



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/26/2019
Agenda Placement: 9B
Set Time: 9:00 AM PUBLIC HEARING
Estimated Report Time: 6 Hours

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: David Morrison, Director, Planning, Building & Environmental Servi - (707) 253-4805
SUBJECT: Water Quality and Tree Protection Ordinance

RECOMMENDATION

Director of Planning, Building, and Environmental Services (PBES) requests that the Board of Supervisors:

1. Find that the proposed Water Quality and Tree Protection ordinance (proposed ordinance) is consistent with the Napa County General Plan (2008);
2. Find the proposed ordinance exempt under the California Environmental Quality Act pursuant to Categorical Exemptions Class 7, Class 8, Class 4, Class 5 and the General Rule; and
3. Adopt the proposed ordinance.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of Categorical Exemptions Class 7, Class 8, Class 4, Class 5 and the General Rule. 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. [See Categorical Exemption Class 7 ("Actions by Regulatory Agencies for Protection of Natural Resources") which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15307]; Categorical Exemption Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308]; Categorical Exemption Class 4 ("Minor Alterations to Land") which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15304; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; Categorical Exemption Class 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; and General Rule in that 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. [See Guidelines for the Implementation of the CEQA 14 CCR 15061(b)(3)]. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

EXECUTIVE SUMMARY

The ordinance proposes to expand existing protections for water quality and trees Countywide by amending the Conservation Regulations (County Code Chapter 18.108). A copy of the proposed ordinance, as directed by the Board of Supervisors with revisions recommended by the Planning Commission, is included as Attachment B. The key proposed changes are summarized in the Background and Discussion section of this staff report.

The proposed ordinance would implement three action items in the recently adopted Napa County Strategic Plan 2019-2022. Action Item 12.A requires the County to update the Conservation Regulations to improve requirements for stream setbacks, to better protect riparian habitat while protecting flexibility for farming. Action Item 12.B requires the County to improve tree preservation by adopting an ordinance to increase canopy protection and mitigation requirements throughout the unincorporated area. Action Item 12.E requires the County to evaluate the modification of buffers around municipal reservoirs. The proposed ordinance would implement these action items by creating a new setback for streams that are equivalent to a Class 3, increasing tree canopy retention throughout the unincorporated area, and creating new setbacks from municipal reservoirs.

The proposed ordinance implements General Plan Conservation Action Item CON WR-3, which requires an update of the Conservation Regulations to establish an appropriate protective buffer in areas that drain toward any intake structure associated with the County's sensitive domestic water supply drainages. The proposed ordinance would implement this action item by establishing new buffers for municipal reservoirs, wetlands, and watercourses that are the equivalent to a Class 3 stream.

PROCEDURAL REQUIREMENTS

1. Staff presents the report;
2. Open the Public Hearing and receive public comments;
3. Close the Public Hearing;
4. Clerk reads the Ordinance Title;
5. Motion, second, discussion and vote to waive the balance of the reading of the ordinance; and
6. Motion, second, discussion, and vote on intention to adopt the ordinance.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of Categorical Exemptions Class 7, Class 8, Class 4, Class 5 and the General Rule. 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. [See Categorical Exemption Class 7 ("Actions by Regulatory Agencies for Protection of Natural Resources") which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15307]; Categorical Exemption Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308]; Categorical Exemption Class 4 ("Minor Alterations to Land") which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15304; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; Categorical Exemption Class 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the CEQA at

14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; and General Rule in that 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. [See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3)]. This project is not on any lists of hazardous waste sites enumerated under Government Code §65962.5.

BACKGROUND AND DISCUSSION

Please see Attachment A for the Background and Discussion section of this report.

SUPPORTING DOCUMENTS

- A . Attachment A - Background Memo
- B . Attachment B - Draft Ordinance (tracked changes version)
- C . Attachment C - Draft Ordinance (clean version)
- D . Attachment D - CEQA Memo
- E . Attachment E - Current Conservation Regulations
- F . Attachment F - General Plan Consistency Memo
- G . Attachment G - Resolution 94-19

CEO Recommendation: Approve

Reviewed By: Leigh Sharp