

ORDINANCE NO. 1162

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF NAPA AMENDING THE NAPA COUNTY CODE  
TO ESTABLISH FINDINGS AND PERMIT REQUIREMENTS FOR  
THE EXTRACTION AND USE OF PUMPED GROUNDWATER AS  
A WATER SOURCE ON AFFECTED PROPERTIES.**

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

**SECTION ONE.** The Board of Supervisors hereby finds and declares as follows:

- (a) The groundwater basins of Napa County, including the North Napa Valley Basin, the Milliken-Sarco-Tulucay Groundwater Basin, the Carneros Basin, and the Pope Valley, Chiles Valley and Capell Valley Basins, have historically supplied the people of Napa County with significant water resources that are likely to increase in importance in the future.
- (b) The groundwater basins of Napa County form significant water resources that must be managed in trust, and must be conserved so that they may be placed to the reasonable and beneficial use of all potential users, while avoiding the waste and unreasonable use of these resources.
- (c) Napa County has a right and a duty to govern the management and extraction of resources within its jurisdiction in order to protect the health, safety and welfare of the citizens of Napa County. Conserving the water resources in the groundwater basins of Napa County to avoid overdrafts and maximize the long-term beneficial use of groundwater resources, best serves the health, safety and welfare of residents of Napa County. These objectives are of particular

importance to the future productivity of Napa County agriculture, which presently and for the foreseeable future serves as the cornerstone of Napa County's economy.

(d) On December 3, 1996, the Board adopted Ordinance No. 1117, which determined that the processing of additional new applications for well drilling permits in areas designated as "open space" on the land use map of the Napa County General Plan created an immediate threat to the health, safety and welfare of Napa County residents. The Board concluded that issuing such new permits would authorize either the concentrated extraction of groundwater within limited areas, or the transfer and use of water on parcels other than the parcel where the well is located, or both. Doing so would result in significant extraction of groundwater and potentially detrimental effects on the limited groundwater supplies of Napa County.

(e) In adopting Ordinance No. 1117 on December 3, 1996, the Board also found that more than 150 unconditional certificates of compliance had been issued during the past several years and numerous lot line adjustments had been approved, with most of these certificates of compliance and lot line adjustments located within open space areas of the county where groundwater supplies are particularly limited.

(f) Passage of Ordinance No. 1117 on December 3, 1996, resulted in the Board imposing a 45-day moratorium pursuant to Government Code section 65858 upon the receipt, processing or approval of applications for well drilling permits that 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 Board of Supervisors' development of adequate land use regulations regulating the extraction and use of groundwater resources in Napa County.

(g) Based upon a report to the Board dated January 3, 1997, by the Departments of Environmental Management, and Conservation, Development and Planning, the Board determined on January 21, 1997, that the circumstances described in the findings contained in Ordinance No. 1117 still existed. Noting that those departments were still working on regulations the Board could adopt to alleviate the conditions that prompted the adoption of Ordinance No. 1117, the Board on that same date adopted Ordinance No. 1119, which extended the terms of Ordinance No. 1117 until December 2, 1997. In approving this extension, the Board relied upon the authority of Government Code section 65858.

(h) Based upon a report to the Board dated November 20, 1997 by the Director of Conservation, Development and Planning, the Board determined on November 25, 1997, that the circumstances described in the findings contained in Ordinance No. 1117 and 1119 still existed. Noting that the departments of Environmental Management and Conservation, Development and Planning were still working on regulations that the Board could adopt to alleviate the conditions that prompted the adoption of Ordinance No. 1117 and 1119, the Board on November 25, 1997, adopted Ordinance No. 1130, which extended the terms of Ordinance No. 1117 and 1119 until December 2, 1998. In approving this extension, the Board relied upon the authority of Government Code section 65858.

(i) The Board reaffirms its conclusion in Ordinances No. 1117, 1119 and 1130 that Napa County land use regulations at the present time continue to be unclear as to whether or not a use permit must be obtained either 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.

(j) The Board reaffirms its conclusion in Ordinances No. 1117, 1119 and 1130 that groundwater supplies in Napa County are limited, particularly but not solely including those areas designated as open space on the land use map of Napa County. Areas of special concern to the County which are designated as open space in the Napa County General Plan include, but are not limited to, the Pope Valley, Chiles Valley, Capell Valley, Carneros and Milliken-Sarco-Tulucay groundwater basins. As a consequence, and in part to protect the groundwater supplies of the county to the maximum extent possible, Napa County through its Flood Control and Water Conservation District has spent significant time and money attempting to develop water supplies from sources outside of Napa County.

(k) The Board reaffirms its conclusion in Ordinances No. 1117, 1119 and 1130 that to protect the limited groundwater that exists in Napa County, particularly but not solely in those areas of the county designated as open space on the land use map of Napa County, the drilling of additional wells for the purposes identified above should not be allowed without first adopting regulations establishing permitting requirements, to ensure that such extraction will not be detrimental to the health, safety and welfare of the residents of Napa County.

(l) The Board finds that without immediate county action, long-term inadequacies in surface and groundwater supplies are likely to develop soon throughout Napa County. As the growing demand for water consumption in Napa County approaches existing available supply capabilities and limitations, supply deficiencies will likely be met by increased reliance on groundwater extraction. As the county's agricultural and rural uses continue to expand, the demand for water will also increase, resulting in potential elimination of any groundwater surplus in those areas of the county where a surplus presently exists. That change is likely to be far more pronounced in the reasonably foreseeable event that other increased demands are also satisfied by using groundwater. The Board concludes that although adequate groundwater reserves may still be present in certain portions of the county, an overdraft in groundwater reserves is likely to be present throughout the county, including the North Napa Valley Basin, within the next several years unless the Board adopts long-term plans and use requirements regulating the extraction and use of groundwater in Napa County.

(m) The Board finds that the public interest in both the conservation and the beneficial use of groundwater resources would be best served by the immediate adoption of groundwater use requirements, and that these requirements would also best serve the health, welfare and safety of those individuals residing within Napa County. Likewise, the Board finds that it would not serve these interests and would jeopardize the health, welfare and safety of those individuals residing within Napa County to avoid adopting such use requirements until scarce groundwater reserves have been depleted and conditions of overdraft become prevalent throughout the county.

(n) The Board finds that those areas depicted on Map "13-1" (hereafter "groundwater-deficient areas") are currently in a groundwater deficit, and that in those areas extraordinary measures are needed to avoid further overdrafts of the groundwater basins.

(o) The Board finds that adoption of the groundwater permitting requirements specified in this ordinance are necessary to ensure, to the maximum extent permissible by law, the sufficiency of groundwater supplies for agricultural uses in Napa County and the long-term viability of agriculture within Napa County and, additionally, to ensure that diversions of groundwater for urban uses are limited to the maximum extent permitted by law;

(p) The Board shall hereafter refer to the present ordinance as the "Napa County Groundwater Conservation Ordinance."

**SECTION TWO:** The Board of Supervisors hereby finds and declares as follows with respect to the Napa County General Plan:

(a) The Napa County general plan includes the following provisions relating to the conservation and beneficial use of groundwater resources within Napa County:

(1) The general plan's goals include the mandates to "take advantage of natural capabilities and minimize conflict with the natural environment" (Goal 3) and to implement the plan to "[e]nsure the long-term protection and integrity of those areas identified in the general plan as agricultural, open space or undevelopable." (Goal 5) (Napa County General Plan ("general plan"), p. 2-16.)

(2) The general plan's "water supply protection" requirement in the land use element includes the county's obligation to "protect public and private water sources from contamination of overdrafts, and encourage groundwater recharge." (Policy 1.9; General plan, p. 2-19.)

(3) The land use element's "resource extraction" provision indicates that county standards "will emphasize environmental implications, such as ... removal of underground water by pumping." (Policy 1.11; General plan, p. 2-20.)

(4) The "water supply" provision of the land use element's agricultural policies provides that "the County will initiate studies to develop a comprehensive understanding of the potentials and deficiencies of surface and underground water supplies in Napa County." (Policy 3.14; General plan, p. 2-24.)

(5) The conservation and open space element of the general plan defines "watershed or groundwater recharge land" as "[l]and designated on the State or any regional or local Open Space Plan as open space land which is important to maintain the quantity and quality of water necessary to the people of the State or any part thereof...", and also establishes as a planning goal "[t]o improve the management and protection of the County's water resources." (General plan, pp. 8-17, 8-18.)

(6) The conservation policy protects "potential groundwater recharge areas from urban encroachment because of the potential need to replenish underground water table to prevent land subsidence or for other reasons." (General plan, p. 8-21.)

(b) The Board finds that this Napa County Groundwater Conservation Ordinance, establishing groundwater findings and use requirements, implements and is fully consistent with

the Napa County General Plan, including the provisions identified in subparagraph (a) of Section Two of this ordinance.

**SECTION THREE.** The Board encourages the Napa County Flood Control and Water Conservation District to develop and adopt a coordinated groundwater management program in accordance with the Groundwater Management Act codified at Water Code section 10750, et seq., and other applicable laws.

**SECTION FOUR.** A new Chapter 13.15 is added to Division 1 of Title 13 of the Napa County Code to read in full as follows:

**Chapter 13.15            GROUNDWATER CONSERVATION**

**Sections:**

<b>13.15.010</b>	<b>Title</b>
<b>13.15.020</b>	<b>Groundwater Permit Required</b>
<b>13.15.030</b>	<b>Classification of Applications</b>
<b>13.15.040</b>	<b>Agricultural Activities Exempt From Groundwater Permitting Requirements</b>
<b>13.15.050</b>	<b>Application for Exemption</b>
<b>13.15.060</b>	<b>Application For Groundwater Permit</b>
<b>13.15.070</b>	<b>Processing of Groundwater Permit Applications</b>
<b>13.15.080</b>	<b>Exceptions</b>
<b>13.15.090</b>	<b>Appeals</b>

**13.15.010 Title.** This chapter implements the Napa County Groundwater Conservation Ordinance.

**13.15.20 Groundwater Permit Required.** No applications filed pursuant to division I of title 13 of this code for development of a new water system or improvement of an existing water system within Napa County that may use groundwater as a water source on the affected property shall be approved by any employee, department or body of Napa County until the applicant has obtained a groundwater permit if required by this chapter. Prior to the issuance of a building permit pursuant to chapter 15.08.040, or any other permit or administrative approval facilitating the development or use of any lot that may utilize a groundwater supply, this chapter must first be satisfied. Prior to the final approval of a subdivision a groundwater permit must be secured if an existing, new or improved water system will provide groundwater to the subdivision.

**13.15.030. Classification of Applications.** Applications described in section 13.15.020 shall be classified as follows for the purpose of determining whether a groundwater permit is required under this Chapter:

**A. Applications exempt from groundwater permit requirement.**

1. In the case of uses permitted without a use permit under any provision of this Code, applications to develop or improve an on-parcel water source, or an off-parcel water source serving a single contiguous parcel, are exempt from the requirement that a groundwater permit must be secured under this chapter, unless the water source :

a. Is located on a parcel included within those "groundwater deficient areas" depicted on Map 13-1; or

b. Is located on a parcel of less than one acre, where the development or improvement would serve that parcel only, and public water is available.

2. Applications to develop or improve an on or off-parcel water source serving agriculture are also exempt from the requirement of a groundwater permit under this chapter to the extent provided in section 13.15.040.

3. The director of environmental management may declare a site-specific emergency exempting an application from the requirement of a groundwater permit under this chapter based upon substantial evidence in the record that the applicant's water source is needed to serve an existing use that has lost its water supply.

**B. Applications requiring groundwater permits where a use permit is not required.**

In the case of uses permitted without a use permit under any provision of this Code, applications to develop or improve an on or off-parcel groundwater source, unless exempt under subparagraph (A) above, shall not be approved unless the applicant has first obtained a groundwater permit under this chapter.

**C. Applications requiring use permits.** In the case of uses requiring the issuance of a use permit pursuant to any provision of this Code, applications to develop or improve an on or off-parcel groundwater source in conjunction with such a use are not required to obtain a groundwater permit under this chapter. Groundwater review of such applications shall occur in accordance with the county's procedures to obtain a use permit, including the requirement of groundwater findings under title 18 of this code.

### **13.15.040 Agricultural Activities Exempt From Groundwater Permitting Requirements.**

A. Applications to develop or improve a water source serving agriculture, as defined in section 18.08.040 of this code, shall be exempt from the requirement of a groundwater permit under this chapter where the water would only serve the property where the water source is located, or contiguous property. For purposes of this section only, "contiguous property" refers to property in common ownership that is joined at more than one common point to the property where the water source is located, or connected in a pattern of parcels, each joined to another, that includes the property where the water source is located. If the contiguous property consists of more than one (1) parcel, all parcels must be in agricultural production, in order to qualify for an exemption pursuant to this section. Parcels designated Agricultural Resource ("AR") must be in at least 80% agricultural production of the allowable, plantable land and parcels designated Agriculture, Watershed & Open Space ("AWOS") must be in at least 80% agricultural production of the allowable, plantable land.

B. Notwithstanding subparagraph (A), developments or improvements in water sources serving agriculture on any other properties, including adjacent property not qualifying as "contiguous" for purposes of this section, shall be subject to the same permitting criteria and standards identified in sections 13.15.030 and 13.15.070.

C. Notwithstanding subparagraph (A), developments or improvements in water sources located on parcels included within those "groundwater-deficient areas" depicted on Map 13-1 shall be subject to those permitting criteria and standards identified in sections 13.15.030 and 13.15.070.

### **13.15.050 Application For Exemption.**

(A) Each applicant seeking a determination that the development of a new water system, or the improvement to an existing water system, is exempt from the requirement of a groundwater permit under this chapter shall submit an application for exemption to the director of the department of environmental management, using a form provided by the director, explaining the basis for the exemption. Where the applicant claims an agricultural exemption under section 13.15.040, the applicant shall provide a declaration to enable the director to determine whether the water system would serve qualifying agriculture on the property where the water system is



located, or on contiguous property as defined in section 13.15.040, or both. The director shall furnish a copy of any application for exemption to the department of public works to obtain its written comments on the application.

(B) Reporting. In the case of exemptions granted pursuant to section 13.15.040 the holder of the exemption shall be required to file with the Department biennially a report demonstrating that the parcel continues to be in at least 80% agricultural production of the allowable, plantable land.

**13.15.060 Application for Groundwater Permit.** Each applicant seeking to develop a new water system, or improve an existing water system, requiring a groundwater permit under this chapter shall submit a groundwater declaration to the director of the department of environmental management, using a form provided by the director. That declaration shall:

- A. Identify any present and future uses of any existing water system, including whether and to what extent groundwater is or will be used as a water source on the affected property;
- B. Identify any water sources other than groundwater intended to be used;
- C. State the number of parcels and service connections the new water system or improvement are intended to serve, identify the location of the structures and improvements to be served by that new or improved water system, and identify existing and future uses and users to be served by that new or improved water system; and
- D. Indicate whether it is likely the new water system or improvement would significantly affect the impacted groundwater basin within Napa County together with supporting documentation that will enable the Director to determine whether or not the proposed improvement or new system has the potential to adversely impact the affected groundwater table, potentially have a negative effect on agriculture in the affected groundwater basin, degrade water quality, adversely affect reasonable and beneficial uses of groundwater, interfere with surface water flows, or cause other adverse changes to the physical environment adversely affecting the impacted groundwater basin.

**13.15.070 Processing of Groundwater Permit Applications.** The following procedures and standards shall govern the review and disposition of applications requiring groundwater permits or exemptions under this chapter:

A. The director of environmental management or his designee shall review any applicant's groundwater declaration or exemption statement submitted under this chapter for compliance with the requirements of this chapter and any other applicable provisions of law.

B. Prior to approving an exemption, the director shall review the environmental determination and written comments received from the department of public works. Where the director finds that the application is exempt, no further groundwater review shall take place under this chapter. Where the director denies a request for exemption, the applicant shall submit a groundwater declaration in accordance with section 13.15.060 of this code.

C. After receiving a groundwater declaration for an application determined not to be exempt, the director or his designee shall furnish a copy of the applicant's declaration to the department of public works to obtain their written comments on the application. The director shall also furnish a copy of the application to the director of the conservation, development and planning department for purposes of conducting the required environmental review. The director or his designee shall also instruct the applicant to perform any required Phase I, II or III water availability analysis in accordance with procedures established by the department of public works. The department of public works also shall determine whether approving the application would adversely affect static water levels of neighboring wells prior to submitting its comments. The director of public works or his designee shall submit its comments in the form of a written appraisal of the application to the director of environmental management. That appraisal shall assess any impact on the affected groundwater table, assess any potentially negative effect on agriculture in the affected groundwater basin, and assess the degradation of water quality, adverse effects on reasonable and beneficial uses of groundwater, interference with surface water flows, or other adverse changes to the physical environment.

D. The director of environmental management shall consider approving a groundwater permit only after reviewing the declaration, the environmental determination, and any written comments received regarding the application, including the written appraisal of the department of public works. After that review, the director of environmental management shall only approve a groundwater permit after making any necessary environmental determination and concluding, based on substantial evidence in the record, that the new water system or improvement would not significantly affect the impacted groundwater basin in Napa County. In making this

determination, the director shall consider, but is not limited to, the following factors: impact on the affected groundwater table; negative impact on agriculture in the affected groundwater basin; degradation of water quality; adverse effects on the reasonable and beneficial uses of groundwater; interference with surface water flows; or other adverse changes to the physical environment.

E. In approving a groundwater permit, the director may impose reasonable conditions on the permittee as needed to satisfy the requirements of this chapter and to protect the public health, safety and welfare; provided however, that any groundwater permit granted to a public agency, or granted to a person or persons who subsequently transfers some or all of the groundwater extracted pursuant to the permit to a public agency for use by a public agency, shall be valid for a maximum of three (3) years. The grant of a permit subject to this three year limitation shall include conditions relating to the termination and renewal of the permit; provided, however, that such conditions shall include, at a minimum, a condition that the permit may be renewed only upon the approving authority finding that the renewal would not cause significant adverse effects on the affected groundwater basin or the surrounding agricultural operations.

F. If the director determines after review that the applicant's groundwater declaration satisfies the groundwater permitting requirements of this chapter, and any other applicable provisions of law, the director shall issue a tentative decision approving or conditionally approving a groundwater permit. If the director determines the application and groundwater declaration do not meet the permitting requirements of this chapter, or any other applicable provisions of law, the director shall issue a tentative decision denying the groundwater permit.

G. Within seven calendar days of the issuance of the tentative decision, the director shall give notice of its issuance, including the date on which a tentative decision will become final if a public hearing is not requested, which date shall be not less than ten calendar days following the date notice of the tentative decision is mailed. The notice shall be given by all of the following means:

1. Notice shall be personally delivered or placed in the mail to the applicant seeking approval of a groundwater permit under this chapter.
2. Notice shall be placed in the mail to each public entity with jurisdiction over any portion of the groundwater basin in which the proposed extraction would be expected to occur.

3. Notice shall be personally delivered or placed in the mail to the owners of all real property, including businesses, corporations, or other public or private entities, as shown on the latest equalized assessment roll, within 300 feet of the outer perimeter of the properties that will utilize the extracted groundwater. In lieu of utilizing the assessment roll, the records of the county assessor or tax collector may be used if they contain information more recent than the assessment roll.

4. Notice shall be mailed to any person who has filed a written request therefor with the director of environmental management. Such requests may be submitted at any time during the calendar year and shall apply for the balance of such calendar year.

H. The tentative decision shall become final once the period identified in the notice during which a public hearing may be requested has expired without a request for a public hearing having been received. If a public hearing is requested in a timely manner, the director shall set the hearing date and personally deliver or mail a notice of the time, place and date of the hearing, in the same manner and to the same persons as the notice of the tentative decision was mailed or delivered. This notice shall be mailed not less than ten and not more than thirty calendar days prior to the date of the hearing.

I. The director shall conduct the public hearing. Any member of the public may attend and present oral testimony, written or other evidence, or both. The proceedings shall be electronically recorded and the tapes thereof retained in the director's custody for three years after the hearing except during such time as they may be undergoing transcription for preparation of the record on appeal.

J. Within five calendar days following the conclusion of the public hearing, the director shall issue a final decision approving, conditionally approving, or denying the request to issue a groundwater permit. The director shall give notice of the final decision to all persons who appeared and presented testimony at the hearing.

K. Final determinations of the director of environmental management (or on appeal, the Board of Supervisors) are discretionary for purposes of the California Environmental Quality Act (Pub. Res. Code, §21000, et seq.) except that determinations of exemption pursuant to subparagraph (A)(1) and (A)(3) of section 13.15.030 and section 13.15.040 are deemed ministerial acts and are exempt from the California Environmental Quality Act.

**13.15.080 Exceptions.** Notwithstanding any other provisions of this chapter:

- A. No groundwater permit should be denied where the director of environmental management (or on appeal, the Board of Supervisors) determines, after reviewing the entire record, that a denial would constitute an unconstitutional taking of property without just compensation, or would effect an unreasonable use or waste of water.
- B. The groundwater review and permitting requirements of this chapter shall be waived when applying them would delay effective response to a general emergency declared by the Governor or the Napa County Board of Supervisors. "General emergency," as used herein, refers to a sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or other essential public services.

**13.15.090 Appeals.** Any person may appeal a final decision of the director made, following a request for hearing pursuant section 13.15.070(H), in accordance with the procedures set forth in Chapter 2.88 of this code. Appeals of tentative decisions that become final following the expiration of the period of time within which a hearing must be requested, because no request for a hearing was received, are not permitted.

**SECTION FIVE.** The Board reaffirms its finding in Ordinance Nos. 1117, 1119 and 1130 that in the absence of a permanent regulatory solution addressing groundwater extractions that might otherwise adversely and permanently affect the water table, approval of additional subdivisions will likely result in groundwater being used as the water source, resulting in a threat to the public health, safety, and welfare. To address this problem and ensure that subdivision approvals do not produce such an adverse effect, the Board amends Title 17 ("Subdivisions") of the Napa County Code by adding a new Chapter 17.59 to Title 17 of the Napa County Code to read in full as follows:

#### **CHAPTER 17.59 GROUNDWATER CONSERVATION**

**17.59.010. Subdivision Application; Groundwater Findings Required.** Any subdivision application submitted under this title (including applications for tentative maps, vesting tentative

maps, final maps, lot line adjustments and conditional certificates of compliance) shall disclose whether the proposed subdivision requires or anticipates the use of groundwater as a water source. Where the subdivision requires or anticipates the use of groundwater as a water source the subdivision application shall not be approved or conditionally approved until a groundwater permit has been obtained.

**SECTION SIX.** Subsection (A) of Section 17.14.230 of the Napa County Code ("Lack of Water or Sewer Services") is amended to read in full as follows:

A. As a condition of approving a tentative map, the advisory agency, or on appeal the board, shall require that any proposed subdivision that involves parcels on which a water system has not and will not be installed shall include within the document required to be filed by Section 17.08.110, a statement containing the following language in boldface capital letters:

"No water supply is provided for any parcel located within this subdivision as of the date of recordation of this document. Prior to the issuance of a building permit or any other permit permitting development of any lot requiring a domestic water supply, the requirements of Division I of Title 13 of the Napa County Code, Chapters 13.04 through 13.12, commencing with Section 13.04.010, must first be satisfied. Where that permit requires or is anticipated to require a groundwater supply, the requirements of Chapter 13.15 must also first be satisfied."

**SECTION SEVEN.** The Board reaffirms its finding in Ordinance No. 1119 that in the absence of a permanent regulatory solution addressing groundwater extractions that might otherwise adversely and permanently affect the water table, "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." The Board amends title 18 of the Napa County Code ("Zoning") as follows:

(a) Subsection (F) of Section 18.04.010 is amended to read in full as follows:

F. Further, this board deems it necessary, for the purpose of promoting the health, safety and general welfare of the county, to revise the existing zoning ordinance, and in conjunction therewith substantially to revise the number, shape and area of zoning districts into which the unincorporated area of the county is divided, and substantially to revise the regulations pertaining to such zoning districts in accordance with the general plan and the following objectives:

1. To lessen congestion on roads and highways;

2. To protect necessary rights-of-way for streets and highways within the county against encroachment by permanent physical improvements, the existence of which would make unnecessarily difficult or impractical the retention or creation of thoroughfares adequate in alignment, dimension and vision clearance to serve public needs;
3. To secure safety from fire, flood, earthquake and other dangers;
4. To promote health, safety and the general welfare;
5. To provide adequate light and air;
6. To provide open space for the preservation and managed production of natural resources and out-door recreation;
7. To prevent the overcrowding of land;
8. To avoid undue concentration of population;
9. To facilitate adequate provision of transportation, water, sewerage, schools, parks and all other community services in urban areas;
10. To assure that urban development be limited to locations in existing urban areas where adequate utilities and services can be provided;
11. To conserve and protect the natural environment, including fish and wildlife habitat;
12. To encourage avoidance and reduction of inefficient, wasteful and unnecessary consumption of energy;
13. To provide adequate acreage for staged and orderly industrial development in accordance with the county general plan in areas where water and sewer services are best suited for efficient industrial development;
14. To strengthen the county's economic base and increase the county's tax revenues by protecting the value of land zoned for industrial activities;
15. To preserve sites and structures of a special historical, archaeological or architectural character, and to provide for the maintenance and development of appropriate settings for such resources;
16. To provide for recreation vehicle parks in approved locations to serve the needs of both local residents and visitors, and to establish minimum standards and requirements for the location and development of such parks;
17. To provide for agricultural use in predominantly residential areas where agriculture is and should continue to be a compatible use;
18. To discourage to the maximum extent possible further parcelization of agricultural resource and agriculture, watershed and open space areas due to the adverse effect on agriculture such parcelizations generally pose.
19. To avoid overdrafts in extractions from the groundwater basins of Napa County, to maximize the long-term beneficial use of Napa County's groundwater resources, and to ensure that sufficient groundwater is available for the long-term viability of agriculture in Napa County.

(b) Section 18.124.060 is amended to read in full as follows:

**18.124.060 Conditions for issuance.**

The commission may issue a permit subject to conditions specifically set forth in the permit when the commission makes the findings prescribed in Section 18.124.070. Such conditions may include, without limitation, conditions governing the following matters:

A. Ingress and egress to the property and proposed structures thereon with particular

reference to automobile and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

B. Off-street parking and loading arrangements to facilitate the concerns set forth in subsection (A) of this section;

C. Mitigation of noise, glare, dust, smoke, odor or other effects of the proposed use in relation to adjoining property and property generally in the vicinity;

D. Refuse and service areas;

E. Utilities, and their locations and availability;

F. Screening, buffering and landscaping;

G. Signs, if any;

H. Exterior and interior lighting, particularly with reference to glare, traffic safety and compatibility with nearby properties and uses;

I. Yards;

J. Mitigation of adverse environmental effects if any;

K. The time period for which the permit shall be valid.

L. Mitigation of adverse effects on groundwater resources.

(c) Section 18.124.070 is amended to read in full as follows:

**18.124.070 Issuance—Findings required.**

Before issuing a use permit, the commission shall make the following written findings:

A. That the commission has the power to issue a use permit under the zoning regulations in effect as applied to the property;

B. That the procedural requirements set forth in this chapter have been met;

C. That grant of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the county;

D. That the proposed use complies with applicable provisions of this code and is consistent with the policies and standards of the general plan and any applicable specific plan.

E. That the proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under section 13.15.070 or 13.15.080 of this code.

(d) Section 18.128.060 is amended to read in full as follows:

**18.128.060 Findings prior to issuance.**

A. Before issuing a variance, the commission shall make the following written findings:

1. That the procedural requirements set forth in this chapter have been met;

2. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;



4. Grant of the variance will not adversely affect the public health, safety or welfare of the county of Napa.

5. Grant of the variance would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the impacted groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under section 13.15.070 or 13.15.080 of this code.

B. If the proposed variance is for the purpose of permitting the creation of one or more parcels that will be less than the minimum parcel size established by Section 18.104.010(A), the commission shall approve the requested variance only if it makes the following additional written findings:

1. The parcel(s) proposed to be created will be less than the minimum size established by the underlying zoning district regulations;

2. The parcels proposed to be created result from a parcel being bisected by a county road as a result of a county-initiated realignment of an existing public road; and

3. The primary purpose of that realignment is to correct or eliminate a documented hazardous condition.

C. Except as provided in subsection (B), variances of the minimum parcel size are not permitted.

**SECTION EIGHT.** The Board amends chapter 18.118 of the Napa County Code by deleting the present title, "Water Conservation Regulations," and substituting the following title: "Water Conservation Regulations for Landscape Design."

**SECTION NINE.** A new Chapter 18.141 is added to Title 18 of the Napa County Code to read in full as follows:

#### **CHAPTER 18.141 GROUNDWATER CONSERVATION**

**Sections:**

**18.141.010**

**18.141.010** Any zoning applications filed under this title shall disclose whether the proposed use requires or anticipates the use of groundwater as a water source. Where that use requires groundwater review and the issuance of a groundwater permit under chapter 13.15 of this code, the zoning application shall not be approved until that review has been completed and a groundwater permit has been obtained.

**SECTION TEN.** Subparagraph (A) of Section 15.08.040 is amended to read in full as follows:

A. No building permit shall be issued unless and until the building official has made all of the following findings in regard to the proposed development:

1. The director of environmental management has certified or stated that an approved water supply and sewage disposal system exist, or that plans have been submitted and approved by the director that equal or exceed the standards set forth in Chapters 13.04 through 13.56 of Title 13 of this code, and where a groundwater permit will be required, that the requirements of chapter 13.15 have been satisfied.;

2. The planning division of the conservation, development and planning department has certified or stated that all applicable requirements of Titles 17 and 18 of this code have been met, including but not limited to compliance with conditions that were required to be met prior to the issuance of a building permit as a result of the approval of a land division, lot line adjustment, certificate of compliance, use permit, variance, or other entitlement for use relating to the parcel on which the building will be constructed;

3. The director of public works has certified or stated that either Chapter 16.04 is not applicable or that the requirements set forth in that chapter have been met;

4. If the development project is within the fourteen-thousand-foot radius of the boundary of the Napa County Airport, as defined in 18.80 of this code, and any provision of this code or any applicable specific plan requires that an aviation, hazard and noise easement acceptable to the director of aviation and consistent with FAA regulations be executed prior to the construction of the proposed development, the director of aviation has certified or stated that such an easement has been executed in favor of the county;

5. The planning division of the conservation, development and planning department has certified or stated that the proposed development is to occur on a legal lot of record;

6. All applicable fees shall have been paid, including but not limited to fees for:

a. Building and zoning plan-checks, and

b. The issuance of any required building permit, and

c. The issuance of all required permits by the department of environmental management and public works;

7. The school district within whose boundaries the development is proposed to be located has certified or stated that any fee, charge, dedication or other form of exaction levied by the governing board of the school district will be satisfied in a manner acceptable to the district.

**SECTION ELEVEN.** The county may elect to proceed with a civil action against a violator, including seeking injunctive relief. Any person or entity that violates this chapter shall be subject to fines of up to five thousand dollars (\$5,000.00) per separate violation. A person or entity shall be deemed to have committed separate violations for each and every day or portion thereof during which any such violation is committed, continued or permitted as well as for each and every separate groundwater well with which any such violation is committed, continued, or permitted.

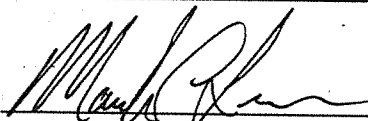
**SECTION TWELVE.** If a court of competent jurisdiction holds this ordinance or any of its provisions invalid, or application of this ordinance or any of its provisions invalid as to any person, the remaining valid portions of this ordinance and its valid application to other persons

its provisions invalid, or application of this ordinance or any of its provisions invalid as to any person, the remaining valid portions of this ordinance and its valid application to other persons shall continue in full force and effect, to the end that any portion or application held invalid shall be severable.

**SECTION THIRTEEN.** 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.

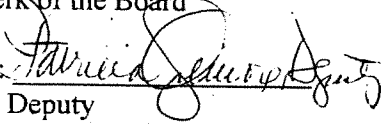
The foregoing ordinance was introduced and read at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 27<sup>th</sup> day of July, 1999, and passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 3<sup>rd</sup> day of August, 1999, by the following vote:

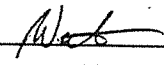
AYES:	SUPERVISORS	<u>WINTER, VARRELMAN, RIPPEY, WAGENKNECHT</u> <u>and LUCE</u>
NOES:	SUPERVISORS	<u>NONE</u>
ABSTAIN:	SUPERVISORS	<u>NONE</u>
ABSENT:	SUPERVISORS	<u>NONE</u>

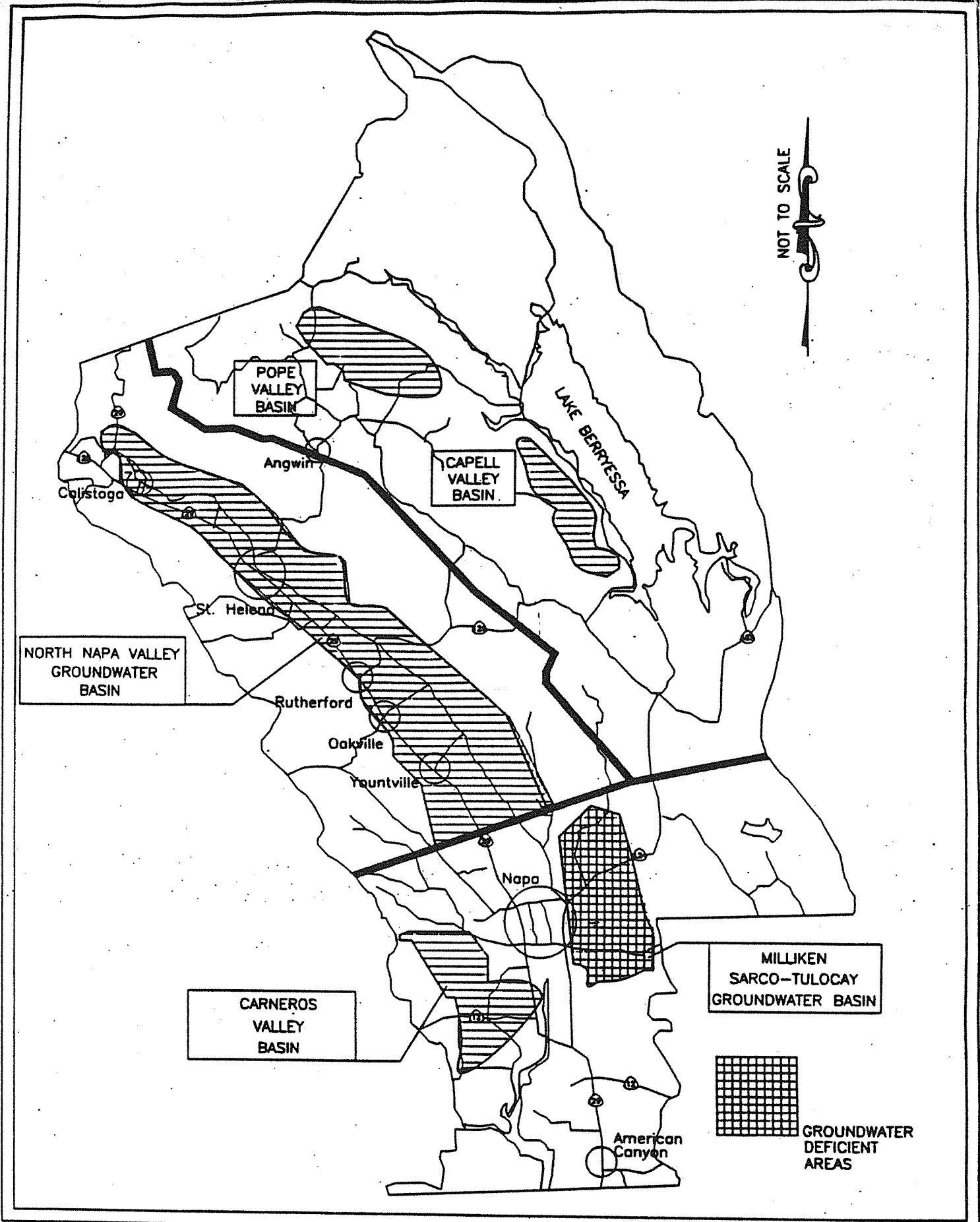
  
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MARK LUCE, CHAIRMAN  
Board of Supervisors

ATTEST:  
MARY JEAN McLAUGHLIN  
Clerk of the Board

By:   
Deputy

APPROVED AS TO FORM  
Office of County Counsel  
By:   
Date: 7/27/99



GROUNDWATER BASINS OF NAPA COUNTY  
 MAP 13-1: Groundwater - Deficient Areas