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June 22, 2021  
Board of Supervisors Staff Report

Hess Collection – Laird  
General Plan Amendment P21-00055 and Rezone P24-00221  
Planning Commission Hearing October 2, 2024



## Legislation Text

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**File #:** 21-325, **Version:** 1

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**TO:** Board of Supervisors  
**FROM:** David Morrison - Director of Planning, Building and Environmental Services  
**REPORT BY:** John McDowell - Planning Division  
**SUBJECT:** Hess Collection - Laird General Plan Amendment Application Initiation

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### RECOMMENDATION

SET MATTER 11:30 AM - 30 Minutes

Director of Planning, Building and Environmental Services requests initiation of a General Plan Amendment to re-designate approximately 281 acres located at 5750 South Kelly Road from Agricultural Watershed & Open Space (AWOS) to Industrial (I), and rezone from Agricultural Watershed (AW) to (GI) General Industrial (Assessor's Parcel Numbers 057-090-065 & -066).

### EXECUTIVE SUMMARY

This item consists of initiating processing of a general plan amendment and accompanying rezoning application. The applicant, Hess Collection, is seeking to re-designate approximately 241 acres of property they own, as well as an adjoining 40 acres of property owned by Kenneth and Gail Laird, all AWOS designated property to Industrial. Property was previously designated Industrial in the 1983 General Plan, but was re-designated AWOS with the 2008 General Plan Update. The 2008 action included General Plan Policy AG/LU-40 which states:

*“The properties known as the “Hess Vineyards” shall be designated Agriculture, Watershed & Open Space, but shall be considered for re-designation to an Industrial designation if Flosden/Newell Road is ever extended North of Green Island Road, through the property.”*

Staff is requesting, by simple motion, that the Board initiate processing of the project because the proposal appears to meet the initiation criteria listed in Board Resolution 05-173, which sets forth the procedures for accepting and processing General Plan Amendments. These criteria are addressed in the Background Section of this report. If initiated, project processing will be remanded to the Planning Division to commence review and work with the applicant on developing a complete application package including analyzing the project’s potential to cause environmental impacts, and for consistency with the County General Plan, Zoning Code, and applicable ordinances. Once staff has completed review the proposal will be scheduled for a public hearings before the Planning Commission, Airport Land Use Commission and ultimately Board of Supervisors for final action.

## **PROCEDURAL REQUIREMENTS**

1. Chair introduces item.
2. Followed by Staff presentation.
3. Applicant's presentation.
4. Public comment.
5. Motion, second, discussion and vote on the item.

## **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Planning Subdivision: Applicant required to pay for all County staff and materials costs.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Processing of application to be incorporated into PBES Department work program as occurs with all private development applications.
Is the general fund affected?	No
Future fiscal impact:	No impact anticipated.
Consequences if not approved:	Application processing will not occur.
County Strategic Plan pillar addressed:	Livable Economy for All
Additional Information:	Click or tap here to enter text.

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: This action consists of initiating processing of a general plan amendment. This decision to initiate processing is not a 'project' as defined by 14 California Code of Regulation 15378 (c) (State CEQA Guidelines), and accordingly, no CEQA review is required at this time. However, the general plan amendment and rezoning will require environmental review which will commence once processing is initiated.

## **BACKGROUND AND DISCUSSION**

Hess Collection is seeking to re-designate approximately 281 acres of AWOS designated property to Industrial. Property was previously designated Industrial in the 1983 General Plan, but was re-designated AWOS with the 2008 General Plan Update. The 2008 action included General Plan Policy AG/LU-40 which states:

*“The properties known as the “Hess Vineyards” shall be designated Agriculture, Watershed & Open Space, but shall be considered for re-designation to an Industrial designation if Flosden/Newell Road is ever extended North of Green Island Road, through the property.”*

As shown in Figure AG/LU-1 of the 2008 General Plan, the properties referred to at that time as the “Hess Vineyards” include three parcels: APN: 057-090-065, owned by Hess Collection Winery; APN: 057-090-066, owned by Kenneth and Gail Laird; and APN: 057-090-067, owned by the Phillis N. Farr et al Trust. The third (Farr) property is not a part of this application and is not required for the connecting road from Newell to South Kelly.

Presently, the City of American Canyon is moving forward with the Watson Ranch Subdivision as well as an annexation of the Watson Lane/Paoli Loop Road area located just south of the subject property. These projects contemplate the extension of

Newell Drive (formerly Flosden Road) to connect with State Route 29 at Green Island Road/Paoli Loop Road. The conceptual alignment of Newell Drive's extension encroaches within the southern edge of the Hess Collection property. Establishing a new/expanded intersection at State Route 29 and Paoli Loop Road/Green Island Road has potential to result in significant changes to traffic conditions on State Route 29. Therefore, concept planning and possible implementation of an extension of Newell Drive through the Hess Collection and Laird properties to connect with South Kelly Road appears to be warranted at this time. The applicant has expressed interest in the road extension through their property, and are requesting re-designation of their property to Industrial as enabled by Policy AG/LU-40. In concert with this General Plan Amendment and Rezoning, the Board may wish to consider entering into a Development Agreement as a mechanism to address how the roadway will be acquired for public purposes and constructed, and how sequencing of industrial development at the site would move forward.

Board of Supervisors Resolution 05-173, attached, establishes the criteria for processing general plan amendments. The resolution states, among other requirements, that the Board must first authorize the processing of any amendment application after finding that the proposal complies with specific criteria. Resolution 05-0173 states that private parties may file amendment applications only during the month of March. This allows the Board to consider whether the workload associated with processing of the application should be incorporated into the Planning, Building, and Environmental Services Department's annual work program.

All County costs associated with processing both the general plan amendment, rezoning and any other associated applications would be borne by the applicant. Staff supports initiation of processing the amendment and rezoning in concert with formation of a development agreement.

### **Relationship to Measure J**

In 1990, the voters of Napa County passed Measure J amending the Napa County General Plan to establish voter-controlled protections of certain agriculturally designated lands through 2020. In 2008, voters approved Measure P extending Measure J's provisions to 2058. Measure J's provisions are referenced in the current General Plan (2008) under Policies AG/LU-111, and AG/LU-112.

Although the subject property for this General Plan Amendment is presently designated for agricultural land use, Policies AG/LU-111 & 112 do not apply because the subject property was designated Industrial at the time Measure J was adopted. Measure J only applies to lands that were designated for agricultural land use in 1990 at the time of the voters' action. With the adoption of the current General Plan in 2008 and 2009, numerous areas throughout the County were changed to agricultural designations in order to more precisely align General Plan mapping with existing land uses. These areas are not subject to Measure J's provisions, and are shown in General Plan Figure AG/LU-3.5. The subject property is one of the properties shown in the Figure.

### **General Plan Amendment Initiation Criteria**

Board Resolution 05-173 sets forth that amendments will only be processed if the Board determines that the project meets the following three resolution criteria:

#### Application Processing Criteria:

A. That the amendment is in the public interest and internally consistent with the Napa County General Plan;

Staff Comment: Planning for the transportation needs and industrial land use needs within the southern portion of the County is an ongoing task. In 2008 when the General Plan was last updated, the subject property was re-designated to AWOS with Policy AG/LU-40 that indicates re-designation back to Industrial should be considered if Newell Drive is extended through the Property. With City of American Canyon expansion currently under consideration for the Watson Lane and Paoli Loop Road area, timing for considering this General Plan Amendment appears to currently be within the public interest. The proposed change is consistent with Policy AG/LU-40.

B.1. That a text amendment is site-specific to enable environmental evaluation;

Staff Comment: See response is item B.2. This amendment is primarily a map change, but it is possible that minor text



amendments will also occur if the project moves forward.

B.2. That a map amendment includes a development plan of sufficient detail to determine potential impacts on the site and surrounding area;

Staff Comment: The proposal meets this criterion. A concept development plan is included with this proposal. After processing is initiated, staff will work with the applicant to detail a complete project scope to facilitate environmental impact analysis and consistency review with the County General Plan, Zoning and other applicable regulations. Staff is recommending that a development agreement be prepared in concert with application processing.

**And at least one of the following additional criteria:**

B.3. If the amendment involves parcels within an urban area, the amendment should be designed to specifically increase the availability of affordable housing within the designated urban areas of the County;

Staff Comment: This finding is not being applied to this project. The site is not presently designated as an urban area, but will become an urban area if changed back to Industrial land use. The project will have potential to increase demand for housing and affordable housing. However, housing in this location is in direct conflict with the operations of the Napa County Airport, and the General Plan, Zoning, and Napa County Airport Land Use Compatibility Plan prohibit housing within this overall area. As the project review move forward, housing demand will need to be addressed. Therefore, the project would not currently qualify for initiation criterion B.3, but may be addressed through the Development Agreement process.

B.4. The amendment will maintain availability of affordable housing, at least at the current level;

Staff Comment: As noted for criterion B.3, the project may result in increased demand for affordable housing, and the site is not an appropriate location for housing. Therefore, the project would not currently qualify for initiation criterion B.3, but may be addressed through the Development Agreement process.

B.5. If the amendment involves parcels in rural areas, the amendment should be specifically designed to enhance or promote the long-term viability of agriculture or related industries;

Staff Comment: The project will result in the conversion of existing agricultural land, including lands designated as Prime and Statewide Significant Farmland to urban uses. It is too earlier in project review to determine if the project will result in enhancements or promotion of the long-term availability of agriculture. However, it should be noted that existing industrial uses within the southern portion of the County predominately consist of operations that directly support County agricultural production. As a component of future analysis, staff will address market demand for future industrial development. However, in relation to initiation criteria, this project does not qualify under criterion B.5.

B.6. The 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;

Staff Comment: See response B.5.

B.7. If the amendment involves a parcel 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.

Staff Comment: The proposed project appears to qualify for initiation under this criterion. The project site is in an area that presently is designated as rural, but was previously (1983 - 2008) designated for urban uses. This general plan amendment is not subject to voter approval under the provisions of 1990's Measure J (and subsequent Measure P), because the site was designated for urban uses of Measures J's adoption. Measure J sets forth that the citizens of Napa County must approve any general plan amendment of agriculturally-designated areas that were so designated at the time. This project area is also adjacent to the existing County industrial park and the urban limit line for the City of American Canyon. The amendment will evaluate regional traffic circulation in the southern part of the County. Extension of Newell Drive through the property may be necessary to reduce the potential for adverse traffic impacts that could result from intersection improvements currently at State

Route 29 and Green Island Road/Paoli Loop Road under consideration within the City of American Canyon's urban limit line.

### **Subsequent Processing Steps**

If the Board initiates application processing, the applicant would be directed to provide supplemental application materials, including possibly filing a tentative subdivision map, development agreement and/or master use permit application to define the scope of the entitlement. Once supplemental application materials are submitted, a referral and comment process will commence with internal divisions (Fire, Building, Engineering, Environmental Health, etc.) and with external agencies, most notably the City of American Canyon. The project site is located within both the water service and sewer service area boundaries for the City of American Canyon. Before the project can be declared complete for further processing, a 'will serve' letter from the City of American Canyon is required demonstrating those agencies' ability to provide water and sewer service to the project.

Once the completed application has been reviewed and a CEQA document prepared for public circulation, the project will be scheduled for public hearings before the Planning Commission, Airport Land Use Commission, and Board of Supervisors. Final action will occur before the Board of Supervisors.



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Clark Morrison  
415.262.5113  
cmorrison@coxcastle.com

File No. 083860

March 24, 2021

**VIA E-MAIL AND VIA MAIL**

Minh C. Tran  
County Executive Officer  
Napa County  
1195 Third Street, Suite 310  
Napa, CA 94559

Re: The Hess Collection Winery and Laird Family Estate; Applications for General Plan Amendment and Rezone

Dear Mr. Tran:

We represent The Hess Collection Winery (“HCW”) in connection with the entitlement of its property located in the southern portion of unincorporated Napa County (the “County”) along Highway 29. On behalf of HCW, attached please find an application for a general plan amendment and rezoning to re-designate and rezone HCW’s property for industrial uses, as more fully described below. Additionally, as an accommodation for the adjacent property owned by Laird Family Estate (“Laird”), we are also including an application prepared by Steve Brock for a general plan amendment and rezoning to re-designate and rezone Laird’s property in a similar fashion (combined with HCW’s application, the “General Plan Amendments” and “Rezoning”).

As shown in the enclosed materials, the property owned by HCW (the “HCW Property”) is comprised of approximately 241.1 acres of land (APN 057-090-065), and the property owned by Laird (the “Laird Property”) is comprised of approximately 38 acres of land (APN 057-090-066). In total, the HCW Property and the Laird Property (collectively, the “Properties”) include approximately 279.1 contiguous acres of land.

Although under separate ownerships, the Properties are referred to collectively in the County’s general plan (the “General Plan”) as “Hess Vineyards.” (See County General Plan, Figure AG/LU-1, p. AG/LU-23, depicting the location of “Hess Vineyards” and including both the HCW Property and Laird Property). Prior to adoption of the current County General Plan on June 3, 2008, the Properties were designated “Industrial.” With the adoption of the current General Plan, however, the County re-designated the Properties to Agricultural, Watershed, and Open Space. (See County General Plan figure, “South County Industrial Areas,” p. AG/LU-53, noting that the Properties were “Industrial re-designated AWOS June 3, 2008”).

To facilitate the County's and City of American Canyon's long-term development plans, including but not limited to affordable housing goals and the Watson Ranch Project, HCW and Laird were asked to support the re-designation of the Properties under the 2008 General Plan. Clearly, any such re-designation, if permanent, would have resulted in a substantial devaluation of the Properties. Nevertheless, HCW and Laird agreed to support the re-designation to assist the County's and City's objectives with the clear understanding that the Properties would eventually revert to their "Industrial" designation when Newell Road was extended north of the then-existing Green Island Road alignment in connection with the development of the Watson Ranch Project.

Accordingly, the County adopted Policy AG/LU-40, pursuant to which the Properties are to be considered for re-designation to an "Industrial" designation if Flosden/Newell Road is extended north of the previously-proposed Green Island Road alignment (the "Newell Extension"). Further, the County provided that the Properties are specifically excluded from Measure J and Measure P. (*See* County General Plan figure AG/LU-3.5, "AR and AWOS Lands Not Subject to Measure J, p. AG/LU-71).

As previously discussed in our letter dated December 29, 2020, that extension is now planned. In 2018, the City of American Canyon approved the Watson Ranch Specific Plan, which contemplates that the Newell Extension will proceed north along the eastern boundary of the Specific Plan, ultimately connecting to Highway 29 at Green Island Road. The section of right-of-way needed for the Newell Extension within the Watson Ranch Specific Plan area currently is the subject of ongoing proceedings to annex that portion of the roadway property to the boundaries of the City. However, the portion of the planned roadway extension located on the Properties is outside of the scope of those proceedings.

As previously stated, HCW and/or Laird are willing to dedicate a portion of their properties for purposes of construction of the Newell Extension. This could be completed either as planned in the Watson Ranch Specific Plan, or as a north-south connector leading through the Properties to South Kelly Road (see conceptual site plans attached to this letter and application as Exhibit A), provided (i) the County re-designates the Properties to an "Industrial" designation and rezones the Properties for industrial uses as contemplated by County General Plan Policy AG/LU-40; and (ii) agreements are in place to provide the Properties with appropriate utilities and services to support such industrial uses. In our view, the proposed north-south alignment would provide significant benefits beyond those which would result from an east-west connection at Green Island Road, as it would provide for a true alternative route to Highway 29 and help both the County and the City of American Canyon achieve the longstanding goals of improving traffic circulation in a heavily congested area.

With respect to the rezonings, HCW and Laird request that the Properties be rezoned to the "General Industrial" zoning district under the County's zoning ordinance, which is designed to accommodate and encourage general industrial development in the County. Re-designating and rezoning the Properties in this fashion will directly further the policies of the General Plan

and would be consistent with the County's goal of developing the "South County Industrial Area" with compatible industrial uses.

The General Plan Amendments and Rezonings meet the Board of Supervisor's standards for processing General Plan Amendments, as outlined in Board Resolution No. 05-173. Pursuant to Section II.A of the Resolution, the General Plan Amendments and Rezonings are in the public interest and are internally consistent with the Napa County General Plan. As discussed above, re-designating the Properties to allow for development of the Newell Extension will directly benefit the public by providing a much-needed alternative route to Highway 29. Further, the General Plan explicitly contemplates re-designating the Properties to an Industrial designation as part of the Newell Extension. The General Plan also anticipates industrial development in this area of the County and on the Properties specifically.

The General Plan Amendments and Rezonings also satisfy Section II.B(2) of the Resolution. Attached as Exhibit A to this application is a conceptual site plan for the development of the Newell Extension through the Properties. HCW and Laird anticipate that, in conjunction with re-designating and rezoning the Properties, HCW, Laird and the County would enter into a development agreement to develop the Properties with up to 4.5 million square feet of industrial uses, which would include up to 1,250 employees, consistent with the General Industrial zoning district. This information provides sufficient detail to determine the potential impacts of the project on the site and surrounding area.

Finally, the General Plan Amendments and Rezonings satisfy Section II.B(7) of the Resolution. The Properties are located in the South County Industrial Area, which has been identified by the County as an area suited for industrial development. Re-designating and rezoning the Property for industrial uses would be consistent with the General Plan and promote the concentration of growth in a designated urban area. By dedicating a portion of the Properties for the Newell Extension, the project would help the County improve traffic circulation in the area. The project is not expected to adversely impact sewer or water services.

The General Plan Amendments and Rezonings are subject to the California Environmental Quality Act ("CEQA"); however, approval of the General Plan Amendments and Rezonings may be appropriately tiered off of the County's General Plan Update Environmental Impact Report ("GP Update EIR"), certified by the County in June 2008. The GP Update EIR analyzed the Properties under an industrial designation and converting to industrial uses. Accordingly, we believe the GP Update EIR may be relied upon to provide CEQA coverage for the proposed General Plan Amendments and Rezonings.

We look forward to working with the County to implement the proposed General Plan Amendments and Rezonings. Please note that Steve Brock will be working with us on this project and will serve as an additional point of contact. Please do not hesitate to contact me ([cmorrison@coxcastle.com](mailto:cmorrison@coxcastle.com)) or Steve ([steve@landvalueinvestment.com](mailto:steve@landvalueinvestment.com)) if you have any questions.

Minh Tran  
March 24, 2021  
Page 4

Sincerely,



Clark Morrison

cc: David Morrison, Director of Planning, Building and Environmental Services  
Brian Bordona, Deputy Planning Director, Napa County  
John McDowell, Supervising Planner, Napa County  
William Ross, City Attorney, City of American Canyon  
Timothy Persson, The Hess Collection Winery  
Steve Brock

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**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.



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: The Hess Collection Winery ("HCW")

Telephone #: (707) 255 - 1144 Fax #: ( ) - E-Mail: tpersson@Hesscollection.com

Mailing Address: 4411 Redwood Road Napa CA 94558  
No. Street City State Zip

Status of Applicant's Interest in Property: Owner

Property Owner's Name: (same as applicant, see above)

Telephone #: ( ) - Fax #: ( ) - E-Mail: (same as applicant, see above)

Mailing Address: (same as applicant, see above)  
No. Street City State Zip

Project Site Address/Location: (see APN, below)  
No. Street City State Zip

Assessor's Parcel Number(s): 057-090-065

General Location and Acreage: 241.1 acres of land located northeast of the intersection of SR 29 and Green Island Road (the "Property").

Existing General Plan Or Specific Plan Designation: Agriculture, Watershed, and Open Space

Proposed General Plan Or Specific Plan Designation: Industrial

Change(s) Requested to Accomplish the Following: General Plan Amendment and Rezone to re-designate the Property to the County's "Industrial" land use designation and to rezone the Property to the County's "General Industrial" zoning district. Following re-designation and rezoning, development of the Property and the adjacent property (owned by Laird Family Estate) with up to 4.5 million square feet of industrial uses, which would include up to 1,250 employees, pursuant to a development agreement with the County.

See attached cover letter. See also the related General Plan Amendment Application submitted by Laird Family Estate.



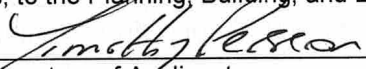
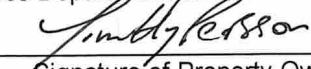
**SUPPORTING INFORMATION:**

A. Describe what changes have occurred in the area or county which create the need for this change. County General Plan Policy AG/LU-40 provides that the Property, as part of "Hess Vineyards," may be re-designated to an "Industrial" designation if Flöscen/ Newell Road is extended north of the previously-proposed Green Island Road alignment. The Watson Ranch Specific Plan, approved by the City of American Canyon in 2018, contemplates the extension of Newell Road northwards through the Property to connect to SR 29 at Green Island Road. The connection of Newell Road through the Property to SR 29 is necessary for completion of the the Newell Road extension. Further, HCW is willing to dedicate a portion of its Property for a preferred north-south alignment to South Kelly Road. The completed road extension would substantially improve traffic circulation in an already heavily congested area. See conceptual plans attached as Exhibit A.

B) Describe the natural characteristics of the land that make it suitable for the proposed change. The Property is predominantly flat, with direct access to SR 29 as well as the planned Newell Road extension. To the north, west, and south of the Property are existing and planned commercial and industrial uses. To the east of the Property are existing agricultural uses.

C) Describe how the proposed change relates to the goals and policies of the county's adopted General Plan or Specific Plan: Policy AG/LU-40 explicitly contemplates re-designating the Property to an Industrial designation as part of the Newell Road extension. The Property also is located in the County's "South County Industrial Area," which represents the largest urbanized area in the County. The County's General Plan supports continued development of industrial uses in this area. Re-designating the Property to an Industrial designation would be compatible with existing and planned development. The Property is specifically excluded from Measure J and Measure P. The proposed re-designation and rezoning of the Property may benefit from and be tiered off of the County's General Plan Update Environmental Impact Report, certified in June 2008, which analyzed the Property under an industrial designation and converting to industrial uses.

Submit a check or money order in the amount of \$ 5,000 Payable to the County of Napa, as a deposit toward actual costs, to the Planning, Building, and Environmental Services Department office.

	3/24/21		3/24/21
Signature of Applicant	Date	Signature of Property Owner	Date
Timothy Persson		Timothy Persson	
Print Name		Print Name	

**TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**

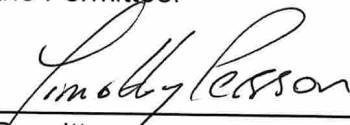
Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

## 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)

24 MARCH 2021  
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





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: Laird Family Estate ("Laird") (Ken Laird)

Telephone #: (707) 257 - 3910 Fax #: ( ) - E-Mail: kejacklaird@aol.com

Mailing Address: 5055 Solano Avenue Napa CA 94558  
No. Street City State Zip

Status of Applicant's Interest in Property: Owner

Property Owner's Name: (same as applicant, see above)

Telephone #: ( ) - Fax #: ( ) - E-Mail: (same as applicant, see above)

Mailing Address: (same as applicant, see above)  
No. Street City State Zip

Project Site Address/Location: (see APN below)  
No. Street City State Zip

Assessor's Parcel Number(s): 057-090-066

General Location and Acreage: 38 acres of land located east of the intersection of SR 29 and South Kelly Road (the "Laird Property").

Existing General Plan Or Specific Plan Designation: Agriculture, Watershed, and Open Space

Proposed General Plan Or Specific Plan Designation: Industrial

Change(s) Requested to Accomplish the Following: General Plan Amendment and Rezone to re-designate the Laird Property to the County's "Industrial" land use designation and to rezone the Laird Property to the County's "General Industrial" zoning district. Following re-designation and rezoning, development of the Laird Property and the adjacent property (owned by the Hess Collection Winery) with up to 4.5 million square feet of industrial uses, which would include up to 1,250 employees, pursuant to a development agreement with the County.

See attached cover letter. See also the related General Plan Amendment application submitted by the Hess Collection Winery.

**SUPPORTING INFORMATION:**

A. Describe what changes have occurred in the area or county which create the need for this change. The Laird Property is a portion of "Hess Vineyards", as identified in the County's General Plan. Pursuant to General Plan Policy AG/LU-40, Hess Vineyards, including the Laird Property, may be re-designated to an "Industrial" designation if Flosden/Newell Road is extended north of the previously-proposed Green Island Road alignment. The Watson Ranch Specific Plan, approved by the City of American Canyon in 2018, contemplates the extension of Newell Road northwards through Hess Vineyards to connect to SR 29 at Green Island Road. The connection of Newell Road through Hess Vineyards is necessary for completion of the Newell Road extension. Laird is willing to dedicate a portion of its property for a preferred north-south alignment to South Kelly Road, which would substantially improve traffic circulation in an already heavily congested area. See attached conceptual plans.

B) Describe the natural characteristics of the land that make it suitable for the proposed change. The Laird Property is predominantly flat, with direct access to SR 29 and South Kelly Road, as well as the proposed north-south Newell Road alignment option. To the north, west, and south of the Laird Property are existing and planned commercial and industrial uses. To the east are existing agricultural uses. The Laird Property is necessary to complete the proposed north-south Newell Road alignment option and connect to South Kelly Road.

C) Describe how the proposed change relates to the goals and policies of the county's adopted General Plan or Specific Plan: Policy AG/LU-40 explicitly contemplates re-designating the Laird Property, as part of Hess Vineyards, to an Industrial designation as part of the Newell Road extension. The Property is located in the County's "South County Industrial Area," which represents the largest urbanized area in the County. The County's General Plan supports continued development of industrial uses in this area. Re-designating the Laird Property to an Industrial designation would be compatible with existing and planned development. The Laird Property is specifically excluded from Measure J and Measure P. The proposed re-designation and rezoning of the Laird Property may benefit from and be tiered off of the County's General Plan Update Environmental Impact Report, certified in June 2008, which analyzed the Laird Property under an industrial designation and converting to industrial uses.

Submit a check or money order in the amount of \$ 5,000 Payable to the County of Napa, as a deposit toward actual costs, to the Planning, Building, and Environmental Services Department office.

*Ken Laird* 3/24/21  
Signature of Applicant Date  
Ken Laird

*Ken Laird* 3/24/21  
Signature of Property Owner Date  
Ken Laird

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

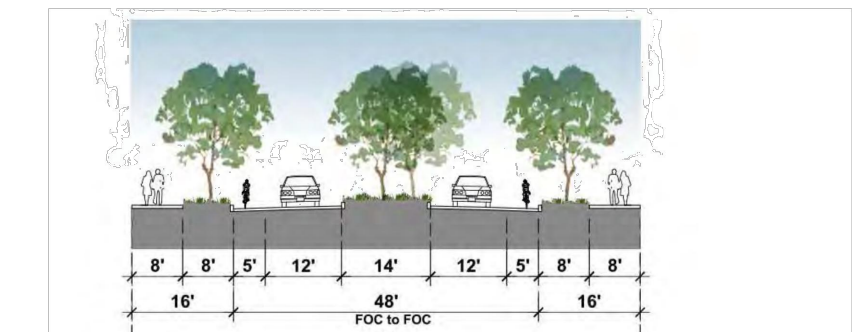
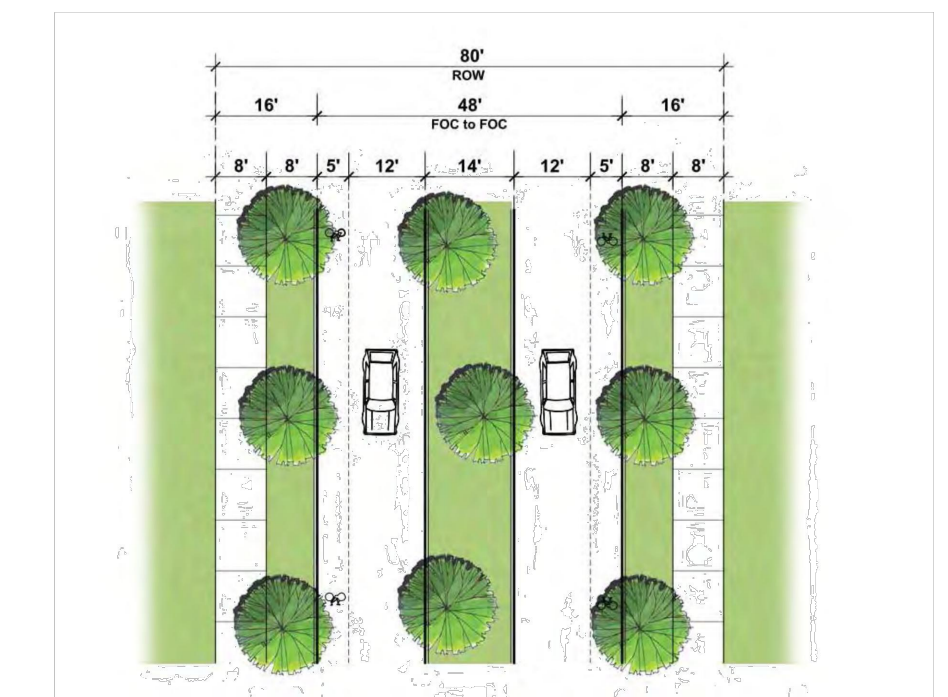
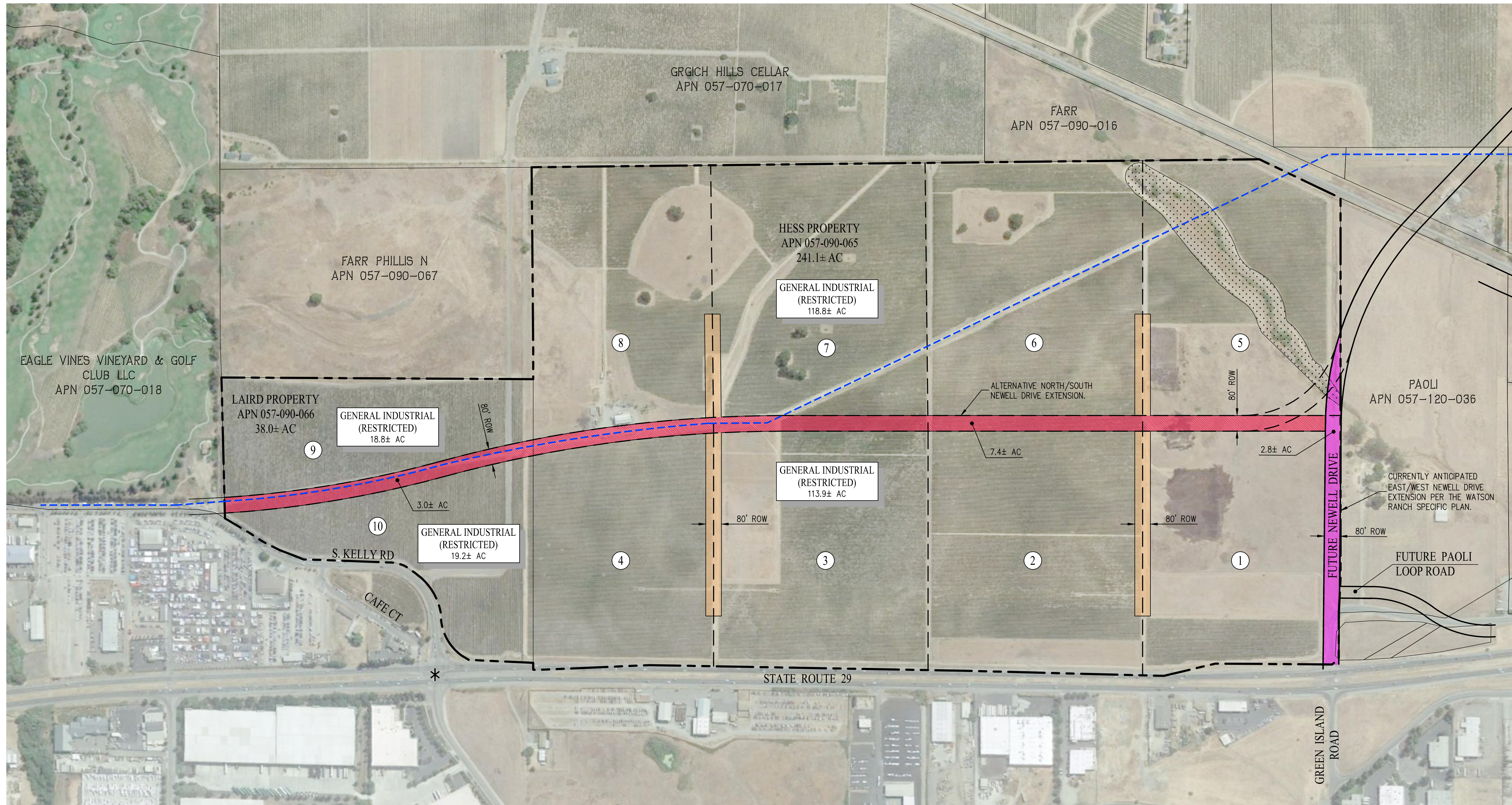
  
\_\_\_\_\_  
Property Owner (if other than Permittee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Identification



# EXHIBIT A



## LEGEND

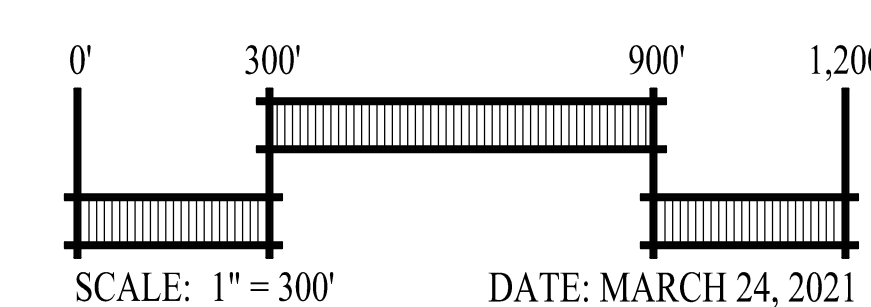
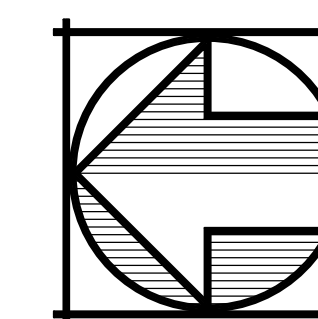
- PROJECT BOUNDARY (FROM APN MAPS)
- EXISTING PROPERTY LINE
- POTENTIAL LOT LINE
- 80' NEWELL DRIVE EXTENSION PER WATSON RANCH SPECIFIC PLAN (2.8± AC)
- 80' ALTERNATE NEWELL DRIVE EXTENSION (10.4± AC)
- 80' FUTURE ROAD (5.4± AC)
- EXISTING CREEK (NORTH SLOUGH) (5.6± AC)
- EXISTING PC&E GAS TRANSMISSION MAIN (APPROXIMATE LOCATION)
- IMPROVEMENTS TO S. KELLY ROAD & HIGHWAY 29 PER THE NAPA LOGISTICS DEVELOPMENT AGREEMENT.

## PARCEL INFORMATION

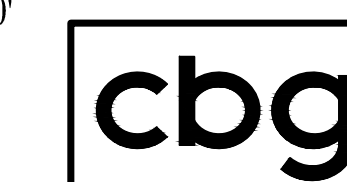
PARCEL NO.	DEVELOPABLE AREA (AC±)	OTHER AREA (AC±)	TOTAL PARCEL AREA (AC±)
①	24.5	4.0	28.5
②	29.9	1.9	31.8
③	29.2	1.9	31.1
④	23.1	1.7	24.8
⑤	22.8	7.2	30.0
⑥	31.7	1.8	33.5
⑦	31.4	1.5	32.9
⑧	27.2	1.3	28.5
⑨	17.3	1.5	18.8
⑩	17.7	1.5	19.2
TOTAL	254.8	24.3	279.1

## GENERAL PLAN AMENDMENT / REZONING APPLICATION HESS/LAIRD PROPERTY

NAPA COUNTY CALIFORNIA



DATE: MARCH 24, 2021



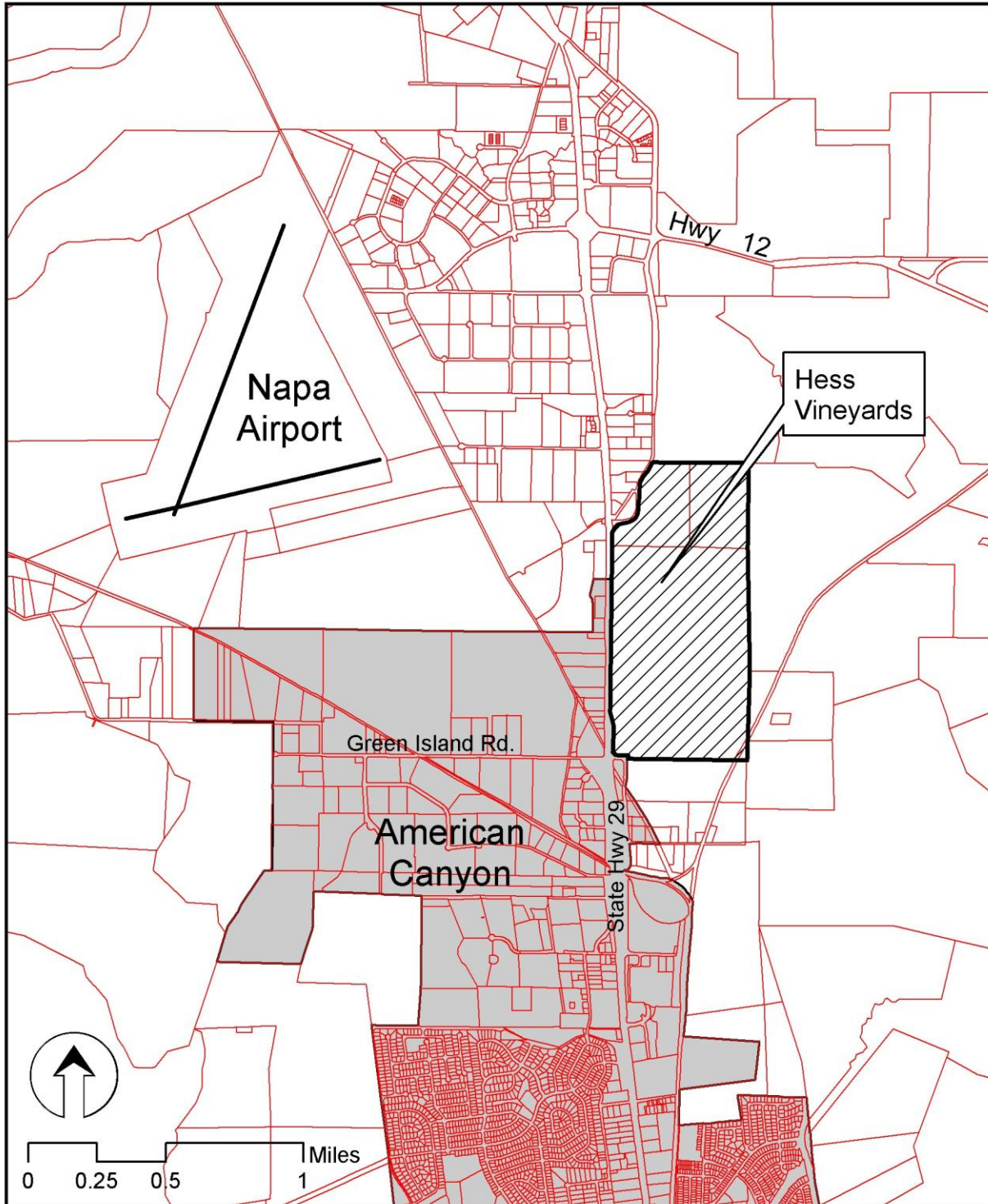
CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866-0322  
SACRAMENTO • (916) 375-1877  
WWW.CBANDG.COM





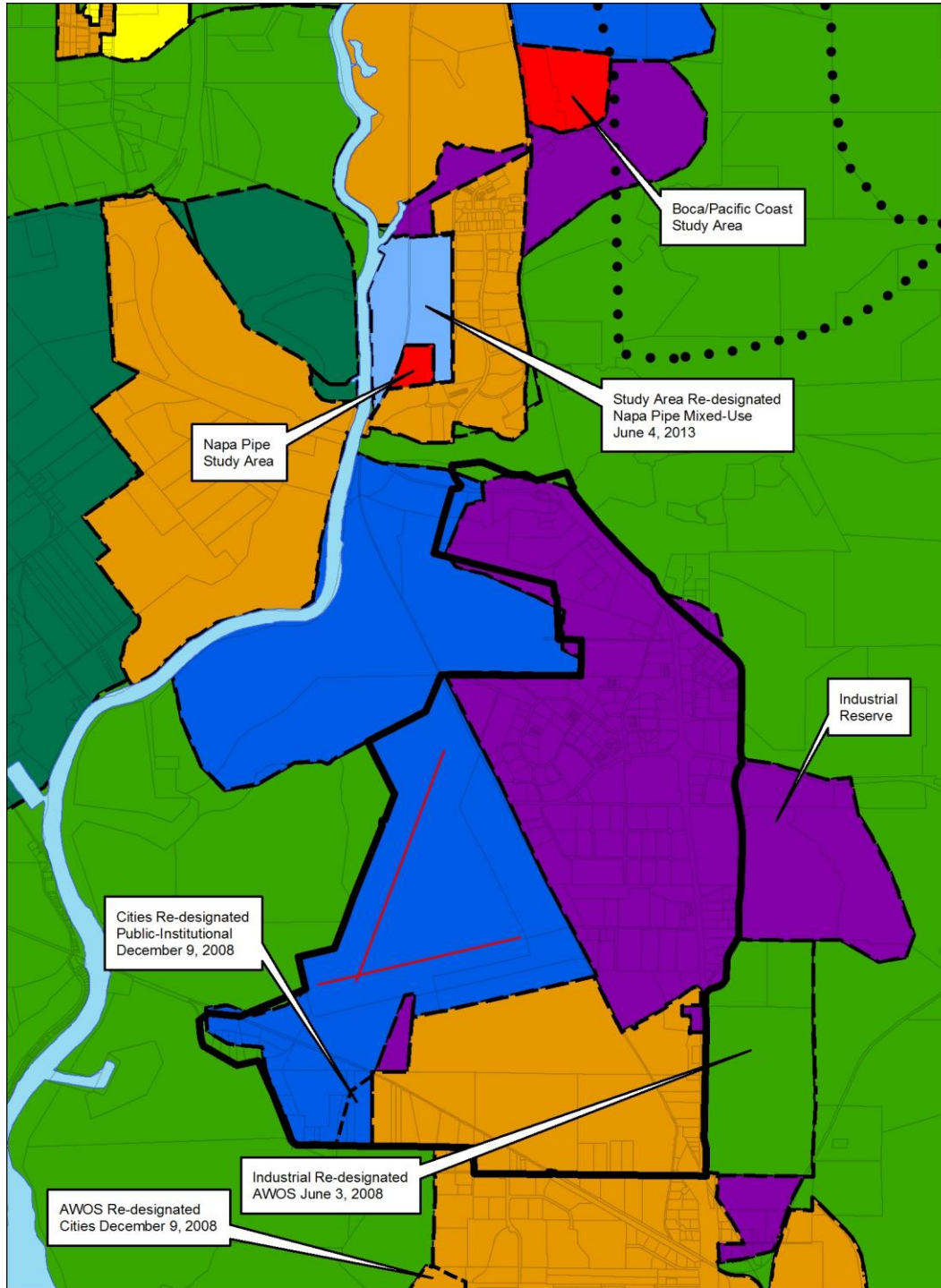
**FIGURE AG/LU-1: HESS VINEYARDS LOCATION**



Source: Napa County 2007



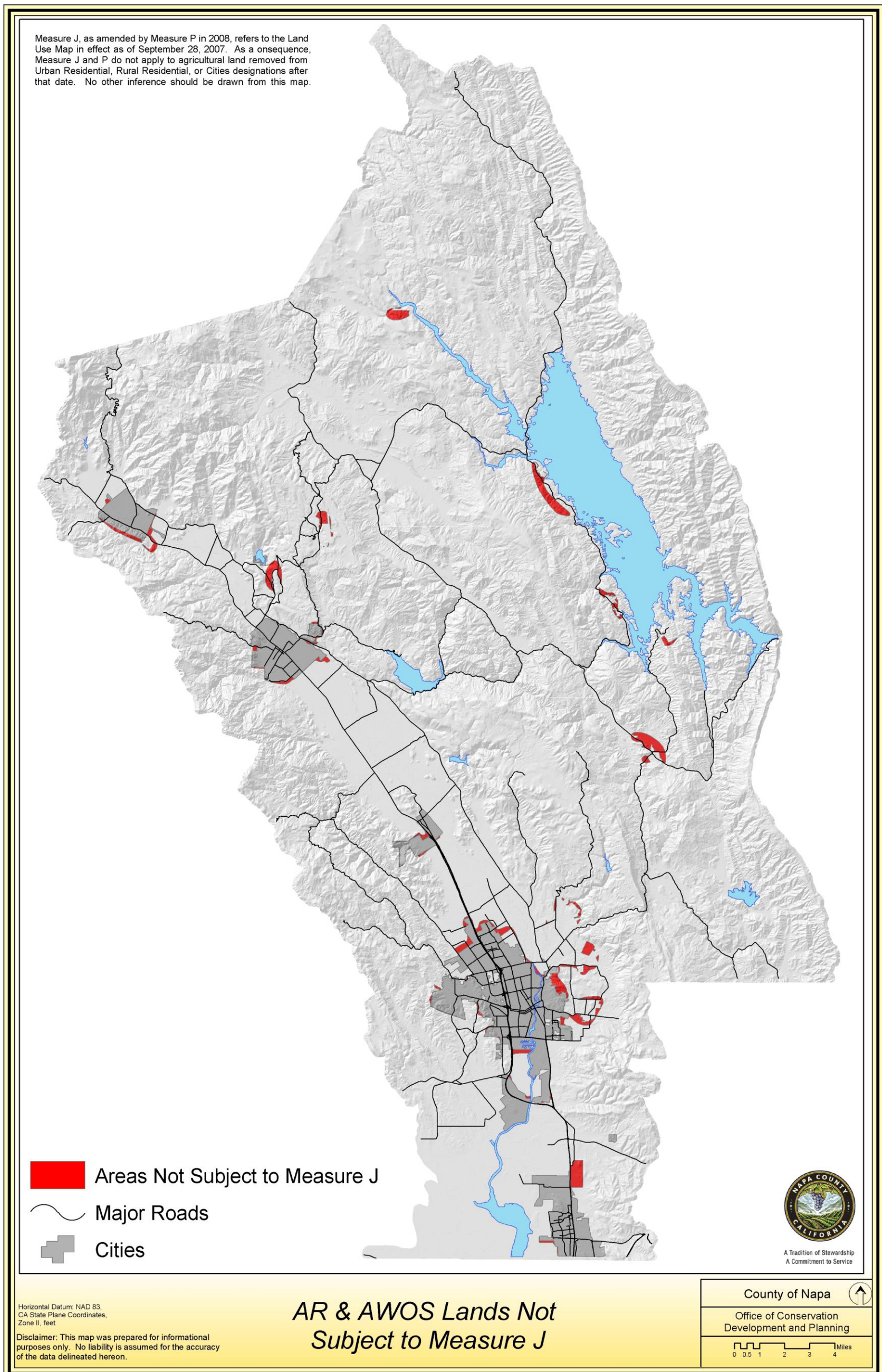
### SOUTH COUNTY INDUSTRIAL AREAS



*Note: See Figure AG/LU-3 on Page AG/LU-67 for the location of this area and the map legend.*

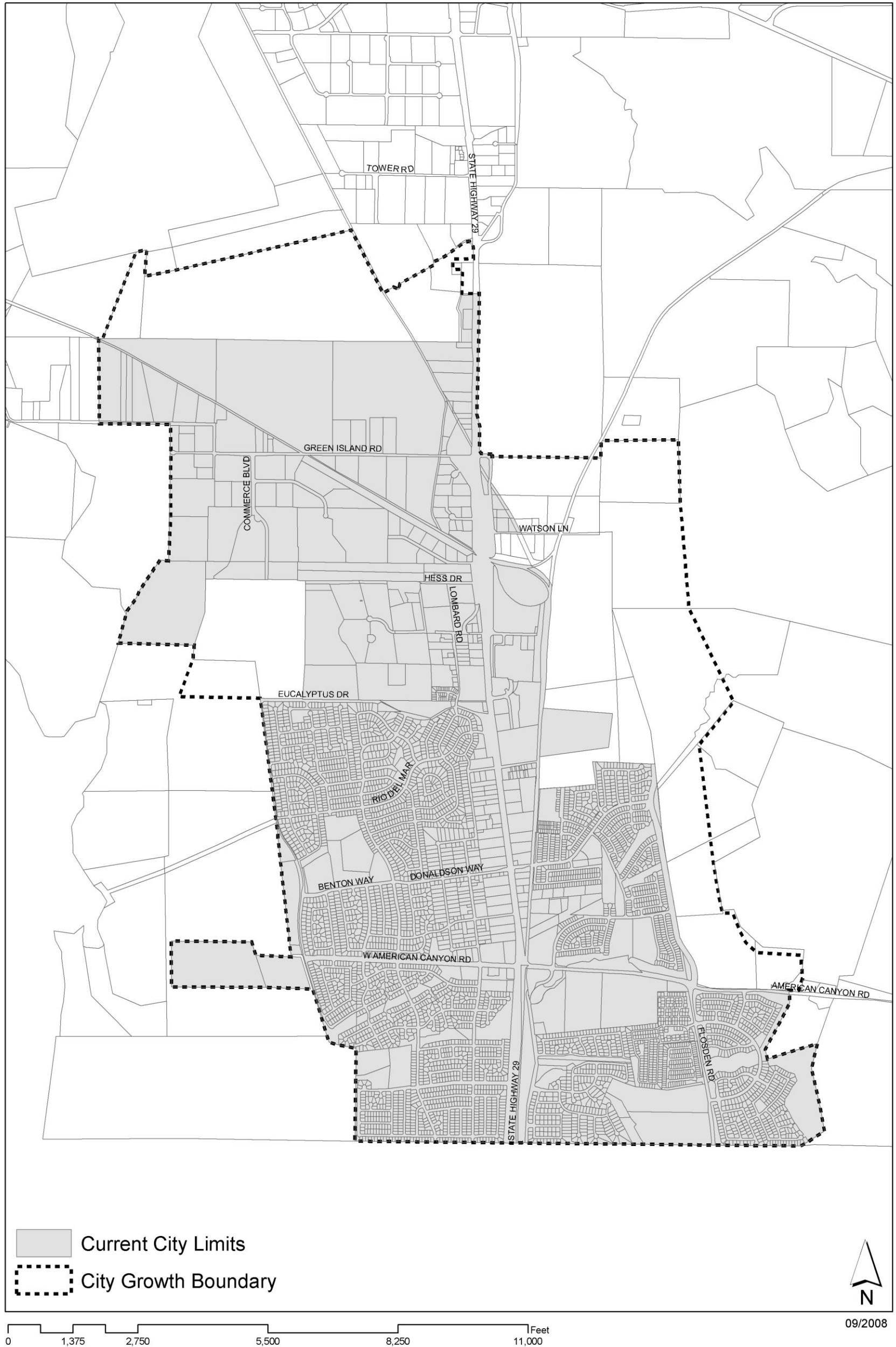


**FIGURE AG/LU-3.5: AR AND AWOS LANDS NOT SUBJECT TO MEASURE J**





**FIGURE AG/LU-5: CITY OF AMERICAN CANYON SOI & GROWTH BOUNDARY**



## American Canyon City Growth Boundary