

ORDINANCE NO. 1117

**AN INTERIM ORDINANCE OF THE BOARD OF  
SUPERVISORS OF THE COUNTY OF NAPA  
TEMPORARILY SUSPENDING THE RECEIPT,  
PROCESSING OR APPROVAL OF PERMITS FOR THE  
DRILLING OF MULTIPLE WELLS ON ADJACENT  
PARCELS OR FOR THE PURPOSE OF DRILLING  
SINGLE WELLS THAT WILL SERVE MULTIPLE  
PARCELS**

The Board of Supervisors of the County of Napa, State of California, ordain as follows:

SECTION ONE: The Board of Supervisors hereby finds as follows:

(a) Napa County land use regulations at the present time are unclear as to whether or not a use permit must be obtained prior to drilling one or more wells for the purpose of extracting groundwater and providing same to parcels other than the parcel on which the well is located, or prior to drilling multiple wells on adjacent parcels.

(b) Groundwater supplies in Napa County are limited. As a consequence, and in part to protect the groundwater supplies of the County to the maximum extent possible, Napa County through the Flood Control and Water Conservation District has spent significant time and money attempting to develop water supplies from out of county sources. Additionally, the Board is presently considering whether or not to implement a groundwater management program for the purpose of further protecting the scarce groundwater supplies of the County.

(c) Continuing to allow the drilling of additional wells for the purpose of extracting scarce groundwater without first requiring, in some situations and locations, that a use permit be obtained, thereby ensuring that such extraction will not be detrimental to the health, safety and welfare, should not be permitted.

(d) This Board has ordered the Conservation, Development and Planning Department and the Conservation, Development and Planning Commission to review all of the applicable land use regulations of the County and report back to the Board with recommendations regarding whether or not land use regulations should be adopted that will require the issuance of use permits prior to individuals being authorized to drill wells for the purpose of extracting scarce groundwater in some situations and locations.

SECTION TWO: Except as otherwise provided in Section Three of this ordinance, and notwithstanding any other provision of the Napa County Code, for the duration of this interim ordinance, no applications filed pursuant to Chapter 13.04, 13.08, 13.14, or any other applicable provision of the Napa County Code, shall be received, accepted, processed or approved by any employee, department, or body of the County of Napa if said application is filed for the purpose of permitting the improvement or development of a water system that would serve multiple parcels or which would result in wells being drilled involving a significant number of adjacent parcels in areas designated as Open Space on the Napa County General Plan.

SECTION THREE: This interim ordinance shall not apply to any application for a permit that would authorize the improvement or development of a water system that would serve multiple parcels or would result in multiple wells being drilled on adjacent parcels which has been filed, whether or not deemed complete, prior to the effective date of this ordinance. This interim ordinance shall not apply to any application for a permit that would authorize the improvement or development of a water system that would serve adjacent parcels that cannot develop their own water supply because of the small size of the adjacent parcel. The Board finds that due to the limited number of applications presently on file and because of the historically small number of applications that are received annually for the purpose of allowing one parcel to provide water to another parcel that is too small in size to develop its own water supply, these exemptions will not cause an adverse effect on the groundwater supplies of the County pending adoption of the contemplated zoning changes.

SECTION FOUR: This interim ordinance shall terminate on January 17, 1997, forty-five days from the effective date of this ordinance, as required by Government Code section 65858. Said term may be further extended by this Board in the manner provided by law.

SECTION FIVE: The Board hereby finds that this interim ordinance must take effect immediately without notice because the processing of additional new applications allowing groundwater extraction in areas designated as Open Space on the Land Use Map of the Napa County General Plan of the County could have a detrimental effect on the groundwater supplies of the County. The Board further finds that the potential for

significant applications for wells in areas designated as Open Space on the Land Use Map of the Napa County General Plan has been exacerbated in recent years to the issuance of more than 150 Unconditional Certificates of Compliance and the recent approval of lot line adjustments, many of which involve areas of the County where groundwater supplies are particularly limited in supply. Due to these factors, this Board further finds that should the owners of these parcels apply for well drilling permits, the effect on the groundwater table in the judgment of this Board would constitute a current and immediate threat to the public health, safety and welfare of the people of the County of Napa.

SECTION SIX: The Board finds that passage of this interim ordinance has no potential for causing a substantial or potentially substantial adverse change in any physical conditions within the area affected and therefore determines with certainty that this interim ordinance has no potential for producing a significant effect on the environment as that term is defined in section 15382 of the State CEQA Guidelines found in Title 14 of the California Code of Regulations. Therefore, this Board hereby finds that this action is not subject to the California Environmental Quality Act (CEQA), pursuant to the general rule that CEQA only applies to projects which have a potential for causing a significant effect on the environment. [14 Cal. Code of Regulations section 15061(b)(3)].

SECTION SEVEN: The Director of Conservation, Development and Planning is hereby directed to prepare and submit to the Board on or before January 7, 1997, a written report describing the progress and development of regulatory proposals to alleviate the conditions which have led to the passage of this interim ordinance.

SECTION EIGHT: This is an urgency ordinance that pursuant to Government Code section 65858 shall take effect immediately.

SECTION NINE: This ordinance shall be published before the expiration of fifteen (15) calendar days after its passage at least once in the Napa Valley Register, a newspaper of general circulation printed and published in the County of Napa, together With the names of the members voting for and against the same.

The foregoing ordinance was introduced, read, and passed at a regular meeting

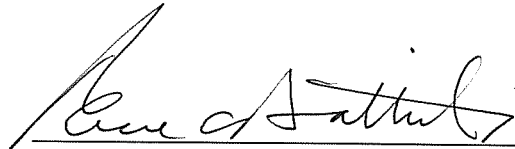
of the Board of Supervisors of the County of Napa, State of California, held on the 3rd day of December, 1996, by the following vote:

AYES: SUPERVISORS VARRELMAN, FERRIOLE, NEGRI, RIPPEY  
and BATTISTI

NOES: SUPERVISORS NONE

ABSTAIN: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

  
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PAUL BATTISTI, CHAIRMAN  
Board of Supervisors

ATTEST:

MARY JEAN McLAUGHLIN  
Clerk of the Board

By: Teri Sisson  
Deputy

APPROVED AS TO FORM  
Office of County Counsel  
By: Wester  
Date: 1/13/97

APPROVED DEC 3 1996  
BOARD OF SUPERVISORS  
COUNTY OF NAPA

MARY JEAN McLAUGHLIN  
CLERK OF THE BOARD  
BY Teri Sisson Deputy