

ORDINANCE NO. 1119

AN INTERIM URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA EXTENDING THE TEMPORARY SUSPENSION OF THE RECEIPT, PROCESSING OR APPROVAL OF PERMITS WHICH WOULD AUTHORIZE THE DRILLING OF MULTIPLE WELLS ON ADJACENT PARCELS OR WOULD AUTHORIZE THE DRILLING OF SINGLE WELLS THAT ARE INTENDED TO SERVE MULTIPLE PARCELS

The Board of Supervisors of the County of Napa ordains as follows:

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

(a) On December 3, 1996, by enacting Ordinance No. 1117, this Board determined that the processing of additional new applications for well drilling permits in those areas designated as Open Space on the Land Use Map of the Napa County General Plan was creating a current and immediate threat to the health, safety and welfare of the residents of the County of Napa because continuing to issue such permits, to the extent same authorizes the concentrated extraction of groundwater within limited areas and/or the transfer and use of water on parcels other than the parcel on which the well is located, within or without the County, would result in the extraction of significant quantities of groundwater and therefore has the potential to have a detrimental effect on the limited groundwater supplies of the County. The Board further determined that this was particularly the case due to the fact that more than 150 unconditional certificates of compliance have been issued during the past several years and numerous lot line adjustments have been approved and that most of said certificates of compliance and lot line adjustments are located in the open space areas of the County where groundwater supplies are particularly limited. Based upon these findings, the Board on December 3, 1996, imposed a 45-day moratorium pursuant to Government Code section 65858 on the receipt, processing or approval of applications for well drilling permits which would authorize the drilling of multiple wells on adjacent parcels or would authorize the drilling of single wells that are intended to service multiple parcels pending the development of adequate regulations for adoption by the Board.

(b) Based upon the report to the Board on January 3, 1997, by the Departments of Environmental Management and Conservation, Development and Planning, as required by

Ordinance No. 1117 and Government Code section 65858(d), the Board hereby determines that the circumstances described in the findings contained in Ordinance Nos. 1117 still exist, but that the aforementioned departments are still actively working on developing regulations which the Board could adopt to alleviate the conditions which led to the need for the adoption of Ordinance No. 1117.

SECTION TWO: The Board hereby readopts its findings of December 3, 1996, as

follows:

(a) Napa County land use regulations at the present time continue to be 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 transferring the water extracted to parcels other than the parcel on which the well is located, or prior to drilling multiple wells on adjacent parcels, whether or not under the same ownership.

(b) Groundwater supplies in Napa County, particularly in those areas of the County designated as Open Space on the Land Use Map of Napa County, are limited. As a consequence, and in part to protect the groundwater supplies of the County in its agricultural areas 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) To protect the limited groundwater that exists in Napa County, particularly in those areas of the County designated as Open Space on the Land Use Map of Napa County, continuing to allow the drilling of additional wells for the purposes identified above without first adopting regulations requiring that, in the circumstances identified in the regulations a permit be obtained, thereby ensuring that such extraction will not be detrimental to the health, safety and welfare of the residents of Napa County, is not possible.

(d) The Conservation, Development and Planning Department is currently reviewing all of the applicable land use regulations of the County and is expected to report back to the Board shortly with recommendations regarding whether or not land use regulations should be adopted that will require the issuance of permits prior to individuals being authorized to drill wells for the purpose of extracting scarce groundwater in areas of the County where a demonstrable lack of groundwater exists and/or where the projected amount of ground water to be extracted is expected to have an adverse affect on the groundwater table which in turn will impact existing property owners that rely on the groundwater and existing wells for their water supply.

SECTION THREE: Except as otherwise provided in Section Four 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, 13.12, 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 of known water shortage and designated as Open Space on the Napa County General Plan. Such areas include, but are not limited to, the Pope Valley, Chiles Valley, Capell Valley, Carneros Valley and Milliken–Sarco–Tulocay groundwater basins.

SECTION FOUR: 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 the original urgency 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 for the reasons set forth in Section 3 of Ordinance No. 1117.

SECTION FIVE: This interim ordinance shall terminate on December 2, 1997, ten months and fifteen days from the expiration of Ordinance No. 1117 as authorized by Government Code section 65858. Said term may be further extended by this Board in the manner required by law.

SECTION SIX: The Board hereby finds that the extension of this interim ordinance must take effect immediately because continued processing of applications for well drilling permits would exacerbate an already serious water shortage in the area and might adversely and permanently affect the water table while a permanent regulatory solution is being sought. Due to this, the Board further finds these conditions constitute a current and immediate threat to the public health, safety and welfare of the people of the County of Napa. The Board further finds that the approval of additional subdivisions, use permits, variances, building permits, or other applicable entitlements for use which would be required in order to comply with those provisions of the Napa County Code relating to zoning, and more likely than not would result in groundwater being utilized as the water source, would result in a threat to the public health, safety, or welfare.

SECTION SEVEN: The Board hereby finds that extension 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, the 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 any potential for causing a significant effect on the environment [14 Cal. Code of Regulations section 15061(b)(3)].

SECTION EIGHT: The Director of Conservation, Development and Planning is hereby directed to prepare and submit to the Board on or before November 22, 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 NINE: This is an urgency ordinance that shall take effect immediately.

SECTION TEN: This ordinance shall be published before the expiration of fifteen 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 21th day of January, 1997, by the following vote:

AYES: SUPERVISORS VARRELMAN, LUCE, WINTER and
RIPPEY

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS FERRIOLE
Mike Rippey
MIKE RIPPEY, Chairman
Board of Supervisors

ATTEST:

MARY JEAN McLAUGHLIN
Clerk of the board

By: Teri Sison
Deputy

APPROVED AS TO FORM	
Office of County Counsel	
By:	<u>[Signature]</u>
Date:	<u>1/17/96</u>

APPROVED JAN 21 1997
BOARD OF SUPERVISORS
COUNTY OF NAPA

MARY JEAN McLAUGHLIN
CLERK OF THE BOARD

BY Michelle Price Deputy

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