



**Local Agency Formation Commission**  
**LAFCO of Napa County**

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**June 4, 2007**  
**Agenda Item No. 7a**

May 30, 2007

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer

**SUBJECT: Comments on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report (Action)**

The Commission will consider authorizing the Chair to sign a letter commenting on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. The comment letter has been revised to address comments received at the Commission's May 7, 2007 meeting.

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At the May 7, 2007 meeting, staff presented a letter it had prepared for signature by the Chair commenting on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. The focus of the letter was to address new land use policies that could facilitate the intensification of urban uses and trigger the need for new or elevated public services in the unincorporated area. The letter noted that both final documents would be measurably strengthened by addressing the relationship between new urbanizing land use policies that are contemplated for Angwin and the Napa Pipe area and the probable need for public services. The letter also requested that the County amend two of its mitigation measures in the Draft Environmental Impact Report to coordinate with LAFCO in processing new development projects requiring public water and sewer services.

As part of its review at the May meeting, the Commission suggested amending the letter to request that the Final Environmental Impact Report identify the aspects of implementing the General Plan Update that will produce projects that are contingent on LAFCO action. The Commission also suggested amending the letter to strike the term "satisfactory" in characterizing the adequacy of the Draft Environmental Impact Report because not all five planning alternatives associated with the Draft General Plan Update are equally analyzed. (Alternatives A, B, and C are analyzed in detail, while Alternatives D and E are analyzed at a broader level.) In offering these suggestions, the Commission decided to revisit the letter for further review and discussion at its June 4, 2007 meeting.

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Jack Gingles, Chair  
Mayor, City of Calistoga

Juliana Inman, Commissioner  
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner  
Councilmember, City of American Canyon

Brad Wagenknecht, Vice-Chair  
County of Napa Supervisor, 1st District

Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
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Keene Simonds  
Executive Officer

Also of note, preceding its own review and discussion at the May meeting, the Commission received a number of oral and written comments from the City of American Canyon expressing concern regarding the scope of LAFCO's letter to the County. American Canyon is particularly concerned that LAFCO is not addressing the inconsistency generated by the Draft General Plan Update designating a rural urban limit (RUL) line that is different from the RUL in the City General Plan. American Canyon is also concerned that LAFCO is not addressing the extension of governmental services to accommodate industrial uses in south Napa County, land use policies relating to the Hess Vineyard site, and recent legislation introduced by Assemblymember Noreen Evans.

## **Discussion**

Staff has revised the comment letter on the Draft General Plan Update and Draft Environmental Impact Report to reflect the suggestions made by the Commission at its May meeting. The letter has also been revised to more clearly state that the central focus of LAFCO's review of both documents is to consider new land use policies that will intensify urban uses and likely require new or elevated public services in the unincorporated area.

In terms of the comments provided by American Canyon, staff believes that their concerns, while reasonable, underlie issues that should be addressed directly to the County. Specific responses to American Canyon's central comments are provided below.

- American Canyon RUL  
American Canyon has asked LAFCO to comment on the Draft General Plan Update designating a RUL for American Canyon that is different from the RUL in the City General Plan. Staff recognizes that the difference between the County and American Canyon regarding the location of the City's RUL creates planning inconsistencies between the two agencies and may lead to a proposal before LAFCO. However, RULs are planning tools that are utilized by local land use authorities and voters and are outside the purview of LAFCO.
- Extension of Governmental Services in South Napa County  
American Canyon has asked LAFCO to comment on the relationship between land use policies in south Napa County and the extension of governmental services under California Government Code §56133. Staff agrees that this is an important planning issue, and LAFCO is currently evaluating policy options to reconcile local conditions and circumstances in south Napa County with the aforementioned code section. Commenting on this issue prior to the Commission establishing a policy would be premature at this time.

- Hess Vineyard Site

American Canyon has asked LAFCO to comment on the Draft General Plan Update and Draft Environmental Impact Report's review of the Hess Vineyard site. This site comprises approximately 230 acres of unincorporated land located directly northeast of American Canyon and is currently designated by the County as *Industrial* and zoned *Agricultural Watershed*. The Draft General Plan Update includes a new policy (Ag/LU-37) that attempts to recognize the existing disconnect between the land use designation and zoning standard for the Hess Vineyard site. This policy includes a statement that the County will not rezone the area for non-agricultural use unless it makes a specific finding that there is no other suitable industrial land available in the unincorporated area. With respect to proposing actual land use changes, the Draft Environmental Impact Report contemplates under Alternatives B, C, and D redesignating the Hess Vineyard site to *Agriculture Watershed and Open Space*. Alternatives A and E propose retaining the existing *Industrial* designation.

American Canyon questions how retaining the industrial designation for the Hess Vineyard site is consistent with the tenets of LAFCO law to preserve agricultural lands. Staff agrees that the preservation of agricultural land is a key principle of LAFCO. However, while the area is in agricultural use, the Hess Vineyard site has been designated for industrial use for a number of decades. As such, no new urbanizing land use policies are being proposed with respect to the Hess Vineyard site, which as previous stated is the focus of LAFCO's comment letter.

- Proposed Assembly Bill 82

American Canyon has asked LAFCO to comment on the relationship between its duties and Assembly Bill 82 (Noreen Evans). This proposed legislation would require the Association of Bay Area Governments to allocate one unit to the County of Napa for every nine units allocated to the cities in Napa County. This legislation would also authorize the County to transfer all or parts of its housing assignments to one of the five incorporated cities if mutually consented. It is not expected that this proposed legislation would have a direct impact on LAFCO in terms of fulfilling its regulatory and planning responsibilities. More specifically, the factors LAFCO is required to consider in evaluating a proposal under state law (California Government Code §56668) would not be changed by this legislation if adopted. It is also unclear at this time how the proposed legislation relates to the Draft General Plan Update or Draft Environmental Impact Report.

## **Recommendation**

It is recommended that the Commission take the following action:

- 1) Authorize the Chair to sign the attached letter with any desired changes commenting on the County's Draft General Plan Update and Draft Environmental Impact Report.

Respectfully submitted,

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Keene Simonds  
Executive Officer

### Attachments:

- 1) Draft Comment Letter to Hillary Gitelman, County Planning Director
- 1a) Draft Comment Letter to Hillary Gitelman, County Planning Director (Track Changes Shown)
- 2) Letter from City of American Canyon Mayor Leon Garcia, dated May 7, 2007
- 3) Letter from City of American Canyon Planning Director Sandra Cleisz, dated May 7, 2007
- 4) Letter from City of American Canyon City Attorney William B. Ross, dated May 7, 2007
- 5) Letter from County of Napa Planning Director Hillary Gitelman, dated May 24, 2007



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June 4, 2007

Hillary Gitelman, Planning Director  
County of Napa  
1195 Third Street, Room 210  
Napa, CA 94559

**SUBJECT: Draft General Plan Update and Draft Environmental Impact Report**

Ms. Gitelman:

Thank you for presenting the Local Agency Formation Commission (LAFCO) of Napa County with the opportunity to comment on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. LAFCO will use both final documents in fulfilling its regulatory and planning responsibilities under the authority of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. These duties include, but are not limited to, approving annexations, sphere of influence updates, and special district formations, consolidations, or dissolutions.

With respect to the Draft General Plan Update, LAFCO's primary consideration pertains to the Agricultural Preservation and Land Use Element. Notably, this section enumerates the goals and policies of the County with regard to future land uses in Napa County. Particular focus is provided on new land use policies that could facilitate new or intensified urban uses requiring new or elevated public services in the unincorporated area. With these parameters in mind, LAFCO offers the following comments.

*Regional Planning Issues*

Policy Ag/LU-125 addresses the role of LAFCO in directing future growth and development in Napa County. This is an important addition to the County General Plan, and LAFCO welcomes the County's commitment to work with the Commission in encouraging urban-centered growth and the preservation of agricultural and open-space lands.

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### *Angwin*

The Draft General Plan Update identifies two scenarios that would make substantive changes to land use designations and zoning standards involving the unincorporated community of Angwin (pages 51-58). With minor variations, both scenarios would eliminate existing agricultural zoning standards for all lands designated for urban use. Both scenarios would also redesignate a number of developed properties from agriculture to urban, which is subject to a countywide vote as required under Measure J. If implemented, it is expected that both scenarios would facilitate the expansion and intensification of urban uses in Angwin. It is also reasonable to expect that the expansion and intensification of urban uses would trigger the need for a range of new or elevated public services. The Final General Plan Update and Final Environmental Impact Report would be measurably strengthened by contemplating and addressing these needs.

### *Napa Pipe Area*

The Draft General Plan Update redesignates approximately 250 acres of unincorporated land in south Napa County from industrial to transitional use. The subject area is located immediately south of the City of Napa and includes the former site of the Napa Pipe Company and properties commonly referred to as “Bocca” and “Pacific Coast.” The intent of this redesignation is to provide flexibility to the County in redeveloping the area with a mixture of commercial, industrial, and residential uses. If implemented, it is expected that redevelopment would trigger the need for a range of new or elevated public services. The Final General Plan Update and Final Environmental Impact Report would be measurably strengthened by contemplating and addressing these needs.

### *Berryessa Estates/Berryessa Highlands*

The Draft General Plan Update provides summary descriptions involving the unincorporated communities of Berryessa Estates and Berryessa Highlands (pages 57-60). The Final General Plan Update should recognize that these communities receive water and sewer services from the Lake Berryessa Resort Improvement District and the Napa Berryessa Resort Improvement Districts, respectively.

In terms of the Draft Environmental Impact Report, the document does not address specific activities or projects that would underlie the implementation process for the General Plan Update. It is LAFCO’s understanding that this approach is by design and that the County will address the impacts associated with implementing specific phases of the General Plan Update as part of separate and tiered environmental documents. However, as mentioned in the preceding section regarding Angwin and the Napa Pipe area, the Final Environmental Impact Report would be strengthened by addressing the probable need for new or elevated public services to accommodate additional urban

growth within these areas. Other comments regarding the Draft Environmental Impact Report include:

- Identify the aspects of implementing the General Plan Update that will produce projects that are contingent on LAFCO action. Specific LAFCO actions that may be engendered by the implementation of the General Plan Update include annexations, detachments, special district formations, and establishment of subsidiary special districts. The Final Environmental Impact Report and future environmental documents associated with specific projects should also reference the factors LAFCO is required to consider in the review of a proposal under California Government Code §56668.
- Mitigation Measures 4.13.3.1b and 4.13.4.1 would require that the County include a policy in the Final General Plan Update to coordinate with public and private service providers to verify the availability of adequate water and wastewater services to accommodate new development projects. These mitigation measures should be amended to also require that the County coordinate with LAFCO pursuant to California Government Code §56000 et seq.
- Figure 3.0-2 identifies Bell Canyon Reservoir as part of the water supply system of the City of Napa. Bell Canyon Reservoir is part of the water supply system of the City of St. Helena.
- Page 4.13.53 suggests that the Napa Sanitation District is an independent special district. Napa Sanitation District is a dependent special district as defined under California Government Code §56044.
- Pages 4.13.15 through 4.13.33 provide a summary of public water service operations in Napa County. The majority of information included in this section is drawn directly from LAFCO's *Comprehensive Water Service Study* (2004). LAFCO requests that the Final Environmental Impact Report identify LAFCO as the information source where appropriate.

If you have any questions, please contact the LAFCO Executive Officer Keene Simonds at [ksimonds@napa.lafco.ca.gov](mailto:ksimonds@napa.lafco.ca.gov) or by phone at (707) 259-8645.

Sincerely,

Jack Gingles  
Chairman