implemented as part of construction of roadway improvements. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-46.)**

Finding: Even with implementation of Mitigation Measure MM 4.7.4, which is incorporated into the proposed 2008 General Plan Update as Community Character Element Policy CC-46, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The Project includes widening of Jamieson Canyon (SR12) to four lanes, the extension of Newell/Flosden Road, associated improvements at SR29 and Airport Blvd., widening of SR 29 from SR37 to SR12, and the completion of Devlin Road on the other side of SR29. Seven residences in close proximity to SR29/Jamieson Canyon (SR12) would be exposed to further traffic noise increases from these improvements, as well as increased traffic. Implementation of Mitigation Measure MM 4.7.4, which is incorporated as Community Character Element Policy CC-46, would require that a detailed noise analysis be conducted as part of roadway improvement design where exposure of existing noise-sensitive land uses to traffic noise in excess of County noise standards could result in a substantial increase in traffic noise levels. Although implementation of the above mitigation measure would assist in reducing potentially significant noise impacts associated with planned roadway widenings and capacity increases, mitigation may not be reasonable or feasible in some areas due to considerations such as roadway access, cost, terrain, and the needs of the local property owner and, therefore, this impact cannot be reduced to a less than significant level.

## **AIR QUALITY**

**G) Impact 4.8.1:** Implementation of the proposed 2008 General Plan Update would not be consistent with the Clean Air Plan (CAP) since County population and employment projections would exceed regional growth projections prepared by ABAG, and projected VMT would increase at a faster rate than the population. Land uses and development would result in increased emissions of ozone precursors resulting primarily from vehicles. The increased emissions would exceed the BAAQMD thresholds. In addition, the proposed 2008 General Plan Update would not fully support the Clean Air Transportation Control Measures that Cities and Counties are identified as having a role in implementing. This is a significant and unavoidable impact. (DEIR, p.4.8-18; FEIR, p. 2.0-24.)

### **Mitigation Measures:**

**MM 4.8.1a:** The County shall include policy provisions in the General Plan to provide incentives and opportunities for the use of energy-efficient forms of transportation such as public transit, carpooling, walking, and bicycling. This will include the provision and/or the extension of transit to urban areas where development densities (residential and nonresidential) would support transit use, as well as bus turnouts/access, bicycle lockers, and carpool/vanpool parking. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policies CIR-26, CIR-29, Action Item CIR-28.1 Objective CIR-3 and the Conservation Element as Policy CON-69.)**

**MM 4.8.1b:** The County shall include a policy in the General Plan that the County shall support intergovernmental efforts directed at stringent tailpipe emissions standards, and inspection and maintenance programs for all feasible vehicle classes, and revisions to the Air Quality Attainment Plan to accelerate and strengthen market-based strategies consistent with the proposed 2008 General Plan Update. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-78.)**

**MM 4.8.1c:** The County shall include a General Plan policy that requires the evaluation of potential project-specific air quality impacts (based on the Bay Area Air Quality Management District's CEQA Guidelines) of new development projects and will require appropriate design (e.g., provision of energy efficiency features in building design), construction (e.g., use of reduced emission construction equipment), operational features (e.g., provision of alternative forms of transportation and use of reduced emission vehicles and equipment), and/or participation in Bay Area Air Quality Management District air quality improvement programs to reduce emissions. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-76, CON-77, and CON-79.)**

**MM 4.8.1d:** The County shall include a policy in the General Plan that requires all new County vehicles to conform with applicable emission standards at the time of purchase and throughout their use. The County will also purchase the lowest emitting vehicles commercially available to the maximum feasible to meet County vehicle needs. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-79.)**

**Finding:** Even with implementation of Mitigation Measures MM 4.8.1a through 4.8.1d, which are incorporated into the proposed 2008 General Plan Update as Circulation and Conservation Element Policies (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the

proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: As discussed in the Draft EIR, the San Francisco Area Air Basin (which includes Napa County) is in non-attainment for ozone under federal and state air quality standards. A key element in air quality planning is to make reasonably accurate projections of future human activities that are related to air pollutant emissions. The 2008 GPU is projected to result in 2,935 new dwelling units between the year 2005, and 2030 and a population increase of 7,514 persons in the unincorporated County. This translates into a projected population of approximately 34,700, which is a 28% increase over the existing conditions population of 27,186, resulting in a vehicle miles traveled (VMT) of approximately 500,000 with proposed roadway improvements (or 129% - 150%). Population growth is projected to exceed ABAG forecasts, which indicate a County-wide population of 153,500 people in 2030.

Implementation of Mitigation Measures MM 4.8.1a through 4.8.1d as policies in the 2008 GPU (as noted above), would provide incentives for use of energy-efficient transportation, support efforts for stringent tailpipe emissions, evaluation of project-specific air quality impacts, and require County vehicles to conform to applicable emission standards at time of purchase. These measures would reduce the conflict with the Clean Air Plan (CAP) and support Transportation Control Measures (TCM) however; the impact to air quality regulations consistency would remain significant and unavoidable.

**H) Impact 4.8.2:** Implementation of the proposed 2008 General Plan Update would lead to activities that would increase PM<sub>10</sub> emissions for an area that already exceeds the State ambient air quality standards. This is a significant and unavoidable impact. (DEIR, p.4.8-23; FEIR, p. 2.0-24.)

**Mitigation Measures:**

MM 4.8.2: The County shall include a policy in the General Plan requiring the County seek to reduce particulate emissions and avoid exceedances of state PM standards by:

- a) Providing information regarding low emitting fireplaces to property owners who are constructing or remodeling homes;
- b) Fireplaces or wood stoves in new developments with densities greater than one residential home per acre, shall comply with current EPA emission standards for wood-burning stoves or be fueled by natural gas;
- c) Disseminating information in support of the BAAQMD's "Spare the Air Tonight" program when particulate matter exceedances are projected to occur;
- d) Disseminating information regarding agricultural burn requirements established by the BAAQMD;
- e) Enforcing the winter grading deadlines established to protect water quality; and
- f) Requiring implementation of dust control measures during construction and grading activities, and enforcing winter grading deadlines. **(This**

**mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-75 and CON-80.)**

MM 4.8.1a: The County shall include General Plan policy provisions to provide incentives and opportunities for the use of energy-efficient forms of transportation such as public transit, carpooling, walking, and bicycling. This will include the provision and/or the extension of transit to urban areas where development densities (residential and nonresidential) would support transit use, as well as bus turnouts/access, bicycle lockers, and carpool/vanpool parking. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policies CIR-26, CIR-29, Action Item CIR-28.1 Objective CIR-3 and the Conservation Element as Policy CON-69.)**

MM 4.8.1c: The County shall include a policy in the General Plan that requires the evaluation of potential project-specific air quality impacts (based on the Bay Area Air Quality Management District's CEQA Guidelines) of new development projects and will require appropriate design (e.g., provision of energy efficiency features in building design), construction (e.g., use of reduced emission construction equipment), operational features (e.g., provision of alternative forms of transportation and use of reduced emission vehicles and equipment), and/or participation in Bay Area Air Quality Management District air quality improvement programs to reduce emissions. **(This mitigation measure has effectively been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-76, CON-77 and CON-79.)**

Finding: As to Mitigation Measure MM 4.8.1c, the DEIR recommended that all new development projects evaluate potential project-specific air quality impacts based on BAAQMD's CEQA Guidelines however the guidelines do not address ministerial projects (e.g., single family residences, barns, etc.) because they are by definition small enough to fall below the threshold requiring review according to the BAAQMD CEQA Guidelines. (See Bay Area Air Quality Management District CEQA Guidelines, December 1999, p. 16, "Thresholds of Significance from Project Operations.") Because ministerial projects typically do not create significant air quality impacts and are exempt from the BAAQMD thresholds, the Board finds that Mitigation Measure MM 4.8.1c is effectively implemented and incorporated into the 2008 GPU Conservation Element as Policy CON-77 which requires all new discretionary projects to conduct the previously mentioned air quality evaluation. The Board further finds that The Board further finds that this slight modification to Mitigation Measure MM 4.8.1c would not increase the severity of the impact or otherwise trigger recirculation of the FEIR pursuant to CEQA Guidelines Section 15088.5 and that this air quality impact would remain significant and unavoidable as identified in the DEIR and FEIR.

The Board further finds that, even with implementation of Mitigation Measures MM 4.8.2, 4.8.1a and 4.8.1c (as slightly modified above), which are incorporated into the proposed 2008 General Plan Update as policies in the Circulation and Conservation Elements (as noted above), and mitigation measures related to transportation impacts cited above, this impact would

remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: PM<sub>10</sub> exceedances in the County occur primarily in the winter. These exceedances are generally attributed to use of wood burning devices. BAAQMD has targeted limiting wood burning as a way to lower wintertime particulate matter emissions as they are the easiest to control. Implementation of Mitigation Measure MM 4.8.2, which seeks to limit wood smoke emissions, has been incorporated into the 2008 GPU as policies along with Mitigation Measures MM 4.8.1a and MM 4.8.1c to encourage energy-efficient transportation. While the mitigation measures identified could reduce the projected emissions, the potential increase would still be considered significant and unavoidable.

I) **Impact 4.8.5:** Implementation of the proposed 2008 General Plan Update may locate new sensitive receptors near existing or future sources of toxic air contaminants (TACs). In addition, existing sensitive receptors could be affected by new sources of toxic air contaminants developed under the proposed 2008 General Plan Update. This is a significant and unavoidable impact. (DEIR, p. 4.8-31; FEIR, p. 2.0-26.)

**Mitigation Measures:**

**MM 4.8.5:** The County shall include a General Plan policy that requires: (1) when new development that would be a source of TACs is proposed near residences or sensitive receptors, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment shall be provided to reduce the potential exposure to acceptable levels. Potential mitigation associated with this policy requirement will be coordinated with any required permit conditions from BAAQMD; and, (2) when new residential or other sensitive receptors are proposed near existing sources of TACs, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment shall be provided to the source to reduce the potential exposure to acceptable levels. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-54 and the Conservation Element as Policy CON-84 and Action Item CON CPSP-6.)**

Finding: Even with implementation of Mitigation Measure MM 4.8.5, which is incorporated into the proposed 2008 General Plan Update as policies in the Community Character and Conservation Elements (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a),

the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Mitigation Measure MM 4.8.5 would ensure that either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment shall be provided to reduce the potential exposure to acceptable levels. This mitigation measure has generally been incorporated into the 2008 GPU. In any case, given that the exact alignment of proposed roadway improvements in relation to sensitive receptors is not known, and the ability to meet recommended setbacks of the Air Resources Board (ARB) (500 feet from high traffic roadways – California Air Resources Control Board Air Quality and Land Use Handbook, A Community Health Perspective 2005), this impact is considered significant and unavoidable.

**J) Impact 4.8.7:** Implementation of the proposed 2008 General Plan Update 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. Higher concentrations of GHGs have been linked to the phenomenon of climate change. This is a significant and unavoidable impact. (DEIR, p. 4.8-35; FEIR, p. 2.0-26.)

**Mitigation Measures:**

MM 4.8.1a: The County shall include policy provisions in the General Plan to provide incentives and opportunities for the use of energy-efficient forms of transportation such as public transit, carpooling, walking, and bicycling. This will include the provision and/or the extension of transit to urban areas where development densities (residential and nonresidential) would support transit use, as well as bus turnouts/access, bicycle lockers, and carpool/vanpool parking. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Circulation Element as Policies CIR-26, CIR-29, Action Item CIR-28.1 Objective CIR-3 and the Conservation Element as Policy CON-69.)**

MM 4.8.1b: The County shall include a policy in the General Plan that the County shall support intergovernmental efforts directed at stringent tailpipe emissions standards, and inspection and maintenance programs for all feasible vehicle classes, and revisions to the Air Quality Attainment Plan to accelerate and strengthen market-based strategies consistent with the proposed 2008 General Plan Update. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-78.)**

MM 4.8.1c: The County shall include a policy in the General Plan that requires the evaluation of potential project-specific air quality impacts (based on the Bay Area Air Quality Management District's CEQA Guidelines) of new development projects and will require appropriate design (e.g., provision of energy efficiency features in building design), construction (e.g., use of reduced emission construction equipment), operational

features (e.g., provision of alternative forms of transportation and use of reduced emission vehicles and equipment), and/or participation in Bay Area Air Quality Management District air quality improvement programs to reduce emissions. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-76, CON-77 and CON-79.)**

MM 4.8.1d: The County shall include a General Plan policy that requires all new County vehicles to conform with applicable emission standards at the time of purchase and throughout their use. The County will also purchase the lowest emitting vehicles commercially available to the maximum feasible to meet County vehicle needs. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-79.)**

MM 4.8.7a: 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. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON CPSP-2.)**

Finding: Even with implementation of Mitigation Measures MM 4.8.1a through 4.8.1d and 4.8.7a, which are incorporated into the proposed 2008 General Plan Update as policies in the Circulation and Conservation Elements (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: While there is still a lot to be learned about green house gas emissions, it is estimated that transportation CO2 emissions for development under the 2008 GPU would range from 642,329 to 674,822 metric tons annually. The EPA's Personal Greenhouse Gas Calculator demonstrates the average household in Napa County emits approximately 19.4 metric tons (42,770 pounds) of GHG per year (primarily CO2 emissions from energy use). Assuming anticipated residential growth of 2,935 dwelling units by 2030, the County could potentially increase its annual GHG emissions from households by 56,939 metric tons. Non-residential uses are projected to generate approximately 131,978 metric tons annually between 2005 and 2030. Implementation of the Mitigation Measures listed above as policies in the 2008 GPU (as noted above), would reduce impacts but not to a less than significant level. (See DEIR, p. 4.8-35.)

## **GEOLOGY AND SOILS**

**K) Impact 4.10.1:** Land uses and development under the proposed 2008 General Plan Update may expose people, structures, and development, to ground shaking as a result of

earthquakes resulting in the risk of loss, injury, or death. This is a significant and unavoidable impact. (DEIR, p.4.10-25; FEIR, p. 2.0-29.)

**Mitigation Measures:**

**MM 4.10.1:** The County shall provide a policy in the General Plan that requires detailed geologic/seismic evaluation for all public and private projects (including modifications to existing projects and structures) located in, or near, known geologic/seismic hazards. The evaluation shall identify site design (such as setbacks from active faults and avoidance of on-site soil/geologic conditions that could become unstable or fail during a seismic event) and structural measures to prevent injury, death and catastrophic damage to structures and infrastructure improvements (such as pipelines, roadways and water surface impoundments not subject to regulation by the Division of Safety of Dams of the California Department of Water Resources) from seismic events or failure from other natural circumstances. This may include additional structural provisions beyond what is required by the Uniform Building Code (UBC) and the California Building Code (CBC). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-8.)**

**Finding:** Even with implementation of Mitigation Measures MM 4.10.1, which is incorporated into the proposed 2008 General Plan Update as Safety Element Policy SAF-8, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** Between the year 2005 and 2030, it is projected that there would be an additional 2,935 dwelling units and 11,200,000 square feet of non-residential uses in the unincorporated portion of the County as well as additional agricultural development (e.g., 10,000 to 12,500 acres of new vineyard development by year 2030 and associated wineries). In addition, the 2008 GPU includes, establishment of a new RUL for the City of American Canyon, and construction of roadway improvements in the southern portion of the County, extension of recycled water to Coombsville and Carneros, and policies that would involve the construction of new trails and potential passive recreation facilities. The Project would have infrastructure provisions that could be damaged by seismic events. This increase in population, employment, and development could expose people, structures, and development to ground shaking as a result of seismic activity.

Implementation of Mitigation Measure MM 4.10.1 as a policy in the 2008 GPU (as noted above), requires all new development to provide a geotechnical study in addition to the provisions of UBC and CBC and County Code Chapter 18.88, which would reduce the potential hazards associated with seismic ground shaking. During small and moderate seismic events, the impacts of seismic ground shaking would be reduced to a less than significant impact for new

development. However, implementation of these measures would not completely eliminate impacts resulting from seismic ground shaking from severe seismic events. In the event of severe seismic activity, impacts could be significant in some locations. Thus, the potential impact related to seismic ground shaking is considered significant and unavoidable.

L) **Impact 4.10.2:** Land uses and development under the proposed 2008 General Plan Update may expose people, structures, and development to seismic-related ground failures including surface fault rupture, lateral spreading, lurching, liquefaction, as well as potential failure of dams and levees resulting in the risk of loss, injury, or death. This is a significant and unavoidable impact. (DEIR, p.4.10-27; FEIR, p. 2.0-30.)

**Mitigation Measures:**

**MM 4.10.2:** The County shall provide a policy in the General Plan that the County shall not accept dedication of roads (a) on or jeopardized by landslides, (b) in hilly areas, or (c) in areas subject to liquefaction, subsidence or settlement, which, in the opinion of the Napa County Public Works Department, would require an excessive degree of maintenance and repair costs. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-12.)**

**Finding:** Even with implementation of Mitigation Measures MM 4.10.2, which is incorporated into the proposed 2008 General Plan Update, as Safety Element Policy SAF-12, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** Between the year 2005 and 2030, it is projected that there would be an additional 2,935 dwelling units and 11,200,000 square feet of nonresidential uses in the unincorporated portion of the County, as well as 10,000 to 12,500 acres of new vineyard development and associated wineries. The Project would include roadway improvements and the extension of recycled water to Coombsville and Carneros that could be damaged by seismic events. Trails and open space for public access provisions would also allow for new development that could increase use in areas not currently frequented by visitors that could be exposed to seismic hazards described above. This increase in population, employment, and development could expose people, structures, and development to seismic related ground failure.

Implementation of Mitigation Measure MM 4.10.2, which is incorporated as a policy in the 2008 GPU (as noted above), would ensure that the County would not accept dedication of roads: (a) on or jeopardized by landslides, (b) in hilly areas, or (c) in areas subject to liquefaction, subsidence, or settlement, which, in the opinion of the Napa County Public Works Department, would require an excessive degree of maintenance and repair costs. During small

and moderate seismic and rainfall events the impacts of seismic-related ground failures would be reduced to a less than significant impact for new development. However, implementation of these measures and policies would not completely eliminate impacts resulting from seismic-related ground failures. In the event of severe seismic activity or unusually high rainfall over a short period of time, impacts would be significant in some locations. Thus, the potential impact from seismic related ground failure is considered significant and unavoidable.

**M) Impact 4.10.4:** Land uses and development under the proposed 2008 General Plan Update may expose people, structures, and development to slow or rapidly occurring down slope earth movement resulting in the risk of loss, injury, or death. This type of hazard can be triggered seismically, result from seasonal saturation of soils, erosion, or grading activities. This is a significant and unavoidable impact. (DEIR, p. 4.10-32; FEIR, p. 2.0-31.)

**Mitigation Measures:**

MM 4.10.4a: The County shall provide a policy in the General Plan that as part of the review and approval of development and public work projects, the planting of vegetation on unstable slopes to protect structures at lower elevations or other appropriate measures shall be incorporated into the project design. Native plants should be considered for landscaping in the hills to eliminate the need for supplemental watering which can promote earth movement. This shall be done in combination with implementation of applicable County Code provisions (e.g., Conservation Regulations). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-9.)**

MM 4.10.4b: The County shall provide a General Plan policy that, (in combination with the implementation of County Code Chapter 18.108 [Conservation Regulations]), no extensive grading shall be permitted on slopes over 15 percent where landslides or other geologic hazards are present unless the hazard(s) are eliminated or reduced to a safe level to the satisfaction of the County. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-10.)**

MM 4.10.4c: The County shall provide a General Plan policy that lots on hillsides formed for resale as lots, rather than as part of a subdivision development, shall be large enough to provide flexibility in finding a stable buildable site and driveway location. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-11.)**

Finding: Even with implementation of Mitigation Measures MM 4.10.4a through 4.10.4c, which are incorporated into the proposed 2008 General Plan Update as Safety Element Policies SAF-9, SAF-10, and SAF-11, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008

General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Implementation of Mitigation Measures MM 4.10.4a through MM 4.10.4c (in combination with the implementation of County Code Chapter 18.108 [Conservation Regulations]) which are incorporated as policies in the 2008 GPU (as noted above), would ensure some protection from landslide hazards and reduce the impact. However, implementation of these measures would not completely eliminate impacts resulting from landsliding events. In the event of severe seismic activity, or unusually high rainfall over a short period of time, impacts would be significant in some locations. The potential impact related to landslide events is considered significant and unavoidable.

**N) Impact 4.10.5:** Land uses and development under the proposed 2008 General Plan Update may expose people, structures, and development, to the damaging effects of ground subsidence resulting in the risk of loss, injury, or death. This type of hazard can be triggered seismically, result from seasonal saturation of soils, or result from by grading activities. This is a significant and unavoidable impact. (DEIR, p. 4.10-35; FEIR, p. 2.0-31.)

**Mitigation Measures:**

MM 4.10.1: The County shall provide a policy in the General Plan that requires detailed geologic/seismic evaluation for all public and private projects (including modifications to existing projects and structures) located in or near known geologic/seismic hazards. The evaluation shall identify site design (such as setbacks from active faults and avoidance of on-site soil/geologic conditions that could become unstable or fail during a seismic event), and structural measures to prevent injury, death, and catastrophic damage to structures and infrastructure improvements (such as pipelines, roadways and water surface impoundments not subject to regulation by the Division of Safety of Dams of the California Department of Water Resources) from seismic events or failure from other natural circumstances. This may include additional structural provisions beyond what is required by the Uniform Building Code (UBC), and the California Building Code (CBC). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-8.)**

MM 4.10.2: The County shall provide a policy in the General Plan that the County shall not accept dedication of roads (a) on or jeopardized by landslides, (b) in hilly areas or (c) in areas subject to liquefaction, subsidence or settlement, which, in the opinion of the Napa County Public Works Department, would require an excessive degree of maintenance and repair costs. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Safety Element as Policy SAF-12.)**

Finding: Even with implementation of Mitigation Measures MM 4.10.1 and MM 4.10.2, which are incorporated into the proposed 2008 General Plan Update as Safety Element Policies SAF-8 AND SAF-12, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level.

Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Subsidence may result in flooding as ground levels are lowered, including the freeboard of flood control levees. Subsidence can also cause damage to structures, utilities, and roadways from differential settlement. Foundations and walls can crack and the structure can tilt out of level. Gravity-based utilities and storm drains can become inoperable due to differential settlement that causes sag in the lines or slope reversal. The 2008 GPU would provide for additional development opportunities within and adjacent to the City of Napa, and the establishment of an RUL for the City of American Canyon, and anticipated new vineyard development of 10,000 to 12,500 acres as well as other vineyard-related and other agricultural operations. It also includes roadway improvements and extension of recycled water to Coombsville and Carneros, as well as policies for trails and public open space. The increase in population, employment, and development (urban, rural, agricultural, and public facilities) could expose people, structures, and development to damage from subsidence and settling.

Implementation of Mitigation Measures MM 4.10.1 and MM 4.10.2, which are incorporated into the 2008 GPU (as noted above), as well as compliance with current County Code provisions previously described would reduce the potential impacts associated with subsidence and settling for some seismic and rainfall events. During small and moderate seismic and rainfall events, the impacts of settlement and subsidence would be reduced to a less than significant impact. Implementation of these measures would not completely eliminate impacts resulting from severe seismic or maximum rainfall events. In the event of severe seismic activity or unusually high rainfall over a short period of time, impacts would be significant in some locations. Thus, the potential impact related to subsidence is considered significant and unavoidable.

**O) Impact 4.11.5:** Continued land uses and development under the proposed 2008 General Plan Update would increase demand on groundwater supplies, and the associated increased well pumping could therefore result in the decline of groundwater level and accelerated overdraft. This is a significant and unavoidable impact. (DEIR, p. 4.11-62; FEIR, p. 2.0-34.)

**Mitigation Measures:**

MM 4.11.5a: The County shall include a General Plan policy that requires the continued demonstration of adequate groundwater supply for new projects prior to approval of well and groundwater permits, as well as protective provisions for the MST, Pope Valley, Chiles Valley, Capell Valley, and Carneros groundwater basins set forth under County Code Chapter 13.12 (Wells) and 13.15 (Groundwater Conservation). This technical information shall be provided in combination with other County required application submittals (e.g., erosion control plan applications as required under County Code Chapter 18.108. **(This mitigation measure has been partially incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-53.)**

MM 4.11.5b: The County shall include a policy in the General Plan that requires all projects located within identified areas of groundwater recharge to be designed to (at minimum) maintain a site's pre-development groundwater recharge potential. Implementation could include limitations on impervious surfaces, project design characteristics, water impoundments (retention/detention structures), use of permeable paving materials, bioswales, water gardens, and cisterns, and other measures to increase runoff retention, protect water quality, and enhance groundwater recharge. **(This mitigation measure has effectively been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-53 and Action Item WR-8.)**

MM 4.11.5c: The County shall include a General Plan policy that requires the use of water conservation measures on urban development projects to improve water use efficiency and reduce overall water demand. Reduce potable water demand through conservation measures, including but not limited to, the following:

- a) Work cooperatively with all water providers and developers to incorporate conservation measures into project designs (such as those recommended by the California Urban Water Conservation Council).
- b) Coordinate with water providers to continue to develop and implement water drought contingency plans to assist citizens and businesses in reducing water use during periods of water shortages and emergencies.
- c) Revise the County Code to include a Water-Efficient Landscape Ordinance to encourage, or as appropriate, require the use of water-efficient landscaping consistent with AB 325. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-42(e), CON-44, CON-52, CON-60, and Action Item WR-9.)**

MM 4.11.5d: The County shall include a policy in the General Plan that maximize the use of recycled water as an irrigation (non-potable) water source for vineyards, agricultural activities and other irrigation opportunities in the County. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Agricultural Preservation and Land Use Element as Policies AG/LU-74 and AG/LU-91 and the Conservation Element as Policies CON-42(e) and CON-62.)**

MM 4.11.5e: The County shall include a General Plan policy that requires pump tests, or hydrogeologic studies be conducted for all new high-capacity wells, including high-capacity agricultural production wells where there may be a potential to adversely affect existing adjacent domestic or water system wells. The County shall not allow the operation of any new wells for which pump tests or hydrogeologic studies show the potential for significant adverse well interference, or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries. The County shall also not allow the drilling or operation of any new wells in known areas of saltwater intrusion until such time as a program has been approved and funded which will minimize or avoid expansion of salt water intrusion into

useable groundwater supplies. **(This mitigation measure has effectively been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-55, CON-56 and Action Item WR-8.)**

MM 4.11.4: The County shall include a process in the General Plan and/or County Code Chapter 18.108, which will allow new vineyard development projects meeting criteria below to participate in a streamlined permitting process. The permit process shall require that an erosion control plan be developed and implemented for all disturbed lands where new cultivation is proposed. This permit process will require only County determination of “completeness,” and no discretionary review. Conditions for participation in this ministerial permit process are described on page 4.11-55 of the DEIR. **(This mitigation measure has not been incorporated into the proposed 2008 General Plan Update.)**

Finding: As to Mitigation Measure MM 4.11.5a, the Board finds this measure is partially implemented by Conservation Element Policy CON-53 due to its applicability on discretionary projects (as opposed to all projects). Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board finds that specific economic, legal, social, technological or other considerations make Mitigation Measure MM 4.11.5a infeasible in part (as to ministerial projects only), as further set forth in Section 9 below.

As to Mitigation Measure MM 4.11.5b, the County has not designated or identified specific “areas of groundwater recharge” however it has identified areas designated as groundwater deficient pursuant to the County’s Groundwater Ordinance. Therefore, the County finds that Mitigation Measure MM 4.11.5b is effectively implemented and incorporated into the 2008 GPU Conservation Element as Policy CON-54 which requires the all projects in “designated groundwater deficient areas as identified in the County’s Groundwater Ordinance (County Code Chapter 13.15)” be designed to maintain a site’s pre-development groundwater recharge potential.

As to Mitigation Measure MM 4.11.5e, the Board finds, as further explained in the Memorandum from Luhdorff & Scalmanini, there is no accepted definition for the term “high-capacity wells” and the distinction does not recognize the cumulative impact that many small wells have on the groundwater system. Also, saltwater intrusion areas have not yet been adequately identified or evaluated by the County. The Board finds that Mitigation Measure 4.11.5e is effectively implemented and incorporated into the 2008 GPU Conservation Element as Policies CON-55, CON-56 and Action Item WR-8 which require the County to consider new existing water uses during the review of new water uses associated with discretionary projects, discourages wells in known areas of saltwater intrusion and requires the County to monitor groundwater and surface water resources.

As to Mitigation Measure MM 4.11.4, because the streamlined process envisioned by Mitigation Measure MM 4.11.4 will not be included in the 2008 GPU and instead will be the subject of a future process and subject to its own environmental review, this impact would be significant and unavoidable even without implementation of MM 4.11.4.

The Board further finds that even with implementation of Mitigation Measures MM 4.11.5a (in part), MM 4.11.5b (as slightly modified above), MM 4.11.5c, MM 4.11.5d, and MM 4.11.5e (as slightly modified above), which are incorporated as policies into the proposed 2008 General Plan Update as Agricultural Preservation and Land Use and Conservation Element (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**.

As to Mitigation Measure 4.11.5a (in part) and MM 4.11.4, pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological or other considerations make Mitigation Measure MM 4.11.5 as infeasible in part and MM 4.11.4 infeasible in its entirety, as set forth in Section 9 below. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below. The Board further finds that this slight modification to Mitigation Measure MM 4.11.5b and MM 4.11.5e would not increase the severity of the impact or otherwise trigger recirculation of the FEIR pursuant to CEQA Guidelines Section 15088.5.

Rationale: Between the year 2005 and 2030, it is projected that there would be an additional 2,935 dwelling units and 11,200,000 square feet of nonresidential uses in the unincorporated portion of the County, the establishment of an RUL for the City of American Canyon, and new vineyard development of 10,000 to 12,500 acres by year 2030 as well as other vineyard-related and other agricultural operations. The 2008 GPU includes the extension of recycled water to Coombsville and Carneros, which would consist of approximately 2,000 acre-feet annually, as well as policies for trails and public open space. This development would contribute to further demand for groundwater supply.

Implementation of Mitigation Measures MM 4.11.5a (in part) through MM 4.11.5e would reduce the impact of demand for groundwater supply. These measures are included as policies to protect groundwater and other water supplies by: (a) requiring projects to demonstrate the availability of adequate water supply prior to approval; (b) curtailing the installation of new wells where hydrogeologic studies have shown significant adverse well interference and surface water impacts; (c) discouraging drilling or operation of any new wells in known areas of saltwater intrusion; (d) working with appropriate agencies to develop an understanding of potential groundwater deficiencies; (e) periodically reviewing groundwater policies and ordinances with new data; (f) disseminating available information on groundwater levels; (g) identifying and protecting groundwater recharge areas; (h) promoting cost-effective water conservation measures; and, (i) identifying and supporting ways to utilize recycled water for irrigation and non-potable uses.

Due to uncertainty in the ability to achieve long-term sustainable groundwater supply for existing and new development in the time required to establish and implement effective management actions, and in current knowledge regarding groundwater availability and sustainability of important aquifers, this would be a potentially significant impact. The measures

and policies identified above would partially reduce the significance of this impact; however, due to the uncertainty that surrounds future groundwater availability and anticipated groundwater demands documented in the 2050 Napa Valley Water Resources Study in Napa County (see Appendix J of the Draft EIR), and the length of time needed to implement the programs needed to bring groundwater into hydrologic balance, this impact would be considered significant and unavoidable.

**P) Impact 4.12.2:** Projected development under the proposed 2008 General Plan Update could result in the substantial alteration or demolition of significant historic architectural resources (e.g., buildings, structures, and/or stone walls). This is a significant and unavoidable impact. (DEIR, p.4.12-19; FEIR, p. 2.0-38.)

**Mitigation Measures:**

**MM 4.12.2:** The County shall provide a policy in the General Plan that requires all discretionary projects involving potential historic architectural resources meet the following requirements prior to issuance of any permits: Require an evaluation of the eligibility of potential architectural resources for inclusion in the NRHP and the CRHR by a qualified architectural historian. When historic architectural resources that are either listed in or determined eligible for inclusion in the NRHP or the CRHR are proposed for demolition or modification, require an evaluation of the proposal by a qualified preservation architect to determine whether it complies with the Secretary of the Interior's Standards for Preservation Projects. In the event that the proposal is determined not to comply with the Secretary of the Interior's standards, the preservation architect shall recommend modifications to the project design for consideration by the County and for consideration and possible implementation by the project proponent. These recommendations may include modification of the design, re-use of the structure, or avoidance of the structure. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-26.5.)**

**Finding:** Even with implementation of Mitigation Measures MM 4.12.2, which is incorporated into the proposed 2008 General Plan Update as Community Character Element Policy CC-26.5, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** Implementation of Mitigation Measure MM 4.12.2 incorporated in the 2008 GPU as policies (as noted above), would require an evaluation of the eligibility of potential architectural resources for inclusion in the National Register of Historic Places (NRHP), and the California Register of Historical Resources (CRHR) by a qualified architectural historian. Implementation of Mitigation Measure MM 4.12.2 would identify significant historic

architectural resources prior to implementation of a project, and would afford an opportunity to take appropriate action to protect a resource. However, it cannot be determined at this time whether all significant historic resources and structures could be feasibly avoided or fully mitigated in all circumstances, and there is no way to prevent significant resources from experiencing demolition by neglect. Therefore, this impact is considered significant and unavoidable.

**Q) Impact 4.13.3.1:** Land uses and development under the 2008 GPU would increase the demand for additional sources of potable and irrigation water, as well as additional or expanded treatment and distribution facilities to meet projected demands at year 2030 and at year 2050. This is a significant and unavoidable impact. (DEIR, p. 4.13-14; FEIR, p. 2.0-39.)

**Mitigation Measures:**

**MM 4.13.3.1a:** The County shall include a policy in the General Plan that requires the County to periodically review its groundwater ordinance based on available studies and monitoring data, and shall review all discretionary projects proposing the use of groundwater to ensure they will not significantly impact groundwater availability or use over the long term. In some areas, this analysis may utilize quantitative standards based on technical studies and established by ordinance; in other areas, this analysis may involve comparing the projected rate of groundwater use to the calculated rate of recharge. The most detailed review and the most stringent standards will be applied in officially designated groundwater deficient areas, such as the MST. **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policies CON-53, CON-55, AND CON-58.)**

**MM 4.13.3.1b:** The County shall include a policy in the General Plan that requires verification of adequate water supply and distribution facilities for development projects prior to their approvals. This will include (as applicable) coordination with the cities, public and private water purveyors to verify water supply adequacy and may be satisfied as part of compliance with County Code provisions and/or state law requirements (i.e., Senate Bill 610 and Senate Bill 221). **(This mitigation measure has been incorporated into the proposed 2008 General Plan Update Conservation Element as Policy CON-53.)**

**Finding:** Even with implementation of Mitigation Measures MM 4.13.3.1a and MM 4.13.3.1b, which are incorporated into the proposed 2008 General Plan Update as Conservation Element Policies CON-53, CON-55, AND CON-58, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed 2008 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Between the year 2005 and 2030, it is projected that there would be an additional 2,935 dwelling units, and 11,200,000 square feet of nonresidential uses in the unincorporated portion of the County, the establishment of an RUL for the City of American Canyon, and new vineyard development of 10,000 to 12,500 acres, as well as other vineyard-related and other agricultural operations. The 2008 GPU includes roadway improvements and the extension of recycled water to Coombsville and Carneros, as well as policies for trails and public open space. This development would increase demands for fire protection services County-wide.

Using water demand factors from Appendix J of the DEIR (see Technical Memorandum No. 2 for factors used for commercial and industrial uses from the City of American Canyon and Technical Memorandum No. 3 for unincorporated water demands for residential uses), the projected development would generate 1,106 acre-feet annually (0.3767AF/du) of residential water demand and 1,943 (0.00017AF/SF) acre-feet annually for non-residential uses. Some of this development would occur within the cities' service areas.

As noted in the Draft EIR, by year 2020, the County as a whole is anticipating water shortages in dry years and multiple dry years, and some unincorporated areas relying on groundwater may also experience shortages in normal years. Implementation of Mitigation Measures MM 4.13.3.1a and MM 4.13.3.1b, generally incorporated as policies in the 2008 GPU (as noted above), would ensure that the County reviews all discretionary projects proposing the use of groundwater and require verification of adequate water supply and distribution facilities for development projects prior to their approvals. While measures and policies would minimize this impact, it is difficult to determine the specific feasibility of future water supply projects, and this impact would remain significant and unavoidable.

## **SECTION 9. Rejection of Infeasible Mitigation Measures.**

### **A) Authority.**

CEQA does not require that a lead agency adopt every mitigation measure recommended in an EIR. However, when an agency rejects any of the mitigation measures identified in the EIR for a significant impact, it must make specific findings that the rejected measures are infeasible. These findings must show the agency's reasons for rejecting the mitigation measures that the EIR recommends. An agency may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement the measure because of "specific legal, economic, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers." (Public Resources Code Section 21081(a)(3); 14 CCR Section 15091 (a)(3).)

The DEIR and FEIR recommend adoption of various mitigation measures for the proposed 2008 General Plan Update. The Board finds that all of the recommended measures, are feasible, and will be adopted as policies, programs, goals, objectives, or action items in connection with the 2008 General Plan Update, as described herein except for three mitigation measures. As to these three recommended mitigation measures, the Board finds that they are

infeasible to adopt either entirely or in part and, therefore, rejects these measures (entirely or in part) as described below and for the reasons stated herein.

**B) Rejection of Entire Mitigation Measure.**

1) **Mitigation Measure Table 4.4-15:** Page 4.4-51 of the DEIR identifies the following roadway improvements as mitigation measures to reduce traffic operation impacts to a less than significant level:

**TABLE 4.4-15  
ROADWAY IMPROVEMENTS TO IMPROVED 2030 NETWORK**

<b>Roadway Segment</b>	<b>Improvements</b>
American Canyon Road - I-80 to Flosden Road	Widen this roadway from a two (2) lane rural highway to a four (4)-lane rural highway.
Deer Park Road – Sanitarium Road to Silverado Trail	Widen this roadway from a two (2) lane collector to a four (4) lane collector.
Deer Park Road - Silverado Trail to SR 29/128	Widen this roadway from a two (2) lane collector to a four (4) lane collector.
Flosden Road – American Canyon Road to Solano/Napa County Line	Widen this roadway from a four (4) lane urban arterial to a six (6) lane urban arterial.
Napa Valley Highway - Kaiser Road to SR 29	Widen this roadway from a four (4) lane urban arterial to a six (6) lane urban arterial.
Petrified Forest Road - Foothill Boulevard to Franz Valley School Road	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
Silverado Trail – Oak Knoll Avenue to Hardman Avenue	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
Silverado Trail - Sage Canyon Road to Yountville Cross Road	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
Silverado Trail - Pope Street to Zinfandel Lane	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
Silverado Trail - Calistoga City Limits to Lincoln Avenue	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
Soscol Avenue - First Street to Silverado Trail	Widen this roadway from a four (4) lane urban arterial to a six (6) lane urban arterial.
SR 12 - Cuttings Wharf Road to Stanley Lane	Widen this roadway from a two (2) lane Rural Highway to a four (4) lane Rural Highway.
SR 12 - Lynch Road to Kelly Road	Widen this roadway from a four (4) lane Rural Highway to a six (6) lane Rural Highway.
SR 128 - Napa/Sonoma County Line to Tubbs Lane	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
SR 128 – Tubbs Lane to Petrified Forest Road	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
SR 128 - Petrified Forest Road to Lincoln Avenue	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.

Roadway Segment	Improvements
SR 128 - Chiles-Pope Valley Road to Silverado Trail	Widen this roadway from a two (2) lane rural arterial to a four (4) lane rural arterial.
SR 29 - Oakville Grade to Madison Street	Widen this roadway from a two (2) lane rural highway to a four (4) lane rural highway.
SR 29 - Rutherford Cross Road to Oakville Grade	Widen this roadway from a four (4) lane rural arterial to a six (6) lane rural arterial.
SR 29 - Chaix Lane to Zinfandel Lane	Widen this roadway from a four (4) lane rural arterial to a six (6) lane rural arterial.
SR 29 - Lodi Lane to Deer Creek Road	Widen this roadway from a four (4) lane rural arterial to a six (6) lane rural arterial.
SR 29 – Kelly Road to Jamieson Canyon Road (SR 12)	Widen this roadway from a four (4) lane rural arterial to a six (6) lane rural arterial.
SR 29 – Napa Valley Highway to Kelly Road	Widen this roadway from a four (4) lane rural highway to a six (6) lane rural highway.
SR 29 - Napa Valley Highway to Carneros Highway	Widen this roadway from a six (6) lane freeway to an eight (8) lane freeway.
Tubbs Lane - SR 29 to SR 128	Widen this roadway from a two (2) lane rural highway to a four (4) lane rural highway.

**Finding and Rationale:** The Board finds that the mitigation measures set forth in Table 4.4-15 are infeasible pursuant to Public Resources Code Section 21081 (a)(3) and CEQA Guidelines Section 15091(a)(3), and are rejected because many of the roadway segments (such as SR 128 and Tubbs Lane) would occur in areas where the County lacks sufficient right-of-way and are in proximity to existing commercial and/or residential developments. The majority of the listed roadway improvements are located outside of the area covered by the County’s Traffic Mitigation Fee Program (Board of Supervisors Resolution No. 90-152) and therefore would require funding primarily by the County as opposed to being funded by applicants. In addition, the extensive amount of road widening that would be required would be inconsistent with the Project objectives of protecting and maintaining the County’s rural character and would result in more severe environmental impacts associated with visual resources, water quality, noise, air quality, and growth inducement. (See DEIR, p. 4.4-53.)

**2) Mitigation Measure MM 4.11.4:** This mitigation measure would establish a streamlined ministerial permitting process for certain “environmentally superior” vineyard development projects. (See DEIR, p. 4.11-54 for specific components of MM 4.11.4.)

**Finding and Rationale:** The Board finds that Mitigation Measure MM 4.11.4 is infeasible pursuant to Public Resources Code Section 21081 (a)(3) and CEQA Guidelines Section 15091(a)(3), and is rejected for the following reasons:

- a) The costs associated with the streamlined program render it economically infeasible for small vineyard projects. The various geotechnical, hydrological, water quality, groundwater, biological and cultural reports that are required to be submitted as part of the streamlined application process are so costly that the potential benefits of

proceeding under the streamlined process would not outweigh the associated costs for small vineyard projects between 15 and 20 acres. The Farm Bureau submitted written testimony that those same reports are required for a full EIR process and would cost a minimum of \$100,000. The County's consulting engineers, Luhdorff & Scalmanini, estimate that the groundwater studies alone could total tens of thousands of dollars in drilling costs plus additional costs for monitoring, testing and analysis by groundwater professionals. (See email dated February 8, 2008, from Sandy Elles, Executive Director, Napa County Farm Bureau, to Hillary Gitelman, and Memorandum dated April 17, 2008, from Luhdorff & Scalmanini to Hillary Gitelman.)

b) Several of the components of the streamlined program are technologically infeasible. The program requires applicants to demonstrate that their project would not lower groundwater offsite, and would not reduce summer baseflow to the groundwater aquifer or receiving waters. According to the County's consulting engineers, Luhdorff & Scalmanini, because of their small size (15 to 20 acres), it would be difficult, if not impractical, for an applicant to demonstrate conclusively that their project would not lower groundwater levels offsite and not result in any reduction in summer baseflow contributions because groundwater occurrence and movement is typically influenced by broader-scale factors such as hydrological processes (precipitation, recharge, streamflow), basin or sub-basin conditions, temporal and spatial scaling factors, and other hydrogeological and hydraulic conditions that affect the occurrence and movement of water in the subsurface and interrelated surface waters. As a result, a significant degree of research and evaluation, including acquisition and interpretation of groundwater data both on and off the project site, would potentially be required to demonstrate compliance with the standards. (See Memorandum dated April 17, 2008, from Luhdorff & Scalmanini to Hillary Gitelman, Planning Director.)

c) The streamlined program also requires that an applicant demonstrate that the project include a net reduction of anthropogenic sedimentation, such as landslide repair/stabilization, restoration of roads or other legacy effects on each parcel. According to written testimony from the Winegrowers of Napa County, a 50% reduction of anthropogenic sedimentation is untenable, and incapable of being accomplished. (See DEIR Comment Letter 175 from Winegrowers of Napa County to Hillary Gitelman, Planning Director.)

d) The proposed streamlined program would be time consuming due to all of the studies required, and ultimately would not result in a significant time savings for applicants. (See Email dated February 8, 2008, from Sandy Elles, Executive Director, Napa County Farm Bureau to Hillary Gitelman, Planning Director.)

e) The streamlined program is inconsistent with the Project objective of providing a set of goals and a policy framework that has broad community support and acceptance. Because of the cumbersome nature of the streamlined program, the agricultural community, industry groups and other stakeholders do not support it.

The Board finds that the impacts related to establishment of a streamlined vineyard process would be less than significant because the 2008 GPU merely provides a policy to establish a streamlined process as opposed to creation of the actual components of the streamlined process and the actual streamlined process will be the subject of future public hearings and its own environmental review.

**C) Partial Implementation and Partial Rejection of Recommended Mitigation Measure.**

An agency may also decline to adopt a mitigation measure that it concludes will not actually be effective in mitigating an impact, or that will not provide meaningful additional mitigation beyond the measures that are adopted. (*A Local & Regional Monitor (ALARM) v. City of Los Angeles* (1989) 209 CA 3d 1502, 1519.) In order to satisfy CEQA's findings requirement, a finding of "partial mitigation" must indicate whether the project's significant effects have been "substantially" lessened. (*Rural Land Owners Ass'n v. City Council* (1983) 143 CA3d 1013, 1023.)

**1) Mitigation Measure MM 4.11.5a:** The County shall include a policy in the General Plan that requires the continued demonstration of adequate groundwater supply for new projects prior to approval of well and groundwater permits as well as protective provisions for the MST, Pope Valley, Chiles Valley, Capell Valley and Carneros groundwater basins set forth under County Code Chapter 13.12 (Wells) and 13.15 (Groundwater Conservation). This technical information shall be provided in combination with other County required application submittals (e.g., erosion control plan applications as required under County Code Chapter 18.108.

Finding and Rationale: The DEIR recommends that Mitigation Measure MM 4.11.5a be applied on all new projects (e.g., discretionary and ministerial). The Board finds that Mitigation Measure 4.11.5a is partially implemented and incorporated into the 2008 GPU Conservation Element as Policy CON-53 and Action Item WR-8 through its applicability to discretionary projects. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the Board finds it infeasible to implement MM 4.11.5a on ministerial projects and rejects the measure in part (e.g., to the extent that it applies to ministerial projects) for the following reasons

a) It is technologically infeasible. According to the County's consulting engineers, Luhdorff & Scalmanini, individual small scale ministerial projects are limited by their scale and reliance on well pump tests, and data from these small-scale projects would not effectively judge potential impacts. Groundwater system characteristics could manifest themselves in counter-intuitive ways and not accurately reflect the condition of the groundwater basin. Therefore, the information may not be reliable, accurately reflect true conditions, or result in effective mitigation. (*See Memorandum dated April 17, 2008, from Luhdorff & Scalmanini to Hillary Gitelman, Planning Director.*)

b) The most common ministerial project that would be impacted by the measure would be a single family residential project. According to the County's

consulting engineers, Luhdorff & Scalmanini, the cost of complying with Mitigation Measure MM 4.11.5a, and demonstrating adequate groundwater supply, would be several hundred thousand dollars and require multiple year studies. Because ministerial projects are typically small-scale, and/or single family homes, these costs would create an undue financial burden on ministerial projects and could render them economically infeasible. On some projects, the cost of the measure could exceed or equal the cost of the project. (See Memorandum dated April 17, 2008, from Luhdorff & Scalmanini to Hillary Gitelman, Planning Director.)

Based on the above, the Board further finds that the partial adoption and implementation of MM 4.11.5a on discretionary projects only (and not on ministerial projects) would reduce impacts on groundwater supplies, but not to a less than significant level, and that impacts on groundwater supply would remain significant and unavoidable. The Board finds that because there is not a significant number of ministerial projects, and because their groundwater usage is typically small-scale, there would not be a substantial increase in the severity of the impact, and that recirculation of the EIR is not required under CEQA Guidelines Section 15088.5. As further described in the Statement of Overriding Considerations in Section 11 below, the Board finds this significant and unavoidable impact is acceptable when balanced against the benefits of the 2008 GPU.

Notwithstanding the above, and as a separate and distinct finding, the Board hereby finds that implementation of Mitigation Measure MM 4.11.5a for ministerial projects has been rendered unnecessary by incorporation into the 2008 GPU of Conservation Element Action Item CON WR-8 which requires the County to conduct comprehensive groundwater monitoring, because this comprehensive monitoring program will provide better data that more accurately reflects groundwater conditions and obviates the need for individual, small-scale monitoring on ministerial projects.

**D) Mitigation Measure Within the Responsibility of Another Agency.**

Pursuant to Public Resources Code Section 21081(a)(2) and CEQA Guidelines Section 15091 (a)(2), instead of adopting or rejecting a mitigation measure recommended in the EIR, a lead agency may make a finding that the measure is within another agency's responsibility and jurisdiction, and that the other agency has adopted the measure or can, and should, adopt it.

**Mitigation Measure MM 4.14.2a:** As part of planned roadway improvements identified under the Circulation Element, the County shall include a General Plan policy that requires the installation of landscaping with major roadway improvements (e.g., widening of Highway 12 in Jamieson Canyon) in areas identified where vehicle headlights would generate glare on existing residences.

**Finding:** The Board finds that Mitigation Measure 4.14.2a is partially incorporated into the proposed 2008 General Plan Update Community Character Element as Policy CC-13, and will be applied and implemented on projects under the County's jurisdiction (e.g., County roads). Pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2), the Board further finds that major roadway improvements within the incorporated cities

and town, or projects affecting a State highway, are within the responsibility and jurisdiction of those cities/town, or the California Department of Transportation (Caltrans), and not the County, and that Mitigation Measure MM 4.14.2a can and should be adopted by those other agencies.

## **SECTION 10. Project Alternatives.**

### **A) Legal Requirements.**

Section 15126.6 (f) of the CEQA Guidelines requires that an EIR include a “reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” Based on the analysis in the DEIR and FEIR, the proposed 2008 General Plan Update would be expected to result in significant and unavoidable impacts to Agriculture, Population and Housing, Transportation, Biological Resources, Noise, Air Quality, Geology and Soils, Hydrology and Water Quality, Cultural and Paleontological Resources, and Public Services and Utility Systems. The FEIR alternatives were designed to avoid or reduce these significant unavoidable impacts, and to further reduce impacts that were found to be less than significant. The Board has reviewed the significant impacts associated with the reasonable range of alternatives as compared to the Project as originally proposed, and in evaluating the alternatives has also considered each alternative’s feasibility, taking into account a range of economic, environmental, social, legal and other factors. In evaluating the alternatives, the Board has also considered the important factors listed in the Statement of Overriding Considerations in Section 11 below.

Public Resources Code section 21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### **B) Range of Alternatives.**

Section 6.0 of the DEIR and Sections 1.0 and 4.0 of the FEIR describe the alternatives considered and compares their impacts to the proposed 2008 General Plan Update impacts. Consistent with a General Plan’s focus on policy review, the alternatives are based upon alternative policies guiding future land uses and development in the County. The DEIR and FEIR evaluated six alternatives to the proposed 2008 General Plan Update: The No Project Alternative; Alternative A - The Existing Plan Alternative; Alternative B - The Plan Update Alternative; Alternative C - The Plan Update 2 Alternative; Alternative D - The Resource Preservation Alternative; and Alternative E - The Jobs/Housing Balance Alternative. (DEIR, p.6.0-1; FEIR, p. 2.0-10)

### **C) The No Project Alternative.**

**Description:** CEQA Guidelines Section 15126.6 (e)(1) state that a “no project” alternative shall be analyzed. The purpose of describing a “no project” alternative is to allow

decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. The “no project” alternative analysis is not the baseline for determining whether the environmental impacts of a proposed project may be significant, unless the analysis is identical to the environmental setting analysis, which does establish that baseline. This no project alternative is identified and analyzed consistent with the requirements of CEQA Guidelines Section 15126.6(e)(3)(A), which specifically identify that, when the project under evaluation is the revision of an existing land use or regulatory plan, the “no project” alternative will be the continuation of the existing plan.

The No Project Alternative is discussed on page 6.0-4 of the DEIR, and page 1.0-7 of the FEIR. Under this Alternative, the proposed 2008 County General Plan Update and its associated Land Use Map would not be adopted, and the existing 1983 General Plan policy document would remain in effect. Projected growth under the existing 1983 General Plan Land Use Map would result in approximately 2,235 new residential units, and an associated population increase of 5,103, along with 16,014,000 square feet of new non-residential development, and 10,832 new jobs by the year 2030. Projected vineyard development would result in conversion of 10,000 and 12,500 acres in the same timeframe. Because of current funding limitations, the No Project alternative does not include transportation improvements in the southern portion of the County (e.g., improvement and widening of SR 12 in Jamieson Canyon, construction of a new interchange at SR 12/29/Airport Boulevard and improvements to SR 29 between American Canyon and the City of Napa), even though these improvements have long been included in the County’s General Plan.

The No Project Alternative would have many of the same significant, unavoidable impacts as the 2008 GPU, since projected growth in population, employment, traffic and associated noise and air pollutant emissions would occur even if the County’s general plan were not updated. Specifically, the No Project alternative would have the same significant and unavoidable impacts related to: conflicts with agricultural zoning (Impact 4.1.4), population, housing and employment increases in excess of regional projections (Impact 4.3.1); traffic (Impact 4.4.1); loss of sensitive biotic communities (Impact 4.5.2); traffic noise (Impact 4.7.3); consistency with Air Quality Regulations (Impact 4.8.1); conflicts with particulate matter attainment efforts (Impact 4.8.2); green house gas emissions (Impact 4.8.7); exposure to geologic hazards (Impact 4.10.1, 4.10.2, 4.10.4, and 4.10.5); groundwater decline and overdraft (Impact 4.11.5); loss of significant architectural resources (Impact 4.12.2); and water supply impacts (Impact 4.13.3.1).

The No Project Alternative would have an additional significant and unavoidable impact when compared to the 2008 GPU due to degradation of the County’s jobs/housing balance (Impact 4.3.2), and would avoid significant and unavoidable impacts of the 2008 GPU associated with roadway improvements that would not occur, specifically avoiding noise impacts associated with roadway improvements (Impact 4.7.4); exposure to toxic air contaminants associated with roadway improvements (Impact 4.8.5). The No Project alternative would also avoid a significant and unavoidable impact related to loss of agriculturally-designated land because it would not include any changes to the Land Use Map or a growth boundary for the City of American Canyon.

**Finding:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the No Project Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

- 1) The 1983 General Plan would become increasingly out of date, and put the County at risk of a legal challenge which could potentially restrict the County's ability to approve new development projects (residential, agricultural and industrial) until the General Plan is updated.
- 2) This Alternative would maintain the existing 1983 General Plan and would not update its policies or the Land Use Map to account for changing land use patterns, economic conditions, socioeconomic changes, or technological advances.
- 3) This Alternative would result in degradation of the jobs/housing balance in the County, an impact that would be avoided with adoption of the 2008 GPU.
- 4) This Alternative would not identify performance standards for roadways or include roadway improvements that the County deems necessary to accommodate projected growth in existing developed or "urbanized" areas.
- 5) This Alternative would not accomplish the Project objectives of increasing access to public open spaces and publicly owned recreational trails, developing incentives to encourage good land stewardship, establishing a streamlined approval process for environmentally superior projects, addressing need for "workforce" housing, and the County's aging population, providing incentives for historic preservation, and addressing the effects of global climate change.
- 6) Although the 1983 General Plan includes policies to protect and preserve the natural environment, it contains fewer specific policies, action items, and programs, and would result in more non-residential development and jobs, and in turn more pressure to convert agricultural lands in comparison to the 2008 GPU.

**Reference:** The DEIR pages 6.0-1 through 6.0-67 and FEIR pages 1.0-7 through 1.0-43 and 2.0-11 through 2.0-45 provides an analysis of the environmental effects of this Alternative as compared to the proposed 2008 General Plan Update.

**D) Alternative A – The Existing Plan.**

**Description:** Under Alternative A – The Existing Plan Alternative. The existing 1983 General Plan would remain largely unchanged. Clarifying edits would be made, and out of date information updated, but there would be no substantive policy changes, except that planned expansions in highway capacity would not occur. Slow housing and employment growth would continue principally within existing urban areas, no changes to agricultural or industrial areas would occur, and there would be no change to the amount of land designated for agricultural or industrial use. The existing Land Use Map would not be updated, and there would be no Rural Urban Limit (RUL) shown for American Canyon. No new sites would be designated as "study

areas” or made available for affordable or workforce housing, necessitating continued reliance on incorporated cities to meet the County’s housing needs. Between years 2005 and 2030 there would be an estimated 2,235 new dwelling units (5,013 persons), an estimated 10,832 new jobs, and an estimated 10,000 to 12,500 acres of additional vineyard development County-wide.

**Finding:** The Board finds that the impacts under Alternative A – The Existing Plan Alternative would be substantially the same as for the No Project alternative. For the reasons specified above under Section 10 (C), the Board finds Alternative A is less desirable and infeasible, and is hereby rejected.

**Reference:** The DEIR pages 6.0-1 through 6.0-67 and FEIR pages 1.0-7 through 1.0-43 and 2.0-11 through 2.0-45 provides an analysis of the environmental effects of this Alternative as compared to the proposed 2008 General Plan Update.

**E) Alternative B – The Plan Update Alternative.**

**Description:** Alternative B – The Plan Update Alternative is discussed starting on page 2.0-2 of the DEIR, and on page 2.0-10 of the FEIR. This Alternative would adopt most of the proposed 2008 GPU policies, with only those differences described in DEIR Section 3.0 (Project Description). This Alternative would re-designate existing industrial lands for residential use (at the Boca and Pacific Coast sites), and commercial mixed use (at the Napa Pipe site). Jamieson Canyon would be widened to four lanes, and Flosden/Newell Road would be extended north to Green Island Road. The Hess Vineyard property north of American Canyon would remain a vineyard, but would be re-designated from “industrial” to AWOS. The land use map of Angwin would be modified to better reflect existing zoning and land uses, although no changes would occur outside the area currently designated as “urban residential” (i.e., the current “urban bubble”).

Alternative B would include policies calling for a streamlined approval process for environmentally superior vineyard projects, necessitating modifications to the County’s conservation regulations (County Code Chapter 18.108). The new regulations would provide a ministerial process for vineyard development projects that exceed current regulatory requirements and meet performance criteria demonstrating no significant adverse effects to the environment. General Plan policies under this Alternative would also call for increased access to public open space, and a comprehensive system of trails. Use of eminent domain for open space acquisition would be precluded, and policies about siting, buffering, and management would address privacy and safety concerns.

Slow housing and employment growth would occur within formerly industrial areas in addition to other existing urban areas, with the goal of maintaining a reasonable jobs-housing balance within the County. Incentives would be offered for on-site farmworker housing, and consistent with the City of Napa’s General Plan, the County would support increased residential density within downtown Napa and encourage consideration of publicly owned sites within the City for mixed use (including housing). No Measure J vote would be required under this Alternative. Between years 2005 and 2030 there would be an estimated 3,885 new dwelling units

(9,029 persons), an estimated 11,053 new jobs added to the unincorporated County, and an estimated 10,000 to 12,500 acres of new vineyards added County-wide.

Alternative B would have many of the same significant, unavoidable impacts as the 2008 GPU, since projected growth in population, employment, traffic and associated noise and air pollutant emissions would occur in both instances. Specifically, Alternative B would have the same significant and unavoidable impacts related to: conflicts with agricultural zoning (Impact 4.1.4), population, housing and employment increases in excess of regional projections (Impact 4.3.1); traffic (Impact 4.4.1); loss of sensitive biotic communities (Impact 4.5.2); traffic noise (Impact 4.7.3); noise impacts associated with roadway improvements (Impact 4.7.3); exposure to toxic air contaminants associated with roadway improvements (Impact 4.8.5); consistency with Air Quality Regulations (Impact 4.8.1); conflicts with particulate matter attainment efforts (Impact 4.8.2); green house gas emissions (Impact 4.8.7); exposure to geologic hazards (Impact 4.10.1, 4.10.2, 4.10.4, and 4.10.5); groundwater decline and overdraft (Impact 4.11.5); loss of significant architectural resources (Impact 4.12.2); and water supply impacts (Impact 4.13.3.1).

Alternative B would also avoid a significant and unavoidable impact related to loss of agriculturally-designated land because it would increase, rather than decrease the land designated for agriculture on the General Plan Land Use Map and would not include a growth boundary for the City of American Canyon.

**Finding:** Pursuant to Public Resources Code section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that Alternative B is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) This Alternative would re-designate industrial lands for residential use at the Napa Pipe and Pacific Coast/Boca sites, thereby placing residential uses adjacent to industrial land uses, which would result in greater potential conflicts with existing land uses in the County or adjoining communities than under the 2008 GPU. This re-designation of industrial land would also create a potentially significant and mitigable impact with the Napa County Airport Land Use Compatibility Plan, whereas under the 2008 GPU this impact is less than significant.

2) Projected job growth would be nearly three times the number of housing units under Alternative B, which would result in more workers living outside of the County, increased commuter traffic, more roadway congestion, and decreased air quality. This additional job growth would be inconsistent with the Project objective of maintaining the County's rural character.

3) This Alternative would have groundwater demands of 1,539 acre-feet annually for residential, and 2,541 acre-feet annually for non-residential uses compared to 1,106 acre-feet annually for residential, and 1,943 acre-feet annually for non-residential under the 2008 GPU. This increased demand for groundwater is inconsistent with the Project objectives of protecting the County's natural resources.

4) This Alternative does not offer significant benefits compared to the proposed 2008 General Plan Update.

**Reference:** The DEIR pages 6.0-1 through 6.0-67, and FEIR pages 1.0-7 through 1.0-43, and 2.0-11 through 2.0-45, provides an analysis of the environmental effects of this Alternative as compared to the proposed 2008 General Plan Update.

**F) Alternative C - The Plan Update 2 Alternative.**

**Description:** This Alternative is discussed starting at page 2.0-3 of the DEIR. Alternative C - The Plan Update 2 Alternative would include all the same changes as Alternative B, but would also include General Plan and zoning changes required to re-designate some land adjacent to the City of Napa and the City of American Canyon for more housing. Specifically, under this Alternative, the Napa Pipe site would be used for residential-mixed use (up to 3,200 dwelling units), as would the Boca/Pacific Coast site (up to 500 units). Also, a Rural Urban Limit (RUL) line would be shown for the City of American Canyon, expressing the limits of that city's potential future growth from the County's perspective. Alternative C would also provide incentives for the reuse of historic buildings, adjust the urban boundaries of Angwin, and re-designate a small area at the Pope Valley crossroads (i.e., near the store and farm center) for non-agricultural use. The changes to Angwin and Pope Valley would require a Measure J vote. Between years 2005 and 2030 there would be an estimated 7,635 new dwelling units (18,063 persons), an estimated 8,603 new jobs added to the unincorporated County, and an estimated 10,000 to 15,000 new acres of vineyards added County-wide under Alternative C.

Alternative C would have the same significant, unavoidable impacts as the 2008 GPU, since projected growth in population, employment, traffic and associated noise and air pollutant emissions would occur in both instances. Specifically, Alternative C would have the same significant and unavoidable impacts related to: loss of County-designated agricultural land (Impact 4.1.2); conflicts with agricultural zoning (Impact 4.1.4), population, housing and employment increases in excess of regional projections (Impact 4.3.1); traffic (Impact 4.4.1); loss of sensitive biotic communities (Impact 4.5.2); traffic noise (Impact 4.7.3); noise impacts associated with roadway improvements (Impact 4.7.3); exposure to toxic air contaminants associated with roadway improvements (Impact 4.8.5); consistency with Air Quality Regulations (Impact 4.8.1); conflicts with particulate matter attainment efforts (Impact 4.8.2); green house gas emissions (Impact 4.8.7); exposure to geologic hazards (Impact 4.10.1, 4.10.2, 4.10.4, and 4.10.5); groundwater decline and overdraft (Impact 4.11.5); loss of significant architectural resources (Impact 4.12.2); and water supply impacts (Impact 4.13.3.1).

**Finding:** Pursuant to Public Resources Code section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that Alternative C is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations and is rejected for the following reasons:

1) This Alternative would establish a new Rural Urban Limit (RUL) line around the City of American Canyon which would lead to a loss of agricultural lands if voters of American Canyon approve the RUL, the County agrees to a revenue sharing agreement, and LAFCO

approved annexation of agricultural lands to the City. The RUL in Alternative C is larger than the RUL shown in the 2008 GPU and therefore would result in the potential greater loss of agricultural lands, including possible urban growth in the hills (i.e., areas greater than 15% slope) east of the City of American Canyon.

2) New dwelling unit growth could exceed the 1% threshold of the County's current Housing Allocation Program, as well as substantially exceed regional projections of ABAG, and could occur at the rate of 305 new units per year. This rate of growth would exceed the County's current Housing Allocation Program limit of 114 building permits per year by almost double. Alternative C would also more than double the population growth over what is proposed in the 2008 GPU. This substantial population increase would increase pressure to convert agricultural lands, be inconsistent with the County's desire to maintain its rural character and protect agricultural lands, and is incongruous with the County's long standing principles of reasonable, paced, slow growth.

3) The significant amount of new development contemplated by this Alternative would result in greater demands on the County's natural resources, including air, groundwater, and natural gas. Alternative C's impacts related to travel demand, air quality, seismic, increased law enforcement, electric and natural gas, increased demand for parks and recreational facilities would be the most severe of all the alternatives analyzed. The increase in vehicle miles traveled under this Alternative (135 to 168%) would exceed MTC projections of 42% and have the greatest air quality impacts of all the alternatives analyzed. Annual PM 10 emission would be 0.20 tons/day, with average winter emissions approximately 1.34 tons/day. This Alternative is projected to generate 439,559 metric tons annually in transportation CO<sub>2</sub>, and 148,231 metric tons annually of greenhouse gas (GHG) emissions from residential development, and 143,278 metric tons annually from non-residential uses. This Alternative would generate 3,077 acre-feet annually of residential water demand and 2,55 acre-feet annually for non-residential water demand compared to 1,106 acre-feet annually for residential and 1,943 acre-feet annually under the proposed 2008 General Plan Update. Between 2005 and 2030 this Alternative is projected to generate approximately 94.28 barrels of oil equivalent (BOE) demand which is more than double the expected demand under the proposed 2008 GPU. The increased demand, on the County's air quality, groundwater and natural gas resources contemplated by this Alternative, would be inconsistent with the County's objectives of protecting the County's natural resources, and maintaining the County's rural character.

4) Alternative C would result in the most severe traffic impacts of all the alternatives analyzed. It would result in traffic increases that would significantly impact 39 roadway segments with deficient level of service (without proposed roadway improvements) and 42 roadway segments (with proposed roadway improvements). The anticipated levels of service would go from acceptable (A, B or C) to unacceptable (E and F) on County roadways over existing conditions.

5) This Alternative would have greater environmental impacts than the proposed 2008 GPU in the areas of conversion of state designated agricultural lands, division of established communities, potential land use conflicts, disturbance or loss of special-status plants and animal species, loss of sensitive biotic communities, loss of wildlife movement, potential

conflicts with biological resource plans, ordinances or policies, sedimentation impacts to fisheries, other water quality impacts to fisheries, hydrological alteration impacts to fisheries, direct impacts to wildlife, interfere substantially with movement or migratory corridors, noise and land use compatibility, new development exposure to groundborne vibration, project generated non-transportation noise sources, noise and land use compatibility (aircraft), short term emissions from grading and construction, odors, seismic ground shaking, construction related soil erosion and sedimentation, groundwater level decline and overdraft, well competition and adverse well interference, changes to drainage patterns leading to increased runoff and streambank erosion, flood risk from drainage system alteration, new vineyard development and 100-year flooding, archeological and paleontological resources, historic architectural resources, law enforcement service and standards, degradation of the quality of visual character associated with designated scenic resources within the County, and increased daytime glare and nighttime lighting.

6) This Alternative would not avoid or substantially reduce any of the identified significant and unavoidable environmental impacts and, in fact, would have worse impacts than the proposed 2008 General Plan Update.

**Reference:** The DEIR pages 6.0-1 through 6.0-67 and FEIR pages 1.0-7 through 1.0-43 and 2.0-11 through 2.0-45 provides an analysis of the environmental effects of this Alternative as compared to the proposed 2008 General Plan Update.

**G) Alternative D – Resource Preservation Alternative.**

**Description:** This Alternative is discussed starting at page 6.0-5 of the DEIR, and at page 4.0-71 of the FEIR, and is considered the Environmentally Superior Alternative. Alternative D would be the most restrictive of the alternatives evaluated. The area currently designated as Agricultural, Watershed and Open Space (AWOS) would be split into two zones: one primarily devoted to agriculture, and one primarily devoted to open space. One dwelling unit per parcel would still be allowed, but minimum parcel sizes could increase so that little new development would occur, and major infrastructure improvements would not be feasible. There would be no change to the amount of land currently available for industrial use. The existing policy provisions of the 1983 General Plan would largely remain, except additional policies would be developed to achieve greater forest protection, riparian habitat preservation, and water quality improvements than envisioned under the proposed 2008 General Plan Update. Such policies could result in zoning to prohibit timber conversions in Watershed Open Space areas, inclusion of expanded riparian buffers in the Conservation Regulations, along with adoption of an oak woodland preservation ordinance, and erosion control plan requirements for vineyards on less than five percent slope.

Urban and rural residential areas (except areas adjacent to Berryessa Estates, the City of Calistoga and the City of Napa) would be reduced in size to eliminate agriculturally zoned land from these areas. The minimum parcel size for wineries would increase from 10 to 40 acres. Vineyards would be required to place a greater emphasis on habitat preservation and be specifically designed to protect sensitive biotic communities and oak woodlands. Groundwater restrictions similar to those in place in the Miliken-Sarco-Tulocay (MST) basin would be

established in other areas, including Pope Valley, Chiles Valley, Capell Valley, and Carneros. Restrictions would effectively require “no net increase” in groundwater associated with discretionary projects requiring County approval in these areas. With these new restrictions, Alternative D could result in 7,500 acres of new vineyards by 2030.

Alternative D would have many of the same significant, unavoidable impacts as the 2008 GPU, since projected growth in population, employment, traffic and associated noise and air pollutant emissions would occur in both instances. Specifically, Alternative D would have the same significant and unavoidable impacts related to: population, housing and employment increases in excess of regional projections (Impact 4.3.1); traffic (Impact 4.4.1); traffic noise (Impact 4.7.3); consistency with Air Quality Regulations (Impact 4.8.1); conflicts with particulate matter attainment efforts (Impact 4.8.2); green house gas emissions (Impact 4.8.7); exposure to geologic hazards (Impact 4.10.1, 4.10.2, 4.10.4, and 4.10.5); loss of significant architectural resources (Impact 4.12.2); and water supply impacts (Impact 4.13.3.1).

Alternative D would have an additional significant and unavoidable impact when compared to the 2008 GPU due to degradation of the County’s jobs/housing balance (Impact 4.3.2), but would avoid a significant and unavoidable impact related to loss of agriculturally-designated land (Impact 4.1.2) because it would increase, rather than decrease, the land designated for agriculture on the General Plan Land Use Map and would not include a growth boundary for the City of American Canyon. Alternative D would also avoid conflicts with agricultural zoning (Impact 4.1.4) because it would remove agriculturally-zoned land from the “urban” designations on the Land Use Map, would avoid loss of sensitive biotic communities (Impact 4.5.2) by imposing severe restrictions on agriculture and development, which would in turn avoid significant groundwater level decline and overdraft (Impact 4.11.5). Alternative D would also avoid significant and unavoidable impacts of the 2008 GPU associated with roadway improvements that would not occur, specifically avoiding noise impacts associated with roadway improvements (Impact 4.7.4); exposure to toxic air contaminants associated with roadway improvements (Impact 4.8.5).

**Finding:** Pursuant to Public Resources Code section 21081(b)(3) and CEQA Guidelines Section 15091(a), the Board finds that Alternative D is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

- 1) Implementation of Alternative D would require approval of County voters to split the Agriculture Watershed and Open Space designation on the Land Use Map into two designations. This idea does not enjoy the broad community support that would be required for a ballot measure to be successful.
- 2) Alternative D would severely restrict agricultural development in the County to provide incrementally greater protections to sensitive biotic species and groundwater supplies than are offered by the 2008 GPU. By doing so, Alternative D could affect the continued viability of Napa County’s agriculture-based economy.

3) Alternative D would shrink the amount of rural residential land available to accommodate affordable housing in conflict with the County's objective of encouraging workforce housing, and would result in degradation of the jobs/housing balance in the County, and impact that would be avoided with adoption of the 2008 GPU.

4) This Alternative would not identify performance standards for roadways or include roadway improvements that the County deems necessary to accommodate projected growth in existing developed or "urbanized" areas.

**Reference:** The DEIR pages 6.0-1 through 6.0-67 and FEIR pages 1.0-7 through 1.0-43 and 2.0-11 through 2.0-45 provides an analysis of the environmental effects of this Alternative as compared to the proposed 2008 General Plan Update.

#### **H) Alternative E – The Jobs/Housing Balance Alternative.**

**Description:** Alternative E is discussed starting at page 6.0-32 of the DEIR. This Alternative would be the most intense of all the alternatives analyzed, but for that reason would provide the best balance of jobs and housing and the greatest likelihood that residents and employees would find transit feasible as an alternative to the private automobile.

As shown in Figure 6.0-2 on page 6.0-35 of the DEIR, current rural designated areas adjacent to Berryessa Estates, City of Calistoga and the City of Napa would be reduced or eliminated, while urban designated areas in Pope Creek would be re-designated rural residential. Similar to Alternative C, a new RUL would be established for the City of American Canyon. Napa Pipe would be re-designated as commercial mixed-use, and may include development of a hotel and conference center. At Napa Pipe, no new dwelling units would be constructed, but 2,048 jobs would be created. The Pacific Coast/Boca site would be re-designated as residential mixed-use (high density residential with neighborhood-serving retail and public open space). Hess Vineyard would retain its current industrial land use designation. Angwin would be developed with more residential and business uses, and would involve the expansion of urban and/or rural land use designations to reflect actual development conditions in the area. Other agricultural areas would see minimum parcel sizes decreased in the AWOS, which would allow additional residential development potential. Industrial and business park uses in the vicinity of the Napa County Airport would continue to build out. The County-owned sites in the City of Napa could result in 700 new dwelling units. This Alternative would result in an increase of 6,535 residential units, and an increase of 14,376 new jobs between year 2005 and 2030.

This Alternative would provide enhanced transportation improvements and expansions of sewer and water infrastructure. In addition to the roadway improvements described in Alternatives B and C, the following would also occur: construction of a northern extension of the Flodden/Newell Road from American Canyon to Green Island Road; widening of State Route 12 to four lanes from State Route 29 to Interstate 80, and constructing a new centerline safety barrier; construction of an interchange at the Airport Road/State Highway 12 intersection; and improvements to SR 29 between Green Island Road and SR 221 (widening and Soscol flyover).

State Route 29 would also be re-designed around St. Helena and Calistoga. Ferry and transit service between the cities of Vallejo and Napa would be considered with possibly a service between the cities of Fairfield and Napa. This alternative would emphasize energy conservation with a potential power generation facility at Knoxville, and some sewer and water expansions in the vicinity of Napa. Urban and rural development opportunities would be expanded in several areas of the County. More hillside development would be permitted – likely by reducing minimum parcel sizes in the AWOS from 160 acres to 40 acres. A Measure J vote would be required for this alternative.

The minimum parcel size for wineries would be reduced to less than ten acres in some areas, and erosion control plans would become ministerial with best management practices. Vineyard development would be allowed on slopes of up to 35% (instead of 30%) without a use permit, which would likely lead to 15,000 acres of new vineyard by 2030.

Alternative E would have the same significant, unavoidable impacts as the 2008 GPU, since projected growth in population, employment, traffic and associated noise and air pollutant emissions would occur in both instances. Specifically, Alternative E would have the same significant and unavoidable impacts related to: loss of County-designated agricultural land (Impact 4.1.2); conflicts with agricultural zoning (Impact 4.1.4), population, housing and employment increases in excess of regional projections (Impact 4.3.1); traffic (Impact 4.4.1); loss of sensitive biotic communities (Impact 4.5.2); traffic noise (Impact 4.7.3); noise impacts associated with roadway improvements (Impact 4.7.3); exposure to toxic air contaminants associated with roadway improvements (Impact 4.8.5); consistency with Air Quality Regulations (Impact 4.8.1); conflicts with particulate matter attainment efforts (Impact 4.8.2); green house gas emissions (Impact 4.8.7); exposure to geologic hazards (Impact 4.10.1, 4.10.2, 4.10.4, and 4.10.5); groundwater decline and overdraft (Impact 4.11.5); loss of significant architectural resources (Impact 4.12.2); and water supply impacts (Impact 4.13.3.1).

**Finding:** Pursuant to Public Resources Code section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that Alternative E is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) It would result in a greater amount of development and population and employment growth than any of the other alternatives, including the proposed 2008 GPU. and would be inconsistent with the County's long standing goal of protecting the County's rural character, and maintaining slow, reasonable, urban centered growth.

2) This Alternative would likely result in the greatest loss of County designated agricultural lands, which is inconsistent with the County's long standing principles and objectives of preserving agricultural land for agricultural use.

3) Because of the contemplated roadway and infrastructure improvements, and land use changes, this alternative would result in greater environmental impacts than the proposed 2008 GPU in the areas of land use conflicts, loss of sensitive biotic communities, loss of wildlife movement and plant dispersal, conflicts with biological resource plans, ordinances or policies,

sedimentation impacts on fisheries, water quality impacts to fisheries, hydrological alteration impacts to fisheries, groundwater interactions with surface water flows, roadway improvement impacts on noise-sensitive uses, daily particulate matter emissions, short term emissions from grading and construction, long term atmospheric green house gas emissions, potential release and exposure to hazardous materials, seismic related ground failures, landslides, construction related soil erosion and emissions, agriculture and resource extraction, changes to drainage patterns leading to increased runoff and hillside erosion, disturbance of archeological and paleontological resources, historic architectural resources, and visual resources.

4) In addition to the previously mentioned impacts, Alternative E's impacts would be the most severe of all the alternatives analyzed for impacts related to disturbance or loss of special-status plants and animal species; loss of sensitive biotic communities; loss of wildlife corridors; conflicts with biological resource plans, ordinances and policies; sedimentation impacts to fisheries; other water quality impacts to fisheries; hydrological alteration impacts to fisheries; groundwater interactions with surface flows; new development exposure to groundborne vibration; project-generated non-transportation noise sources; construction noise; exposure to air toxic contaminants; release and exposure to hazardous materials; seismic related ground failure; construction related soil erosion; agriculture and resource uses; changes to drainage patterns for hillside and streambank erosion; flood risk; historic architectural resources; and water supply.

5) Alternative E would result in worse environmental impacts than the 2008 GPU and does not offer significant benefits compared to the proposed 2008 GPU.

**Reference:** The DEIR pages 6.0-1 through 6.0-67, and FEIR pages 1.0-7 through 1.0-43, and 2.0-11 through 2.0-45 provides an analysis of the environmental effects of this Alternative as compared to the proposed 2008 General Plan Update.

## **SECTION 11. Statement of Overriding Considerations.**

In approving the proposed 2008 General Plan Update, the Board makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The Board has considered the information contained in the FEIR (the Draft EIR, Comments on the Draft EIR, Response to Comments on the Draft EIR, PMC Memorandum dated March 31, 2008, the Errata dated April 16, 2008 and all other public comments, responses to comments, and accompanying technical memoranda and staff reports included in the public record between December 20, 2007 and April 22, 2008).

The Board has carefully balanced the benefits of the project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of impacts that are identified in the FEIR as being significant and which have not been eliminated, lessened or mitigated to a level of insignificance, the Board, acting pursuant to CEQA Guidelines Section 15092 and 15093, hereby determines that remaining significant effects on the environment found to be unavoidable in Section 8 above, are acceptable due to overriding concerns described herein. Specifically, the

benefits of the project outweigh the unmitigated adverse impacts and the project should be approved.

Based on the objectives identified in the proposed 2008 General Plan Update, DEIR and FEIR, and through extensive public participation, the Board has determined that the Project should be approved, and any remaining unmitigated environmental impacts attributable to the project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the County would derive the following benefits from adoption and implementation of the 2008 GPU:

**A) Environmental.**

- 1) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.
- 2) The Project reiterates and reinforces the County's commitments to retaining agriculture as the primary land use and to concentrating urban uses in the existing cities and urbanized areas of the County in order to preserve agriculture and open space, encourage transit-oriented development, conservation of energy and healthy "walkable" communities, all of which reduce congestion and greenhouse gas emissions and improve air quality.
- 3) The Project protects the viability of agricultural lands by encouraging non-agricultural development in existing urbanized areas and outside of agriculturally designated areas. This results in fewer impacts from the construction of new infrastructure, reduces conflicts arising from encroachment of urban uses into agricultural areas, locates multi-family housing development in proximity to employment centers and services thereby reducing miles traveled which translates into air quality benefits, and reduces pressure to convert agricultural land.
- 4) The Project includes goals, objectives, and policies that provide substantial additional protection of the County's important natural resources, such as water resources, biotic resources, scenic resources, timber and agricultural resources, while recognizing the rights of private property owners.
- 5) The 2008 General Plan Update includes new policies and programs for climate protection and sustainability and commits the County to being proactive in monitoring and addressing climate change. It includes new policies that demonstrate the County's efforts to reduce greenhouse gas emissions by encouraging alternative forms of energy-efficient transportation via incentives and opportunities, promoting implementation of sustainable practices and green technology, requiring new discretionary projects to evaluate and reduce greenhouse gas emissions, encouraging the use of bio-fuels, geothermal energy and other renewable resources, and committing the County to monitoring the ecological effects of climate change in Napa County over time and integrating these policies into long range and current planning functions.

6) The Project protects groundwater and other water supplies and ensures that the timing and intensity of new development are consistent with the capacity of water supplies by requiring all new discretionary projects to demonstrate the availability of an adequate water supply prior to project approval. The Project further commits the County to monitoring groundwater and interrelated water sources to determine baseline water quality conditions, groundwater levels and to identify areas where problems may exist. Where there is a demonstrated need for additional management action, the County will work collaboratively with property owners and stakeholders to prepare a groundwater management plan. The Project's goals, policies and programs related to groundwater demonstrate the County's proactive stance in managing and safeguarding this important, limited resource and will reduce potential groundwater impacts.

7) The Project includes goals, policies and programs to reduce energy and resource consumption by promoting solid waste reduction, reuse, recycling, composting and environmentally safe transformation of waste, educating businesses and residents on options for implementing waste reduction targets, encouraging "green building" design, development and construction, and evaluating new technologies for energy generation and conservation and solid waste disposal as they become available.

8) The Project recognizes good land stewardship by creating a policy that will allow for a future streamlined permitting process for new vineyard development and other projects that incorporate environmentally sustainable practices that avoid or mitigate significant environmental impacts.

**B) Economic and Fiscal.**

1) The 2008 GPU recognizes the importance and value of agriculture and the wine industry's annual economic contribution (over \$9.5 billion in 2005) to the Napa County economy which in turn supports a strong tourism and hospitality industry, increases tax revenue and provides employment opportunities.

2) The Project protects the economic viability of agriculture and open space lands by continuing to prevent the conversion of agricultural lands to non-agricultural uses by restricting the subdivision of agriculturally designated lands, and concentrating urban uses in the County's existing cities and urbanized areas and maintaining minimum parcel sizes. The Project promotes efforts to increase local food production and local food purchases by County residents which will increase agricultural diversity, create a reliable market for small-scale farmers, and help ensure continued economic growth and viability for agricultural products.

3) The Project supports the local economy by reserving an appropriate and feasible amount of land for development, while balancing the protection of agricultural and environmentally sensitive lands and resources. The Project promotes a strong, diverse, and sustainable economy by attracting and retaining businesses that provide opportunities for businesses and consumers to purchase needed goods and services locally, supply workforce housing so as to maintain a stable and locally based work-force, provide jobs in close proximity to employee residences or transit services, offer wages commensurate with the cost of living,

increase new diverse businesses that do not adversely affect agriculture, and recognize the economic contributions of local businesses through local preference programs in the bidding process for public projects.

4) The Project will require new development to mitigate their impacts and contribute their fair share towards transportation improvements, fire, police protection and emergency services. It also includes policies requiring the payment of in-lieu fees in limited circumstances where impacts on oak woodlands, fisheries and wildlife habitat cannot be avoided.

**C) Social.**

1) The Project includes policies, goals, and objectives which conform with the County's longstanding growth management system, defining a rate of population growth that perpetuates County residents' quality of life.

2) The Project best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The Project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development.

3) The Project will increase the amount of dedicated open space and trails available for use by residents and visitors to Napa County through the County's partnering with other public agencies, non-profits and the private sector to enhance recreational opportunities and acquisition of additional open space lands, ensuring that the majority of Napa County residents live within close proximity to nature based recreational opportunities, providing a range of recreational opportunities to serve the diverse interests of children, adults, seniors, families, people with disabilities, and other individuals on a low or no cost basis so people of all income levels can enjoy outdoor recreation, and encouraging the creation of interpretive, cultural and educational programs for the public to visit and learn about the County's significant historical and cultural resources.

4) The Project includes new policies and goals that enrich County residents' quality of life by strengthening the role of the arts and culture in the County, supporting public awareness of cultural and historic preservation through education, encouraging incorporation of the arts into new public building designs, promoting the County's historic and cultural resources through "heritage tourism", and providing incentives for historic preservation projects.

5) The Project provides new and improved goals, policies, and programs regarding the economy, childcare, public safety, community participation, diversity, education, environmental justice, code enforcement, public health, arts and culture, historical and archeological resources, and parks and recreation.

6) The updated policies, goals, objectives and action items contained in the 2008 GPU will allow decision-makers to review and consider development projects in a manner that is consistent with the County's vision for growth.

**D) Housing.**

1) The State of California has made the attainment of decent housing and a suitable-living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a “decent home and satisfying living environment for every Californian.” (See Public Resources Code section 21000(g).) The proposed 2008 GPU sets forth the County’s long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals.

2) The County is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available. The 2008 GPU also outlines a variety of strategies for the County to use to address its long-term housing needs and to meet state and regional housing requirements.

**E) Legal and Regulatory.**

1) The Project provides for cooperative planning between the County and the five municipalities, numerous other state and federal jurisdictions, and private and non-profit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space and other needed services and infrastructure to County residents.

2) The Project balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the County’s obligations to social, environmental, and housing considerations, all within the constraints of the County’s limited budget.

3) The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.

4) The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. (See Public Resources Code section 21004.)

**SECTION 12. Annual Reporting.**

According to CEQA Guidelines Section 15097(b), “Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning,

ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.”

Pursuant to CEQA Guidelines Section 15097(b), the review and reporting on the adopted General Plan Policies and Action items will occur in conjunction with the preparation and submittal of the annual report on the status of the General Plan that is required by Government Code Section 65400.

**SECTION 13. Recirculation is Not Required.**

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information amplifying and clarifying information in the Draft EIR has been added to the Final EIR. Also, as part of the final approval package for the 2008 GPU, the County prepared an analysis of the modifications to the 2008 GPU analyzed in the Draft EIR and has assessed whether those modifications trigger the thresholds for recirculation as identified in Public Resources Code Section 21092.1 and in Section 15088.5 of the CEQA Guidelines. (See PMC Memorandum dated March 31, 2008, Exhibit “A,” List of Errata & Recommended Changes to the December 3, 2008 Revised Draft General Plan Update (Revisions as of April 22, 2008).) The analysis demonstrated that the 2008 GPU adopted by the Board falls within the scope of the Draft EIR analysis.

Adoption and implementation of the 2008 GPU will not result in any significant environmental impacts not identified in the Draft EIR or result in a substantial increase in the severity of a significant environmental impact identified in the Draft EIR. There are no substantial changes in the Project or the circumstances under which the Project is being undertaken that necessitate revisions of the Draft EIR, nor has significant new information become available. “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” 14 Cal Code Regs. Section 15088.5(b). The Board of Supervisors hereby determines, based on the standards provided in Public Resources Code Section 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required prior to adoption of the 2008 GPU.

**SECTION 14. Record of Proceedings.**

The environmental analysis provided in the Draft and Final EIR and the Findings provided herein are based on and are supported by the following document, materials and other evidence, which constitute the Administrative Record for the 2008 GPU;

- 1) The NOP, comments received on the NOP and all other public notices issued by the County in relation to the General Plan EIR (e.g., Notice of Availability).

- 2) The Draft EIR, associated appendices to the Draft EIR and technical materials cited in the document.
- 3) The Final EIR, including comment letters, oral testimony and technical materials cited in the document.
- 4) All non-draft and/or non-confidential reports and memoranda prepared by the County and consultants related to the EIR, its analysis and findings.
- 5) Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the Board of Supervisors.
- 6) Staff reports associated with Planning Commission and Board Meetings on the General Plan and supporting technical memoranda.
- 7) Napa County General Plan, the December 3, 2007 Public Review Draft of the General Plan Update, and subsequent revisions contained in Exhibit "A."

**SECTION 15. Location and Custodian of Records.**

The documents and other materials that constitute the record of proceedings on which the Board's findings regarding the mitigation measures and statement of overriding considerations are based are located at the office and in the custody of the Napa County Department of Conservation, Development and Planning, at 1195 Third Street, Room 210, Napa, California. The location and custodian of these documents is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code of Regulations section 15091(e).

**SECTION 16. Adoption of the 2008 Napa County General Plan Update.**

The Board hereby:

1) Adopts these Findings and Statement of Overriding Considerations for the 2008 GPU pursuant to CEQA; and

2) Supersedes and replaces the 1983 Napa County General Plan, except for the Housing Element, with the 2008 Napa County General Plan Update which includes the List of Errata and Recommended Changes to the December 3, 2008 Revised Draft General Plan Update (Revisions as of April 22, 2008) included as Exhibit "A" to this Resolution, and carries forward the Housing Element (adopted in October 2004).

**SECTION 17. Filing Notice of Determination.**

The Board hereby directs the Conservation, Development and Planning Department to file a Notice of Determination regarding the proposed 2008 General Plan Update and FEIR within five business days of adoption of this Resolution.



# NAPA COUNTY GENERAL PLAN

Adopted by Board of Supervisors Resolution 08-~~86~~, June 3, 2008

Brad Wagenknecht

Brad Wagenknecht, Chair – District 1

Mark Luce

Mark Luce – District 2

Diane Dillon

Diane Dillon – District 3

Bill Dodd

Bill Dodd – District 4

Harold Moskowitz

Harold Moskowitz – District 5

Attested by Gladys J. Coil

Gladys Coil – Clerk of the Board



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