

COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

GENERAL PLAN OR SPECIFIC PLAN AMENDMENT

APPLICATION PACKET

1. General Plan Or Specific Plan Amendment Application Form.
2. Indemnification Agreement
3. Resolution 05-173: Procedure for Amending the General Plan

PRE-SUBMISSION REQUIREMENTS

Prior to the submission of your application materials, please call Planning Division Secretary at (707) 253-4417 to schedule a pre-submittal application review meeting. The purpose of the meeting is to review your application to make sure it is complete for submittal. According to state law, your application will receive a determination of completeness within thirty (30) days after submittal.



A Tradition of Stewardship
A Commitment to Service

FILE# _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559
(707) 253-4417

APPLICATION FOR GENERAL PLAN OR SPECIFIC PLAN AMENDMENT

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

Application for General Plan Amendment
Application for Specific Plan Amendment

Applicant's Name: _____

Telephone #: (____) _____ - _____ Fax #: (____) _____ - _____ E-Mail: _____

Mailing Address: _____
No. Street City State Zip

Status of Applicant's Interest in Property: _____

Property Owner's Name: _____

Telephone #: (____) _____ - _____ Fax #: (____) _____ - _____ E-Mail: _____

Mailing Address: _____
No. Street City State Zip

Project Site Address/Location: _____
No. Street City State Zip

Assessor's Parcel Number(s): _____

General Location and Acreage: _____

Existing General Plan Or Specific Plan Designation: _____

Proposed General Plan Or Specific Plan Designation: _____

Change(s) Requested to Accomplish the Following: _____

SUPPORTING INFORMATION:

A. Describe what changes have occurred in the area or county which create the need for this change _____

B) Describe the natural characteristics of the land that make it suitable for the proposed change.

C) Describe how the proposed change relates to the goals and policies of the county's adopted General Plan or Specific Plan: _____

Submit a check or money order in the amount of \$_____ Payable to the County of Napa, as a deposit toward actual costs, to the Planning, Building, and Environmental Services Department office.

_____ Signature of Applicant	_____ Date	_____ Signature of Property Owner	_____ Date
_____ Print Name		_____ Print Name	

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Receipt No. _____ Received by: _____ Date: _____

INDEMNIFICATION AGREEMENT

In consideration of the discretionary approval for the project identified below, Permittee agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding (collectively referred to as "proceeding") brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County's advisory agencies, appeal boards, zoning administrator, planning staff, planning commission, or board of supervisors, which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding that relate solely to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Permittee, the County and/or the parties initiating or bringing such proceeding. Permittee further agrees to indemnify the County for all the County's costs, fees, and damages, which the County incurs in enforcing this indemnification agreement.

Permittee further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County, its agents, officers, employees and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Permittee desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Permittee of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Permittee of the proceeding, or if County fails to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorney's fees and costs, and defends the action in good faith. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee.

Permittee

Property Owner (if other than Permittee)

Date

Project Identification

RESOLUTION NO. 05-173

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING RESOLUTION NO. 92-102 AND ESTABLISHING NEW PROCEDURES FOR FILING AND PROCESSING GENERAL PLAN AMENDMENTS

WHEREAS, Government Code section 65358(a) authorizes local jurisdictions to adopt procedures for filing and processing General Plan Amendments; and

WHEREAS, in 1992, the Board adopted Resolution No. 92-102 which created procedures for filing and processing General Plan Amendments; and

WHEREAS, over the last thirteen years the County has reviewed and processed several General Plan Amendments and determined that some of the original procedures need to be updated to provide greater flexibility and efficiency, such as including consolidating duplicative procedures, allowing County initiated General Plan Amendments to be filed at any time during the year instead of only in the month of March and updating CEQA requirements; and

WHEREAS, to reflect current County practices and to provide updated procedures for General Plan Amendments, the Board desires to rescind Resolution No. 92-102 and to adopt this resolution which establishes new procedures for filing and processing General Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Napa as follows:

1. The foregoing recitals are true and correct.
2. Based upon the foregoing, Resolution No. 92-102 is hereby rescinded.
3. The Board hereby adopts this Resolution which establishes new procedures (attached hereto as Exhibit "A") for filing and processing General Plan Amendments.
4. The County Executive Officer is directed to place a copy of this Resolution, or appropriate summary thereof, in Part I, Section 12 of the Napa County Policy Manual.
5. The proposed processing procedures are exempt from CEQA pursuant to Title 14 CCR Section 15061(b)(3), as it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of the Board held on the _____ day of _____, _____, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSENT: SUPERVISORS _____

_____, Chair of the Board of Supervisors

ATTEST: _____
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM Office of County Counsel
By: _____
Date: _____

APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS
Date: _____
Processed by: _____
Deputy Clerk of the Board

EXHIBIT A

I. General Plan Amendment Initiation

- A. An amendment may be initiated:
- (1) Directly by a private individual or group;
 - (2) Directly by the County (e.g., the Board, Board members, Conservation, Development and Planning Commission, Planning, Building, and Environmental Services Department); or
 - (3) Citizen's initiative (governed solely by the California Elections Code).
- B. Applications for amendments submitted by private parties shall be filed once during a year in the month of March. This is to enable the incorporation of any additional work into the Work Program prepared by the Planning, Building, and Environmental Services Department for the forthcoming fiscal year to ensure compliance with California Government Code Section 65358 which limits the number of General Plan amendments permitted each year.
- C. Amendments initiated by the County may be filed at any time during a year.

II. Application Processing Criteria

- A. General Plan amendments initiated by the County or filed by private individuals will only be processed if the Board of Supervisors finds that the amendment is in the public interest and internally consistent with the Napa County General Plan, both among the elements and within each element, and all necessary changes are proposed to maintain consistency per Section 65300.5 of the California Government Code.
- B. General Plan amendments filed by private individuals will only be processed if the Board of Supervisors determines that the amendment complies with Section II(A) above and criteria B(1) and/or B(2) and at least one of the criteria listed in B(3) through B(7):
- (1) All privately initiated text amendment applications submitted must be site specific to enable evaluation of environmental impacts.
 - (2) All privately initiated map amendment applications must include a development plan of sufficient detail to determine potential impact on the site and surrounding area.
 - (3) If the proposed amendment involves a parcel or parcels within an urban area, the proposed amendment should be designed to specifically increase the availability of affordable housing within the designated urban areas of the County.
 - (4) The proposed amendment will maintain the availability of affordable housing, at least at the current level.
 - (5) If the proposed amendment involves a parcel or parcels within a rural area, the proposed amendment should be specifically designed to enhance or promote the long-term viability of agriculture or related industries.
 - (6) The proposed amendment should either be specifically designed to promote the long term integrity of the County's agricultural, watershed and open space lands, or, if dealing with areas designated for non-agricultural uses, to not impair the long term integrity of the Agricultural Preserve and agricultural, watershed, and open space lands.

- (7) If the proposed amendment involves a parcel or parcels within an urban designation, the amendment should promote the concentration of growth in designated urban areas and not adversely impact traffic circulation or sewer and water facilities/services, or can show that these services are adequate.

III. Processing of Amendments

- A. The Board shall initiate all amendments by approving a general definition of the proposal and by making a determination that the proposal complies with the criteria in Section II and refer processing of the amendment to the Planning, Building, and Environmental Services Department.
- B. The Planning, Building, and Environmental Services Department shall conduct an Initial Study of the possible environmental impacts of the proposed amendment and determine what environmental action is required. If the initial study determines that the amendment is likely to result in a significant impact on the environment or has the potential to cause a significant impact, or if such determination can be made without preparation of an initial study, thus necessitating the preparation of an Environmental Impact Report (EIR), the Director will report to the Board of Supervisors prior to taking any further action on the amendment. The Board of Supervisors will then determine whether or not to continue processing the amendment. If privately initiated, processing will continue only if the proponent enters into a contract with the County to reimburse the County for the costs of EIR preparation and processing.

If the Department concludes that the amendment will not result in significant or potentially significant impacts, either individually or cumulatively, it will prepare a Negative Declaration and proceed with public hearings and review.

- C. Following completion of the administrative environmental review process and any consultation or coordination required by state statutes, the Department will schedule the amendment and the recommended environmental document for review and recommendation by the Conservation, Development and Planning Commission. The Commission shall hold an advertised public hearing in the manner required by law, at which time the public can comment on the proposed amendment, the Department's report and recommendations and the environmental review. If the Commission, at the conclusion of the public hearing, decides to recommend approval of the amendment to the Board of Supervisors, it shall do so by resolution adopted by a majority of the members of the Commission (3).
- D. The Board of Supervisors shall hold an advertised public hearing on the Commission's recommendation, both on the amendment and the environmental determination. At the hearing, the public shall be permitted to comment on the proposed amendment, the Commission's report and the environmental determination. If the Board decides to adopt the Commission's recommendations, it shall do so by resolution adopted by a majority of the members of the Board (3). If the Board decides to proceed with an amendment, other than the one recommended to it by the Commission, then the Board shall follow the procedures contained in state law governing amendments to the zoning ordinance.
- E. In processing any amendment, the Planning, Building, and Environmental Services Department shall follow Board Resolution No. 92-30, or subsequent amendments thereto, which establishes a procedure for conducting any special election that may be required by Measure J to validate a general plan amendment that has been approved by the Board of Supervisors.

IV. FEES

Fees for privately initiated amendments shall be established by resolution of the Board of Supervisors