

Napa County Water Quality and Tree Protection Ordinance

Summary of Board of Supervisors direction on January 29, 2019 and Planning Commission direction on March 6, 2019

Board of Supervisors	Planning Commission
Maintain the existing definition of tree canopy.	Create a new definition of vegetation canopy, relying on the Baseline Data Report. Exclude non-native and invasive species. Create a new definition of vegetation understory.
Increase vegetation canopy cover retention from 60 percent to 70 percent and extend it from development in municipal reservoir watersheds to development in all unincorporated areas.	No change.
Extend a 40-percent shrub canopy retention requirement for development in municipal watershed reservoirs to development in all unincorporated areas (exclude grassland retention requirement outside of municipal watersheds).	No change.
Require 3:1 mitigation for each acre of vegetation canopy cover removed	Require 2:1 mitigation for each acre of vegetation canopy cover removed where the mitigation occurs on developable land or within stream setbacks. Require 3:1 where the mitigation occurs on slopes of more than 30% or off-site. Also, allow deed restrictions in addition to conservation easements for use in mitigation.
Prioritize mitigation to the highest biological value, preferably on-site but allowed off-site, and allow mitigation on slopes greater than 30 percent, but not in stream setbacks.	Prioritize mitigation to the highest biological value, preferably on-site but allowed off-site, and allow mitigation within stream setbacks (when riparian restoration is proposed) and on slopes greater than 30 percent.
Prohibit new planting and structures on slopes over 30%, with certain exemptions.	Prohibit new planting and structures on slopes over 30%, with certain exemptions. Also, allow earthmoving activity on 30% slopes with a Use Permit where improvements are needed to comply with County Roads and Street Standards for existing private roads.
Preserve the existing definition of "stream" and amend the code to include Class III equivalent streams.	No change.
Require a 35-foot minimum setback from Class III equivalent streams.	No change.
Require a 50-foot minimum setback around wetlands.	No change.
Require a buffer of 200 feet around municipal reservoirs, subject to comment from the cities about specific reservoirs.	Require a 500-foot setback from municipal reservoirs.
Apply the ordinance to existing incomplete and new applications after the effective date.	Apply the ordinance to applications that are substantially incomplete and new applications after the effective date.

Napa County Water Quality and Tree Protection Ordinance

Summary of Board of Supervisors direction on January 29, 2019 and Planning Commission direction on March 6, 2019

<p>Continue to exempt fire management from the new ordinance requirements.</p>	<p>Continue to exempt fire management from the new ordinance requirements. Clarify that fire management is exempt on properties that do not have structures. Clarify that exemption applies when actions are consistent with CalFire procedures and County Code. Also add a definition of defensible space.</p>
<p>Exempt reconstruction of structures lost to declared emergency events (and singular catastrophic events) from the new ordinance requirements</p>	<p>Exempt reconstruction of legally constructed structures up to 125% of the original footprint lost to declared emergency events (and singular catastrophic events) from the new ordinance requirements</p>
<p>Continue to exempt vineyard replanting in the same footprint from the new ordinance requirements.</p>	<p>No change.</p>
<p>Exempt 5.0 acres of vineyard development on slopes less than 15% from the new ordinance requirements, with a limit of once per legal lot.</p>	<p>No change.</p>
	<p>Recommend that the Board provide future direction on the following related issues:</p> <ul style="list-style-type: none"> • Encourage the municipalities and water company to participate in Green Certified programs for municipal owned land around reservoirs. • Establish protections for heritage oaks. • Expand the notification process when large numbers of property owners are affected. • Allow for mitigation banks funded by in-lieu fees paid to the Parks and Open Space District or other organization. • Require building standards that exceed state requirements in the Climate Action Plan. • Establish procedures to require more monitoring and reporting in the implementation of deed restrictions.