



Agenda Date: 12/18/2007  
Agenda Placement: 8F  
Set Time: 10:30 AM PUBLIC HEARING  
Estimated Report Time: 30 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Gitelman, Hillary - Director  
Conservation, Development & Planning  
**REPORT BY:** Brian Bordona, Supervising Planner , 259-5935  
**SUBJECT:** Ordinance amending Conservation Regulations (first & final reading)

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### **RECOMMENDATION**

First and final reading and adoption of an ordinance amending the Conservation Regulations, Sections 18.108.025, 18.108.027, 18.108.030, 18.108.050, 18.108.070, 18.108.100 and 18.108.140 of the Napa County Code.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption Class 5: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

### **EXECUTIVE SUMMARY**

The proposed ordinance would; 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); 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; and 3) make other non-substantive changes.

### **PROCEDURAL REQUIREMENT**

1. Staff Report.
2. Board questions of staff.
3. Open public hearing.
4. Public comment.

5. Close public hearing.
6. Read ordinance title.
7. Motion to waive the balance of the title; second; vote.
8. Motion to adopt the ordinance; second.
9. Board discussion.
10. Vote.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

**Categorical Exemption Class 5:** It has been determined that this type of project does not have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

### **BACKGROUND AND DISCUSSION**

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.

On December 5, 2007, at a duly noticed public hearing before the Napa County Conservation, Development and Planning Commission, the ordinance was introduced, public testimony was taken, and the Planning Commission recommended that the ordinance be forwarded to the Board of Supervisors for adoption.

### **SUPPORTING DOCUMENTS**

- A . 12/05/07 CDPC Staff Report
- B . Ordinance (tracked version)
- C . Ordinance (final version)

CEO Recommendation: Approve

Reviewed By: Helene Franchi