

**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**

SECTION 1. Recitals.....	4
SECTION 2. Purpose of the Findings. ....	4
SECTION 3. Project Objectives. ....	5
SECTION 4. The Napa County General Plan Update.....	5
SECTION 5. Findings are Determinative.....	5
SECTION 6. Findings Associated With Less Than Significant Impacts Without Need for Imposition of Mitigation. ....	6
Agriculture .....	6
Land Use .....	6
Population/Housing/Employment.....	7
Noise .....	8
Air Quality .....	9
Human Health/Risk of Upset.....	9
Geology and soils.....	10
Hydrology and Water Quality.....	11
Public Services and Utilities .....	13
SECTION 7. Findings Associated With Potentially Significant Impacts Which Can Be Mitigated To A Less Than Significant Level. ....	14
Agriculture .....	15
Transportation .....	16
Biological Resources .....	19
Fisheries .....	28
Noise .....	37
Air Quality .....	40
Human Health/Risk of Upset.....	43
Hydrology and Water Quality.....	45
Cultural and Paleontological Resources .....	53
Public Services and Utilities .....	54
Visual Resources/Light and Glare .....	58
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. ....	60
Agricultural Resources.....	60
Air Quality .....	69

Geology and Soils.....	75
SECTION 9. Rejection of Infeasible Mitigation Measures.....	86
A) Authority.....	86
B) Rejection of Entire Mitigation Measure.....	87
C) Partial Implementation and Partial Rejection of Recommended Mitigation Measure.....	90
D) Mitigation Measure Within the Responsibility of Another Agency.....	91
SECTION 10. Project Alternatives.....	92
A) Legal Requirements.....	92
B) Range of Alternatives.....	92
C) The No Project Alternative.....	92
D) Alternative A – The Existing Plan.....	94
E) Alternative B – The Plan Update Alternative.....	95
F) Alternative C - The Plan Update 2 Alternative.....	97
G) Alternative D – Resource Preservation Alternative.....	99
H) Alternative E – The Jobs/Housing Balance Alternative.....	101
SECTION 11. Statement of Overriding Considerations.....	103
A) Environmental.....	104
B) Economic and Fiscal.....	105
C) Social.....	106
D) Housing.....	107
E) Legal and Regulatory.....	107
SECTION 12. Annual Reporting.....	107
SECTION 13. Recirculation is Not Required.....	108
SECTION 14. Record of Proceedings.....	108
SECTION 15. Location and Custodian of Records.....	109
SECTION 16. Adoption of the 2008 Napa County General Plan Update.....	109
SECTION 17. Filing Notice of Determination.....	109
SECTION 18. Effective Date.....	110

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