



COUNTY of NAPA
OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING COMMISSION

DATE OF HEARING: ^{December 5} ~~November 7, 2007~~

AGENDA ITEM # 13

SUMMARY FOR: CONSERVATION, DEVELOPMENT & PLANNING COMMISSION

PROJECT: County Code Chapter 18.108 - Conservation Regulations Updates (#P07-00763-ORD)

PROJECT SUMMARY REQUEST:

Staff has prepared amendments to the Napa County Code Sections 18.108.025, 18.108.027, 18.108.030, 18.108.050, 18.108.070, 18.108.100 and 18.108.140 that would function to 1) correct the grading deadline (winter shut-down period) for non-agricultural projects in sensitive domestic water supply watersheds consistent with the NPDES (National Pollution Discharge Elimination System) requirements (pursuant to Ordinance 1240), and 2) provide clarification and notify the public of the existing remedies that may be applied against violators who engage in grading and earthmoving activities without required permits.

PROJECT BACKGROUND: On June 22, 2004, the Board of Supervisors adopted a Stormwater Management and Discharge Control (Ordinance No. 1240) that applied uniform pollution control requirements for receiving waters related to non-agricultural projects within the unincorporated areas of the County. Consistent with the State requirements, on December 12, 2006, the Board of Supervisors subsequently adopted Stormwater Management Construction Site Runoff Control Requirements that enhanced runoff control requirements previously required pursuant to Chapter 18.108 – Conservation Regulations of the County Code. These new requirements superseded the County's "structural" erosion control plan requirements governing non-agricultural development within the County. Among the changes were the requirements related to grading deadlines (or winter shut-down period) for vegetation and earthmoving activities in sensitive domestic water supply watersheds for which grading activities were required to cease on September 1st of each year extending to April 1st of the following year. At the time of BOS adoption, the winterization deadline in applicable sections of Chapter 18.108 was not concurrently amended to be consistent with the new Stormwater Management Construction Site Runoff Control Requirements, which allows grading to occur up to October 1st. The attached ordinance amendment corrects the grading deadline to be consistent with Ordinance No. 1240 and current practices. The grading deadline for agricultural projects in sensitive domestic water supply watersheds remains September 1st.

Some additional amendments are related to grading and vegetation removal violation remedies. The new code language would clarify existing remedies that may be applied in situations to bring a site into compliance. Such remedies would include removal of agricultural crops and related infrastructure, and the removal of structures installed without appropriate permits or outside of approved plan boundaries, as well as revegetation and restoration of areas cleared without the benefit of applicable permits.

GENERAL PLAN CONSISTENCY: The proposed amendments are consistent with the spirit and intent of applicable general plan goals and policies related to the protection of agricultural and natural resources. The amendments clarify the use of existing remedies for enforcing applicable sections of Chapter 18.108 of the County Code that have been established to implement general plan policies intended to protect water quality and agricultural soils.

CEQA STATUS: Class 5 Categorical Exemption – Minor Alterations to Land Use Limitations (pursuant to CEQA Guidelines Section 15305). The proposed ordinance amendment includes new tools for remedying violation and enforcing existing regulations, thereby providing additional protection to environmental resources.

STAFF: Patrick Lowe, Deputy Planning Director and Brian Bordona, Supervising Planner

RECOMMENDATION

ENVIRONMENTAL: Recommend that the Board of Supervisors find that the proposed project is Categorically Exempt pursuant to Section 15305, Class 5, of the California Environmental Quality Act.

PLANNING: Recommend that the Board of Supervisors adopt the proposed ordinance.