

## **WHY Save Rural Angwin?**

### **A Timeline History...**

#### **...of Land Use in Napa County and the challenge to maintain the rural character of Angwin, an unincorporated community on Howell Mountain.**

1850 to November 2014 (updated 11/15/14)

**1850:** Napa County is formed.

In the early 1900s, the State of California authorized (not mandated) cities to create planning commissions and cities and counties to prepare master plans. Initial zoning law was enacted in 1917. By 1929, those cities and counties that had established planning commissions were then mandated to adopt master plans. In 1953, planning law was re-codified into Government Code 65000, et seq.

**1955:** Napa County adopted its first Zoning Map. “Zoning” is the division of a city or county by legislative regulations into areas or zones that specify allowable development for real property and size restrictions for buildings within these areas. In Angwin, the Seventh-day Adventist Pacific Union College had been in place since 1909. “Planned Development” zoning was applied “in order for the college to provide necessary services to its students and ensure that the college would be able to grow should the student body increase in size”. Note: Land Use Categories (AKA Designations) - a system for classifying and designating the appropriate use of properties - did not come into effect until the 1970s.

**1965:** The state legislature passed the California Land Conservation Act, better known as the Williamson Act, which allowed county assessors to consider land use in determining the taxable value of farmland. This made it easier for farmers to stay on the land because the income from farming, not the potential for residential development, was the basis for taxation. The Williamson Act gave legitimacy to an idea brewing in Napa County for creation of an agricultural preserve.

**1965:** Planning and Zoning Law reorganized. Cities and counties authorized (not mandated) to prepare “specific plans” to implement their master plan.

**1968 (April):** The Napa County Board of Supervisors, by passage of Ordinance #274, created the Agricultural Preserve Zone for the floor of Napa Valley (approximately 25,000 acres). This ordinance was the result of efforts by courageous residents and leading officials to protect the environmental quality of Napa County. Un-swayed by pressures from internal (individual property owners wanting to sub-divide their property for house lots and commercial activities) and external schemes for large developments,

they fought to preclude incremental “leap-frog” development and ensure only city-centered, “smart” growth. The Agricultural Preserve established a minimum lot size of 20 acres, replacing the one-acre zoning that had existed. This was the first “agricultural preserve” in the United States and an example that other counties followed; however, very few other counties established the large, minimum-acre building plots that would prove to be the key to preserving farmland. The Agricultural Preserve created scarcity and that increased land values. The 20-acre minimum in the Napa County Agricultural Preserve was soon doubled to 40 acres.

**1969:** Napa County created its first master plan (“Preliminary General Plan”) as authorized by the State.

**1970:** Beginning in the early 1970s, California’s Legislature enacted a series of laws. Government Code Section 65300 requires each county and city to adopt a General Plan, a comprehensive and long-term plan for the physical development of a planning area. The Governor’s Office of Planning and Research (October 2003, page 10) states: “The General Plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private.”

**1971:** Assembly Bill (AB) 1301 (McCarthy, 1971) made the General Plan the basis of all local development and plan implementation decisions and stated clearly, “County or city zoning ordinances shall be consistent with the General Plan of the county or city...”. In 1972, the Legislature passed an amendment defining “consistency” between zoning ordinances and the General Plan. Court cases then further defined that where zoning and the General Plan Land Use categories are not identical or consistent, policies of the General Plan and the Land Use Categories prevail over zoning. The County has the power to change land use category designations and zoning because such designations are not a “property right”. Courts have upheld this tenet for well over 50 years.

**1975:** The first complete Napa County General Plan, inclusive of a Land Use Element, was adopted in 1975. Periodically this plan has been reviewed and updated to reflect changing conditions to keep it timely and useful. A major update was adopted in 1983. It would not be until 2005 that another comprehensive update of the General Plan would be initiated. The 1975 General Plan, as well as subsequent General Plans, contained a required Land Use Map for Napa County establishing land use categories for its unincorporated lands. The Land Use Map depicts the land use policy of the County; it takes a long-term outlook and provides the guide for determining appropriate zoning, designating land use categories for the good of the community as a whole, not for any single property owner.

**1980 - December 31, 2000:** Measure “A” was a voter-approved Growth Management System initiative which limited housing growth in the unincorporated area to a maximum

of 1% per year. Measure A expired in 2000, but was re-adopted by the Board of Supervisors as an ordinance the same year.

**1983:** Configurations, referred to as “bubbles” because of their somewhat rounded or elliptical shapes, were drawn by County staff on the Napa County Land Use Map informally designating where rural communities existed in the unincorporated area of Napa County. There were 12 such bubbles. The shapes of the bubbles did not follow topographical contours or property parcel boundaries.

**1984 – 1988:** Planning-related litigation heard in the CA Supreme Court and CA Court of Appeal and pertinent opinions of the California Attorney General occurred during this time period that are summarized in the Governor’s Office of Planning and Research, “State of CA General Plan Guidelines (2003; page 50)”. In general, the legal cases cited address the required level of specificity of the land use diagram (aka Land Use Map) and in essence determined that a parcel specific map is not required, only a diagram of general locations illustrating the policies of the plan. (The “plan” is referring to the Land Use Element of the General Plan).

**1990 (November 6):** Measure “J”, the Agricultural Lands Preservation Initiative, enacted by a vote of the people on November 6, 1990, is intended to preserve the County’s agricultural lands which have a General Plan land use designation of “Agricultural Resource” (AR) or “Agricultural, Watershed and Open Space” (AWOS). Measure J provides that the General Plan’s provisions governing maximum building intensity and minimum parcel size may not be changed within agricultural areas to reduce the minimum parcel size, the intent, or maximum building intensity except by vote of the people. In addition, lands designated as AR or AWOS on the Napa County General Plan Land Use Map may not be re-designated to another land use category except by a majority vote of the people. The General Plan at the time of adoption of Measure J provided for a minimum parcel size of 40 to 160 acres for lands designated AWOS and a minimum parcel size of 40 acres for lands designated AR. The language of Measure J was inserted into the General Plan, and therefore will remain intact and in effect as part of the General Plan unless changed by the voters. Measure “P”, a 2008 voter initiative, extended Measure J until 2058. Measure P also included provisions for affordable housing and it increased the minimum parcel size of all areas designated AWOS to a minimum of 160 acres. The minimum acreage (40 acres in AR and 160 acres in AWOS) cannot be changed without a vote of the people.

When Measure J was proposed, numerous competent lawyers (including the Napa County Counsel) as well as 3 of 5 members of the Board of Supervisors declared the measure “flawed” and “illegal”. They were proved wrong when Measure J was upheld at three court levels (Trial, Appellate and Supreme Courts). Following the passage and then legal affirmation of the Measure J voter initiative, the 12 so-called bubbles became

“frozen” as informally drawn on the County’s Land Use Map. Nine of the 12 bubbles had “Rural Residential” land use designations. Two of the 12 bubbles contained portions designated “Urban Residential” with the remainder “Rural Residential”. One of the 12 bubbles – Angwin – contained nearly 500 acres designated “Urban Residential”.

**2002:** The Pacific Union College (PUC) Board of Trustees confidentially voted to examine the potential of developing the unincorporated village of Angwin. Telephone surveys were conducted to determine the receptiveness of some Angwin community members for a development project that would include 1,157 housing units.

**2005-2006:** Unbeknownst to the community, PUC entered a contract with Seattle-based Triad Communities, L.P. to develop 700 acres of PUC’s land with as many as 600 homes and 11 large agricultural vineyard parcels.

**2005-2007:** The most current General Plan Update process began in 2005 and continued through 2007, followed by an additional 1-year process (2008-2009) specifically focusing on resolving the bubbles. The process led the Planning Commission and then the Board of Supervisors to enact changes to all 12 of the areas, most notably and wisely re-designating almost 2,000 acres to agriculture (AWOS), including 200 of the 500 acres designated “Urban” in Angwin. The only outstanding question was how to re-designate the remaining Urban Residential areas in Angwin and Pope Creek.

**2005-2007:** Save Rural Angwin (SRA), a grass-roots community group, came together during the beginnings of the Napa County General Plan Update process. SRA was formally formed in September 2006 as a general Political Action Committee focused on obtaining appropriate land use designations consistent with the rural character of Angwin and with challenging inappropriate development of Angwin. A 12-member Steering Committee was created to guide the efforts of SRA. A 15-member Advisory Council composed of Napa County civic leaders similarly concerned about the conversion of farmland to subdivisions and the conversion of Angwin from a village to a city was established. Save Rural Angwin actively participated in the 3-year (2005-2007) General Plan Update process, influencing goals, policies and text related to Angwin and similar areas. During the General Plan Update process and by invitation of the County, SRA submitted a proposed Angwin Land Use Map to replace the haphazardly drawn Urban Residential bubble with different land use designations better reflecting the interests of the community and the County.

**2006-2007:** In late 2006 and early 2007, Triad and PUC unveiled their plans in a series of “town-hall” meetings at which they presented development plans for a new commercial center to be built south of the existing 8-acre plaza plus 591 new homes surrounding the commercial area. The community resolutely opposed the intensification of housing and its associated impacts. Over the ensuing years, the housing portion of the proposed project was reduced to 380 housing units (still an unacceptable development impact to the rural community). The project proposal stalled out as the general economy declined and community opposition remained strong.

**2008-2009:** SRA participated in the year-long Proposed Land Use Map Amendment process (PLUMA) which focused specifically on the so-called Urban and Rural bubbles. A Resolution adopted December 9, 2008, completed appropriate re-designation for 10 of 12 bubbles. Two bubbles, Angwin and Pope Creek, were held out for further discussion because they each had proposed development applications on file with the County. On May 5, 2009, the Napa County Board of Supervisors adopted Resolution No. 09-54 bringing closure to the PLUMA process. They resolved the land use categories for Pope Creek from UR to AWOS in Resolution 09-54. By this same Resolution, the Board re-designated portions of the Angwin area consistent with the historic use of the area (Rural Residential, Public Institutional, and Agriculture, Watershed and Open Space); however, they held out the 100-acre footprint of the Triad subdivision application as Urban Residential to allow full consideration of the application for the “Eco-village” project. General Plan Action Item 114.1 expressed their intent to address completion of the land use designations for Angwin once the “Eco-village” development application was considered. Unfortunately, delaying land use designation on these 100 acres has led to continuing expenditure of more public and private resources in deference of a fundamentally inappropriate project.

**2009 (July 14):** PUC notified the County of their intent to re-commence processing of their proposed “Eco-village” 380-unit development project with PUC as the sole applicant and Triad in a consulting role. Work resumed on their proposed project Draft Environmental Impact Report (DEIR). SRA continued to monitor and challenge the PUC/Triad subdivision proposal.

**2009-2011:** Throughout this time period, SRA participated in County discussion sessions and public hearings, including the County Housing Element 2009 Update process, the Workforce Housing Ordinance for Unincorporated Napa County process, and the Napa Communities Growth Summit sessions.

**2011 (June):** PUC, working with the landscape architectural firm SWA, completed a new Campus Master Plan which extends to 2050. The Master Plan has not been made fully available to the public; however, a page from it appeared in the “Offering Memorandum” for “Howell Mountain Estates, Napa Valley” (see “2011” below). In addition to campus development, the rendering showed an all new plaza development south of Angwin Avenue extending towards the existing tennis courts, a “Howell Mountain Square Neighborhood” covering the existing 8-acre plaza area, and housing extending north of Brookside Drive all the way to the existing Fire Station on College Avenue.

**2011 (June):** Curt Johansen (formally front-man for Triad Communities, L.P.) became 1 of 5 principals in Sustained Community Partners (SCP) and began working collaboratively with John Collins, Asset Manager, at PUC.

**2011:** Sometime in 2010 or 2011, PUC quietly appointed Cornish & Carey Commercial Newmark Knight Frank (one of the largest independent real estate service firms in the world) to be exclusive listing agents for the sale of Belleaux Field (adjacent to the northwest end of the Angwin/Virgil O. Parrett Field Airport) plus all property east of the airport. Referring to the property as “Howell Mountain Estates”, the listed “offering” and Request for Proposals deemed 600-1,533 acres of land “non-essential” to the core educational mission of the college. The 1,533 acre “offering” provided opportunity to also purchase other lands owned by PUC within the 100-acres of “Urban Residential” designation left vulnerable at the closure of the General Plan Update process.

**2012 (January):** PUC’s real estate broker informed Curt Johansen that the PUC Board of Directors had selected his proposal. According to Court documents made public in 2013, a letter from PUC to SCP stated that the “College is not negotiating or seeking offers from third parties and has no intention of doing so while it is in negotiations with you. Given the many years that you have dealt with the college, you should take comfort in knowing that the College is open and honest in its actions and communication.”

**2012 (May 4):** Given PUC’s relentless drive over the past decade to “urbanize” rural Angwin and the lack of County action to resolve land use designations for Angwin, SRA was compelled to launch a Napa County voter initiative primarily to resolve the

unfinished General Plan Amendment Action Item AG/LU-114.1 concerning “Urban” designated lands in Angwin. The cumulative effects and impacts of building an urban satellite remote from public infrastructure would be very costly to the taxpayers of Napa County. Though General Plan Action Item AG/LU-114.1 committed the County to reexamining the remaining 100 acre designated “urban” area in Angwin and adjusting the boundaries as needed to preserve agricultural uses, the task would not be brought back into discussion until 2014.

**2012 (May 7):** The Pacific Union College Board of Trustees voted to affirm its 2002 and subsequent decisions to monetize PUC assets through the sale of up to 1,533 acres of land deemed non-essential to the mission of the college.

**2012 (May 11):** PUC released a statement that three land purchase offers were being considered by their Board.

**2012 (June):** Even though PUC publically announced in October 2010 the abandonment of their proposed “Eco-village” subdivision development plan, they requested their application with the County be kept open. It was not until June 2012 (following two separate promptings from County staff) that PUC agreed to close their inactive application. A change of PUC Administration and Board of Trustees members, coupled with a change in public policy moving away from “growth-inducing” development to more sustainable options, led to some optimism that PUC might be exploring education and health-based business plans over subdivision developments.

**2012 (July 10):** Napa County Registrar of Voters certified the Angwin General Plan Amendment Initiative to go on the November 6, 2012, election ballot as Measure “U”. The initiative did not prevail; however, over 20,000 Napa County voters (39.5%) did vote for it. These voters understood that current land-use designation allows for inappropriate urbanization of Angwin which would result in high costs to the County taxpayers. Pacific Union College was Napa County's biggest spender in the 2012 election cycle as it pumped in almost \$500,000.00 to defeat Measure U. PUC adamantly and publically declared they had no plans for development of Angwin while at the same time negotiating a confidential Purchase and Sale Agreement with SCP for residential, commercial and agricultural development of Angwin. Had Measure U prevailed, it would have perpetuated the existing land uses and existing environmental

setting while allowing redesign and renovation of the existing 8- acre Angwin Plaza area and development of the already approved 191-housing-unit project.

**2012 (July):** Sustainable Community Partners received a commissioned report valuing PUC's "vineyard property" between \$140,000.00 and \$160,000.00 per plantable acre. SCP was introduced by John Collins of PUC to David Abreu who in turn introduced SCP to two fully qualified prospective vineyard purchasers – Goldin Investments, Inc. of Fremont, CA and Artemis (Chateau Latour).

**2012 (May) – 2014 (spring):** PUC began submitting Lot Line Adjustment (LLA) applications to the County in May 2012 for lot mergers and parcel reconfiguration. A total of five "ministerial" applications were submitted and recorded over the course of 18 months. A sixth LLA application further adjusts the parcel boundary of the Brookside Affordable Housing site. Such applications are approved based on fixed government standards rather than a public hearing process. The applicant is not required to divulge why they are requesting lot-line adjustments nor what their ultimate goal is intended to be. Only 4 parcels may be addressed per application. A greater number of parcels than originally existed cannot result from the LLA nor can an unbuildable parcel be made buildable by the LLA. At the conclusion of these serial applications and recordation of the parcels, the College had basically isolated all of the lands they deem "non-essential" to the mission of the college, presumably for ease of sale.

**2013 (February 13):** PUC and Sustainable Community Partners entered a written Purchase and Sale Agreement for SCP to purchase certain real property belonging to PUC (post LLA parcels) and to develop the land subject to specified terms and conditions that were to be performed or satisfied prior to the close of sale. The base purchase price for SCP was to be \$39,500,000.00 for approximately 700 acres of PUC lands. In a separate and simultaneous Purchase and Sale Agreement, SCP was selling the vineyard land (approximately ½ of the lands SCP was purchasing) to a third party for \$75,750,000.00.

**2013 (February – December):** SCP had received a commissioned report valuing the vineyard property at between \$140,000 and \$160,000 per plantable acre, "significantly lower" than they anticipated. SCP proposed a revised structure and an extended timeline to resolve issues. One of the issues of concern to SCP was that the Title

Report revealed undisclosed encumbrances on PUC's property totally nearly \$14 million.

**2013 (April 16):** SCP failed to make a second deposit of \$210,000.00 by April 15, 2013 as required in the Purchase and Sale Agreement; PUC terminated the Purchase and Sale Agreement with SCP on April 16, 2013.

**2013 (September 24):** SCP sent a letter to PUC stating that SCP believed a dispute existed between the parties and that SCP was entitled to additional compensation (\$1.5 million) from PUC. SCP threatened to serve and record a *lis pendens* (notice of pending lawsuit) against the title to the property.

**2013 (December 18):** PUC filed Case No. 26-63129 in Napa County Superior Court to restrict SCP from taking any action clouding title to the property or filing or recording any document against title to the property.

**2014 (January 7):** SCP filed opposition papers in court.

**2014 (January 17):** Superior Court Judge Diane Price ruled in favor of SCP, rejecting PUC's argument that SCP had no legal basis to file a lawsuit.

**2014 (February 5):** The operation of the PUC wastewater treatment plant and reclaimed water irrigation is conducted pursuant to WRR Order No. R2-1991-0162 issued by the California Regional Water Quality Control Board, San Francisco Bay Region. PUC requested West Environmental Services & Technology, Inc (WEST) "to review waste-water management options for PUC with respect to the potential transfer of currently irrigated cropland" through the sale/purchase "of approximately 450-acres of PUC land to Goldin Investments, Inc. of Fremont, CA, including approximately 60-acres of the 102-acres used for fodder crop irrigation". "Portions of the acquired land will be developed for vineyards following transfer." WEST was requested to perform an analysis of the affect of the proposed changes on the water reclamation system and associated compliance with the Regional Water Board WRRs. (REF: 02-05-14 letter to Mr. Dale Withers, PUC from WEST Principal Engineer, Peter M. Krasnoff)

**2014 (March 7):** Napa County Superior Court ordered the pending lawsuit removed from PUC's property. The Court granted PUC's motion to remove the *Lis Pendens* giving PUC the legal victory and removing any claim SCP felt they had to the land.

**2014 (June 30):** As of this date, no sale of PUC property is known to have been recorded. Documents such as the one identified in the February 5, 2014 entry above, suggest a land sale is in escrow with Goldin Investments, Inc., pending resolution of certain matters. See also the [summary of court documents](#) (Superior Court Case No. 26-63129) relative to PUC land sale starting at the July 2012 entry (page 2 of 9) through the April 24, 2013 entry (page 5 of 9) plus the February 24, 2014 entry (page 7 of 9).

**2014 (July):** Today, Napa County has successfully created a viable and sustainable agricultural industry with an annual economic output of **\$14 billion dollars**. Napa County General Plan **Goal AG/LU-1** states, "Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." In addition to agriculture as the "highest and best use" of the land by Napa County policy, the non-profit Land Trust of Napa County has permanently protected more than 54,000 acres – 10% of Napa County. The people of Napa County have traditionally supported protecting agricultural land and open spaces from inappropriate development; that is why Napa County is unique today in its unspoiled beauty.

**2014 (July 22):** The Board of Supervisors' agenda included a public hearing item to address General Plan Action Item AG/LU-114.1 to re-examine the remaining 100- acre "Urban Residential" (UR) area in Angwin left pending at the conclusion of the 2009 General Plan Amendment. The Board took no formal action on July 22, however, following public testimony and board member discussion, directed the Planning Director to draft options for how to change parcels' land-use designations for the five areas being examined. These options are to be presented at a future Board meeting. It is not expected that this item will come back to the Board anytime before march 2015 as there are numerous time-sensitive matters before the Board.

**2014 (November 4):** By January 31, 2015, Napa County must adopt an updated Housing Element (HE) to the General Plan that addresses the 8-year period of January 31, 2015 through January 31, 2023. The County's current Housing Element adopted in 2009 has been determined by state Housing and Community Development (HCD) and the Court of Appeal to be in conformance with state law. The Board of Supervisors discussed the draft HE at their November 4, 2014 meeting. The document will be

submitted to HCD for review. The final version will be brought to the Board for adoption December 16, 2014.

**2014 (November-December):** Angwin, along with Moskowitz Corner and Spanish Flat, are identified in the draft Housing Element to potentially meet housing needs for Napa County. The majority of the housing needs are projected to be provided for by the Napa Pipe project. This is consistent with the County's land use philosophy of agricultural preservation in the unincorporated area and "Smart Growth" which centers residential and commercial development in the cities of Napa County. For specific information about the Housing Element (2015-2023) and the role Angwin is identified as "serving" in the process, go to <http://www.countyofnapa.org/PBES/HousingElement/>. Page 12 provides a Summary of Housing Sites Inventory. Pages 32-49 provide specific information regarding each of the four identified housing sites including infrastructure and environmental constraints, water, sewer, and specific building numbers and percentages required related to affordability.

Compiled as of November 15, 2014; PJ Peterson. All material provided above has relied upon the following primary documents:

- State of California, Governor's Office of Planning and Research, "General Plan Guidelines", October 2003.
- Napa County General Plan, June 2008, as Amended June 2009.
- Napa County Code of Ordinances, Title 17 (subdivisions) and 18 (zoning).
- "Oral Histories of Napa County's Agricultural Preserve", A Project sponsored by the Jack L. Davies Napa Valley Agricultural Land Preservation Fund, by Rue Ziegler, Ph.D., September 2011.
- "The Ag Preserve History, Napa County's Most Important Element", prepared by James A. Hickey
- State of California Government Code
- Superior Court of the State of California for the County of Napa, Case No. 26-63129, Pacific Union College (Plaintiff) vs Sustainable Community Partners, LLC, and DOES 1-25, inclusive (Defendant). All Public Record documents pertaining

to this case, inclusive of the Purchase and Sale Agreement and Escrow Instructions PUC/SCP.

- California Regional Water Quality Control Board, San Francisco Bay Region, Water Reclamation Requirements Order No. R2-1991-0162 and correspondence by West Environmental Services & Technology, Inc (WEST) February 5, 2014.
- Napa County Notices of Public Hearings for Planning Commission and for Board of Supervisors.

**In Angwin - Avoiding disaster is not the same as solving the problem.**