



Watershed Protection Actions

Watershed Protection Actions



A Tradition of Stewardship
A Commitment to Service

- 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

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- 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

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- 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

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- 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%.

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- 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.

Blue highlighted options represent County staff recommendations.

	Existing Requirements	Option A	Option B	Option C
Slopes	<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	No change.	Amend code to prohibit new planting and/or structures on slopes of 30% or greater, <i>unless exempt</i> .	Amend code to prohibit new planting and/or structures on slopes of 30% slopes or greater.
Municipal Reservoir Setbacks	<u>Code Section 13.28.040.A:</u> 200-foot septic setback	No change.	Amend code to create a 200-foot setback for all development.	Amend code to create a 500-foot setback for all new development.
Wetland Definition	<u>Not specified in Code:</u> CEQA documents use federal definition with soil, plant, and saturation parameters.	No change.	Amend code per federal definition, and define wetland if one parameter is present.	Amend code per federal definition, and adopt language similar to Sonoma County, which requires two parameters to be present.
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	Amend code to specify 50-foot setback for all development.	Amend code to create 100-foot setback for all development.	Amend code to create 150-foot setback for all development.
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	No change.	Preserve existing definitions, and amend code to add language equivalent to Class 3 streams.	Amend code to adopt new stream definition in addition to current definition.
Stream Setbacks	<u>Code Section 18.108.025:</u> Varies between 35 feet and 150 feet, depending on slope	No change.	Amend code to specify a setback of 35 feet from Class 3 equivalent streams.	Amend code to adopt new setbacks of Class 1 – 125 feet, Class 2 – 75 feet, and Class 3 – 35 feet. Apply the more restrictive of the new or existing stream setback.
Tree Canopy Definition	<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.	No change.	Amend code to <i>exclude</i> non-native species, and/or commercial timber from the definition.	Amend code to <i>include</i> non-native species, commercial timber within the definition.

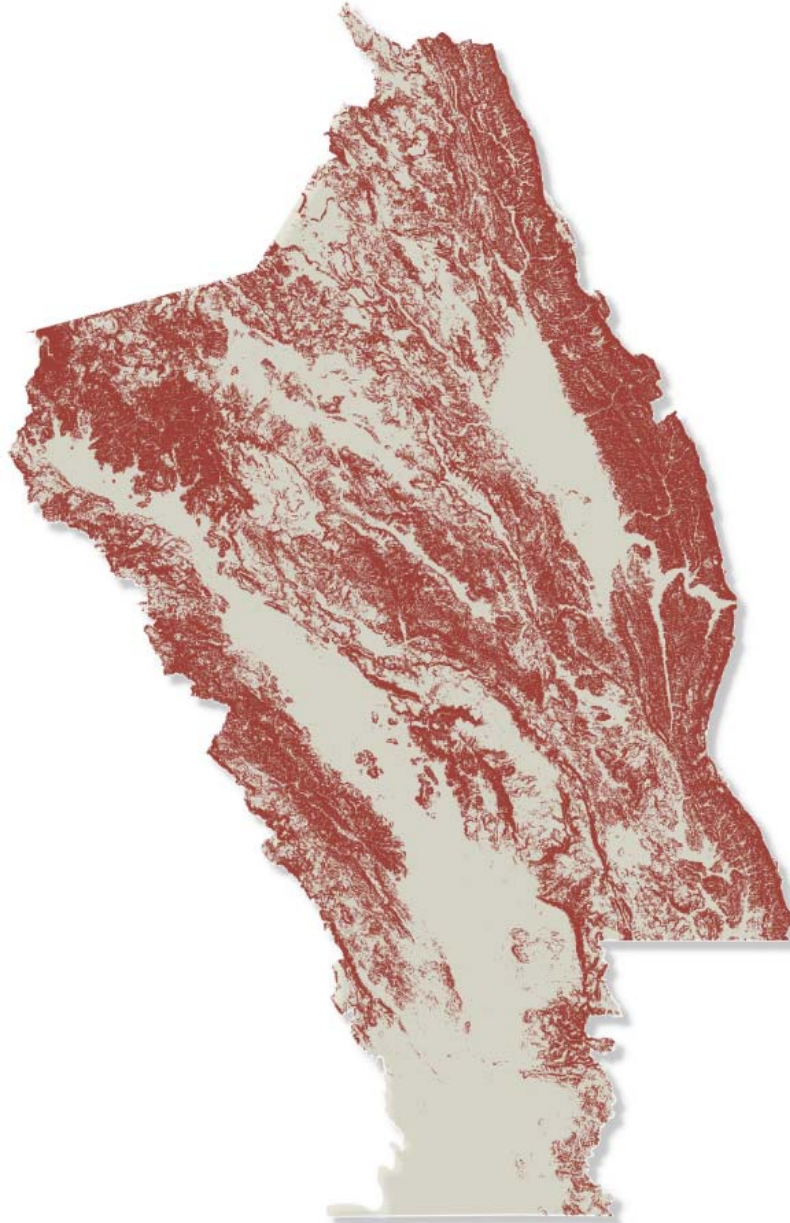
Tree Canopy Retention	<u>Code Section 18.108.027:</u> 60% minimum retention in municipal reservoir watersheds and subject to CEQA	No change.	Amend code to extend 60% retention throughout unincorporated area.	Amend code to increase retention to between 60+% and 85% throughout unincorporated area (including municipal reservoir watersheds).
Shrub Canopy	<u>Code Section 18.108.027:</u> 40% minimum retention in municipal reservoir watersheds and subject to CEQA	No change.	Amend code to extend 40% retention throughout unincorporated area.	Amend code to maintain 40% retention in municipal reservoir watersheds and require retention between 20% and 40% elsewhere in unincorporated area.
Tree Mitigation Ratio	<u>Not specified in Code:</u> Policies CON-17 and CON-24: Minimum 2:1 preservation ratio	Amend code to specify minimum 2:1 mitigation.	Amend code to create minimum 3:1 mitigation, <i>including</i> 30% slopes and greater, and within stream setbacks.	Amend code to create minimum 3:1 mitigation, <i>excluding</i> 30% slopes and greater, and within stream setbacks.
Mitigation Location	<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.	Amend code to specify tiered approach.	Amend code to allow off-site mitigation with 3:1 or higher ratio.	Amend code to prohibit off-site mitigation.
Effective Ordinance Date	Specific to each ordinance.	Set a date in the future to allow transition period for potential applicants.	Apply to existing incomplete and new applications after effective date.	Apply to all pending and new applications after effective date.
Exemptions	<u>Code Section 18.108.050 (H):</u> Creation and/or maintenance of firebreaks required by and completed under CalFire direction.	Continue to exempt fuel management and fire prevention improvements from the requirements of the new ordinance.	Require that fuel management and fire prevention improvements be subject to the new ordinance.	

	<p><u>Code Section 18.108.050(I):</u> Exempts clearing of vegetation and/or grading specifically authorized by a state timber harvesting permit where erosion control measures were included in the project, but does not exempt projects that include a state timber conversion permit is a part of or included as a component of the state timber harvesting permit.</p>	<p>Continue to exempt forest management practices from the requirements of the new ordinance, including removal of downed, diseased, or dead trees; reducing threats to public safety; and alleviating hazardous conditions or public nuisances.</p>	<p>Require that forest management practices be subject to the new ordinance.</p>	
	<p><u>Policy Manual 12.B:</u> Fire rebuild structures are not subject to new road or wastewater requirements, if they do not exceed 125% of the legal footprint of the destroyed structure.</p>	<p>Amend code to exempt residential fire rebuild permits, if they do not exceed 125% of the legal footprint of the destroyed structure, from the requirements of the new ordinance.</p>	<p>Require that all fire rebuild structures be subject to the new ordinance.</p>	
	<p><u>Code Section 18.108.050.S:</u> Replanting less than one acre is exempt within the same vineyard footprint. <u>Code Section 18.108.025.B.2.b:</u> Stream setbacks shall not be required for the replanting of existing vineyards within the same footprint. <u>Code Section 18.108.055.A:</u> Replanting is exempt from slope limitations within same vineyard footprint, subject to approval of an erosion control plan or vineyard replanting program.</p>	<p>Continue to exempt replanting within same vineyard footprint from the requirements of the new ordinance.</p>	<p>Require that vineyard replants within the same footprint be subject to the new ordinance.</p>	
	<p><u>Local CEQA Guidelines:</u> Creation of a 5.5 acre or less vineyard qualifies for Categorical Exemption. <u>CalFire Forest Practices Rules Section 1104.1(a):</u></p>	<p>Amend code to exempt new vineyards of 5 acres or less, once per legal lot.</p>	<p>Require that all new vineyard development be subject to the new ordinance.</p>	

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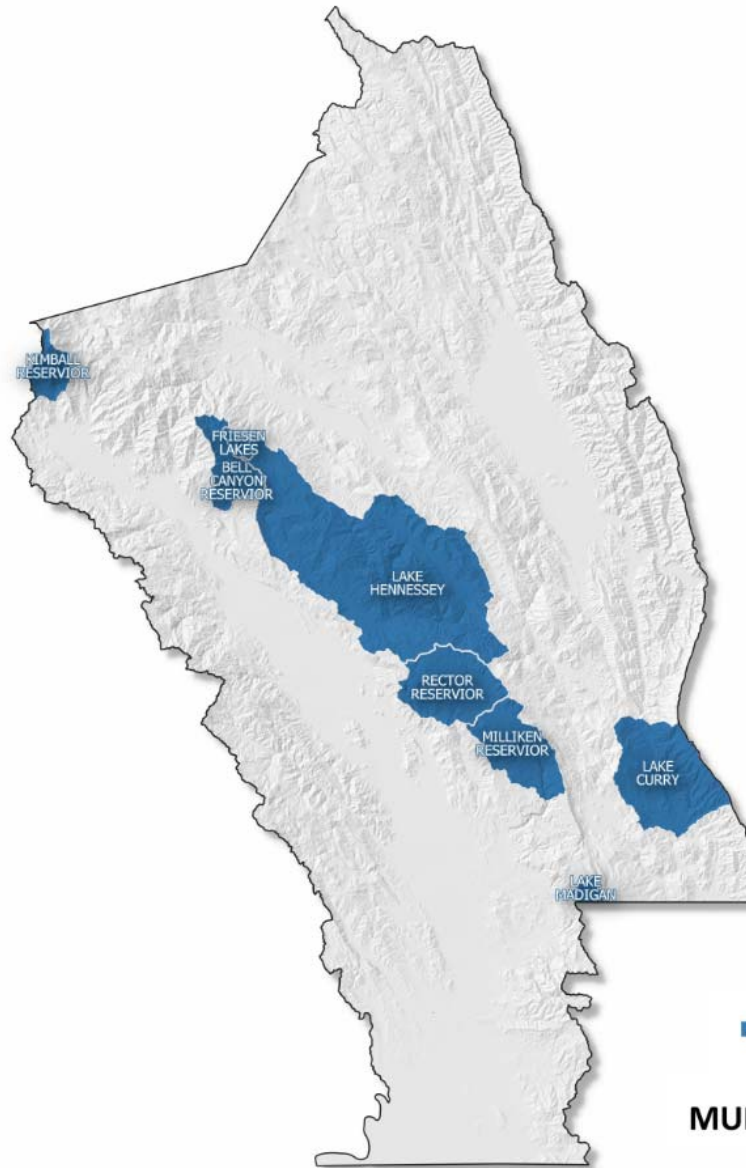


SLOPES OVER 30%

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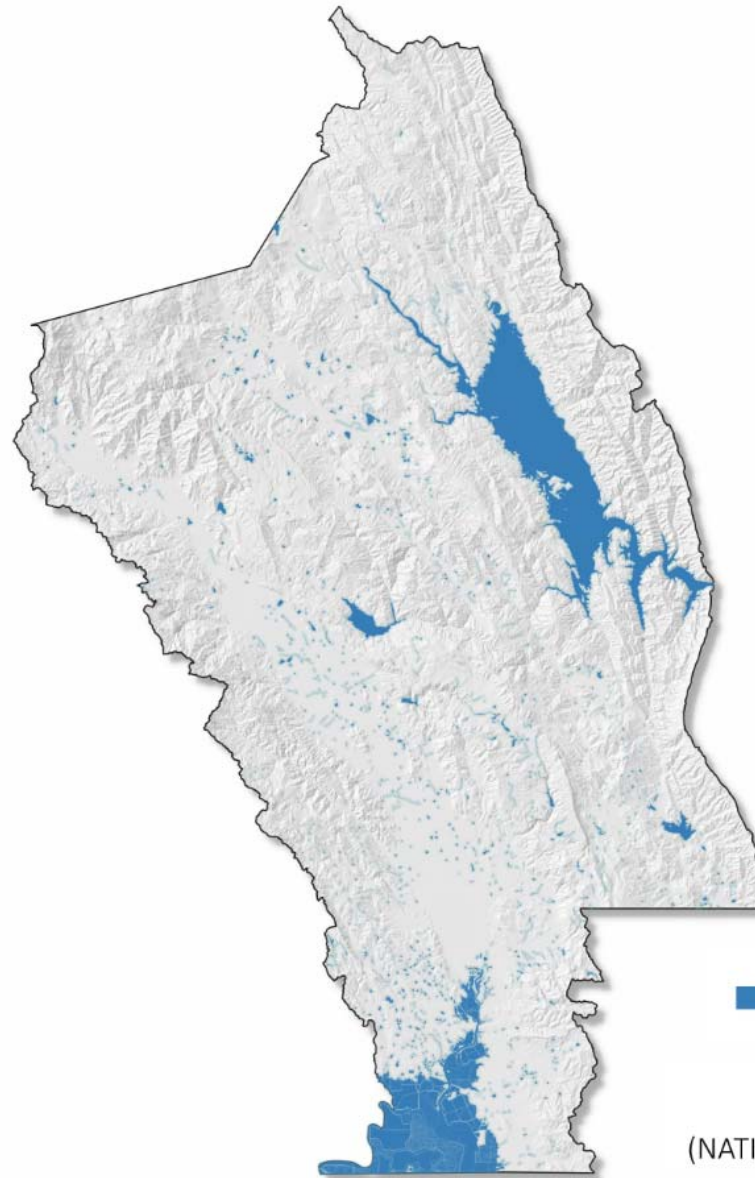
■ Domestic Water Supply Drainages

MUNICIPAL RESERVOIR WATERSHEDS

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Wetlands (NWI)

WETLANDS
(NATIONAL WETLANDS INVENTORY)

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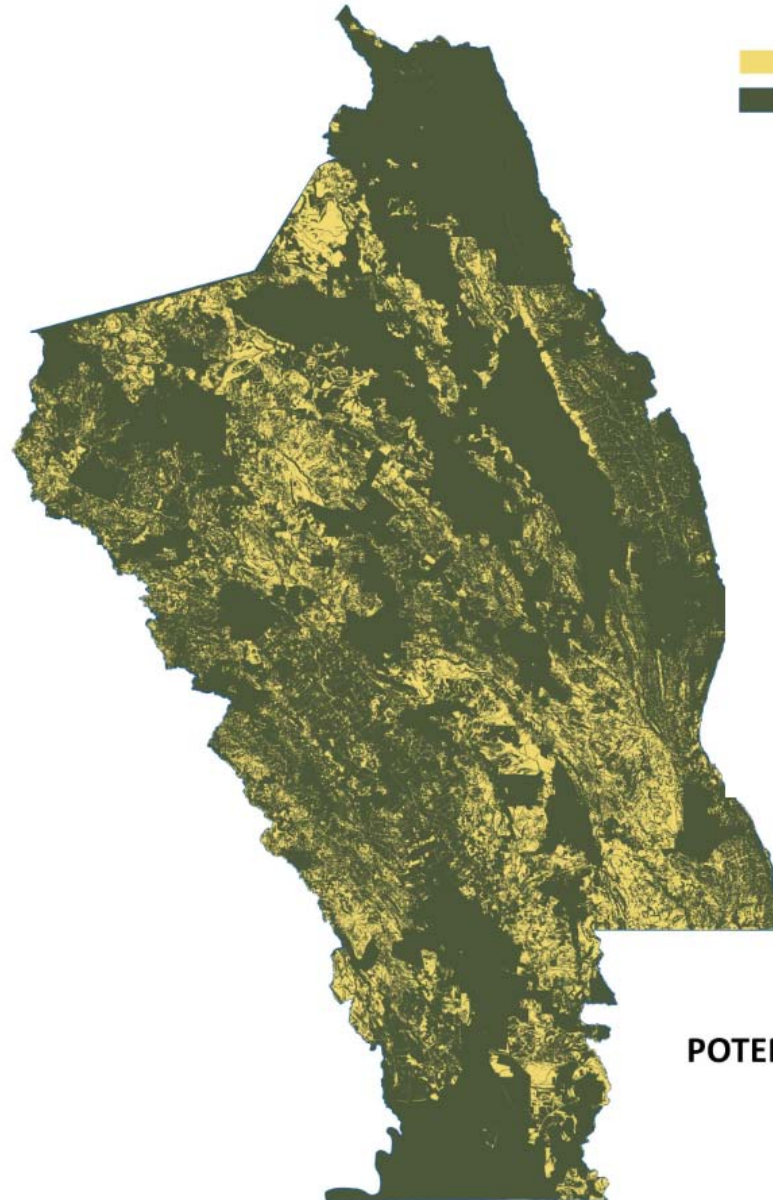
— Blueline Streams

BLUELINE STREAMS

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- 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 (blue line 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