

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 Based upon the foregoing, Resolution No. 92-102 is hereby rescinded.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.

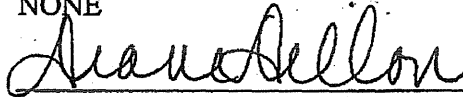
5. The proposed processing procedures are exempt from CEQA pursuant to Title 14 CCR Section 15061(b)(3), as it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable.

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 11th day of October, 2005 by the following vote:

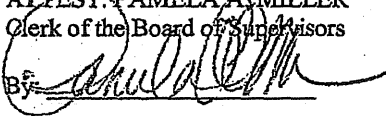
AYES: SUPERVISORS DODD, WAGENKNECHT, MOSKOWITE, LUCE and DILLON

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE


DIANE DILLON, Chair of the Board of Supervisors

ATTEST: PAMELA A. MILLER
Clerk of the Board of Supervisors

By: 

Attachments: Exhibit "A"

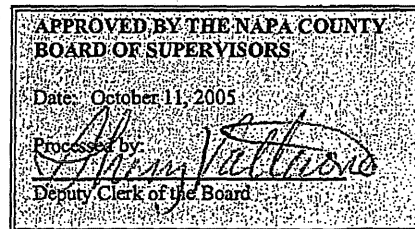
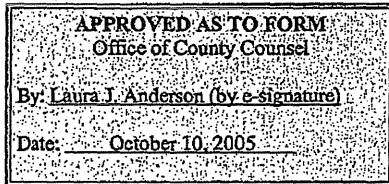


EXHIBIT A

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, Conservation, Development and Planning 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 Conservation, Development and Planning 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 Conservation, Development and Planning Department.
- B. The Conservation, Development and Planning 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 Conservation, Development and Planning 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