



Water Quality and Tree Protection Ordinance



A Tradition of Stewardship
A Commitment to Service

Water Quality and Tree Protection Ordinance

- The purpose of the Conservation Regulations is to:
 - Ensure long-term viability of agriculture
 - Protect water quality and quantity
 - Promote economic productivity
 - Preserve riparian areas, natural habitat, and existing vegetation
 - Minimize impacts to land forms
 - Protect drinking water



A Tradition of Stewardship
A Commitment to Service

Water Quality and Tree Protection Ordinance

- The Conservation Regulations have been regularly reviewed and updated
 - Adopted in 1991
 - Amended in 1994 to add Technical Standards
 - Amended in 2002 to add municipal watershed protections
 - Amended in 2003, but recalled by referendum in 2004
 - Amended in 2007 to add annual deadlines for grading



A Tradition of Stewardship
A Commitment to Service

Water Quality and Tree Protection Ordinance

- The Conservation Regulations have a long tradition of being based on facts and evidence.
- The Conservation Regulations have allowed growth in agricultural and residential development with limited forest loss.
- Watershed issues have been and continue to be of great interest to the community.



A Tradition of Stewardship
A Commitment to Service

Water Quality and Tree Protection Ordinance

- The Conservation Regulations:
 - Apply to all zoning designations
 - Apply to all earth-moving activity, including vineyards and building construction
 - Supplemented by Storm Water Pollution Prevention Program, National Pollution Discharge Elimination System, and Regional Water Quality Control Board General Permit
 - Erosion Control Plans are subject to the California Environmental Quality Act



A Tradition of Stewardship
A Commitment to Service

Water Quality and Tree Protection Ordinance

- Since 2005:
 - The amount of total agricultural land has increased 8.7%.
 - The amount of urban land has increased 4.6%.
 - The amount of producing vineyards has increased 4.0%.
 - The amount of shrub/grasslands has decreased 4.1%.
 - The amount of forested land has decreased 1.2%.



A Tradition of Stewardship
A Commitment to Service

Water Quality and Tree Protection Ordinance

	Existing Requirements	Board Direction
Slopes	<p><u>Code Section 18.108.060:</u> Development on 30% to 50% slope prohibited unless exempt or with a Use Permit; development prohibited over 50% unless exempt</p>	<p>Prohibit new planting and structures on slopes over 30%, with certain exemptions</p>
Municipal Reservoir Setbacks	<p><u>Code Section 13.28.040.A:</u> 200-foot septic setback</p>	<p>Create a buffer of 200 feet around municipal reservoirs, subject to comment from the cities about specific reservoirs.</p>
Wetland Definition	<p><u>Not specified in Code:</u> CEQA documents use federal definition with soil, plant, and saturation parameters.</p>	<p>Adopt the federal definition of wetlands but monitor the state's process and consider adoption of a final state definition of wetlands</p>

Water Quality and Tree Protection Ordinance

Wetland Setbacks	<u>Code Section 18.40.170.D:</u> 25-foot minimum in Industrial Park (IP) Zone; 50-foot minimum setback is imposed via CEQA	Create a 50-foot minimum setback around wetlands.
Stream Definition	<u>Code Section 18.108.025:</u> Watercourses designated by USGS, listed in Resolution 94- 19, or with well-defined channel and stream vegetation	Preserve existing definition and amend code to include Class III equivalent streams.
Stream Setbacks	<u>Code Section 18.108.025:</u> Varies between 35 feet and 150 feet, depending on slope	Create a 35-foot minimum setback from Class III equivalent streams.

Water Quality and Tree Protection Ordinance

Tree Canopy Definition	<p><u>Code Section 18.108.027:</u> Defines tree canopy as the crown area in a natural and continuous stand of trees, when viewed from the latest aerial photograph.</p>	<p>Maintain the existing definition of tree canopy.</p>
Tree Canopy Retention	<p><u>Code Section 18.108.027:</u> 60% minimum retention in municipal reservoir watersheds and subject to CEQA</p>	<p>Increase tree canopy retention from 60 percent to 70 percent and extend it from development in municipal reservoir watersheds only to development in all unincorporated areas.</p>

Water Quality and Tree Protection Ordinance

Shrub Canopy	<p><u>Code Section 18.108.027:</u> 40% minimum retention in municipal reservoir watersheds and subject to CEQA</p>	<p>Extend a 40-percent shrub canopy retention requirement for development in municipal watershed reservoirs to development in all unincorporated areas (exclude grassland retention outside of municipal watersheds).</p>
Tree Mitigation Ratio	<p><u>Not specified in Code:</u> Policies CON-17 and CON-24: Minimum 2:1 preservation ratio</p>	<p>Increase the tree mitigation ratio from 2-1 to 3-1. Mitigation prioritized to the highest biological value, preferably on-site but allowed off-site, and may take place on slopes greater than 30 percent, and in stream setbacks where restoration is proposed</p>

Water Quality and Tree Protection Ordinance

Mitigation Location	<p><u>Not specified in Code:</u> County practice is a tiered approach. Mitigation occurs first on developable land on-site. Where that is insufficient (in whole or in part), mitigation occurs in a combination of ways including a reduction in project size, and off-site mitigation for habitat of same or better quality, within the same watershed. Where that is not feasible, mitigation occurs within Napa County where there is public benefit.</p>	Amend code to specify tiered approach.
Effective Ordinance Date	Specific to each ordinance.	Apply to existing incomplete and new applications after effective date.

Water Quality and Tree Protection Ordinance

Exemptions	<p><u>Code Section 18.108.050</u> <u>(H)</u>: Creation and/or maintenance of firebreaks required by and completed under CalFire direction.</p>	<p>Continue to exempt fire management from the new ordinance requirements.</p>
	<p><u>Code Section 18.108.050(I)</u>: Exempts clearing of vegetation and/or grading authorized by a timber harvesting permit where erosion control measures were included in the project; but does not exempt projects that include a timber conversion permit</p>	<p>Continue to exempt forest health management practices from the new ordinance requirements.</p>

Water Quality and Tree Protection Ordinance

Exemptions	<p><u>Policy Manual 12.B:</u> Rebuild structures not subject to new road or wastewater requirements, if they don't exceed 125% of the legal footprint.</p>	Exempt reconstruction of residences lost to declared emergencies (and singular catastrophic events) from the new ordinance requirements
	<p><u>Section 18.108.050.S:</u> Replanting less than 1 acre exempt within the same footprint.</p> <p><u>Section 18.108.025.B.2.b:</u> Stream setbacks not required for replanting within the same footprint.</p> <p><u>Section 18.108.055.A:</u> Replanting exempt from slope limitations within same footprint,</p>	Continue to exempt vineyard replanting in the same footprint from the new ordinance requirements.

Water Quality and Tree Protection Ordinance

Exemptions

Local CEQA Guidelines:

Creation of a 5.5 acre or less vineyard qualifies for Categorical Exemption.

CalFire Forest Practices

Rules Section 1104.1(a):

Conversion of timberland to a non-timber use of less than 3 acres is exempt from Timber Conversion Plan requirements.

Regional Water Quality

Control Board General

Order R2-2017-0033:

Exempts existing or new vineyards of less than 5 acres and on slopes of less than 30% from Waste Discharge requirements.

Exempt 5.0 acres of vineyard development on slopes less than 15% from the new ordinance requirements. Limit of once per legal lot.

Water Quality and Tree Protection Ordinance



A Tradition of Stewardship
A Commitment to Service

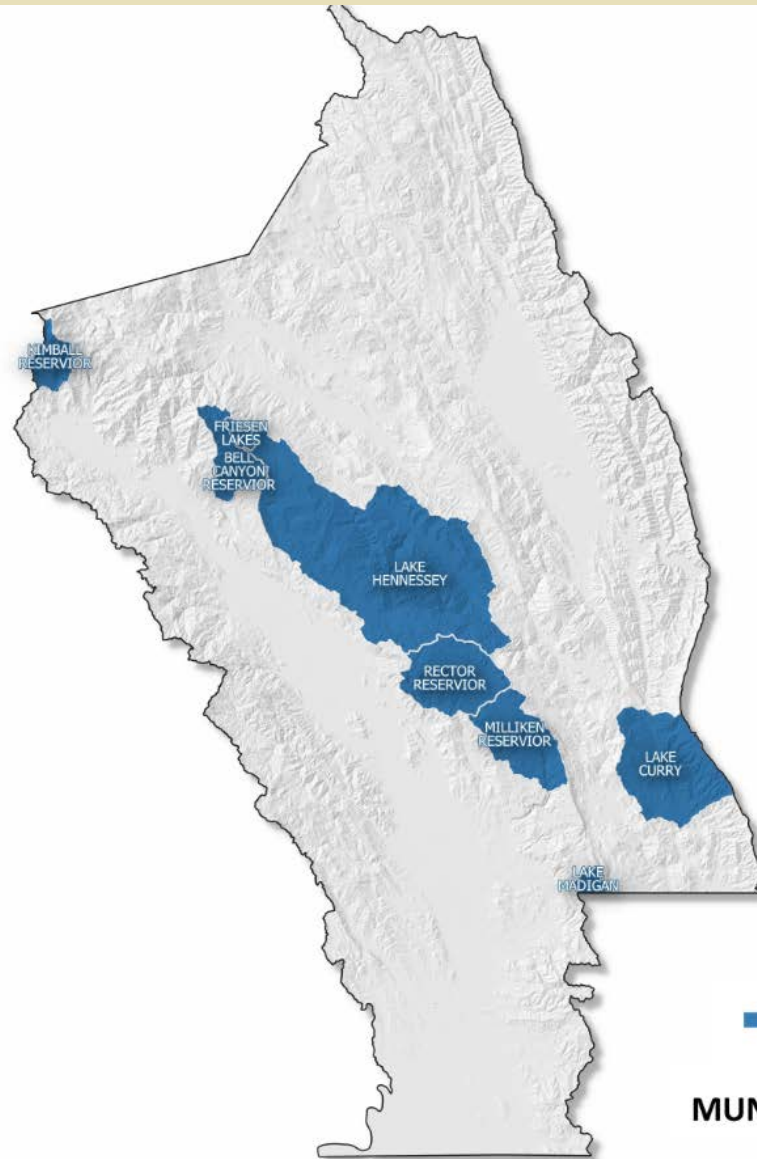


SLOPES OVER 30%

Water Quality and Tree Protection Ordinance



A Tradition of Stewardship
A Commitment to Service



■ Domestic Water Supply Drainages

MUNICIPAL RESERVOIR WATERSHEDS

Water Quality and Tree Protection Ordinance



A Tradition of Stewardship
A Commitment to Service



■ Wetlands (NWI)

WETLANDS
(NATIONAL WETLANDS INVENTORY)

Water Quality and Tree Protection Ordinance



A Tradition of Stewardship
A Commitment to Service



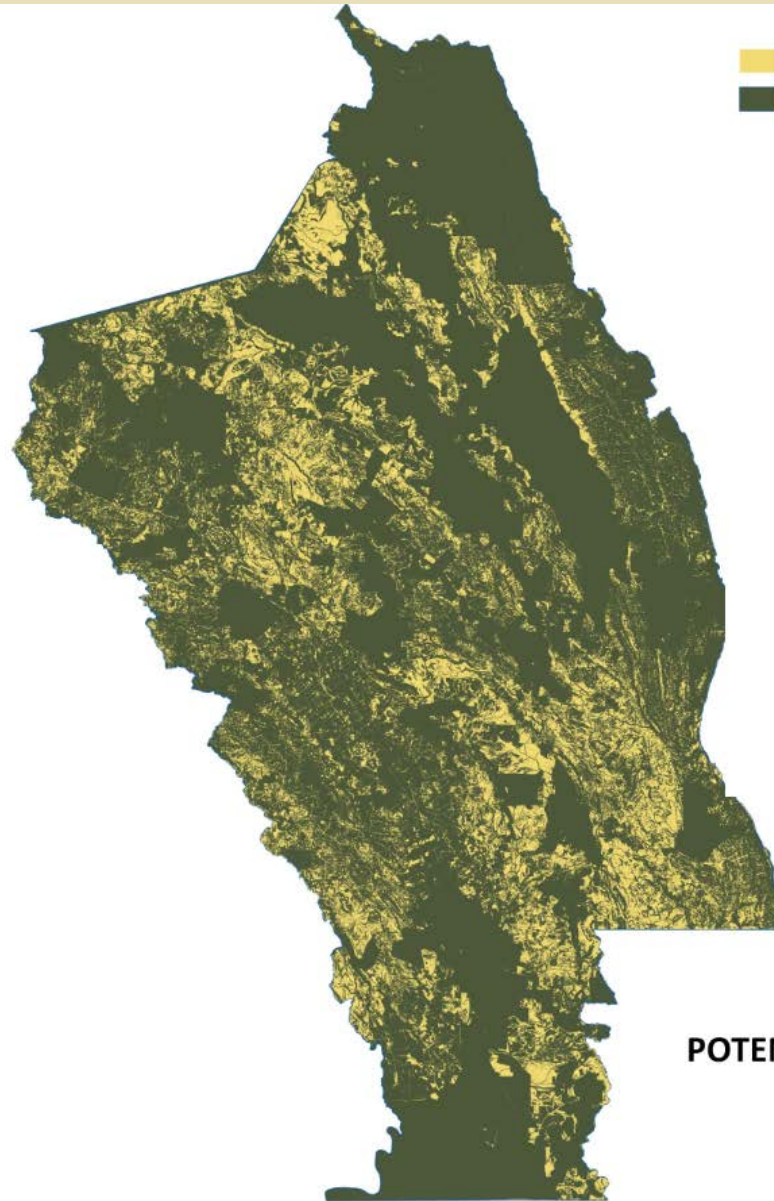
— Blueline Streams



BLUELINE STREAMS

Water Quality and Tree Protection Ordinance



A Tradition of Stewardship
A Commitment to Service



-  potentially plantable soils
-  areas not considered plantable*

* AREAS NOT CONSIDERED PLANTABLE:

Generally and historically recognized "unsuitable soils"

- poorly drained/saline
- unstable soils
- serpentine soils
- rock outcrops/riverwash

Areas covered with water + 50' buffer

- water bodies
- wetlands/vernal pools
- freshwater marsh/riparian wetland
- riparian corridors (blueline streams buffered by 55')

Developed areas

- city/town boundaries
- industrial zoned properties
- airport clear zones

Properties owned by public agencies

Properties owned or encumbered by the Napa Land Trust

Areas with slopes > 30%

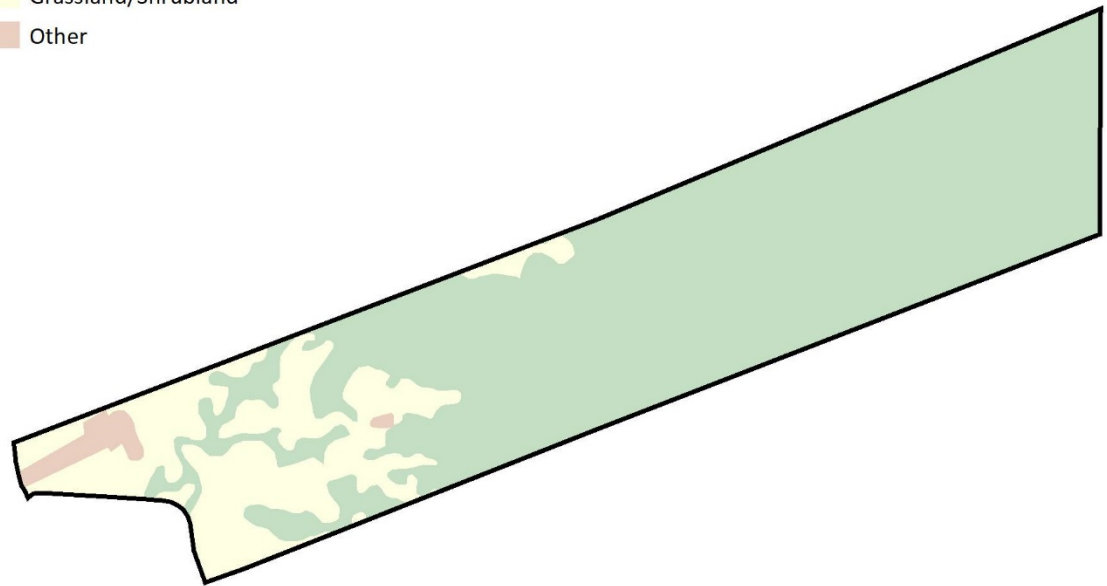
POTENTIALLY PLANTABLE AREAS

Water Quality and Tree Protection Ordinance

Landcover Category, parcel-wide

- Forested
- Grassland/Shrubland
- Other

0 200 400 800 FT



PARCEL SIZE:	220 ac
TOTAL FORESTED:	172 ac (78%)
TOTAL GRASS/SHRUBLAND:	44 ac (20%)

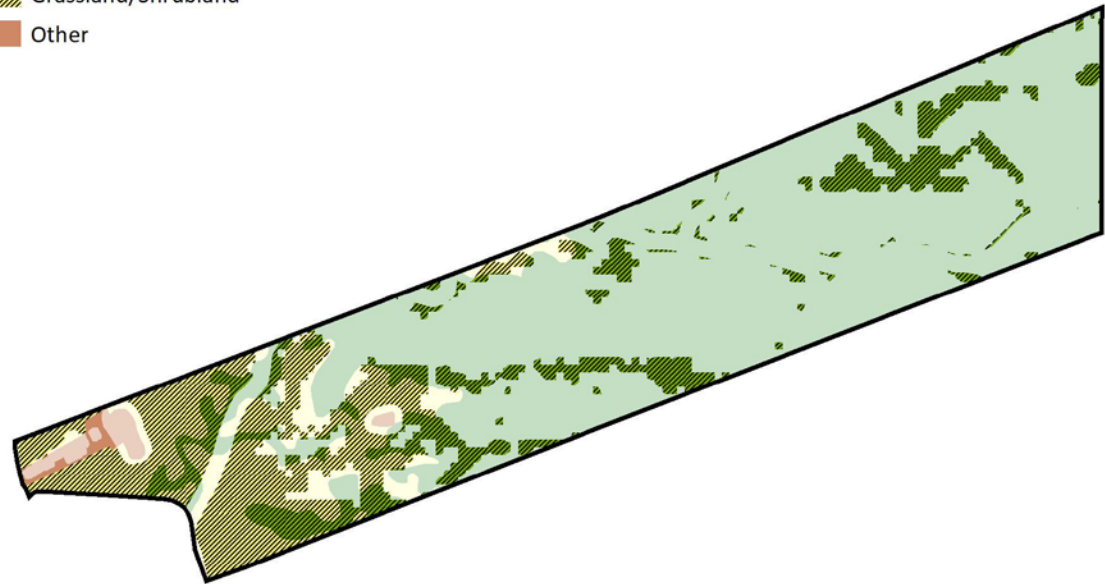
EXISTING CONDITIONS

Water Quality and Tree Protection Ordinance

Landcover Category Within PPS

- Forested
- Grassland/Shrubland
- Other

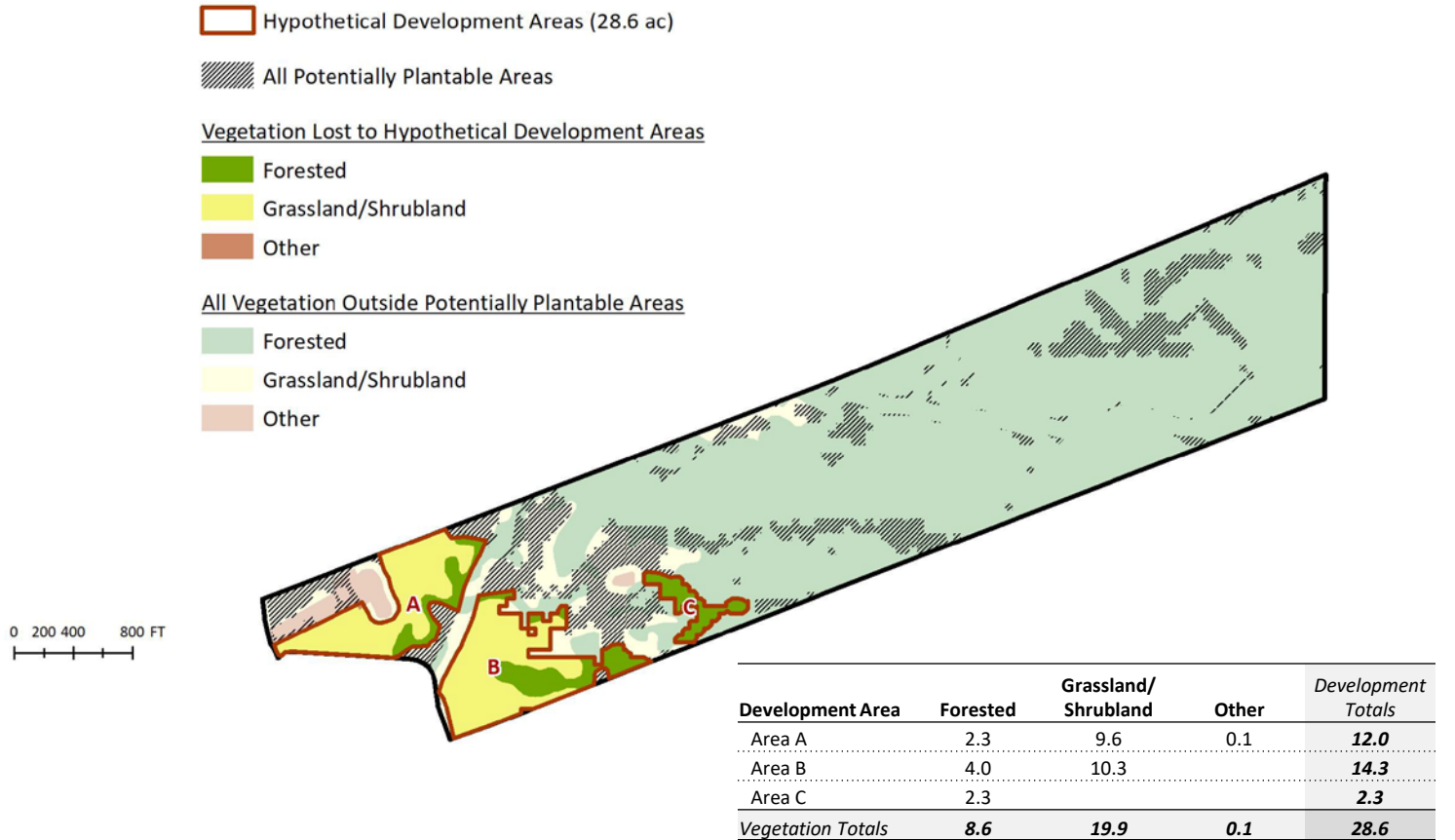
0 200 400 800 FT



TOTAL PPS:	68 ac
FORESTED PPS:	31 ac (18%)
GRASS/SHRUBLAND PPS:	34 ac (77%)


ALL POTENTIALLY PLANTABLE ACRES

Water Quality and Tree Protection Ordinance





Water Quality and Tree Protection Ordinance




 Hypothetical Development Areas (28.6 ac)

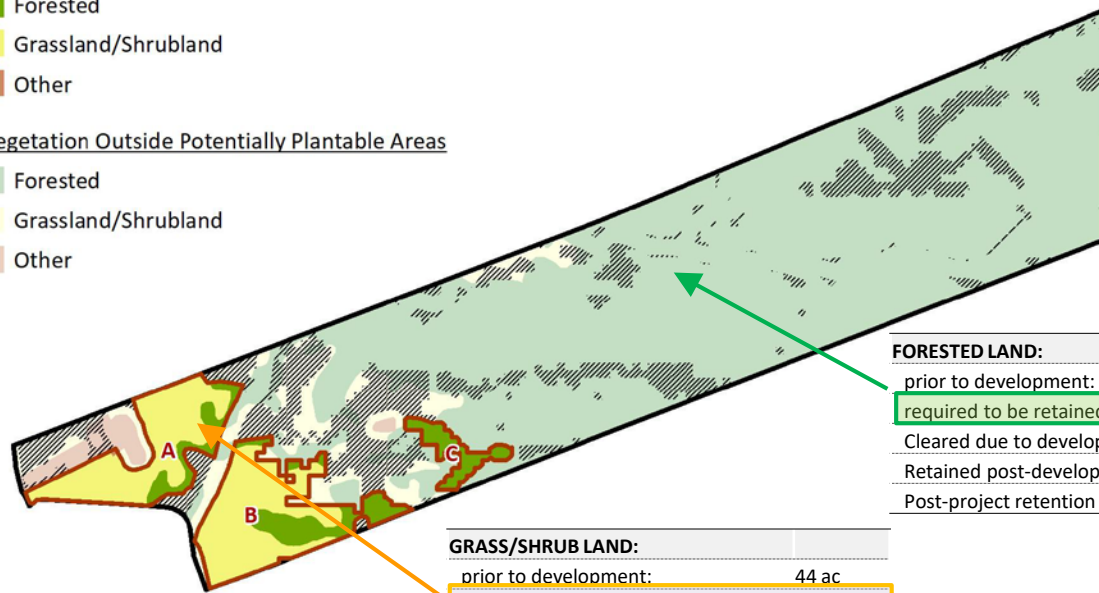
 All Potentially Plantable Areas

Vegetation Lost to Hypothetical Development Areas

-  Forested
-  Grassland/Shrubland
-  Other

All Vegetation Outside Potentially Plantable Areas

-  Forested
-  Grassland/Shrubland
-  Other



FORESTED LAND:	
prior to development:	172 ac
required to be retained @ 60%:	103.2 ac
Cleared due to development	8.6 ac
Retained post-development:	163.4 ac
Post-project retention rate:	95%


GRASS/SHRUB LAND:	
prior to development:	44 ac
required to be retained @ 40%:	17.6 ac
Cleared due to development	19.9 ac
Retained post-development:	24.1 ac
Post-project retention rate:	55%

Development Area	Forested	Grassland/ Shrubland	Other	Development Totals
Area A	2.3	9.6	0.1	12.0
Area B	4.0	10.3		14.3
Area C	2.3			2.3
<i>Vegetation Totals</i>	8.6	19.9	0.1	28.6




VEG RETENTION @ 60-40

Water Quality and Tree Protection Ordinance

 Hypothetical Development Areas (28.6 ac)

 All Potentially Plantable Areas

Vegetation Lost to Hypothetical Development Areas

-  Forested
-  Grassland/Shrubland
-  Other

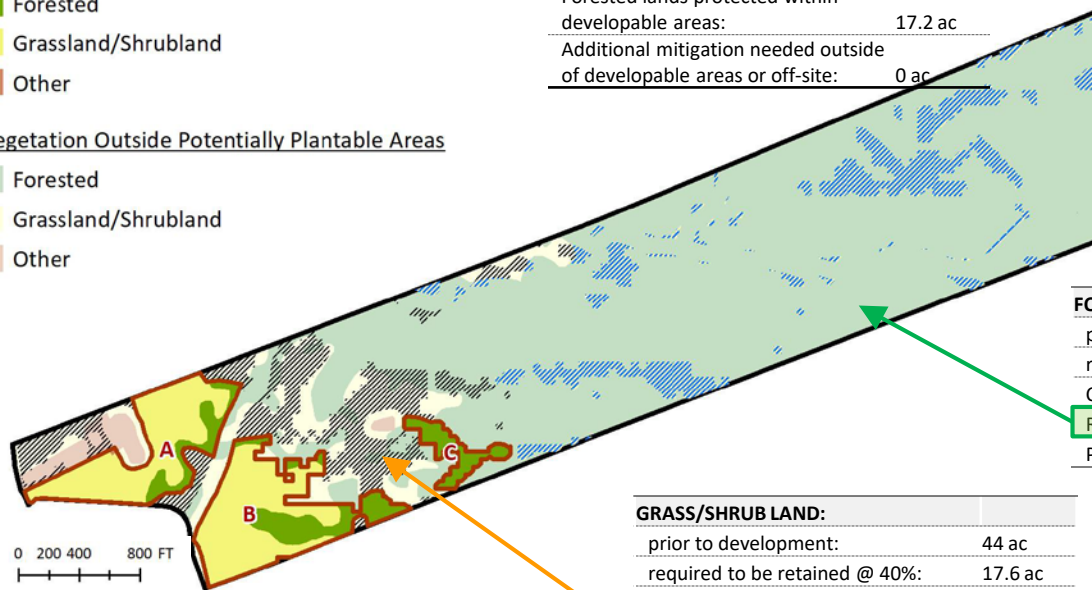
All Vegetation Outside Potentially Plantable Areas

-  Forested
-  Grassland/Shrubland
-  Other

 Forested Areas Retained via 2:1 Mitigation

2:1 MITIGATION REQUIREMENT:

Forested lands developed:	8.6 ac
Forested lands required to be protected via 2:1 mitigation:	17.2 ac
Forested lands protected within developable areas:	17.2 ac
Additional mitigation needed outside of developable areas or off-site:	0 ac



FORESTED LAND:

prior to development:	172 ac
required to be retained @ 60%:	103.2 ac
Cleared due to development	8.6 ac
Retained post-development:	163.4 ac
Post-project retention rate:	95%

GRASS/SHRUB LAND:


prior to development:	44 ac
required to be retained @ 40%:	17.6 ac
Cleared due to development	19.9 ac
Retained post-development:	24.1 ac
Post-project retention rate:	55%

Development Area	Forested	Grassland/ Shrubland	Other	Development Totals
Area A	2.3	9.6	0.1	12.0
Area B	4.0	10.3		14.3
Area C	2.3			2.3
Vegetation Totals	8.6	19.9	0.1	28.6




VEG RETENTION @ 60-40

Water Quality and Tree Protection Ordinance


 Hypothetical Development Areas (28.6 ac)

 All Potentially Plantable Areas

Vegetation Lost to Hypothetical Development Areas

-  Forested
-  Grassland/Shrubland
-  Other

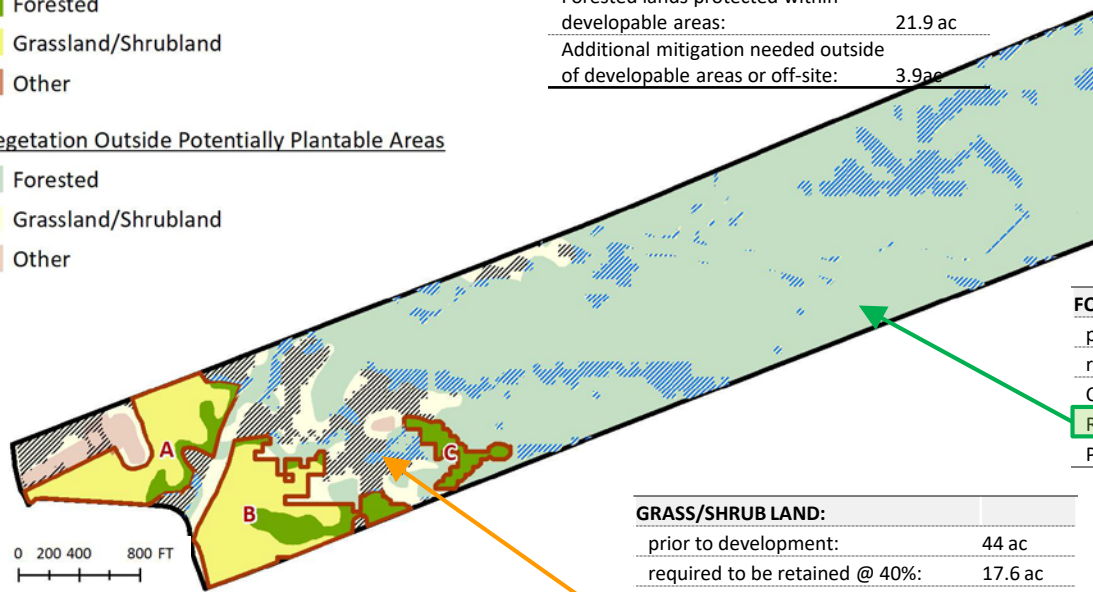
All Vegetation Outside Potentially Plantable Areas

-  Forested
-  Grassland/Shrubland
-  Other

 Forested Areas Retained via 3:1 Mitigation

3:1 MITIGATION REQUIREMENT:

Forested lands developed:	8.6 ac
Forested lands required to be protected via 3:1 mitigation:	25.8 ac
Forested lands protected within developable areas:	21.9 ac
Additional mitigation needed outside of developable areas or off-site:	3.9 ac



FORESTED LAND:

prior to development:	172 ac
required to be retained @ 70%:	120.4 ac
Cleared due to development	8.6 ac
Retained post-development:	163.4 ac
Post-project retention rate:	95%

GRASS/SHRUB LAND:

prior to development:	44 ac
required to be retained @ 40%:	17.6 ac
Cleared due to development	19.9 ac
Retained post-development:	24.1 ac
Post-project retention rate:	55%

Development Area	Forested	Grassland/ Shrubland	Other	Development Totals
Area A	2.3	9.6	0.1	12.0
Area B	4.0	10.3		14.3
Area C	2.3			2.3
Vegetation Totals	8.6	19.9	0.1	28.6

VEG RETENTION @ 70-40