GENERAL INFORMATION REGARDING GROUNDWATER PERMITS FOR PROJECTS WITHIN THE MST GROUNDWATER DEFICIENT AREA
July 2005 (updated 2012)

The following are provided as general guidelines only for projects located within the Milliken-Sarco-Tulocay (MST) Groundwater Deficient Area (see attached map). These guidelines may be modified from time to time depending upon additional information that may become available to the County. The requirements for your specific project or situation may be different. Prior to the submittal of an application for a building permit for a structure or an erosion control plan for a new or expanded agricultural project within the MST groundwater basin you should consult the Department of Environmental Management regarding the possible need for the issuance of a groundwater permit, or if you are proposing a or new or expanded winery in the MST you should consult with the Conservation Development and Planning Department about a Use Permit or Use Permit modification. The following information applies to projects using groundwater located in the MST:

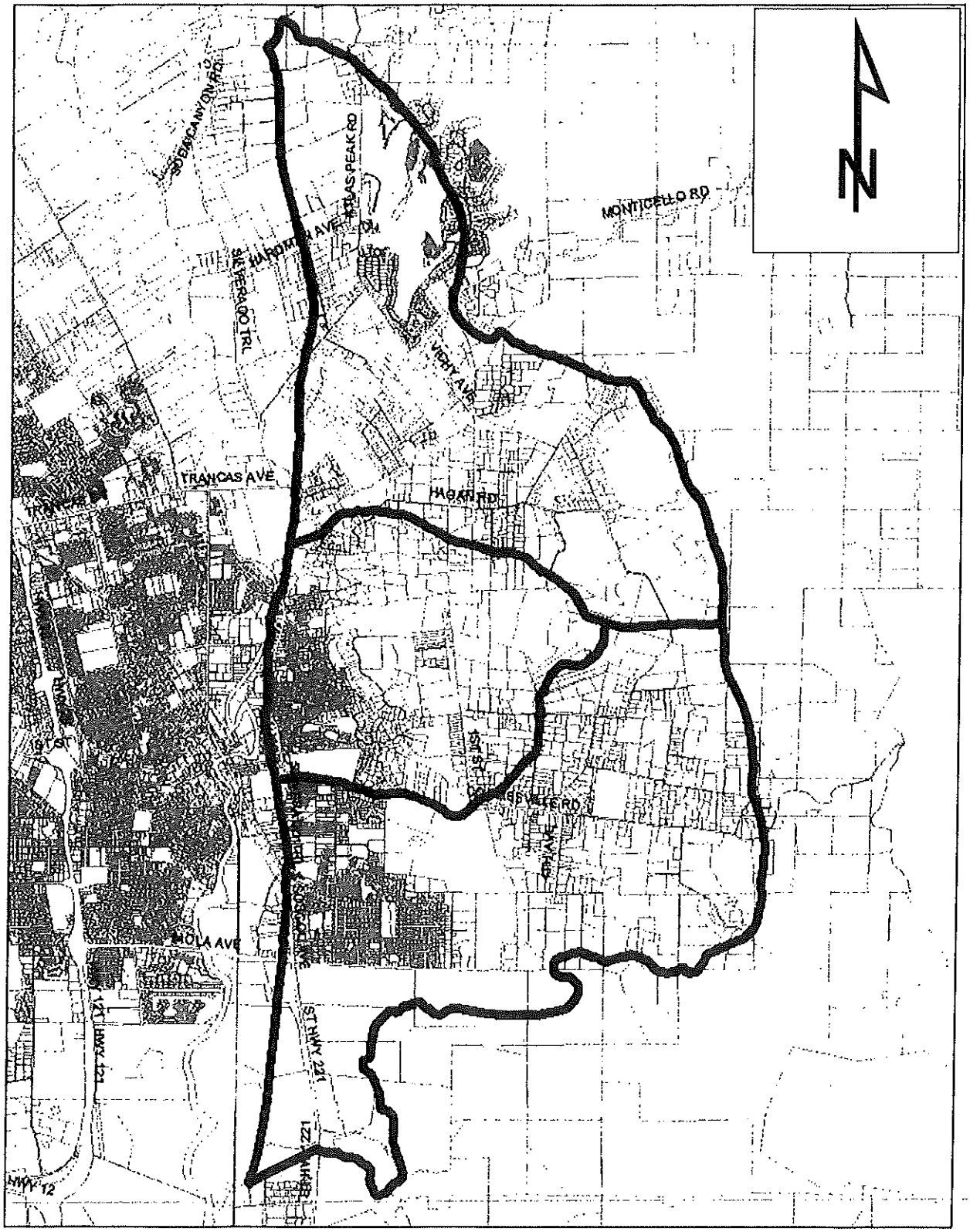
1. **NO GROUNDWATER PERMIT REQUIRED** (project considered exempt)
   1. Additions and/or alterations to existing dwellings do not trigger a groundwater permit review. This includes bedroom and bathroom additions, additional living space, etc. Additionally, guest houses (no kitchen) do not trigger a groundwater review as they are considered "detached" bedrooms.
   2. Replacement dwellings where an existing legal dwelling previously existed are included in the definition of a 'minor improvement' and are exempt from groundwater permit requirements.
   3. Replacement wells are exempt; however the existing well must be destroyed.
   4. Pools, if filled with hauled in water (from a source outside the MST) and if provided with a pool cover, do not trigger a groundwater review.
   5. Agricultural land development less than or equal to a quarter (1/4) of an acre will not trigger a groundwater review.

2. **MINISTERIAL GROUNDWATER PERMIT REQUIRED** (project considered ministerial)
   1. For parcels with no existing structures or agriculture: Applications for a single-family dwelling of any size (and may include a guest house) and the associated well and associated landscaping shall be issued a ministerial groundwater permit provided the applicant does the following: Limits the total water used on the parcel to 0.6 acre feet per year; meters the total water used on the parcel; and reports those water use numbers to the Department of Public Works as required.
   2. For parcels with existing agricultural land development that wish to re-plant or re-develop: Applications for agricultural land re-development shall be issued a ministerial groundwater permit provided the applicant does the following: Limits the water use to an average of 0.3 acre feet of water per acre per year (calculated as the average water used over a three-year period with no yearly use exceeding the total average allotment by more than fifteen (15) percent); meters all wells serving the parcel to measure all groundwater used on the parcel; and reports all water use to the Department of Public Works as required.

3. **GROUNDWATER PERMIT REQUIRED** (project considered discretionary)
   For parcels that do not meet the criteria for exemption or a ministerial permit:

   To add any additional use (including, but not limited to, a second residence, a new or expanded vineyard, or a winery), an environmental assessment in the form of an initial study most likely leading to an EIR (Environmental Impact Report) will be required to be completed by the Conservation, Development Planning Department unless the applicant is able to prove that there will be "no net increase" in water consumption.

   "No net increase" means that the applicant will have to show that no additional water will be used by the proposed use. This can be done by giving up an existing use, changing



Map 13-1: Milliken Sarco Tulocay Groundwater Deficient Basin

MST Recycled Water

Expanded Irrigation Opportunities!



I am writing to inform you of the status of the MST Recycled Water Project. Some of you have been closely involved in this issue for a number of years and are aware of the fact that the construction process has begun.

It should take about one year to complete the pipeline extension from Skyline Park, up to the intersection of Third Avenue and Hagen Road.

Others may have only recently heard about this project, which is intended to help resolve a long-standing groundwater deficiency in the Milliken-Sarco-Tulocay (MST) Basin.

Thus far, approximately 30 property owners have joined the Community Facilities District (CFD), which is helping to finance this construction work, and entails paying a Special Property Tax for a maximum of 20 years. The amount of the tax is dependent upon the size and nature of your property. Additionally, funding has been provided by the Federal Government, the County of Napa and Napa Sanitation District (NSD).

Recently, this Project has been the beneficiary of additional grant funding from the State of California. These funds, combined with the possibility of additional Federal grant funding, may allow additional expansion of the Recycled Water Pipeline. (Note: The application process for these additional funds is just starting, with the results not expected to be known until May 2015).

Therefore, we are reaching out to landowners along the red and yellow lines on the map to determine who might have an interest in participating in this Project, should this funding opportunity come to fruition. We are considering several potential expansion routes, including:

- Coombsville Road, west from Second Avenue to Tulocay Cemetery
- Coombsville Road, east from Fourth Avenue.
- North Avenue, west from Second Avenue to First Avenue
- First Avenue, north from Coombsville Road to (and possibly past) North Avenue

Please keep in mind that your participation is strictly voluntary, notwithstanding anything you may have heard or read to the contrary. Only property owners who voluntarily request to be included will participate in the CFD, and only after agreeing to be charged a maximum "special tax" amount, for a period of up to 20 years. Please feel free to share this update with any friends or neighbors who might be interested.

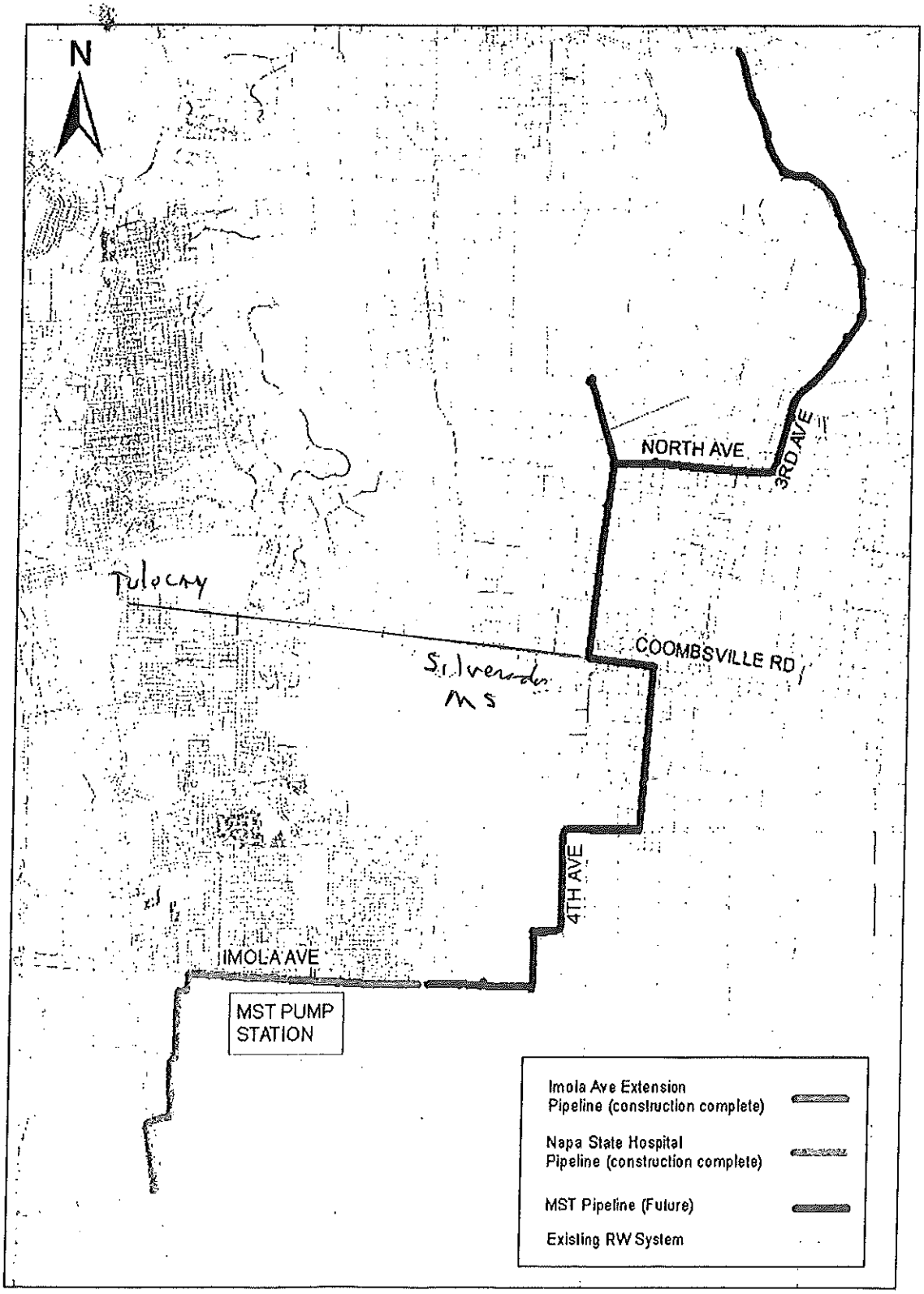
The annual special tax is based on the type and size of your property, with maximum figures ranging as high as approximately $2300 per acre or as low as $2000 per residential parcel. However, there is a "catch-up" provision since all will have to pay the equivalent of 20 years' worth and the timetable has already started. (For example, your first property tax payment may not be required until one year from now, although it would be for 3 years' worth of payments).

The reason we are using the word "maximum" is because of the high likelihood that this cost will be reduced as more customers join and/or as additional grant funds become available.

We appreciate your interest in this important project and hope to be able to include your property over the next year or two. If you have any questions or concerns or simply want to express your interest in participating, please contact Phil Miller, Deputy Director of County Public Works, at (707) 259-8600 or by sending an email to: MST@countyofnapa.org. by no later than January 30th.

Napa County Department of Public Works
804 First Street | Napa, CA 94559
www.CountyofNapa.org

MST Recycled Water Pipeline Map



October 2012

MST AREA NO 2ND DWELLING.

SUMMARY OF ALLOWABLE USES BY ZONING DISTRICT
As of January 12, 2006
Prepared by the Napa County Conservation, Development and Planning Department
ZONING DISTRICTS

ALLOWABLE USE	AGRICULTURE		RESIDENTIAL			COMMERCIAL				INDUSTRIAL		
	AP*	AW	RC	RS	PD	CL	GC	CN	MC	IP	I	GI
1 Dwelling Unit (DU)	Yes	Yes	Yes	Yes	Yes w/U.P.	Yes** Accessory	Yes** Accessory	Yes Accessory	Yes w/U.P.	-----	-----	Yes w/U.P
2nd DU (1,200 Sq. Ft.)	---	Yes	Yes	Yes	----	-----	-----	------	-----	----	----	----
Guest Cottage-No Kitchen (1,000 sq. ft)	Yes	Yes	Yes	----	----	-----	-----	------	-----	----	----	----
Farm Labor DU	Yes	Yes	----	----	----	-----	-----	------	-----	----	----	----
Residential Care Facility	Small-yes	Small-yes	Small-yes	Small-yes Medium w/U.P. Large*** w/U.P.	-----	-----	-----	------	-----	----	----	----
Family Day Care Homes	Small-yes Large-yes	Small-yes Large-Yes	Small-yes Large-yes	Small-yes Large-yes	----	-----	-----	------	-----	----	----	----
Child Day Care Centers	----	----	----	yes- w/U.P.	----	Yes w/ U.P	Yes w/U.P..	-----	-----	Yes w/U.P.	----	-----
Agriculture	Yes	Yes	Yes	-----	-----	Yes	Yes w/U.P.	Yes	Yes	Yes	Yes	Yes
Animals	Yes	Yes	Yes	-----	-----	Yes	Yes w/U.P.	Yes	Yes	Yes	Yes	Yes w/S.P.A.
Kennel	Yes w/U.P.	Yes w/U.P.	Yes/ w/U.P.	-----	-----	-----	-----	------	-----	----	----	----
Public Stables	----	Yes w/U.P.	Yes	-----	-----	-----	-----	------	-----	----	----	----
Winery	Yes w/U.P.	Yes w/U.P.	----	----	----	-----	-----	------	-----	Yes w/U.P	Yes w/U.P.	Yes w/U.P.
Commercial	----	----	----	----	yes w/U.P.	Yes w/U.P	Yes w/U.P.	Yes w/U.P.	Yes w/U.P.	Support Yes w/U.P.	Only products produced	Support w/U.P.
Industrial	----	----	----	----	----	-----	-----	------	-----	Yes w/U.P	Yes w/U.P.	Yes w/U.P. Or S.P.A.
Wine Warehousing	w/winery	w/winery	----	----	----	-----	-----	------	-----	Yes w/U.P	Yes w/U.P.	Yes w/U.P. Or S.P.A.
RV & Boat Mini Storage	----	----	----	----	----	-----	Yes w/U.P	Yes w/U.P. Lake Berryessa	Yes w/U.P.	Yes w/U.P	Yes w/U.P.	Yes w/U.P. Or S.P.A.

ALLOWABLE USE	AP	AW	RC	RS	PD	CL	GC	CN	MC	IP	I	GI
Private Schools (institutional)	-----	-----	Yes w/U.P.	Yes w/U.P.	Yes w/U.P.	Yes w/U.P.	Yes w/U.P.	Yes w/U.P.	-----	------	-----	-----
Bed & Breakfast Inn, Motel	-----	-----	------	-----	-----	Yes w/U.P.	Yes w/U.P.	-----	-----	Yes w/U.P.	-----	-----
Contractor's Storage	-----	-----	------	-----	-----	-----	Yes Lake Berryessa w/U.P.	Yes Lake Berryessa w/U.P.	-----	-----	-----	Yes w/S.P.A.

*ZONING DISTRICT DESIGNATIONS

AGRICULTURAL	AP-Agricultural Preserve	AW-Agricultural Watershed			
RESIDENTIAL	RC-Residential Country	RS-Residential Single	PD-Planned Development		
COMMERCIAL	CL-Commercial Limited	GC-General Commercial	CN-Commercial Neighborhood	MC-Marine Commercial	
INDUSTRIAL	IP-Industrial Park	I-Industrial	GI-General Industrial		

Districts with very limited applications: RM-Residential Multiple RD-Residential Double AV-Airport PL-Public Lands TP-Timberland Preserve

ABBREVIATIONS: UP-Use Permit SPA-Site Plan Approval

Combining Districts Summary:

:B Building Site – Specific minimum lot size in acres to be observed. (Indicated by number after the B).
:AC Airport Compatibility – Additional standards to be applied to lands in the vicinity of public use airports to reduce hazardous situations and insure compatible land use development
:UR Urban Reserve – Uses or actions other than permitted uses first require an application for annexation to be processed before proceeding.
:AH Affordable Housing

Combining Districts with very limited application: :FR-Fire Risk :GR-Geologic Risk :RVP-Recreation Vehicle Park :A-Agricultural
:PS – Agricultural Produce Stand :HR – Historic Restaurant :V – Viewshed Protection

Exceptions – Chapter 18.120 lists uses which may be allowed with and without Use Permit approval in any or certain specified zoning districts, and uses allowed upon grant of an administrative permit.

NOTE: This table is a partial chart of uses and zoning districts for Napa County. For complete information, please check the appropriate sections of the Zoning Ordinance and discuss your proposed project with a Planner at the Conservation, Development and Planning Department. In case of conflict between the provisions represented in this summary and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance shall apply.

**Section 18.104.030 ***Section 18.104.170

ORDINANCE NO. 1230

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA AMENDING CHAPTERS 13.15, 15.08, 18.124 AND 18.128 OF THE NAPA COUNTY CODE ESTABLISHING PERMIT REQUIREMENTS FOR THE EXTRACTION AND USE OF PUMPED GROUNDWATER AS A WATER SOURCE ON AFFECTED PROPERTIES, EXEMPTIONS THEREFROM AND RELATED FINDINGS

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 imposed a

moratorium on 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 until a permanent Groundwater Protection Ordinance could be adopted. Extensions of that moratorium (Ordinances 1119 and 1130) resulted in the moratorium remaining in effect until December 2, 1998.

(e) The Board reaffirms its conclusion in Ordinances No. 1117, 1119 and 1130 that groundwater supplies in Napa County are limited, and that:

1. The Milliken-Sarco-Tulucay groundwater basin is an area of existing groundwater deficiency and is designated as open space in the Napa County General Plan.

2. Areas of potential water deficiency 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, and Carneros groundwater basins.

(f) The Board finds the area shown on Map "13-1" (hereafter "groundwater-deficient areas") continues to be in a groundwater deficit condition, and in that area extraordinary measures are needed to avoid further overdrafts of the groundwater basins.

(g) The Board finds that the following revisions of Ordinance No. 1162 (hereafter the "Groundwater 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.

SECTION TWO. The Board finds that this Groundwater Ordinance, establishing groundwater findings and use requirements, implements and is fully consistent with the Napa County General Plan including but not limited to those goals set forth in Section 1 of the

Groundwater Ordinance.

SECTION THREE. Chapter 13.15 of the Napa County Code is amended to read in full as follows:

Chapter 13.15

GROUNDWATER CONSERVATION

Sections:

13.15.010 Title, Purpose and Definitions
13.15.020 Groundwater Permit Required
13.15.030 Classification of Applications
13.15.040 Agricultural Activities Exempt From Groundwater Permitting Requirements
13.15.050 Determination of Exemption
13.15.060 Application for Groundwater Permit
13.15.070 Processing of Groundwater Permit Applications
13.15.080 Exceptions
13.15.090 Appeals
13.15.100 Enforcement – Violation

13.15.010 Title, Purpose and Definitions.

A. Title.

This chapter implements the Napa County Groundwater Conservation Ordinance.

B. Purpose.

This chapter is intended to regulate, to the maximum extent possible, the extraction and use of groundwater resources in Napa County and to prohibit extraction for wasteful, unreasonable or non-beneficial purposes in order to promote groundwater conservation and the use of Best Management Practices and maximize the long-term beneficial use of the county's groundwater resources, thus serving to enhance environmental quality and protect the public health, safety and welfare of the citizens of Napa County.

C. Definitions. For the purpose of this chapter, the following definitions shall apply:

"Agricultural land development" means the development, new plantings, or other improvement of a property greater than one–quarter of an acre for the purposes of farming a crop, orchard, vineyard or other agricultural product.

"Agricultural land re-development" means the re-development or replanting of an existing crop, orchard, vineyard or other agricultural product of greater than one-quarter of an acre.

"Aquifer" means a geologic formation, underground layers of porous rock that are saturated from above or from structures sloping toward it, that stores, transmits and yields significant quantities of water to wells and springs. Aquifer capacity is determined by the porosity of the subsurface material and its area.

"Best Management Practices (BMP)", as used in this chapter, means structural, nonstructural and managerial techniques generally recognized to be the most effective and

practical means to reduce contamination and consumption of groundwater while still allowing productive use of the resource, including, but not limited to: low flow fixtures, drip in lieu of broadcast irrigation, irrigation during hours of least evaporation loss, timers on irrigation systems, use of pool and spa covers to reduce evaporation, use of xeriscape landscaping, use of recycled water for landscaping purposes, and monitoring of wells.

"Conservation" means the conscious effort to prevent waste and minimize the consumption of groundwater by utilizing reasonable and economically justifiable methods to improve its delivery and use, thus increasing water supplies for optimum long-term benefits. When referring to landscaping or agricultural uses of groundwater this term includes water reuse, processes to reduce the amount of water irretrievably lost to moisture deficient soils, water surface evaporation, or evapotranspiration.

"Contiguous parcel" means parcels which abut, adjoin or otherwise touch each other at more than one point along a common boundary or which would do so except for separation by a strip of land over which some person or entity, other than the owner of the parcels, has some property interest, including fee title or some lesser interest, such as a leasehold or easement. Examples of such strips of land include but are not limited to roads, streets, utility easements, railroad rights-of-way, canals and drainage channels.

"Convenience improvement" means an addition, change, upgrade or improvement to a site's existing well or water supply and distribution system (including the addition of plumbing fixtures) which is for purposes of rendering the system more efficient and is not intended to supply water or make plumbing fixtures available to additional users of said system and does not increase the total consumption of groundwater at that site.

"Department" means the Napa County Department of Environmental Management.

"Director" means the Napa County Director of Environmental Management or the designee of the Director.

"Director of Public Works" means the Napa County Director of Public Works or the designee of the Director.

"Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

"Evapotranspiration" means the loss of water from the soil through both evaporation and transpiration from plants.

"Graywater" means domestic wastewater other than that containing human excrete such as sink drainage, washing machine discharge or bathwater.

"Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.

"Groundwater deficient area" means an area where the amount of groundwater is inadequate to meet particular demands at a particular time, as shown in Map 13-1 at the end of this chapter.

"Groundwater permit" means a permit issued pursuant to this chapter to use groundwater.

"Harvested water" means the collection and use of rainwater as a means to augment or replace other sources of water.

"Improvement" or "improve", as related to a well or water supply system means the construction, re-construction, replacement, or addition to, any portion of a water supply and distribution system for the purposes of providing water for a new use or an additional use (unless

specifically exempt under this chapter). This definition is not intended to include simple plumbing repairs to existing fixtures, pipes or equipment such as replacing or repairing existing faucets, hoses, drains, sinks, toilets, tubs, showers, washing machines, swimming pool and spa filter pumps, irrigation equipment, and the like, unless such repair or replacement will potentially increase the rate and/or amount of groundwater extraction.

"Minor improvement" means a modification to an existing water supply that involves simple repair or replacement of pipes, fittings, faucets, hoses, pumps, meters, components of irrigation systems, sinks, tubs, toilets, showers, washing machines, and all other elements of the water supply and delivery system that will not potentially increase the amount of groundwater extraction at that site. For the purposes of this definition, swimming pools (if filled with trucked in water from a supply source that does not include groundwater from a groundwater deficient area, is provided with a cover, and has an installed meter) and additional potential bedrooms in a single family dwelling unit are considered minor improvements. Any modification that will potentially increase the amount of groundwater extracted is not a minor improvement.

"Overdraft" means the withdrawal of water from an aquifer in excess of the amount of water that recharges the basin over a period of years during which water supply conditions approximate the average, and which, if continued over time, could eventually cause the underground supply to be exhausted, cause subsidence, cause the water table to drop below economically feasible pumping lifts, cause a detrimental change in water quality, or produce other adverse environmental impacts.

"Parcel" means a legal lot of record.

"Potential bedroom" means any room with a floor area equal to or greater than seventy square feet, including lofts, sewing rooms, offices, game rooms, etc. that meet building codes for a sleeping room. A closet or lack thereof is not used in determining whether a room is a potential bedroom.

"Public water supply" means a water supply provided by a local agency, publicly owned corporation, or approved utility company.

"Recharge" means replenishment of groundwater by flows to groundwater storage from precipitation, irrigation, infiltration from streams, a spreading basin or other sources of water.

"Recycled water" means the reclamation and reuse of wastewater or graywater for beneficial use.

"Single-family dwelling unit" means a dwelling unit containing not more than one kitchen, designed to be occupied by not more than one family, and includes a manufactured home as defined in Section 18.08.360 which is installed on a permanent foundation and certified under the National Manufactured Housing Construction and Safety Standards Act of 1974.

"Site" means the location of a system to extract and distribute groundwater, such as a well and connecting plumbing which supplies water to a residence or other structure or use.

"Subsidence" means lowering or sinking of the land surface as a result of the extraction of groundwater.

"Transpiration" means the process by which water absorbed by plants (usually through the roots) is evaporated into the atmosphere from the plant surface.

"Water supply system" means any system including the water source the purpose of which is to extract and distribute groundwater.

"Water table" means the surface or level where groundwater is encountered in an unconfined Aquifer.

"Xeriscaping" means a form of landscaping that uses a variety of indigenous and drought-tolerant plants, shrubs and ground cover to provide environmental benefits.

13.15.020 Groundwater Permit Required.

A. 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 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.

B. Prior to the issuance of a building permit pursuant to section 15.08.040, or any other permit or administrative approval facilitating the development or use of any parcel that may utilize a groundwater supply, a groundwater permit must be obtained if required by this chapter.

C. Prior to the final approval of a subdivision a groundwater permit must be obtained if required by this chapter and an existing, new or improved water system will provide groundwater to the subdivision.

D. No application filed pursuant to chapter 18.108 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.

E. Agricultural land development or re-development that is located on parcels included within those groundwater deficient areas depicted on Map 13-1 which will utilize groundwater and is not subject to the requirements of subsection (D) of section 13.15.020 and chapter 18.108 is subject to review and approval by Napa County in the form of a groundwater permit.

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 by 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, the applications or development set forth in section 13.15.020 are exempt from the requirement that a groundwater permit must be obtained unless the application or development:

a. Is for a project located on a parcel included within those groundwater deficient areas depicted on Map 13-1 and is not otherwise specifically exempted; or

b. Is to develop or improve an on-site or off-site water supply serving more than a single contiguous parcel; or

c. Where the development or improvement, regardless of the number of parcels served, is able to connect to a public water supply.

2. Applications to develop or improve an on-site or off-site 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. Applications to construct or develop rainwater harvesting or graywater recycling systems when that is the sole purpose of the project and the resulting harvested or recycled water will be used to augment existing groundwater sources or as the sole source of water for use at that site.

4. The Director may declare a site-specific emergency exempting an application

from the requirement of a groundwater permit under this chapter for the following reasons:

a. Based upon substantial evidence in the record that the applicant's water source is no longer capable of supplying the amount of water needed to serve an existing legal use and/or the water source has lost its water supply.

b. Based upon substantial evidence in the record, it is determined by the Director that the water source is a threat to public health or groundwater contamination and cannot reasonably be treated or corrected.

In either case, the existing well shall be properly destroyed prior to the use of the new well.

5. Minor improvements to a water system.

6. Convenience improvements to a water system.

B. Applications requiring use permits.

In the case of proposed development requiring the issuance of a use permit pursuant to any provision of this code, applications which propose to develop, improve or utilize an on or off-parcel groundwater source in conjunction with such development 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.

C. Applications involving a ministerial approval.

1. Applications for a single-family dwelling unit and associated landscaping, when such residence will be the only use on the parcel, shall be issued a groundwater permit providing they meet the following requirements:

a. The permittee shall install a meter on the well serving the parcel to measure all groundwater used on the parcel. The configuration of the installation shall conform to a drawing prepared by the permittee and shall conform to the technical standards set forth by the Director of Public Works.

b. On or near the first day of each month the permittee shall read the water meter and provide this data to the Director of Public Works during the first week of April and October of each year. The permittee shall also grant to the Director of Public Works, the right to access and verify the operation and readings of the meters and well levels at any reasonable time during regular working hours.

c. The permittee shall be limited to 0.60 acre feet of water per year or such other amount as may be adopted by the board by resolution.

This groundwater permit shall not be available when other dwellings, accessory uses, agricultural development or other discretionary uses exist on the property. In such case, a groundwater permit must first be obtained pursuant to the procedures set forth in section 13.15.060 et seq. Any permittee that qualifies for a groundwater permit issued pursuant to this section may instead apply for a groundwater permit pursuant to the procedures set forth in section 13.15.060 et seq.

2. Applications for agricultural land re-development that will utilize groundwater on parcels included within those groundwater deficient areas depicted on Map 13-1 shall be issued a groundwater permit providing that they meet the following requirements:

a. The permittee shall install a meter on all wells or water supply and distribution systems serving the parcel to measure all groundwater used on the parcel. The configuration of the installation shall conform to a drawing prepared by the permittee and shall conform to the technical standards set forth by the Director of Public Works.

b. On or near the first day of each month the permittee shall read the water meter and provide this data to the Director of Public Works during the first week of April and October of each year. The permittee shall also grant to the Director of Public Works the right to access and verify the operation and readings of the meters and well levels at any reasonable time during regular working hours.

c. The permittee shall be limited to an average of 0.30 of acre feet of water per acre per year or such amount as may adopted by the board by resolution. This limitation shall be calculated as the average water used over a three-year period with no yearly use exceeding the acre foot of water per acre per year allotment by more than fifteen percent.

Any permittee that qualifies for a groundwater permit issued pursuant to this section may instead apply for a groundwater permit pursuant to the procedures set forth in section 13.15.060 et seq.

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 supply system is located. If the contiguous property consists of more than one parcel, all parcels must be in agricultural production, in order to qualify for an exemption pursuant to this section. To qualify for the exemption in this section, in the case of parcels designated Agricultural Resource ("AR") or Agriculture, Watershed and Open Space ("AWOS") at least eighty percent of the allowable, plantable land of each parcel must be in agricultural production.

B. 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 subsection (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 Determination of Exemption.

A. Prior to any employee, department or body of Napa County issuing any permit or approval as set forth in section 13.15.020, said employee, department or body must first make a preliminary determination if a groundwater permit is required (or must be provided with such preliminary determination from another employee, department or body). Said determination shall consider if the permit or approval:

1. Is for a specific exemption as set forth in this chapter; or
2. Falls within the definition of a minor improvement or convenience improvement.
3. Is eligible for a groundwater permit issued pursuant to section subsection (C) of

section 13.15.030.

B. If the proposed project is determined to be exempt from the requirement of a groundwater permit for reasons other than an agricultural exemption, no further groundwater review shall take place and a determination of exemption shall be issued by the Director.

C. If the proposed project is claiming an agricultural exemption, the applicant must submit to the department an application for a groundwater permit agricultural exemption. The Director shall respond, in writing, to the applicant on or before the end of fifteen days from the date of submittal. If the proposed project is determined by the Director to be exempt from the requirement of a groundwater permit on the basis of the agricultural exemption authorized by section 13.15.040 the holder of the exemption shall be required to file with the department a biennial report demonstrating that the parcel continues to be in at least eighty percent agricultural production of the allowable, plantable land. If the proposed project is determined not to be exempt from the groundwater review process, the determination of the Director shall serve as notice to the applicant that a groundwater permit must be issued before the proposed project is begun.

D. If the proposed project is determined not to be exempt based on a preliminary determination, the employee, department or body of Napa making such determination shall provide written notice to the applicant that a groundwater permit must first be issued.

13.15.060 Application for Groundwater Permit.

Each applicant determined not to be exempt or eligible for a groundwater permit issued pursuant to subsection (C) of section 13.15.030 shall be required to obtain a groundwater permit and shall submit a groundwater declaration to the Director, 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. For the purposes of the application, future uses are those for which permits will be secured or improvements completed within two years of the application;

B. Identify any water sources other than groundwater intended to be used;

C. If the proposed use involves the development of a new water system or improvement to an existing water system, 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;

D. Whether the intent is to transfer some or all of the groundwater extracted pursuant to the permit to a public agency for use by a public agency following issuance of the groundwater permit; and

E. In the form of a Water Availability Analysis-Phase I, as outlined in the Department of Public Works Water Availability Policy Report, as it may be amended from time to time, provide sufficient information and supporting documentation to enable the Director of Public Works to determine whether it is likely the new water system, improvement or addition might significantly affect the impacted groundwater basin within Napa County, whether or not the proposed improvement or new system may be reasonably expected to 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 other than groundwater permits issued pursuant to subsection (C) of section 13.15.030:

A. The Director shall review an applicant's groundwater declaration submitted under this chapter for compliance with the requirements of this chapter and any other applicable provisions of law.

B. Following the Director's determination that the groundwater declaration complies with section 13.15.060, the Director shall furnish a copy of the applicant's declaration to the Director of the Department of Public Works to obtain the written comments of that department on the application. The Director of Public Works shall instruct the applicant to perform any required phase II or III water availability analysis required by the written procedures established by the Department of Public Works. The Department of Public Works, in assessing any required phase II or phase III analysis, shall take into consideration the potential changes in static water levels of neighboring wells prior to submitting its comments. The Director of Public Works shall submit its comments in the form of a written appraisal of the application to both the Director of the Conservation, Development and Planning Department and the Director. That appraisal shall assess the potential for significant negative impacts on the affected groundwater table, and assess potential adverse effects on reasonable and beneficial uses of groundwater, interference with surface water flows, or other adverse changes to the physical environment. The Director of the Conservation, Development and Planning Department shall review the application and the written comments and appraisal from the Director of Public Works for the purposes of conducting the required environmental review and shall submit their written comments to the Director.

C. The Director 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 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, improvement or addition 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; adverse effects on the reasonable and beneficial uses of groundwater; interference with surface water flows; implementation of Best Management Practices; or other adverse changes to the physical environment.

D. In approving a groundwater permit, the Director may impose reasonable conditions on the permittee as needed to satisfy the requirements of this chapter, minimize groundwater use and to protect the public health, safety and welfare including but not limited to requiring implementation of Best Management Practices, plumbing retrofits, installation of meters, monitoring and reporting, limits on groundwater consumption, and requirements that groundwater consumption be reduced in the future if the basin develops an overdraft condition. Additionally, any groundwater permit granted to a public agency, or granted to a person or persons who, subsequent to the issuance of the groundwater permit, intends to transfer 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 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's finding that the renewal would not cause significant adverse effects on the affected groundwater basin or the surrounding agricultural operations.

E. 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 setting forth the conclusions reached in making the determination, and 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 and setting forth the reasons therefore. Any tentative decision will be issued within thirty days of the date comments are received from the Directors of Public Works and Conservation, Development and Planning.

F. 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 written request for 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 three hundred 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. Such requests may be submitted at any time during the calendar year and shall apply for the balance of such calendar year.

G. The tentative decision shall become final once the period identified in the notice during which a public hearing may be requested has expired without such written request for a public hearing having been received.

H. If a public hearing is requested in a timely manner, the tentative decision shall be a nullity, in which case 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. Any required hearing shall be de novo and shall commence within ninety days of receipt of a request for a 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 (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 subsection (A) of section 13.15.030 or the issuance of a groundwater permit pursuant to subsection (C) of section 13.15.030 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 shall be denied where the Director (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 of the State of California 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 to subsection (H) of section 13.15.070, in accordance with the procedures set forth in chapter 2.88 of this code. Appeals of tentative decisions that become final because no request for a hearing was received, are not permitted.

13.15.100 Enforcement – Violation.

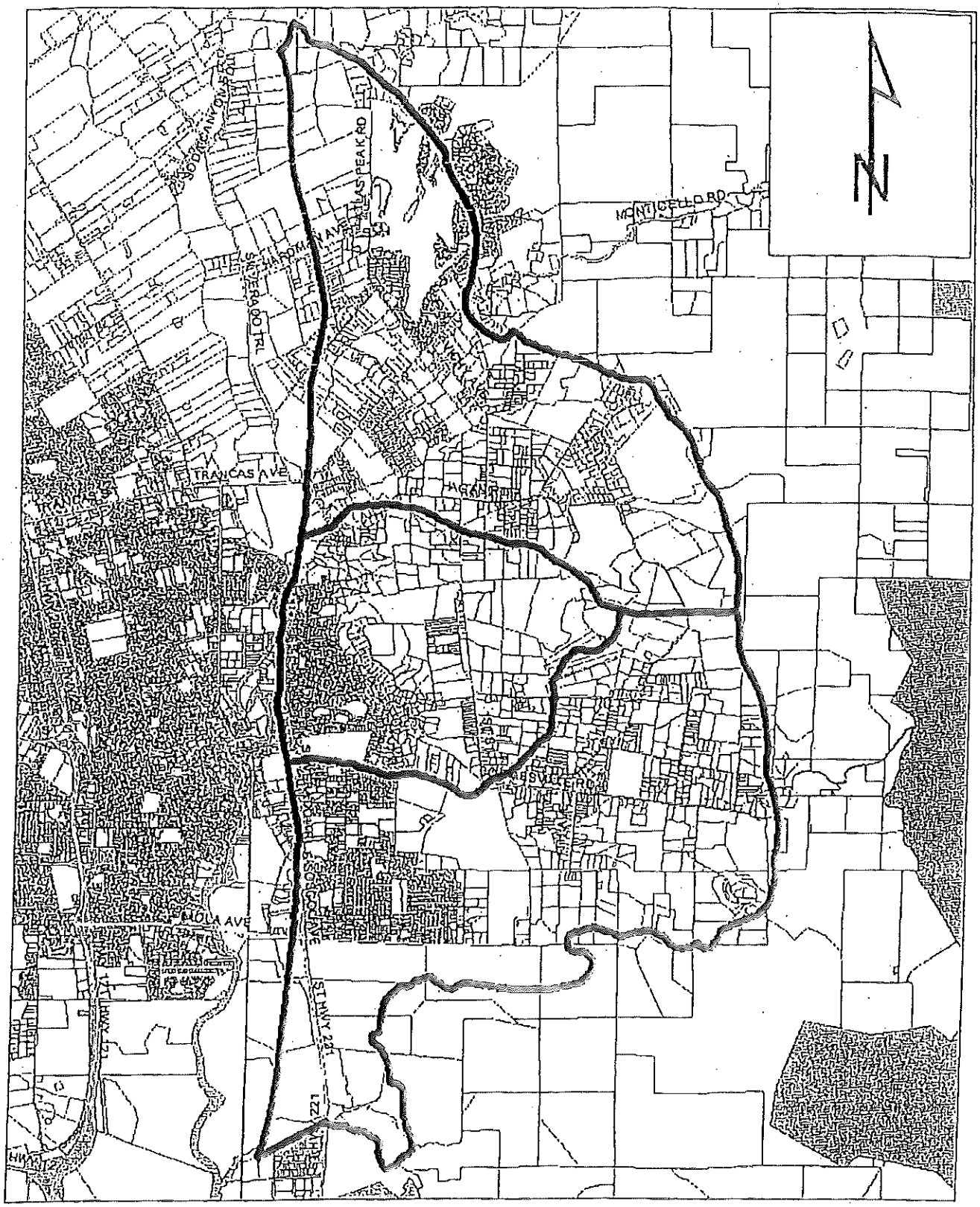
A. Criminal Penalties.

Any person, firm or corporation, whether acting as principal, agent, employer or otherwise, who violates any provision of this chapter, or the terms and/or conditions of any permit issued pursuant to this chapter, with intent to do so shall be guilty of an infraction with a fine not exceeding one hundred dollars for the first violation, two hundred dollars for the second violation within one year, and five hundred dollars for the third violation within one year. Any subsequent violation shall be punishable as a misdemeanor, punishable by a fine not to exceed one thousand dollars per violation, or imprisonment not exceeding six months, or both such fine and imprisonment. Any person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted.

B. Civil Actions – Injunctive Relief.

Napa County may elect to proceed with a civil action, including seeking injunctive relief, rather than proceed with criminal actions as described in subsection (A) of section 13.15.100.

Any person, firm or corporation, whether acting as principal, agent, employer or otherwise, who willfully violates any provision of this chapter, or the terms and/or conditions of any permit issued pursuant to this chapter, shall be liable for a civil penalty not to exceed one thousand dollars for each day or portion thereof, that the violation continues to exist. Any person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator.



Map 13-1: Milliken Sarco Tulocay Groundwater Deficient Basin

SECTION FOUR. Section 15.08.040 of the Napa County Code is amended to read in full as follows:

15.08.040 **Building permit–Issuance prerequisites.**

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 for which the permit is sought is located within an "AC" (airport compatibility) combination zone, as defined in Chapter 18.80, and any provision of this code or any applicable airport land use compatibility plan requires that an aviation, hazard and noise abatement easement consistent with FAA regulations be executed prior to the construction of the proposed development or issuance of permits for such construction, at least one of the following has occurred:

a. If the AC zone is based upon proximity of the development project to the Napa County Airport, the director of aviation has certified or stated that such an easement, in a form acceptable to the county counsel, has been executed in favor of the county.

b. If the AC zone is based upon proximity of the development project to Parrett Field or other privately-owned public use airport located within the unincorporated territory of the county, the executive officer of the county airport land use commission has certified or stated that such an easement, in a form acceptable to the legal counsel for the county airport land use commission, has been recorded in favor of such airport, except that where the parcels involved in the development are in common ownership with the airport at the time of issuance of the building permit, this requirement may be satisfied by recordation of a contract between the owner and the county, in a form acceptable to the legal counsel for the county airport land use commission, under which the owner agrees to convey such easement upon severance of common ownership.

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.

B. No building permit shall be issued authorizing the construction of improvements on a parcel that is adjacent to agricultural land, as that term is defined by Section 2.94.010 of this code, until the owner(s) of the parcel have signed and filed with the planning division of the conservation, development and planning department a statement acknowledging that they are aware of the "right to farm" policy of the county and have been provided a copy of a "right to farm" statement. The "right to farm" statement provided to applicants for building permits shall be substantially in the form set forth in Section 2.94.030 of this code.

C. No building permit shall be issued for the construction of a structure unless consistent with the county general plan, any applicable specific plan, and the zoning of the parcel, or as permitted by Section 18.132.030 for legal nonconformities.

D. No building permit shall be issued if the building official has actual knowledge that the project as proposed will not be in compliance with all applicable provisions of the county code.

E. No building permit shall be issued for a project on or affecting the portion of a parcel which contains a county code violation of record until such violation is corrected, or unless the building permit is for a project which includes correction of such violation.

F. No building permit shall be issued for a new residential unit unless a valid building permit allocation has been obtained or the proposed residential unit is exempt from the limitations set forth in the growth management system of the county general plan.

G. No building permit shall be issued while any appeal of such permit or any requirement, determination, or other administrative decision relating to the development for which the permit was sought or the legal status of the parcel involved is pending or prior to the expiration of any period prescribed by this code for the filing of a notice of such appeal.

H. (Reserved).

I. No certificate of occupancy shall be issued unless and until the building official finds, in regard to the proposed development, that any applicable housing fee requirements and/or inclusionary requirements as set forth in Chapter 15.60 of the Napa County Code have been met.

J. No building permit for a new dwelling unit or guest cottage or for expansion of the footprint of a dwelling unit or guest cottage shall be issued in the Napa River Reclamation District until the applicant has submitted to the building official a soils report prepared by a civil engineer registered with the state of California which shall include recommendations for a foundation designed to withstand potential tidal effects as well as inundation by flooding.

K. No building permit shall be issued for construction of a new dwelling unit, guest cottage or accessory structure or expansion of the footprint of a dwelling unit, guest cottage or accessory structure within the Napa River Reclamation District until all of the following have occurred:

1. The owner of the property has executed and delivered to the Napa River Reclamation District a deed granting the district a non-exclusive easement at least eight feet in width, commencing at the parcel's public road frontage and extending to the portion of the levee on or adjacent to boundary of the parcel. The easement shall provide the district with the right to access the levee on foot or by vehicle for the sole purpose of maintaining or repairing the levee

during emergencies if the owner of the parcel is absent or is unable or unwilling to do so. Nothing in this subsection shall be deemed to require the owner of the property to provide the public with access to the levee across the parcel.

2. Evidence is on file with the building official that construction of the proposed structure has either been approved by the U.S. Army Corps of Engineers or is exempt from such approval.

L. No certificate of occupancy shall be issued for any new dwelling unit or guest cottage or expansion of the footprint of any new dwelling or guest cottage located within the Napa River Reclamation District until the district has determined that all portions of the levee located on the same lot are consistent with any applicable standards established by the district.

SECTION FIVE. Section 18.124.060 of the Napa County Code is amended to read in full as follows:

18.124.060 **Conditions for issuance.**

The commission or board may issue a permit subject to conditions specifically set forth in the permit when the commission or board 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 adverse environmental effects if any, such as, adverse effects on groundwater resources, 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. (Reserved.);

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

SECTION SIX. Section 18.124.070 of the Napa County Code is amended to read in full as follows:

18.124.070 **Issuance--Findings required.**

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

A. That the commission or board 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 the applicable provisions of this code and is consistent with the policies and standards of the general plan and any applicable specific plan;

E. That, in the case of groundwater basins identified as "groundwater deficient areas" under section 13.15.010, the proposed use would not require a new water system or improvement, or utilize an existing water system or improvement causing significant adverse effects, either individually or cumulatively, on said groundwater basins 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;

F. That, in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, substantial evidence has not been presented which demonstrates that the new water system or improvement might cause a significant adverse affect on any underlying groundwater basin, 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;

G. In the case of a development or improvement with a reasonably foreseeable connection to a public water supply as defined in 13.15.010, regardless of the number of parcels served, that the proposed use would not require a new water system or utilize an existing water system necessitating a groundwater permit pursuant to chapter 13.15. This finding shall not be required if the applicant presents substantial evidence demonstrating that the use of groundwater for such development or improvement would not have a significant adverse effect on the underlying groundwater basin; or if 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.

SECTION SEVEN. Section 18.128.060 of the Napa County Code 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. That, in the case of groundwater basins identified as "groundwater deficient areas" under section 13.15.010, grant of the variance would not require a new water system or improvement, or utilize an existing water system or improvement causing significant adverse effects, either individually or cumulatively, on said groundwater basins in Napa County, unless

that variance 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.

6. That, in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under section 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

7. In the case of a development or improvement with a reasonably foreseeable connection to a public water supply as defined in 13.15.010, regardless of the number of parcels served, grant of the variance would not require a new water system or utilize an existing water system necessitating a groundwater permit pursuant to chapter 13.15. This finding shall not be required if the applicant presents substantial evidence demonstrating that grant of the variance for such development or improvement would not have a significant adverse effect on the underlying groundwater basin; or if that variance 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 subsection (A) of section 18.104.010, 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. If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION NINE. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION TEN. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the NAPA VALLEY REGISTER, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission held on the 6th day of August, 2003, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 4th day of November, 2003, by the following vote:

AYES:	SUPERVISORS	DODD, DILLON, RIPPEY, LUCE and WAGENKNECHT
NOES:	SUPERVISORS	NONE
ABSTAIN:	SUPERVISORS	NONE
ABSENT:	SUPERVISORS	NONE

BRAD WAGENKNECHT, Chair
Napa County Board of Supervisors

ATTEST:

PAMELA MILLER
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM
Office of County Counsel
By: _____
Deputy County Counsel
By: _____
County Code Services
Date: 11-5-03

Approved by the Napa County Board of Supervisors
Date: 11/4/03
Processed by: _____
Deputy Clerk of the Board