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Agenda Date: 3/6/2019

Agenda Placement: 7A

Continued From: February 20, 2019

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355

**SUBJECT:** Draft Water Quality and Tree Protection Ordinance

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### **RECOMMENDATION**

#### **DRAFT WATER QUALITY AND TREE PROTECTION ORDINANCE**

**CEQA Status:** 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.

**Request:** Recommend that the Board of Supervisors adopt a County sponsored ordinance amending the Conservation Regulations (County Code Chapter 18.108) to increase protections for water quality and trees, and to implement the Napa County General Plan (2008) and the 2019-2022 Strategic Plan (adopted January 15, 2019).

**Proposed Ordinance Title:** An Ordinance of the Board of Supervisors of Napa County, State of California, Amending Sections 18.108.10 (Purpose), 18.108.020 (General provisions), 18.108.025 (General provisions - Intermittent/perennial streams), 18.108.027 (Sensitive domestic water supply drainages), 18.108.030 (Definitions), 18.108.040 (Exceptions), 18.108.050 (Exemptions), 18.108.060 (Slope regulations - Prohibited uses), 18.108.070

(Erosion hazard areas - Use requirements), 18.108.075 (Requirements for structural erosion control measures), 18.108.080 (Agricultural erosion control plans - Requirements and authorization to prepare - Field modifications), 18.108.090 (Requirements for vineyard replanting programs), 18.108.120 (Existing erosion control), 18.108.135 (Oversight and operations), and 18.108.140 (Security, violations, and penalties), and Related Sections and Adding a New Section 18.108.026 (General provisions - Wetlands), to Chapter 18.108 (Conservation Regulations) of Title 18 (Zoning) of the Napa County Code Regarding Water Quality and Tree Protection.

**Staff Recommendation:** Recommend that the Board of Supervisors find that the proposed project is exempt from CEQA and is consistent with the Napa County General Plan (2008), and adopt the proposed ordinance.

**Staff Contact:** David Morrison, Director, at (707) 253-4805 or [david.morrison@countyofnapa.org](mailto:david.morrison@countyofnapa.org).

**CONTINUED DISCUSSION FROM THE FEBRUARY 20, 2019 COMMISSION MEETING. ITEM WAS RENOTICED ON FEBRUARY 22, 2019**

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission recommend that the Board of Supervisors:

1. Find that the proposed ordinance is consistent with the Napa County General Plan (2008);
2. Find that adoption of the proposed ordinance is 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.

### **Discussion:**

On February 20, 2019, a public hearing was held on this item, where by public testimony was taken and the Commission discussed the item. However, no action was taken pending response to comments and the need to re-notice the item to ensure the public was aware of this issue. Given that staff needs additional time for preparation of the staff report analysis, a supplemental report will be issued no later than Friday, March 1st.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

**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.

### **BACKGROUND AND DISCUSSION**

Responses to public and Planning Commission comments and staff analysis are forthcoming in the Supplemental Staff Report to be issued by Friday, March 1, 2019.

### **SUPPORTING DOCUMENTS**

None

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina