

PROPOSED REVISION TO ALLOW DEVELOPMENT ON 30 PERCENT SLOPE WITH A USE PERMIT:

18.108.060 - Slope regulations—Prohibited uses.

A. Uses Prohibited Without an Exemption or an Exception. To minimize the risks associated with project development in areas characterized by steep slopes, high erosion potential, unstable soils, combustible vegetation and other sensitive environmental resource areas as defined by Section 18.08.270 or designated in the conservation element, and the recreation and open space element and the seismic and safety elements of the general plan, no construction, improvement, grading, earthmoving activity or vegetation removal associated with the development or use of land shall take place on those parcels or portions thereof generally having a slope of thirty percent or greater as defined in Section 18.108.060(C) unless exempt under Sections 18.108.050 or 18.108.055 or unless ~~grading improvements to an existing roadway or driveway serving an existing legally constructed structure are necessary to meet the requirements of the county's Road and Street Standards, in which case an~~ exception through the use permit process is granted pursuant to Section 18.108.040-(A).

B. Uses Prohibited Without an Exemption. No structure, improvement, grading, earthmoving activity, vegetation removal or development shall be permitted on a slope greater than fifty percent unless exempt under Section 18.108.050 or 18.108.055 of this chapter.

C. Slope determination methodology. The percent slope for a proposed project is described as the ratio of the vertical distance to the horizontal distance, or the elevation change in feet divided by distance in feet measured perpendicular to the contours. The percent slope of the development area described herein is the natural slope of the existing terrain, not the finished or proposed percent slope resulting from the project.

1. Structural Development.

a. The percent slope of the structural development area is measured perpendicular to the contours across the building pad and driveway when the driveway is less than 50 feet in length. The slope determination shall be made by evaluating a plot plan identifying contour intervals of two (2) to five (5) feet, with a scale of 1"=20' or better.

b. When a driveway exceeds 50 feet in length, the slope of the structural development area is measured perpendicular to the contours across the foundation and area of ground disturbance around the foundation of the proposed structure. The driveway slope shall be measured separately as identified in subsection (C)(2) of this section.

2. Road/Access Development. The analysis for slope determination for grading involving a roadway longer than 50 feet shall be determined using the following criteria and shall be based on mapping with a maximum scale of 1" = 50' with contour intervals of five (5) feet or less.

a. The approximate centerline of the proposed roadway shall be stationed with 0+00 being assigned to the point where grading commences.

b. Cross sections shall be taken at each station 100 feet apart, i.e., 1+00, 2+00 etc., extending to the outer limits of grading. When the road is less than 200 feet long, then three equally spaced cross sections shall be taken. The axis of each cross section shall be perpendicular to the contours pertinent to the section. These sections shall be drawn to a scale of 1" = 10' horizontal and vertical. An average cross section slope shall be calculated by dividing the difference in elevation of the cut and/or fill catch points by the intervening distance.

c. The average slope of the project is to be determined by averaging all of the cross sections excluding those measured at less than five percent slope. The average slope shall not exceed thirty percent and no more than three (3) cross sections shall exceed fifty percent.

3. General Land Clearing. When earth disturbing activities, land clearing or grading involves 30 acres or less, the slope of contiguous lands (i.e., not separated by streams, roads, or noncleared areas) is measured from a map with a scale of 1"=100' (maximum) with contour intervals of 20 feet, or at a contour interval acceptable to the director. When earth disturbing activities, grading or removal of vegetation involves greater than 30 acres, a contour interval of two (2) feet in the Napa River Watershed and five (5) feet in other areas shall be applied. If any portion within the contiguous area to be cleared is greater than thirty percent slope, then the following standards apply:

a. If the total area of any contiguous earthmoving, grading or land clearing is larger than one (1) acre, subareas up to one acre in size in the thirty to fifty percent slope range may be cleared subject to administrative approval by the director. No earthmoving activities, grading or land clearing exceeding one (1) acre shall occur on slopes greater than thirty percent.

b. If the total contiguous area to of proposed earthmoving, land clearing and/or grading is less than one (1) acre, no more than 1/3 (one third) of the project area to be cleared or graded may exceed thirty percent slope, subject to administrative approval by the director. Uses Prohibited Without an Exception

CONFORMING REVISION TO SECTION 18.108.040:

18.108.040 – Exceptions in the form of a use permit.

Upon application by the landowner or leaseholder of a site, an exception in the form of a use permit may be granted to any of the requirements of this chapter other than subsection (B) of Section 18.108.060, if, after a public hearing, findings can be made that:

PROPOSED REVISIONS TO SECTION 18.108.020 (C) TO APPLY THE REQUIREMENTS TO ONLY THE AW ZONE, ELIMINATE THE 40% SHRUB LAND PROTECTION OUTSIDE OF THE DOMESTIC WATERSHEDS, AND REVISE THE MITIGATION REQUIREMENTS:

C. Vegetation Retention Requirements. In the AW zoning district, a A-minimum of seventy percent vegetation canopy cover as configured on the parcel existing on June 16, 2016, along with any vegetation understory, or when vegetation consists of chaparral and shrublands without tree canopy, a minimum of forty percent of the chaparral and shrublands vegetation shall be maintained as part of any use involving earth-disturbing activity. Two or more contiguous parcels held and maintained under common ownership or legal control at the time the plan is submitted may be considered combined and treated as one holding for purposes of compliance with the vegetation requirements in this section; provided that: (1) the total vegetation proposed for clearing would not be greater than what could be cleared if each contiguous parcel was treated an individual unit; (2) a report prepared by a qualified professional biologist is submitted to the director which concludes that the proposed vegetation clearing would not result in greater impacts

to biological resources than what would occur if the combined parcels were treated as individual units; and (3) a perpetual protective easement or a perpetual deed restriction is recorded for each parcel describing the amount of vegetation to be retained on each of the parcels.

D. Vegetation Removal Mitigation. In the AW zoning district, tThe removal of any vegetation canopy cover shall be mitigated by permanent replacement or preservation of comparable vegetation canopy cover, on an acreage basis at a the minimum 3:1 ratios unless otherwise set forth below. The location for replacement or preservation may be prioritized as follows:

1. Replacement or preservation shall first be accomplished on-site on lands with slopes of thirty percent or less and outside of stream and wetland setbacks ~~on an acreage basis at a minimum 2:1 ratio.~~

2. If sufficient vegetation canopy cover ~~to achieve the 2:1 ratio in full or in part~~ cannot be accomplished under subsection (D)(1) of this section, on-site preservation or replacement may occur on slopes greater than thirty percent and up to fifty percent ~~on an acreage basis at a minimum 3:1 ratio~~ in areas that result in the highest biological and water quality protections as determined by the director.

3. If sufficient vegetation canopy cover ~~to achieve the 2:1 ratio in full or in part~~ cannot be accomplished under subsection (D)(1) or ~~the 3:1 ratio in full or in part under subsection (D)(2)~~ of this section, off-site replacement or preservation may occur ~~on an acreage basis at a minimum 3:1 ratio~~ if it is within the same watershed and the habitat is of the same or better quality as determined by the director.

4. Replacement of vegetation canopy cover may occur within stream setbacks and be applied to the 2:1 minimum preservation ratio where a restoration plan prepared by a qualified professional biologist has been approved by the director, and where consistent with Section 18.108.025 (D) as determined by the director.

5. Alternatively, the removal of any vegetation canopy cover may be mitigated by permanent replacement or preservation of comparable vegetation canopy cover, on an acreage basis at a minimum 2:1 ratio, where the project includes substantial public benefits as determined by the director.

6. Non-native species shall not be subject to the vegetation canopy cover replacement or preservation requirements under subsection (D) of this section.

PROPOSED REVISION TO SECTION 18.108.025(B)(3) TO DELETE “ORDINARY HIGH WATER MARK”:

18.108.025(B)(3):

3. The stream setbacks established in this chapter shall be measured from the top of the bank ~~or ordinary high water mark~~ on both sides of the stream as it exists at the time of replanting, redevelopment, or new agricultural activity.

PROPOSED REVISION TO SECTION 18.108.026 TO ALLOW FLEXIBILITY IN WETLAND SETBACKS:

18.108.026 - General provisions – Wetlands.

Construction of main or accessory structures, earthmoving activity, land clearing or agricultural uses of land as defined by Section 18.08.040 shall be set back 50 feet from the delineated wetland boundary. In limited circumstances, the 50-foot setback may be reduced if recommended by a qualified professional biologist and approved by the director.

PROPOSED REVISION TO SECTION 18.108.027(G) REGARDING MUNICIPAL RESERVOIR SETBACKS:

G. Setbacks. No earthmoving activities shall take place within 500 hundred feet of the Kimball Reservoir and Bell Canyon Reservoir, or within 200 feet of any other ~~a sensitive domestic water supply.~~ The setback shall be measured from the top of bank high-water mark of the municipal reservoir.

PROPOSED REVISIONS TO SECTION 18.108.030 – DEFINITIONS:

~~“Chaparral” means a shrubland dominated by species having evergreen, leathery leaves such as chamise, manzanita, or scrub oaks.~~

~~“Defensible space” means that area described in the Napa County Defensible Space Guidelines which is adjacent to each side of a building or structure and must be cleared of all brush, flammable vegetation, or combustible growth, subject however to the exceptions set forth in the Napa County Defensible Space Guidelines referenced in County Code Chapter 8.36. within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this definition is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.~~

~~“Municipal reservoir” or “sensitive domestic water supply” means any of the following: Kimball Reservoir; Rector Reservoir; Milliken Reservoir; Bell Canyon Reservoir; Lake Hennessey; including Friesen Lakes; Lake Curry drainage; and Lake Madigan.~~

~~“Sensitive domestic water supply drainage” means any of the following drainages as depicted on the sensitive domestic water supply drainages map(s) maintained and hereafter modified from time to time as necessary by the director:~~

- ~~1. Kimball Reservoir drainage;~~
- ~~2. Rector Reservoir drainage;~~
- ~~3. Milliken Reservoir drainage;~~
- ~~4. Bell Canyon Reservoir drainage;~~
- ~~5. Lake Hennessey drainage including Friesen Lakes;~~
- ~~6. Friesen Lakes drainage;~~
- ~~7. Lake Curry drainage; and~~

8. Lake Madigan drainage.

~~“Shrub” means a wood plant with a short ultimate height, commonly with two or more stems from the base.~~

“Track II vineyard replants” means vineyard replanting that meets the criteria of Sections 18.108.055(A), 18.108.080(D)(2)(a)(ii), and 18.108.090 of this chapter.

PROPOSED REVISION TO SECTION 18.108.050(H) TO CLARIFY THE FIRE EXEMPTION:

H. Creation and/or maintenance of defensible space for legally constructed structures or the implementation of fire management strategies ~~firebreaks required by, and completed under the direction-guidance~~ of the California Department of Forestry and Fire Protection;

PROPOSED REVISION TO SECTION 18.108.080(D):

D. Persons Authorized to Prepare Plans. The erosion control plan shall be prepared only by the following persons:

1. ~~[Reserved.] Construction General Permit Qualified SWPPP Practitioner (QSP) and/or Qualified SWPPP Developer (QSD).~~

2. Agricultural Projects.

a. Vineyard replant projects-erosion control plans shall be prepared by one of the following:

i. Erosion control plans prepared by any of the following persons are subject to review by the county and/or county's consultant:

(A) A certified professional in ~~soil~~ erosion and sediment control specialist (CPSESCS), or an NRCS ~~soil conservation service~~ employee working under the direction of a CPSESCS;

NEW SECTION 18.108.090(G) REGARDING THE MINISTERIAL NATURE OF TRACK 2 REPLANTS:

18.108.090 - Requirements for vineyard replanting programs.

G. Track II vineyard replants shall be ministerial within the meaning of the California Environmental Quality Act, as set forth in subsection (A) of Section 18.108.055 and Napa County's Local Procedures for Implementing the California Environmental Quality Act.

PROPOSED REVISION TO SECTION 18.108.135(C) PER RCD:

C. Monitoring. For projects disturbing more than one acre of land or with an average slope greater than fifteen percent, the property owner shall implement, prior to the first winter rains after installation of the planned facilities is commenced, a permanent, on-going program of self-monitoring of ground cover condition, and erosion control facility operation. The ground cover monitoring shall follow the procedures promulgated by the Natural ~~National~~ Resources

Conservation Service (NRCS, ~~formerly the SCS~~) for determining rangeland condition for hydrologic assessment.

For projects involving disturbance of more than forty acres of land or containing areas with slopes greater than thirty percent totaling a quarter acre or more, an Annual Erosion Control Plan Operation Status Report specifying ground cover condition and how the erosion control measures involved are operating shall be provided to the director and, if in a sensitive domestic water supply drainage, the owner/operator(s) of any public-serving drinking water supply reservoir present by September 1st of each year. This report shall specify the proposed management and cultural measures to be used the following year to return or maintain the ground cover in good condition in all parts of the area disturbed including vineyard avenues and any remedial actions that will be taken to get the other erosion control measures present to operate in such a manner as to minimize erosion and resultant sedimentation.

PROPOSED REVISION TO SECTION 18.108.140(A)(1)(c) PER RCD:

c. Is located in an area determined to have a severe soil erosion hazard as determined by the director based on the Napa County Soil Survey prepared by the NRCS ~~Federal Resource~~ ~~Conservation Service~~, incorporated herein by reference,

PROPOSED REVISIONS TO SECTION 17:

The provisions of this Ordinance No. _____ [insert number] shall not apply to earthmoving activities associated with an agricultural project of five acres or less on slopes of less than thirty ~~fifteen~~ percent however the project is still subject to the CEQA and must comply with the Conservation Regulations in effect prior to the effective date of Ordinance No. _____ [insert number]. This exemption may only be used once per parcel and any subsequent earthmoving activities shall be subject to the provisions of Ordinance No. _____ [insert number].

The provisions of this Ordinance No. _____ [insert number] shall not apply to earthmoving, land clearing or grading activities associated with development of any of the Specified Priority Housing Development Sites identified in County Code Chapter 18.82 of the :AH Affordable Housing Combination district, however those Specified Priority Housing Development Sites must comply with the Conservation Regulations in effect prior to the effective date of Ordinance No. _____ [insert number].