COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

USE PERMIT
EXCEPTION TO CONSERVATION REGULATIONS

APPLICATION PACKET

1. Checklist
2. Application Review Procedures
3. Application
4. Supplemental Application Form
5. Indemnification Statement
6. Adjoining Property Owner Requirements
7. Plan Requirements
8. Sample Graphics

PRE-SUBMISSION REQUIREMENTS

Prior to the submission of your application materials, please call Planning Division Secretary at (707) 253-4417 to schedule a pre-submittal application review meeting (See Completeness Checklist). The purpose of the meeting is to review your application to make sure it is complete for submittal. According to state law, your application will receive a determination of completeness within thirty (30) days after submittal.

USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS

APPLICATION CHECKLIST

1. _____ Completed signed application

2. _____ Completed supplemental application form

3. _____ Site Location Map (on 7" by 7½" portion of a 7½-minute U.S. Geological survey topographic map

4. _____ Complete Site Plan with all existing and proposed improvements shown, including structures, parking, roads, driveways, easements and leach field.

5. _____ Title Insurance Co. Certified List of All Property Owners within 300 feet of the subject parcel specifying name, address, and parcel number.

6. _____ Assessor's pages used in compiling property owners list.

7. _____ Make checks out to the **County of Napa**. *(Amount to be determined at the pre-application meeting).*

8. _____ Pre-Submittal application review meeting with Planning Division Staff (Date:_____)

9. _____ Additional information that may be required by Planning Division.

10. _____ Erosion Control Plan only for agricultural projects (vineyard conversions, etc.)

APPLICATION REVIEW PROCEDURES

USE PERMIT
EXCEPTION TO THE CONSERVATION REGULATIONS

A use permit for an exception to the Conservation regulations must be approved by the Zoning Administrator or the Planning Commission prior to development on slopes greater than 30% or for agricultural use within designated stream setbacks, as described in the Conservation Regulations, Section 18.108 et seq. of the County Code. Development may not begin until all necessary permits have been obtained, including any building or grading permits.

NOTE: The Use Permit application is not complete until all the information listed on the checklist is submitted for review.

The Use Permit applies to the land, not to the property owner. Therefore, once a Use Permit is approved for a given parcel of land, any new owner may operate under the same Use Permit pursuant to the conditions under which it was approved.

THE INFORMATION THAT YOU PROVIDE IN THE USE PERMIT APPLICATION, INCLUDING THE SUPPLEMENTAL APPLICATION AND EROSION CONTROL PLAN WILL PROVIDE THE BASIS FOR THE EVALUATION OF YOUR APPLICATION, INCLUDING ENVIRONMENTAL REVIEW. THE INFORMATION WILL ALSO BE USED AS A BASIS FOR THE ESTABLISHMENT OF CONDITIONS OF APPROVAL.

Application

1. The attached application and supplemental information forms require that you provide some basic information as well as a detailed erosion control plan for the proposed project. Prior to submittal, the applicant must schedule a pre-application meeting with a representative of the Planning Division to determine whether or not the proposed project can meet the minimum standards and requirements of the Conservation Regulations. When the application is submitted, a filing fee is collected to cover the costs of processing and analysis time, legal advertising, field investigations, and similar matters.

2. Within 30 days of receiving an application, the Planning Division will review the materials submitted to make sure that all the items listed on the application completeness checklist have been provided. Each item submitted will be reviewed for accuracy and completeness. In addition, an initial environmental review of the project will be undertaken. If all pertinent items on the checklist have been provided, each item supplied is complete and accurate, and no additional environmental data is needed, the application will be deemed complete. All applications accepted for processing will be referred to applicable County and public agencies for review, recommendation, and conditions. If the application is incomplete the applicant will be informed as to what additional materials, information and/or studies are needed to make the application complete. Upon submission of **all** the materials requested, the application will be found complete and distributed for review and comment.

Processing Time Limits

3. Use Permit applications are subject to processing time limits pursuant to California Government Code Section 65950. Generally, upon a determination by the County that

the application is complete, the County is required to take action on a Use Permit within 180 days unless an environmental impact report (EIR) is required pursuant to the California Environmental Quality Act of 1970 et seq. If an EIR is required, the permit must be approved or denied within 1 year.

Environmental Assessment

4. After any application has been accepted as complete, an assessment of the project's potential impact(s) on the environment will be conducted. If the Planning Division determines, based on that assessment, that the project is exempt from further environmental review, the project will be scheduled for a noticed public hearing. If the project is located in any recognized environmentally sensitive area or has other potentially significant environmental impacts, one or more detailed studies may be required to determine the extent of these impacts. If it is determined that significant environmental impacts could result from the project, the applicant will be required to prepare an environmental impact report (EIR).

Public Hearing

5. Upon completion of the environmental assessment for the project and preparation of the appropriate environmental document (i.e., categorical exemption, negative declaration, or EIR), the project will be scheduled for a noticed public hearing before the Zoning Administrator or Planning Commission. The purpose of the hearing is to receive public testimony, evaluate the appropriateness of the environmental determination made by the Planning Division, determine compliance with County regulations, and either approve or deny the project. A notice of public hearing containing a brief description of the project and the date, time, and location of the hearing will be published and mailed to all property owners within 300 feet of the project site, 10 days prior to the scheduled hearing.

6. At the public hearing, the report and recommendation of the Planning Division is presented. The applicant and project proponents are given an opportunity to present testimony in support of the Use Permit. Opponents to the request are given an opportunity to express their reasons why the environmental determination is not appropriate or why the Use Permit should not be granted. At the close of the hearing, the Zoning Administrator or Commission will consider the request, the Planning Division Report, and the testimony received during the public hearing and take formal action to approve, conditionally approve, or deny the Use Permit.

Appeal

7. Following action on the project, there is a 10 working day appeal period before the use permit becomes effective. During this period, the decision of the Commission or Zoning Administrator may be appealed to the Board of Supervisors by a County department, the applicant, or project opponents by filing a written appeal on a form provided by the Department, including payment of an appeal fee that varies with the length of the public hearing that has been held on the project. Once a proper appeal has been filed, a public hearing on the appeal will be set within 90 days. At the conclusion of the public hearing, the Board will either approve, deny, or modify the decision or action being appealed. Reconsideration of the Board's action can be sought if a request for reconsideration is filed within 30 days of the Board's decision.

A Tradition of Stewardship
A Commitment to Service

FILE #_____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FOR USE PERMIT
EXCEPTION TO CONSERVATION REGULATIONS

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____

TYPE OF APPLICATION: _____ __ Date Published: _____

REQUEST: _____ Date Complete: _____

_____

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

PROJECT NAME: _____

Assessor's Parcel #: _____ Existing Parcel Size: _____

Site Address/Location:_____
No. Street City State Zip

Property Owner's Name: _____

Mailing Address:_____
No. Street City State Zip

Telephone #:(____)_____-_____ Fax #: (____)_____-_____ E-Mail: _____

Applicant's Name:_____

Mailing Address:_____
No. Street City State Zip

Telephone #:(____)_____-_____ Fax #: (____)_____-_____ E-Mail: _____

Status of Applicant's Interest in Property:_____

Representative Name: _____

Mailing Address: _____
No. Street City State Zip

Telephone # (____) _____ Fax #: (____) _____E-Mail: _____

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

_____ _____
Signature of Applicant Date Signature of Property Owner Date

_____ _____
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: $_____ Receipt No.: _____ Received by: _____ Date:_____

SUPPLEMENTAL APPLICATION FORM
USE PERMIT EXCEPTION TO CONSERVATION REGULATION

1. Please explain the reason for the exception request.

2. Are there any alternatives to the project which would not require an exception? Please explain.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

_____
_____
_____
_____

Section 18.108.040.A. Structural/road development projects

a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading: (Please describe).

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

i. Multiple-floor levels which follow existing, natural slopes;

ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;

iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

_____
_____
_____
_____
_____
_____
_____
_____
_____

c. The development project minimizes removal of existing vegetation , incorporates existing

vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

4. Adequate fire safety measures have been incorporated into the design of the proposed development.

5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.

6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

Section 18.108.040.B. Agricultural projects, or Agricultural roads as defined by Planning, Building, and Environmental Services, Engineering Division

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the Natural Resource Conservation Service for the soil type, topography and climatic conditions in which the project is located; (Please attach a copy of the USLE worksheet used to determine the erosion rate).

8. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained.

9. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Applicant	Property Owner (if other than Applicant)
Date	Project Identification

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **300 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information.

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers, and mailing addresses on an 8½" by 11" sheet of Avery #5351 Plain Paper Copier Labels so that this information can be readily copied on to new labels for use in mailing by Planning, Building, and Environmental Services.

2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled, on the pages.

If you should have any questions, please contact the Planning, Building, and Environmental Services at (707) 253-4417.

PLAN REQUIREMENTS

SITE LOCATION MAP REQUIREMENTS

One (1) copy of a site location map. Said map shall consist of a 7" by 7 1/2" portion of the **7 1/2 minute** U.S. Geological Survey Topographic map that covers the project vicinity or an accurate reproducible copy thereof. This map section shall be pasted or taped (not stapled) in the space provided on the site location map blank contained in this application packet. The following information shall be **accurately** plotted thereon:

a) The location of the boundary lines of all existing parcels involved and any new parcels to be formed.

b) The location of all existing improvements to be used including but not limited to existing access roads.

c) The location of all new improvements proposed including but not limited to buildings and access roads/driveways. For the purpose of this section proposed building sites on parcel/subdivision maps along with all the associated improvements necessary to put a home at the location selected shall be considered as "new improvements".

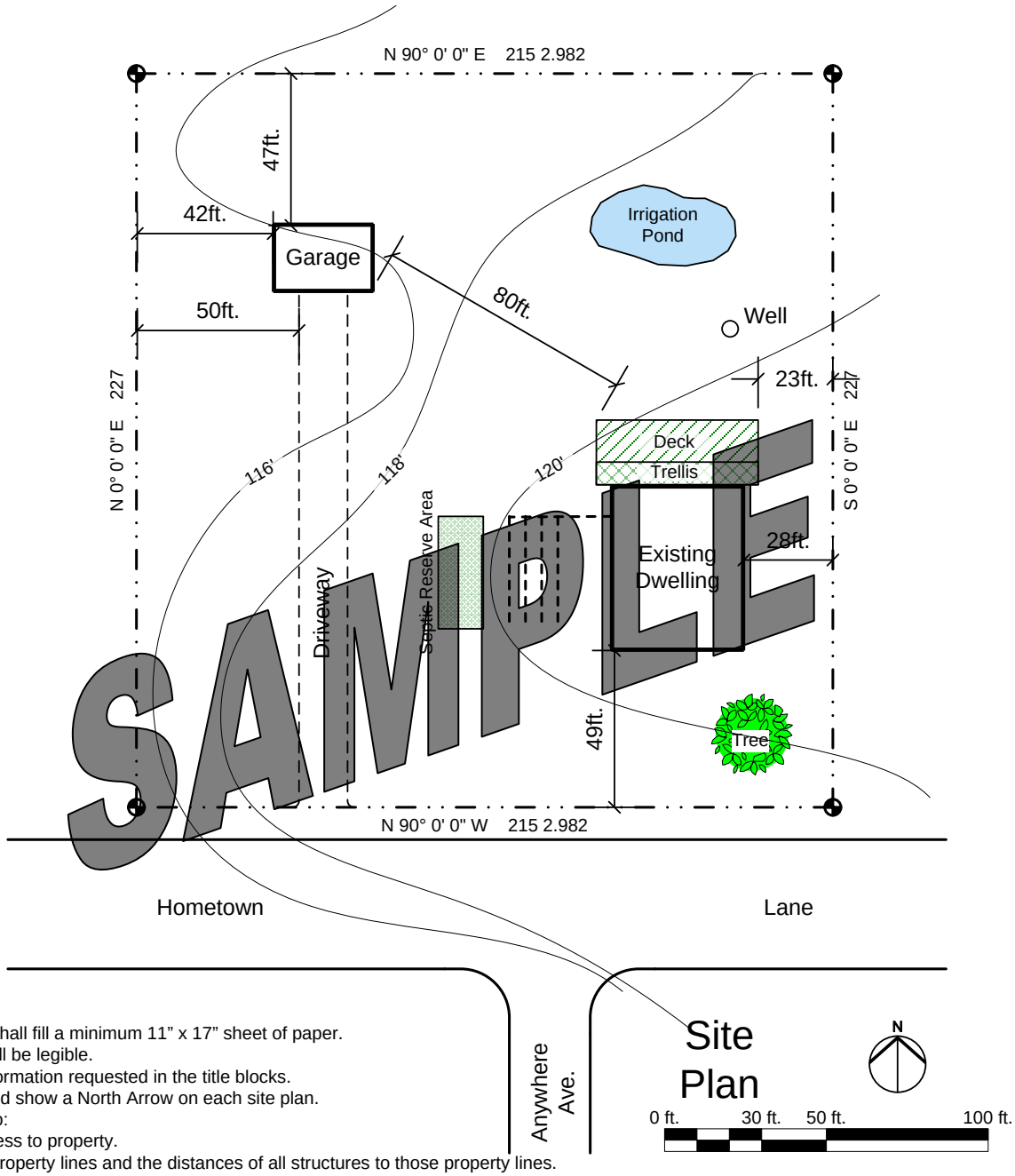
The location of all boundary **lines and** improvements **plotted must be accurate to within 50 feet** (i.e., 1/20th of an inch).

The symbols to be used in preparing this location map are specified in the legend on the site location map blank provided.

EROSION CONTROL PLAN REQUIREMENTS

Four (4) additional copies of the erosion control plan and narrative prepared in accordance with Section 18.108 et seq. of the county Code.

A clear, clean, readable, black-line reduction on 11" X 17" paper may be required to accompany the project. This will be determined at the Pre-application meeting.



Site Plan

N

0 ft. 30 ft. 50 ft. 100 ft.

Each different plan shall fill a minimum 11" x 17" sheet of paper.
Plans and notes shall be legible.
Provide all of the information requested in the title blocks.
Indicate the scale and show a North Arrow on each site plan.
Did you remember to:

- Show access to property.
- Show all property lines and the distances of all structures to those property lines.
- Show all roads, streets, driveways, rivers, reservoirs, dams, creeks, streams, paths and the distance from centerline of roads, streets and highways.
- Show all buildings and/or structures on the property, existing and proposed and the distances between those buildings and/or structures.
- Show all easements.
- Show all water wells, fire hydrants, water storage tank(s), LP gas tank(s).
- Show all septic system(s) and required 100% expansion area (reserve area). *
- Show stock pile(s) of dirt, soil, rocks and/or earth.

Five copies of the site plan are required for all building permits.

* Reserve area is a County code requirement. You must identify an adequate reserved area on your site plan. This reserve area will be reviewed on a case by case basis. If you have a very small parcel or a parcel with unusual site constraints you may be required to prove reserve area before a clearance on your building permit may be issued.

APN:
Name:
Address:
Phone:

COUNTY of NAPA
OFFICE OF PLANNING, BUILDING & ENVIRONMENTAL SERVICES
Sample Site Plan for Permit Submission