

ORDINANCE NO. 1130

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 well drilling 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, which parcels could be located within or without the County, could result in the extraction of significant quantities of groundwater which in turn would have the potential to adversely and irreversibly affect the limited groundwater supplies of the County. The Board further determined that the possibility of such groundwater extraction having a detrimental effect on the limited groundwater supplies of the County was immediate due to the fact that during the mid 1990s more than 150 unconditional certificates of compliance have been issued as well as numerous lot line adjustments approved, these newly recognized or configured parcels can be expected to develop in the short-term, and most of these parcels are located in those open space

areas of the County where groundwater is both scarce and, for all practical purposes, the only source of water. Based upon these findings, the Board on December 3, 1996, pursuant to Government Code section 65858, imposed a 45-day moratorium on the receipt, processing or approval of applications for well drilling permits which would result in wells being drilled involving a significant number of adjacent parcels or would authorize the drilling of single wells that are intended to service multiple parcels pending the development and adoption of regulations that will protect the limited groundwater supplies of the County.

(b) Based upon the report to this Board on January 3, 1997 by the Director of the Conservation, Development and Planning Department, as required by Section 7 of Ordinance No. 1117 and Government Code section 65858(d), this Board on January 21, 1997, determined that the circumstances described in the findings contained in Ordinance No. 1117 still existed, and that the Departments of Environmental Management and Conservation, Development and Planning were actively working on developing regulations suitable for adoption by this Board that would alleviate the conditions which led to the need for the adoption of Ordinance No. 1117.

(c) On January 21, 1997, by Ordinance No. 1119, this Board readopted its findings of December 3, 1996, extended the provisions of Ordinance No. 1117 to December 2, 1997, as authorized by Government Code section 65858, and directed the Director of the Conservation, Development and Planning Department to prepare and submit to the Board on or before November 22, 1997, a written report describing the progress and development of regulatory proposals that will protect the limited groundwater supplies of the County and alleviate the conditions which led to the passage of Ordinance Nos. 1117 and 1119.

(d) Notice of the proposed extension of Ordinance No. 1119 was published in the manner required by Government Code section 65858(a) on November 14, 1997.

(e) Based upon the report to this Board on November 20, 1997 by the Director of the Conservation, Development and Planning, as required by Section 8 of Ordinance No. 1119 and Government Code section 65858(d), and a review of the findings previously adopted by this Board, this Board hereby determines that the circumstances described in the findings contained in Ordinance Nos. 1117 and 1119 still exist, and that the Departments of Environmental Management and Conservation, Development and Planning are continuing to actively work on developing regulations that will protect the limited groundwater supplies of the County and

alleviate the conditions which led to the need for the adoption of Ordinance Nos. 1117 and 1119.

SECTION TWO: This Board hereby readopts its findings of December 3, 1996, and January 21, 1997, 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 scarce. 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 County is presently developing and consolidating information that will enable this Board to consider whether or not to implement a groundwater management program for the purpose of further protecting the scarce groundwater supplies of the County.

(c) If the scarce groundwater that exists in Napa County is to be protected, 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 in Section 1 of this Ordinance 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 consulting with specially appointed Water Counsel as well as reviewing all of the applicable land use regulations of the County and is expected to report back to the Board by March, 1998, with recommendations regarding whether or not additional 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 groundwater in

those 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.

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 would result in multiple 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 a significant number of adjacent parcels which has been filed, whether or not deemed complete, prior to the effective date of urgency Ordinance No. 1117. 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 parcel(s) that cannot develop its own water supply because of its small size for the reasons set forth in Section 3 of Ordinance No. 1117. This interim ordinance shall not apply to any application for a permit that would authorize the drilling of a well for the purpose of replacing an existing well so long as the existing well will not continue to be used as a water source and the expected extraction from each well is approximately the same.

SECTION FIVE: This interim ordinance shall terminate on December 2, 1998, twelve months from the expiration of Ordinance No. 1119 as authorized by Government Code section 65858. Said term may not be further extended by this Board.

SECTION SIX: The Board hereby finds that the extension of this interim ordinance

must take effect immediately upon the expiration of Ordinance No. 1119 on December 2, 1997, because continued processing of applications for well drilling permits would exacerbate an already serious water shortage in those areas designated as Open Space on the Land Use Map of the Napa County General Plan and might adversely and permanently affect the water table while a permanent regulatory solution is being sought. The Board further finds that these conditions, as is more fully set forth in Sections 1 and 2 of this Ordinance, 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 in those areas designated as Open Space on the Land Use Map of the Napa County General Plan, which would be required in order to comply with those provisions of the Napa County Code relating to zoning, would more likely than not result in groundwater being utilized as the water source, and this in turn would result in the aforementioned threat to the public health, safety, or welfare.

SECTION SEVEN: The Board further finds that the extension of this interim ordinance merely maintains the *status quo* and therefore has no potential for causing a substantial or potentially substantial adverse change in any physical conditions within the area affected. The Board concludes that for this reason it can be seen with certainty there is no possibility that the enactment of this interim ordinance may have a significant effect on the environment and therefore compliance with the California Environmental Quality Act is not required [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, 1998, 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 upon the expiration of Ordinance No. 1118 on December 2, 1997.

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.

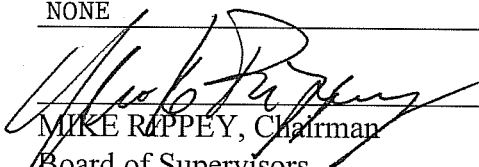
The foregoing ordinance was introduced, read, and passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 25th day of November, 1997, by the following vote:

AYES: SUPERVISORS VARRELMAN, WINTER, FERRIOLE,

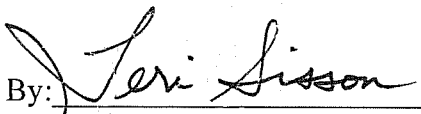
LUCE and RIPPEY

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

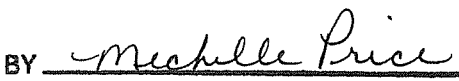

MIKE RIPPEY, Chairman
Board of Supervisors

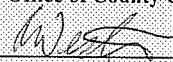
ATTEST:
MARY JEAN McLAUGHLIN
Clerk of the board

By: 
Teri Sisson
Deputy

APPROVED NOV 25 1997
BOARD OF SUPERVISORS
COUNTY OF NAPA

MARY JEAN McLAUGHLIN
CLERK OF THE BOARD

BY 
Michelle Price Deputy

APPROVED AS TO FORM
Office of County Counsel
By: 
Date: 11/20/97