

## **NAPA COUNTY BOARD OF SUPERVISORS**

### **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that on Tuesday morning, the 26th day of March, 2019, at the hour of 9:00 a.m., a public hearing will be conducted by the Napa County Board of Supervisors regarding the proposed ordinance identified below. The public hearing will be held in the County Administration Building, 1195 Third Street, Suite 305, Top Floor, Napa, California. All interested persons are invited to attend the hearings and be heard.

### **NAPA COUNTY WATER QUALITY AND TREE PROTECTION ZONING ORDINANCE AND TEXT AMENDMENT**

**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

**Proposed Ordinance Title:** AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, 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 OF THE CODE 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.

On February 20, 2019, at a duly noticed public hearing, the Napa County Planning Commission recommended that the Board of Supervisors adopt the proposed ordinance with the following modifications: 1) create a new definition of vegetation canopy, relying on the Baseline Data Report and exclude non-native and invasive species; 2) require 2:1 mitigation for each acre of vegetation canopy cover removed where the mitigation occurs on developable land or within stream setbacks; 3) require 3:1 where the mitigation occurs on slopes of more than 30% or off-site; 4) allow deed restrictions in addition to conservation easements for use in mitigation; 5) allow mitigation within stream setbacks (when riparian restoration is proposed); 6) allow earthmoving activity on slopes of 30 percent or greater with a Use Permit where improvements are needed to comply with County Roads and Street Standards for existing private roads; 7) require a 500-foot setback from municipal reservoirs; 8) apply the ordinance to applications that are substantially incomplete and new applications after the effective date; 9) continue to exempt fire management from the new ordinance requirements; 10) clarify that fire management is exempt on properties that do not have structures and that the exemption applies when actions are consistent with CalFire procedures; 11) add a definition of defensible space; and 12) exempt reconstruction of legally constructed structures up to 125% of the original footprint lost to declared emergency events (and singular catastrophic events) from the new ordinance requirements. The Commission also recommended that the Board find the proposed ordinance consistent with the Napa County General Plan and that the Board find the proposed ordinance categorically exempt from CEQA, as set forth above.

Upon receipt of the Planning Commission's recommendation on the proposed ordinance, if the Board of Supervisors decides to approve the proposed ordinance, it may have 1) a first reading and intention to adopt, and 2) final reading and adoption of the proposed ordinance at its next regularly scheduled meeting or as soon thereafter as possible.

Comments regarding the ordinance are solicited and should be presented at either the Board of Supervisors hearing on the ordinance or in writing prior to the hearing.

Copies of all documents which relate to the above described ordinance may be examined at, and written comments may be sent to, the Office of the Clerk of the Board of Supervisors, County Administration Building, 1195 Third Street, Suite 310, Napa, California 94559.

This summary of the above ordinance meets the requirements of California Government Code Section 25124(b). A copy of the full text of the proposed ordinance is also available for review at the Office of the Clerk of the Board of Supervisors, County Administration Building, 1195 Third Street, Suite 310, Napa, California.

If you challenge any of these proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered at, or prior to the public hearings.