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1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

**David Morrison**  
Director

To: Members of the Napa County  
Board of Supervisors

From: David Morrison, Director

Dated: March 26, 2019

Re: Water Quality and  
Tree Protection Ordinance  
General Plan Consistency Analysis

**I. PURPOSE:**

This memorandum outlines the relevant goals and policies of the Napa County General Plan, and analyzes whether or not the Water Quality and Tree Protection Ordinance (the Ordinance) conforms to the County General Plan, as required by Government Code Section 65402. This memorandum provides the basis upon which the Board of Supervisors may find consistency.

The purpose and intent of the proposed Ordinance is to expand the existing protections for water quality and trees Countywide by amending the Conservation Regulations (County Code Chapter 18.108). The proposed Ordinance would implement the following three action items of the recently adopted 2019-2022 Strategic Plan: (1) Action Item 12.A which requires the County to update the Conservation Regulations to improve requirements for stream setbacks; (2) Action Item 12.B which requires the County to improve tree preservation by adopting an ordinance to increase canopy protection and mitigation requirements throughout the unincorporated area; and (3) Action Item 12.E which requires the County to evaluate the modification of buffers around municipal reservoirs.

The proposed Ordinance would implement these action items by creating a new setback for streams that are equivalent to a Class 3, increasing tree canopy retention throughout the unincorporated area, and creating new setbacks from municipal reservoirs and wetlands. It would also provide minimum vegetation canopy and shrub canopy retention requirements and prioritize mitigation areas, adopt a definition of wetlands, continue to exempt fire management strategies and defensible space activities, exempt reconstruction of legal structures lost to fire or other natural disaster (up to one hundred twenty-five percent of the original footprint), exempt new vineyards of five acres or less on slopes of less than 15 percent subject to criteria and apply the new ordinance to new and incomplete applications as of the effective date of the proposed Ordinance.

The proposed Ordinance must be consistent with the goals and policies in this General Plan. Because policies in the General Plan reflect a range of competing interests, the decision-makers are allowed to weigh and balance the Plan's policies when applying them, and they have broad discretion to construe the policies in light of the Plan's purposes. Balance does not require equivalence, but rather a weighing of pros and cons to achieve an acceptable mix.

## **II. BACKGROUND:**

The board of supervisors is the local government body charged by law with interpreting the County's land use policies and rendering the final determination on a project's consistency with the General Plan or lack thereof. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 668.) Further, the Board has significant discretion in interpreting the County's land use policies.

The proposed ordinance would Conservation Action Item CON WR-3 of the General Plan which requires an update of the Conservation Regulations to establish an appropriate protective buffer in areas that drain toward any intake structure associated with the County's sensitive domestic water supply drainages. The proposed ordinance would implement this action item by establishing new buffers for watercourses that are the equivalent to a Class 3 stream, wetlands, and municipal reservoirs.

## **III. CONSISTENCY ANALYSIS:**

### **A. The Agricultural Preservation and Land Use Element:**

The Introduction section of the Agricultural Preservation and Land Use (AG/LU) Element of the General Plan states: "Improving the health of the Napa River has become a community priority in recent years and is now a requirement pursuant to the Regional Water Quality Control Board's Basin Plan. This Element contains policies to ensure that future land use changes in the Napa River watershed and elsewhere in the county will be extremely modest, environmentally responsible, and supportive of the "living" river and its equilibrium." (Page AG/LU-10). The Element also states "...rural landscapes will be both productive and ecologically diverse, with abundant and healthy natural resources.

- ⊙ **Goal AG/LU-1:** Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- ⊙ **Goal AG/LU-3:** Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

- ⊙ **Goal AG/LU-6:** Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community and the needs of the environment.
- ⊙ **Policy AG/LU-1:** Agriculture and related activities are the primary land uses in Napa County.
- ⊙ **Policy AG/LU-2:** “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- ⊙ **Policy AG/LU-4:** The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.
- ⊙ **Policy AG/LU-12:** No new non-agricultural use or development of a parcel located in an agricultural area shall be permitted unless it is needed for the agricultural use of the parcel, except as provided in Policies AG/LU-2, AG/LU-5, AG/LU-26, AG/LU-44, AG/LU-45, and ROS-1.
- ⊙ **Policy AG/LU-17:** The County encourages active, sustainable forest management practices, including timely harvesting to preserve existing forests, retaining their health, product, and value. The County also encourages timber plantations for fuel wood and lumber production.
- ⊙ **Policy AG/LU-20:** The following standards shall apply to lands designated as Agriculture, Watershed, and Open Space on the Land Use Map of this General Plan.
  - Intent: To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.
  - General Uses: Agriculture, processing of agricultural products, single-family dwellings.
  - Minimum Parcel Size: 160 acres, except that parcels with a minimum size of 2 acres may be created for the sole purpose of developing farm labor camps by a local government agency authorized to own or operate farm labor camps, so long as the division is

accomplished by securing the written consent of a local government agency authorized to own or operate farm labor camps that it will accept a conveyance of the fee interest of the parcel to be created and thereafter conveying the fee interest of such parcel directly to said local government agency, or entering into a long-term lease of such parcels directly with said local government agency.

- Every lease or deed creating such parcels must contain language ensuring that if the parcel is not used as a farm labor camp within three years of the conveyance or lease being executed or permanently ceases to be used as a farm labor camp by a local government agency authorized to develop farm labor camps, the parcel will automatically revert to, and merge into, the original parent parcel.
  - Maximum Building Intensity: One dwelling per parcel (except as specified in the Housing Element). Nonresidential building intensity is non-applicable.
- ⊙ **Policy AG/LU-21:** The following standards shall apply to lands designated as Agricultural Resource on the Land Use Map of this General Plan.
- Intent: To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.
  - General Uses: Agriculture, processing of agricultural products, single-family dwellings.
  - Minimum Parcel Size: 40 acres, except that parcels with a minimum size of 2 acres may be created for the sole purpose of developing farm labor camps by a local government agency authorized to own or operate farm labor camps, so long as the division is accomplished by securing the written consent of a local government agency authorized to own or operate farm labor camps that it will accept a conveyance of the fee interest of the parcel to be created and thereafter conveying the fee interest of such parcel directly to said local government agency, or entering into a long-term lease of such parcels directly with said local government agency. Every lease or deed creating such parcels must contain language ensuring that if the parcel is not used as a farm labor camp within three years of the conveyance or lease being executed or permanently ceases to be used as a farm labor camp by a local government agency authorized to develop farm labor camps, the parcel will automatically revert to, and merge into, the original parent parcel.

- **Maximum Building Intensity:** One dwelling per parcel (except as specified in the Housing Element). Nonresidential building intensity is non-applicable, but where practical, buildings will be located off prime soils.
  
- ⊙ **Policy AG/LU-46:** All existing and legally established nonconforming uses shall be allowed to continue to operate and to use existing buildings and/or facilities provided they are not determined to be a public nuisance or voluntarily abandoned as defined by the zoning ordinance. Legal nonconforming buildings and facilities may be rehabilitated or rearranged, as long as there is no increase in the intensity of use.
  
- ⊙ **Policy AG/LU-47:** Legal structures and uses destroyed by fire or natural disaster may be rebuilt within the time period established by the zoning ordinance or as otherwise approved by the County, whether or not they conformed to the zoning ordinance at the time of the fire/disaster.
  
- ⊙ **Policy AG/LU-106:** The County shall seek to ensure that equal treatment is provided to all persons, communities, and groups within the county in its planning and decision-making processes, regardless of race, age, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, self-identified gender or sexual orientation, or economic status.
  
- ⊙ **Policy AG/LU-107:** The County shall provide a clear, consistent, timely, and predictable review process for all proposed projects, ensuring that all applicants are treated fairly, that staff's analysis is objective, and that decision-makers and interested members of the public receive information and notice as required by law.
  
- ⊙ **Policy AG/LU-108:** With the proviso that no rights are absolute, that we will all best be served by striking a balance between private property rights and all our other rights and our other important community values, this General Plan nevertheless explicitly acknowledges that private ownership provides valuable incentives for the proper care of property and the environment, that preservation of property rights is an important cultural, economic, and community value, that protection of property rights is one of the primary and necessary functions of government at all levels, and that private property rights are therefore deserving of respect and consideration whenever land use decisions are made.
  
- ⊙ **Policy AG/LU-109:** The County recognizes the principle of sustainability by seeking to address community needs without compromising the ability of future generations to meet their own needs.
  
- ⊙ **Policy AG/LU-111:** Limitations on General Plan Amendments relating to Agricultural, Watershed, and Open Space and Agricultural Lands:

- a) Until December 31, 2058, the provisions governing the intent and maximum building intensity for lands designated Agriculture, Watershed and Open Space and Agricultural Resource set forth in Policies AG/LU-20 and 21 (which are identical to Sections 3.F.7.a, 3.F.7.d, 3.F.8.a, and 3.F.8.d of the Agricultural Preservation and Land Use Element adopted on June 7, 1983, as amended through September 28, 2007 [hereinafter the "Land Use Element"]), shall not be amended unless such amendment is approved by vote of the people. Until December 31, 2058, the provisions governing minimum parcel size for lands designated Agriculture, Watershed and Open Space and Agricultural Resource set forth in Policies AG/LU-20 and 21 shall not be amended to reduce minimum parcel sizes unless such amendment is approved by vote of the people.
- b) All those lands designated as Agriculture, Watershed and Open Space or Agricultural Resource on the Napa County General Plan Land Use Map adopted by the Board of Supervisors (hereinafter, Board") on September 8, 1975, as amended through September 28, 2007 (hereinafter "Land Use Map"), shall remain so designated until December 31, 2058, unless said land is annexed to or otherwise included within a city or town, redesignated to another General Plan land use category by vote of the people, or redesignated by the Board pursuant to procedures set forth in subsections c, d, e, or f below.
- c) Land designated as Agriculture, Watershed and Open Space on the Land Use Map may be redesignated to a Public Institutional General Plan area classification by the Board pursuant to its usual procedures and without a vote of the people if such redesignation is necessary to comply with the countywide siting element requirements of Public Resources Code section 41700 *et seq.* as those sections currently exist or as they may be amended from time to time, but only to the extent of designating solid waste transformation or disposal facilities needed for solid waste generated within Napa County (including the cities and town within the County).
- d) Land designated as Agriculture, Watershed and Open Space or Agricultural Resource on the Land Use Map may be redesignated to a land use designation other than Agriculture, Watershed and Open Space or Agricultural Resource by the Board pursuant to its usual procedures and without a vote of the people only if the Board makes all of the following findings:
  - i) Annexation to or otherwise including the land within a city or town is not likely.
  - ii) The land is immediately adjacent to areas developed in a manner comparable to the proposed use.
  - iii) Adequate public services and facilities are available and have the capability to accommodate the proposed use by virtue of the property being within or annexed to appropriate service districts.
  - iv) The proposed use is compatible with agricultural uses, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area.

- v) The land proposed for redesignation has not been used for agricultural purposes in the past 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, or other physical reasons.
  - vi) The land proposed for redesignation pursuant to subsection (d) does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation in the General Plan of Agriculture, Watershed and Open Space or Agricultural Resource land pursuant to subsection (d) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.
  - vii) The applicant for redesignation and its successors will not extract groundwater from the affected property or use pumped groundwater as a water source on the affected property except pursuant to a valid groundwater permit or use permit meeting the requirements of the Napa County Groundwater Conservation Ordinance, unless a final determination of exemption or waiver is made under that ordinance.
- e) Land designated as Agriculture, Watershed and Open Space or Agricultural Resource on the Land Use Map may be redesignated to another land use category by the Board pursuant to its usual procedures and without a vote of the people if each of the following conditions is satisfied:
- i) The Board makes a finding that the application of Policy AG/LU-111(b), above, would constitute an unconstitutional taking of the landowner's property; and
  - ii) In permitting the redesignation, the Board allows additional land uses only to the extent necessary to avoid said unconstitutional taking of the landowner's property.
- f) Nothing in Policy AG/LU-111(b), above shall be construed or applied to prevent the County from complying with its housing obligations under State law. Where necessary to comply with applicable State law governing the provision of housing, the Board may redesignate land designated as "Agriculture, Watershed and Open Space" or "Agricultural Resource" on the Land Use Map to a land use designation other than "Agriculture, Watershed and Open Space" or "Agricultural Resource" pursuant to its usual procedures and without a vote of the people, upon making all of the following findings:
- i) The redesignation is necessary to comply with a State law imposing a mandatory housing obligation in effect at the time redesignation is sought ("applicable State housing law");
  - ii) There is no suitable land available in the unincorporated areas of the County, other than lands designated as "Agriculture, Watershed and Open Space" or "Agricultural Resource," that may be used to satisfy the applicable State housing law;
  - iii) It is not feasible to satisfy the applicable State housing law using lands within an incorporated city or town;
  - iv) No more land is redesignated pursuant to this subsection than is necessary to comply with the applicable State housing law;

- v) To the extent permissible under State law, and to the extent feasible, the redesignation includes policies providing that any development proposed for the redesignated lands will consist of affordable housing, and effective restrictions will maintain the housing as affordable in perpetuity. For purposes of this paragraph (v), “affordable housing” shall mean housing affordable to lower income households as defined in section 50079.5 of the Health and Safety Code, as that section may be amended from time to time; and
  - vi) To the extent permissible under State law, and to the extent feasible, any land redesignated pursuant to this subsection shall be located adjacent to the boundaries of an incorporated city or town or, if adjacency is not feasible, in a location that is the closest to the boundaries of an incorporated city or town of the feasible options available.
  - g) Approval by a vote of the people is accomplished when a General Plan amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters vote in favor of it. The Board may adopt a general plan amendment prior to securing a vote of the people; provided, however that whenever the Board adopts an amendment requiring approval by a vote of the people pursuant to the provisions of Policy AG/LU-111(b), the Board action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The Board shall follow the provisions of the Election Code in all matters pertaining to such an election
- ⊙ **Policy AG/LU-118:** The County is committed to maintaining the quality of life in Napa County through enforcing regulations and codes. The County shall uniformly and fairly enforce codes and regulations, and shall assign high priority to abatement of violations that may constitute potential threats to public health or safety or that may cause significant environmental damage.

**Analysis:**

By codifying many of staff’s current practices, the Ordinance improves the predictability and stability of the regulatory process for earth-moving activities. The Ordinance creates detailed and specific provisions for the consistent administration of the Conservation Regulations, and requires a comprehensive and fact-based analysis for decision-making. It applies to all earth-moving activities on slopes greater than five percent including residential, commercial and agricultural uses unless otherwise exempt. The Ordinance provides flexibility in the implementation of its requirements, to allow for solutions based on each unique site that best balance the needs of both property owners and the environment.

The Ordinance does not allow any new non-agricultural uses on land designated for agriculture, would not result in the conversion of agricultural lands to non-agricultural use and would continue to provide opportunities for new vineyard expansion and development. The economic viability of agriculture and supporting businesses is supported by the Ordinance



through reasonable and moderate regulations, while continuing to provide greater environmental protection. Nothing in the Ordinance would change the intent, maximum building intensity or designation of Agriculture, Watershed, and Open Space or Agricultural Resource lands. The Ordinance is consistent with the Agriculture, Watershed, and Open Space and Agricultural Resource designations of the General Plan. It allows properties to remain in predominantly agricultural uses.

New protections for watersheds are established and increased. Earth moving activities are prohibited in and near reservoirs, streams, geologic hazards, poor soil conditions, slopes above 30 percent and other constraints that make the land relatively unsuitable for development. The Ordinance increases the protection of agriculture and watersheds from the effects of fire, pollution, and erosion, the reduction of which are essential to public health and welfare.

The Ordinance exempts activities carried out by state and federal agencies, as well as those of municipal agencies carried out on land owned by the city/town.

Exemptions have been included in the Ordinance to ensure that legally established non-conforming uses and structures destroyed by disaster may be rebuilt and/or modified, so long as they do not encroach further into any established setbacks.

Provisions in the Ordinance will protect water quality and water resources by establishing and/or increasing setbacks for streams, wetlands, and municipal reservoirs. The Ordinance will also increase retention requirements for trees and shrub lands, including enhanced mitigation requirements and prioritize areas for mitigation. These protections will improve sustainability for watersheds and ecosystems throughout the unincorporated area.

The Ordinance creates detailed and specific provisions for the consistent administration of the Conservation Regulations. Procedures established under the Ordinance would apply equally to all applicants and interested parties. By creating a uniform and fair process, the Ordinance ensures effective enforcement.

**Conclusion:** Consistent.

## **B. The Circulation Element:**

The Introduction section of the Circulation (CIR) Element of the General Plan states: "In Napa County, protecting the rural character of the area and minimizing the cost of new road expansion are both priorities. Consequently, building new or wider roads has been limited to only a few locations where deemed to be both feasible and desirable. In this way, the County expresses that preservation of the area's character is a higher priority than achieving the most efficient mobility outcomes." (Page CIR-9).

- ⊙ **Goal CIR-1:** The County's transportation system shall complement the policies of the Agricultural Preservation and Land Use Element to protect the County's rural character.
- ⊙ **Policy CIR-18:** Roadways outside the urbanized areas of the County shall reflect the rural character of the County.
- ⊙ **Policy CIR-20:** Roadway modifications and capacity expansions shall be designed to conform to existing landforms and shall include landscaping and/or other treatments to ensure that aesthetics and rural character are preserved.
- ⊙ **Policy CIR-42:** Roadway, culvert, and bridge improvements and repairs shall be designed and constructed to minimize fine-sediment and other pollutant delivery to waterways, to minimize increases in peak flows and flooding on adjacent properties, and where applicable, to allow for fish passage and migration, consistent with all applicable codes and regulations.

**Analysis:**

Private driveways and agricultural roads are subject to the provisions of the Ordinance, which require them to complement the natural landform, avoid excessive grading, and minimize erosion and pollution. The Ordinance prohibits grading and earthmoving on slopes greater than thirty percent unless improvements to an existing roadways or driveways serving an existing legal structure are necessary to meet the requirements of the County's Road and Street Standards.

**Conclusion:** Consistent.

**C. The Community Character Element:**

The Introduction section of the Community Character (CC) Element of the General Plan states: "Although not as well-known as the Napa Valley, the mountains, hills, and valleys in the eastern portion of the county have their own distinctive character. The scenery of these valleys in the county's rugged eastern area ranges from densely forested groves of redwood, oak, and pine, to shrub and grasslands, to rolling, grass-covered hills punctuated by massive oak trees... The County's 2001 Viewshed Protection Ordinance sets forth hillside development standards to minimize the impact of man-made structures and grading on views from designated public roads in the County. The ordinance is intended to preserve the unique scenic quality of Napa County and protect the ridgelines and hillsides of the county from insensitive development." (Page CC-1).

- ⊙ **Policy CC-4:** Consistent with current regulations regarding road setbacks and fences, the County shall preserve the existing significant natural features by requiring all

development to retain the visually open, rural character of the County and by allowing solid sound walls only in unique circumstances and where acceptable noise levels are exceeded.

- ⊙ **Policy CC-5:** Recognizing that vineyards are an accepted and attractive visual feature of Napa County, but that visual changes can cause public concern, the County shall require the retention of trees in strategic locations when approving conversion of existing forested land to vineyards in order to retain landscape characteristics of the site when viewed from public roadways and shall require the retention of trees to screen non-agricultural activities and other proposed developments.
  
- ⊙ **Policy CC-6:** The grading of building sites, vineyards, and other uses shall incorporate techniques to retain as much as possible a natural landform appearance. Examples include:
  - The overall shape, height, and grade of any cut or fill slope shall be designed to simulate the existing natural contours and scale of the natural terrain of the site.
  - The angle of the graded slope shall be gradually adjusted to the angle of the natural terrain.
  - Sharp, angular forms shall be rounded and smoothed to blend with the natural terrain.
  
- ⊙ **Policy CC-10:** Consistent with the County’s Viewshed Protection Program, new developments in hillside areas should be designed to minimize their visibility from the County’s scenic roadways and discourage new encroachments on natural ridgelines. The County shall continue implementation of the Viewshed Protection Program and shall apply the protective provisions of the program to all public projects.
  
- ⊙ **Policy CC-22:** The County supports efforts to recognize and perpetuate historic vineyard uses and should consider ways to provide formal recognition of “heritage” landscapes, trees, and other landscape features with owner consent.

**Analysis:**

By preserving significant natural features, the Ordinance will assist in maintaining the open, rural character of Napa County. Requirements in the Ordinance will further ensure that grading retains a natural looking landform appearance.

The Ordinance would expand the requirement for tree canopy retention throughout the unincorporated area, and would increase the existing retention rate. This will further protect views from public roadways from adverse exposure to deforestation and/or unscreened non-agricultural uses. New development will be regulated to minimize visibility and encroachment on natural areas.

The replanting and maintenance of existing vineyards would be exempt from the requirements of the Ordinance.

**Conclusion:** Consistent.

#### **D. The Conservation Element:**

The Conservation (CON) Element of the General states that, "This Conservation Element provides goals, policies, and action items related to open space conservation as well as a wide range of other topics that together comprise the natural environment of Napa County, including its natural resources and its water resources. The goals and policies contained in this element also address climate change and sustainable practices for environmental health related to water, energy conservation, air pollutant, greenhouse gas emissions, clean energy generation, and similar issues." (Page CON-1).

- ⊙ **Goal CON-1:** Napa County will conserve resources by determining the most appropriate use of land, matching land uses and activities to the land's natural suitability, and minimizing conflicts with the natural environment and the agriculture it supports.
- ⊙ **Goal CON 2:** Maintain and enhance the existing level of biodiversity.
- ⊙ **Goal CON-3:** Protect the continued presence of special status species, including special-status plants, special-status wildlife, and their habitats, and comply with all applicable state, federal or local laws or regulations.
- ⊙ **Goal CON-4:** Conserve, protect, and improve plant, wildlife, and fishery habitats for all native species in Napa County.
- ⊙ **Goal CON-5:** Protect connectivity and continuous habitat areas for wildlife movement.
- ⊙ **Goal CON-6:** Preserve, sustain, and restore forests, woodlands, and commercial timberland for their economic, environmental, recreation, and open space values.
- ⊙ **Goal CON-9:** Control urban and rural storm water runoff and related non-point source pollutants, reducing to acceptable levels pollutant discharges from land-based activities throughout the County.
- ⊙ **Goal CON-10:** Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

- ⊙ **Goal CON-14:** Promote policies to ensure the long-term sustainability of Napa County, including its environment, economy, and social equity.
- ⊙ **Goal CON-15:** Reduce emissions of local greenhouse gases that contribute to climate change.
- ⊙ **Policy CON-1:** The County will preserve land for greenbelts, forest, recreation, flood control, adequate water supply, air quality improvement, habitat for fish, wildlife and wildlife movement, native vegetation, and natural beauty. The County will encourage management of these areas in ways that promote wildlife habitat renewal, diversification, and protection.
- ⊙ **Policy CON-2:** The County shall identify, improve, and conserve Napa County's agricultural land through the following measures:
  - a) Limit growth to minimize urban development on agricultural land and reduce conflict with the agricultural operations and economy.
  - b) Provide a permanent means of preservation of open space land for agricultural production.
  - c) Require that existing significant vegetation be retained and incorporated into agricultural projects to reduce soil erosion and to retain wildlife habitat. When retention is found to be infeasible, replanting of native or non-invasive vegetation shall be required.
  - d) Encourage the use of recycled water, particularly within groundwater deficient areas, for vegetation enhancement, frost protection, and irrigation to enhance agriculture and grazing.
  - e) Encourage inter-agency and inter-disciplinary cooperation, recognizing the agricultural commissioner's role as a liaison and the need to monitor and evaluate pesticide and herbicide programs over time and to potentially develop air quality, wildlife habitat, or other programs if needed to prevent environmental degradation.
  - f) Minimize pesticide and herbicide use and encourage research and use of integrated pest control methods such as cultural practices, biological control, host resistance, and other factors.
  - g) Encourage the use of Williamson Act contracts and use techniques to preserve agricultural lands.
  - h) Coordinate with municipalities' adopting and implementing policies, such as large lot zoning and urban limit lines, to limit urban expansion and encourage development of vacant land in areas already urbanized.
- ⊙ **Policy CON-4:** The County recognizes that preserving watershed open space is consistent with and critical to the support of agriculture and agricultural preservation goals.

- ⊙ **Policy CON-5:** The County shall identify, improve, and conserve Napa County's rangeland through the following measures:
  - a) Providing a permanent means of preservation of open space areas for rangeland.
  - b) Encouraging responsible brush removal techniques with adequate environmental safeguards, leaving uncleared islands and peninsulas to provide cover for wildlife.
  - c) Staging land conversion operations to minimize adverse environmental impact on the watershed.
  - d) Encouraging livestock management activities to avoid long-term destruction of rangeland productivity and watershed capacity through overgrazing, erosion, or damage to riparian areas.
  
- ⊙ **Policy CON-6:** The County shall impose conditions on discretionary projects which limit development in environmentally sensitive areas such as those adjacent to rivers or streamside areas and physically hazardous areas such as floodplains, steep slopes, high fire risk areas and geologically hazardous areas.
  
- ⊙ **Policy CON-9:** The County shall pursue a variety of techniques and practices to achieve the County's Open Space Conservation policies, including:
  - a) Exclusive agriculture zoning or Transfer of Development Rights.
  - b) Acquisition through purchase, gift, grant, bequest, devise, lease, or otherwise, the fee or any lesser interest or right in real property.
  - c) Williamson Act or other incentives to maintain land in agricultural production or other open space uses.
  - d) Requirements for mitigation of development impacts, either on-site or at other locations in the county or through the payment of in-lieu fees in limited circumstances when impacts cannot be avoided.
  
- ⊙ **Policy CON-11:** The County shall maintain and improve fisheries habitat through a variety of appropriate measures, including the following as well as best management practices developed over time:
  - a) Consider the feasibility of using reclaimed wastewater as a means of maintaining adequate water flow to support fish life and reduce pollution of the Napa River.
  - b) Consider all feasible ways to maintain and restore sufficient flows and channel characteristics necessary for fish passage consistent with state and federal guidelines.
  - c) Undertake and publicize water use conservation strategies necessary to protect and prolong the duration of in-stream flows for aquatic resources including migrating anadromous fish such as steelhead and Chinook salmon.
  - d) Encourage and support programs and efforts related to fishery habitat restoration and improvement including steelhead presence surveys, development and utilization of hydraulic modeling, and removal of fish barriers.

- e) Manage the removal of invasive vegetation and the retention of other riparian vegetation to reduce the potential for increased water temperatures and siltation and to improve fishery habitat.
  - f) Pursue consolidated and streamlined regulatory review of fisheries and wildlife habitat restoration projects.
  - g) Encourage the retention of large woody debris in streams to the extent consistent with flood control considerations.
  - h) Encourage the use of effective vegetated buffers between urban runoff and local storm drains.
  - i) Promote and support forest management efforts and fire reduction practices in coordination with the California Department of Forestry and Fire Protection that reduce fuel loads and provide protection for water quality and fish habitat.
  - j) Require mitigation of gravel removal activities so they result in no net adverse effects to streambed attributes, temperature, habitat, and water quality necessary for native fisheries health. This may include restoration and improvement of impacted areas (e.g., gravel areas and pools and woody-debris areas). Gravel removal that results in adverse impacts to native fisheries shall be determined to have a significant impact under CEQA.
  - k) Implement sediment reduction measures in sand and gravel operations and other high sediment-producing land uses.
  - l) Control gravel removal and degradation from stream beds to minimize the adverse effects upon the spawning and feeding areas of fish.
  - m) Control sediment production from mines, roads, development projects, agricultural activities, and other potential sediment sources.
  - n) Implement road construction and maintenance practices to minimize bank failure and sediment delivery to streams.
  - o) Enforce boat speed limits to reduce damage to warm water game fish fisheries.
- ⊙ **Policy CON-13:** The County shall require that all discretionary residential, commercial, industrial, recreational, agricultural, and water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible. Where impacts to wildlife and special-status species cannot be avoided, projects shall include effective mitigation measures and management plans including provisions to:
- a) Maintain the following essentials for fish and wildlife resources:
    - 1) Sufficient dissolved oxygen in the water.
    - 2) Adequate amounts of proper food.
    - 3) Adequate amounts of feeding, escape, and nesting habitat.
    - 4) Proper temperature through maintenance and enhancement of streamside vegetation, volume of flows, and velocity of water.
  - b) Ensure that water development projects provide an adequate release flow of water to preserve fish populations.

- c) Employ supplemental planting and maintenance of grasses, shrubs and trees of like quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife and special-status species and maintain the watersheds, especially stream side areas, in good condition.
  - d) Provide protection for habitat supporting special-status species through buffering or other means.
  - e) Provide replacement habitat of like quantity and quality on- or off-site for special status species to mitigate impacts to special-status species.
  - f) Enhance existing habitat values, particularly for special-status species, through restoration and replanting of native plant species as part of discretionary permit review and approval.
  - g) Require temporary or permanent buffers of adequate size (based on the requirements of the subject special-status species) to avoid nest abandonment by birds and raptors associated with construction and site development activities.
  - h) Demonstrate compliance with applicable provisions and regulations of recovery plans for federally listed species.
- ⊙ **Policy CON-14:** To offset possible losses of fishery and riparian habitat due to discretionary development projects, developers shall be responsible for mitigation when avoidance of impacts is determined to be infeasible. Such mitigation measures may include providing and permanently maintaining similar quality and quantity habitat within Napa County, enhancing existing riparian habitat, or paying in-kind funds to an approved fishery and riparian habitat improvement and acquisition fund. Replacement habitat may occur either on-site or at approved off-site locations, but preference shall be given to on-site replacement.
- ⊙ **Policy CON-16:** The County shall require a biological resources evaluation for discretionary projects in areas identified to contain or potentially contain special-status species based upon data provided in the Baseline Data Report (BDR), California Natural Diversity Database (CNDDDB), or other technical materials. This evaluation shall be conducted prior to the approval of any earthmoving activities. The county shall also encourage the development of programs to protect special-status species and disseminate updated information to state and federal resource agencies.
- ⊙ **Policy CON-17:** Preserve and protect native grasslands, serpentine grasslands, mixed serpentine chaparral, and other sensitive biotic communities and habitats of limited distribution. The county, in its discretion, shall require mitigation that results in the following standards:
- a) Prevent removal or disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species.
  - b) In other areas, avoid disturbances to or removal of sensitive natural plant communities



and mitigate potentially significant impacts where avoidance is infeasible.

- c) Promote protection from overgrazing and other destructive activities.
- d) Encourage scientific study and require monitoring and active management where biotic communities and habitats of limited distribution or sensitive natural plant communities are threatened by the spread of invasive non-native species.
- e) Require no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preserve like habitat at a 2:1 ratio or greater within Napa County to avoid significant cumulative loss of valuable habitats.

⊙ **Policy CON-18:** To reduce impacts on habitat conservation and connectivity:

- a) In sensitive domestic water supply drainages where new development is required to retain between 40 and 60 percent of the existing (as of June 16, 1993) vegetation onsite, the vegetation selected for retention should be in areas designed to maximize habitat value and connectivity.
- b) Outside of sensitive domestic water supply drainages, streamlined permitting procedures should be instituted for new vineyard projects that voluntarily retain valuable habitat and connectivity, including generous setbacks from streams and buffers around ecologically sensitive areas.
- c) Preservation of habitat and connectivity of adequate size, quality, and configuration to support special-status species should be required within the project area. The size of habitat and connectivity to be preserved shall be determined based on the specific needs of the species.
- d) The county shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat.
- e) The County shall require new vineyard development to be designed to minimize the reduction of wildlife movement to the maximum extent feasible. In the event the County concludes that such development will have a significant impact on wildlife movement, the County may require the applicant to relocate or remove existing perimeter fencing installed on or after February 16, 2007 to offset the impact caused by the new vineyard development.
- f) The County shall disseminate information about impacts that fencing has on wildlife movement in wild land areas of the County and encourage property owners to use permeable fencing.
- g) The County shall develop a program to improve and continually update its database of biological information, including identifying threats to wildlife habitat and barriers to wildlife movement.
- h) Support public acquisition, conservation easements, in-lieu fees where on-site mitigation is infeasible, and/or other measures to ensure long-term protection of wildlife movement areas.

- ⊙ **Policy CON-19:** The County shall encourage the preservation of critical habitat areas and habitat connectivity through the use of conservation easements or other methods as well as through continued implementation of the Napa County Conservation Regulations associated with vegetation retention and setbacks from waterways.
  
- ⊙ **Policy CON-22:** The County shall encourage the protection and enhancement of natural habitats which provide ecological and other scientific purposes. As areas are identified, they should be delineated on environmental constraints maps so that appropriate steps can be taken to appropriately manage and protect them.
  
- ⊙ **Policy CON-24:** Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat through appropriate measures including one or more of the following:
  - a) Preserve, to the extent feasible, oak trees and other significant vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.
  - b) Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain, to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.
  - c) Provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Removal of oak species limited in distribution shall be avoided to the maximum extent feasible.
  - d) Support hardwood cutting criteria that require retention of adequate stands of oak trees sufficient for wildlife, slope stabilization, soil protection, and soil production be left standing.
  - e) Maintain, to the extent feasible, a mixture of oak species which is needed to ensure acorn production. Black, canyon, live, and brewer oaks as well as blue, white, scrub, and live oaks are common associations.
  - f) Encourage and support the County Agricultural Commission's enforcement of state and federal regulations concerning Sudden Oak Death and similar future threats to woodlands.
  
- ⊙ **Policy CON-26:** Consistent with Napa County's Conservation Regulations, natural vegetation retention areas along perennial and intermittent streams shall vary in width with steepness of the terrain, the nature of the undercover, and type of soil. The design and management of natural vegetation areas shall consider habitat and water quality needs, including the needs of native fish and special status species and flood protection where appropriate. Site-specific setbacks shall be established in coordination with Regional Water Quality Service, and other coordinating resource agencies that identify

essential stream and stream reaches necessary for the health of populations of native fisheries and other sensitive aquatic organisms within the County's watersheds.

Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that protection, restoration, and enhancement activities will occur within these identified stream reaches that support or could support native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within the county's watersheds. Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration National Marine Fisheries

- ⊙ **Policy CON-28:** To offset possible additional losses of riparian woodland due to discretionary development projects and conversions, developers shall provide and maintain similar quality and quantity of replacement habitat or in-kind funds to an approved riparian woodland habitat improvement and acquisition fund in Napa County. While on-site replacement is preferred where feasible, replacement habitat may be either on-site or off-site as approved by the County.
- ⊙ **Policy CON-30:** All public and private projects shall avoid impacts to wetlands to the extent feasible. If avoidance is not feasible, projects shall mitigate impacts to wetlands consistent with state and federal policies providing for no net loss of wetland function.
- ⊙ **Policy CON-35:** The County shall encourage active forest management practices to preserve and maintain existing forests and timberland, allowing for their economic and beneficial use.
- ⊙ **Policy CON-41:** The County will work to protect Napa County's watersheds and public and private water reservoirs to provide for the following purposes:
  - a) Clean drinking water for public health and safety;
  - b) Municipal uses, including commercial, industrial and domestic uses;
  - c) Support of the eco-systems;
  - d) Agricultural water supply;
  - e) Recreation and open space; and
  - f) Scenic beauty.
- ⊙ **Policy CON-43:** Pursuant to the Open Space and Conservation goals and policies that conserve open space and recreational resources, the County shall protect and enhance watershed lands, including the downstream delivery of essential watershed resources and benefits from headwater channels. The County's efforts shall include:
  - a) Preserving and where economically feasible restoring the density and diversity of water dependent species and continuous riparian habitats based on sound ecological principles; and

- b) Supporting the acquisition, development, maintenance and restoration of habitat lands for wildlife and watershed enhancement where clearly consistent with General Plan policies.
- ⊙ **Policy CON-44:** The County shall identify, improve, and conserve Napa County's surface water resources through the following measures:
  - a) Evaluate and develop land use policies resulting in the appropriate density and mix of impervious surface and stable vegetation cover to improve water quality and reduce surface water pollution and siltation within domestic water supply watersheds.
  - b) Encourage public agencies and private individuals to explore environmentally sensitive ways to store winter runoff in consultation with the State Department of Water Resources and other regulatory agencies.
  - c) Promote a balanced approach to managing reservoir outflows, particularly municipal supply reservoirs, through coordination with cities and town to maintain a reliable water supply for domestic uses, minimize flooding, and preserve fish habitat and riparian vegetation.
  - d) Work with other agencies to develop a comprehensive understanding of potential deficiencies in surface water supplies, and coordinate with private property owners on a voluntary basis to collect additional surface water data and implement an expanded voluntary monitoring effort to ensure development of effective water management and conservation strategies where appropriate.
- ⊙ **Policy CON-45:** Protect the County's domestic supply drainages through vegetation preservation and protective buffers to ensure clean and reliable drinking water consistent with state regulations and guidelines. Continue implementation of current Conservation Regulations relevant to these areas, such as vegetation retention requirements, consultation with water purveyors/system owners, implementation of erosion controls to minimize water pollution, and prohibition of detrimental recreational uses.
- ⊙ **Policy CON-47:** The County shall comply with applicable Water Quality Control/Basin Plans as amended through the Total Maximum Daily Load (TMDL) process to improve water quality. In its efforts to comply, the following may be undertaken:
  - a) Monitoring water quality in impaired waterbodies identified by the Regional Water Quality Control Board(s).
  - b) Addressing failing septic systems in the vicinity of Murphy, Browns Valley, and Salvador Creeks and throughout the County, should they be found to exist.
  - c) Retrofitting County-maintained roads to reduce sediment caused by runoff.
  - d) Supporting voluntary habitat restoration and bank stabilization efforts, with particular focus on the main stem and main tributaries of the Napa River.
  - e) Ensuring continued effectiveness of the National Pollution Discharge Elimination System (NPDES) program and storm water pollution prevention.

- f) Ensuring continued effectiveness of the County's Conservation Regulations related to vineyard projects and other earth-disturbing activities.
  - g) Addressing effects related to past and current mining, grazing, and other activities to the extent feasible.
  - h) Amending the County's Conservation Regulations or County Code to address excessive sediment delivered to waterways as required by state law, particularly as it relates to private roads and rural unimproved (i.e., dirt or gravel) roads.
  - i) Developing outreach and education programs to inform land owners and managers about improving surface water quality (e.g., rural and private road maintenance, soil and vegetation retention, construction site management, runoff control, etc.) and cooperating with other governmental and non-governmental agencies seeking to establish waiver or certification programs.
- ⊙ **Policy CON-48:** Proposed developments shall implement project-specific sediment and erosion control measures (e.g., erosion control plans and/or stormwater pollution prevention plans) that maintain pre-development sediment erosion conditions or at minimum comply with state water quality pollution control (i.e., Basin Plan) requirements and are protective of the County's sensitive domestic supply watersheds. Technical reports and/or erosion control plans that recommend site-specific erosion control measures shall meet the requirements of the County Code and provide detailed information regarding site-specific geologic, soil, and hydrologic conditions and how the proposed measure will function.
- ⊙ **Policy CON-49:** The County shall develop and implement a water quality monitoring program (or programs) to track the effectiveness of temporary and permanent Best Management Practices (BMPs) to control soil erosion and sedimentation within watershed areas and employ corrective actions for identified water quality issues (in violation of Basin Plans and/or associated TMDLs) identified during monitoring.
- ⊙ **Policy CON-50:** The County will take appropriate steps to protect surface water quality and quantity, including the following:
- a) Preserve riparian areas through adequate buffering and pursue retention, maintenance, and enhancement of existing native vegetation along all intermittent and perennial streams through existing stream setbacks in the County's Conservation Regulations
  - b) Encourage flood control reduction projects to give full consideration to scenic, fish, wildlife, and other environmental benefits when computing costs of alternative methods of flood control.
  - c) The County shall require discretionary projects to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions.

- d) The County shall require discretionary projects to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions.
  - e) In conformance with National Pollution Discharge Elimination System (NPDES) requirements, prohibit grading and excavation unless it can be demonstrated that such activities will not result in significant soil erosion, silting of lower slopes or waterways, slide damage, flooding problems, or damage to wildlife and fishery habitats.
  - f) Adopt development standards, in conformance with NPDES Phase II requirements, for post-construction storm water control.
  - g) Address potential soil erosion by maintaining sections of the County Code that require all construction-related activities to have protective measures in place or installed by the grading deadlines established in the Conservation Regulations. In addition, the County shall ensure enforceable fines are levied upon code violators and shall require violators to perform all necessary remediation activities.
  - h) Require replanting and/or restoration of riparian vegetation to the extent feasible as part of any discretionary permit or erosion control plan approved by the County, understanding that replanting or restoration that enhances the potential for Pierce's Disease or other vectors is considered infeasible.
  - i) Encourage management of reservoir outflows (bypass flows) to maintain fish life and riparian (streamside) vegetation. j) Encourage minimal use of chemical treatment of reservoirs to prevent undue damage to fish and wildlife resources.
  - j) Prohibit new septic systems in areas where sewage treatment and disposal systems are available and encourage new sewage treatment and disposal systems in urbanized areas where there is high groundwater recharge potential and existing concentrations of septic systems.
- ⊙ **Policy CON-60.5:** All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.
- ⊙ **Policy CON-65:** The County shall support efforts to reduce and offset GHG emissions and strive to maintain and enhance the County's current level of carbon sequestration functions through the following m measures:
- a) Study the County's natural, agricultural, and urban ecosystems to determine their value as carbon sequesters and how they may potentially increase.
  - b) Preserve and enhance the values of Napa County's plant life as carbon sequestration systems to recycle greenhouse gases.
  - c) Perpetuate policies in support of urban-centered growth and agricultural preservation preventing sprawl.
  - d) Perpetuate policies in support of alternative modes of transportation, including transit, paratransit, walking, and biking.

- e) Consider GHG emissions in the review of discretionary projects. Consideration may include an inventory of GHG emissions produced by the traffic expected to be generated by the project, any changes in carbon sequestration capacities caused by the project, and anticipated fuel needs generated by building heating, cooling, lighting systems, manufacturing, or commercial activities on the premises. Projects shall consider methods to reduce GHG emissions and incorporate permanent and verifiable emission offsets.
- f) Establish partnerships with experts, trade associations, non-governmental associations, and community and business leaders to support and participate in programs related to global climate change.

**Analysis:**

The Ordinance creates new requirements that limit the intensity of earth-moving activities to site-specific constraints and the land's natural suitability. It also further minimizes conflicts with the natural environment by providing greater tree protection and mitigation standards, as well as setbacks from water features. The prohibition of development on slopes of 30% or more, and the setbacks from streams, wetlands, and reservoirs will all further enhance protection of the County's biodiversity, including habitat for special status and sensitive species. Specifically, the protection of fishery habitats would be improved by the Ordinance, which would further retain riparian vegetation and establish buffers for Class 3 equivalent streams; would reduce the amount of sediment going into waterways; and would reduce the potential for bank failure from nearby earth-moving. The specified minimum mitigation ratios for the removal of trees will ensure that land is protected for greenbelts, forest, recreation, flood control, adequate water supply, air quality improvement, habitat for fish, wildlife and wildlife movement, native vegetation, and natural beauty. The extension of tree canopy retention throughout the unincorporated area will not only provide additional protection for biodiversity and critical habitat, as well as wildlife movement corridors, but will also help to sequester carbon and reduce the greenhouse gases that affect climate change, and lead to a more sustainable environment.

The Ordinance implements the preservation of watershed and open space lands, which is critical to supporting and preserving agriculture. By increasing the protection for tree canopy and riparian areas, the Ordinance will ensure that existing significant vegetation is retained and integrated into all projects, which will reduce erosion and retain wildlife habitat. Similarly, the Ordinance requires the retention of at least 40% of shrub land throughout the unincorporated area, which will protect and preserve rangeland.

Implementation of the County's Open Space policies will be furthered by the Ordinance, as it allows applicants to mitigate for tree removal either on-site or off-site where there is similar quantity and quality habitat. Consistent with the General Plan, preference for mitigation in the Ordinance is given to on-site replacement.

By requiring that 70% of tree canopy be retained on all parcels in the unincorporated area, the Ordinance will maintain forests and tree canopy for their economic and beneficial use.

Numerous provisions of the Ordinance will improve water retention and quality, by prohibiting development on steep slopes, requiring all earth-moving to comply with the Conservation Regulations (except where exempted), and by establishing new setbacks for Class 3 equivalent streams, wetlands, and municipal reservoirs. These measures will enhance the benefits from headwater channels and improve the quality of downstream watershed resources. Continued implementation of the NPDES and SWPPP programs for new earth-moving activities will contribute towards the County's efforts to comply with current TMDL requirements.

The Ordinance includes requirements to limit structures and new development in environmentally sensitive areas, including near streams, wetlands, and reservoirs, as well as physically hazardous areas such as floodplains, steep slopes, and geologically hazardous areas.

**Conclusion:** Consistent.

#### **F. Economic Development:**

The Economic Development (E) Element of the General states that, "The County's role in economic development has historically been focused on maintaining agricultural land uses, primarily through the Agricultural Preserve and voter-approved Measure J (which serves to limit conversion of agricultural land to other uses)... This Economic Development Element is interrelated with the other Elements that comprise this General Plan. This Element's policies recognize the need to implement land use, circulation, energy, and other policies to encourage and enhance a strong economy and a high quality of life." (Page E-2).

- **Goal E-1:** Maintain and enhance the economic viability of agriculture.
- **Policy E-1:** The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.

#### **Analysis:**

The Ordinance largely codifies many of the County's past and existing practices and implementation under CEQA. New vineyard development and vineyard expansion has continued in recent years while these practices and implementation have been in effect. As such, the Ordinance will allow for agriculture that is economically viable while providing additional environmental benefits.

**Conclusion:** Consistent.



## **G. The Safety Element:**

The Safety (SAF) Element of the General states that, "At the same time that these policies and actions are implemented, the County recognizes that those features which help contribute to Napa County's beauty and wine industry - the steep mountains, the volcanic soils, the many rivers and streams, the forest-covered slopes - are themselves reminders of the ongoing potential for seismic activity, flooding, and fire. This Element therefore seeks to take a reasonable approach, making those improvements necessary to reduce hazards while recognizing that some hazards will remain despite the best efforts of the County and other agencies." (Page SAF-1).

- ⊙ **Goal SAF-5:** To protect residences and businesses from hazards caused by human activities.
- ⊙ **Policy SAF-9:** As part of the review and approval of development and public works projects, planting of vegetation on unstable slopes shall be incorporated into project designs when this technique will protect structures at lower elevations and minimize the potential for erosion or landslides. Native plants should be considered for this purpose, since they can reduce the need for supplemental watering which can promote earth movement.
- ⊙ **Policy SAF-10:** No extensive grading shall be permitted on slopes over 15 percent where landslides or other geologic hazards are present unless the hazard(s) are eliminated or reduced to a safe level.
- ⊙ **Policy SAF-17:** The County supports the use of prescribed fuel management programs, including prescribed burns and brush clearing, for managing fire hazardous areas; to reduce wildfire hazard, improve watershed capabilities, promote wildlife habitat diversification, and improve grazing.
- ⊙ **Policy SAF-22:** While the County supports preservation and maintenance of existing fire trails, professional practices have shifted to emphasize defensible space and community fire breaks.

### **Analysis:**

By prohibiting development on steep slopes and away from streams and wetlands, the Ordinance protects residences and businesses from potential erosion and flooding.

The Ordinance prohibits development (with exceptions) on slopes of more than 30%, providing additional protection from landslides or geologic hazards.

The creation and/or maintenance of defensible space or the implementation of fire management strategies consistent with the Napa County Fire Hazard Abatement Ordinance (Chapter 8.36) are exempt from the requirements of the Ordinance.

**Conclusion:** Consistent.