

CONSERVATION REGULATIONS

In 1991, **Napa County** enacted "Conservation Regulations" to address erosion control and stream setbacks. The intent of the regulations was to protect lands from excessive soil loss and maintain or improve water quality of watercourses by minimizing soil erosion from earthmoving, vegetation removal and grading activities. The regulations included setbacks from streams and rivers in order to preserve riparian areas and other natural habitat. In June 2004, the Board of Supervisors adopted Ordinance No. 1240 which prohibits illicit discharges and grants authority to the Director of Public Works to establish new requirements to control the discharge of pollutants from non-agricultural development projects. In **September 2004**, the National Pollutant Discharge Elimination System (NPDES) was implemented, which requires the County to ensure that stormwater and erosion control measures are provided for all structural (non-agricultural) projects. The intent of the new requirements is to minimize polluted runoff during the construction phase AND the post-construction phase of development projects to the maximum extent possible. The Department of Public Works administers this program and reviews plans for all non-agricultural projects on slopes greater than 5% as well as projects that disturb one acre of land or more. These plans must address waste management practices as well as erosion and sediment control. The plans are submitted with the application for a building and/or grading permit. While erosion control plans are no longer required for structural projects, the Conservation Regulations remain applicable to those projects, including grading deadlines, stream setbacks, and slope provisions. Prior to initiating any earthmoving or land disturbing activities you will need to comply with all applicable regulations. For agricultural projects, all of the Conservation Regulations remain in full effect. The following is provided to answer some of the most frequently asked questions regarding these regulations.



IF AN EROSION CONTROL PLAN IS NOT NEEDED FOR A NON-AGRICULTURAL PROJECT, WHAT WILL BE REQUIRED?

You will be required to show how you will control erosion, sediment, and waste materials from leaving your site and entering waterways. Your submitted site plan should show how all of the above will be managed during and after construction. Contact the Napa County Public Works Department for information that must be included in the plan to reduce pollutants in stormwater runoff. In addition to their requirements, you will still need to show the topography of the development area and any disturbed area; and identify all watercourses, the location of the stream's "top of bank", and the required stream setback or buffer based on the slope of the terrain. The slope must be verified by an authorized preparer for erosion control plans. See list of preparers under "*who is authorized to prepare an erosion control plan*".



ARE THERE ANY EXEMPTIONS?

All non-agricultural construction projects involving soil disturbance on slopes greater than 5% or disturb more than 1 acre, or that require a grading permit, must include a plan for stormwater management which will be reviewed by the Public Works Department. There are however some exemptions from a discretionary permit (use permit or variance). See Section 18.108.055 for exempt projects. Even though exempt from a discretionary permit, the project must still include an erosion control plan for an agricultural project or a stormwater management plan for a structural project.



WHEN IS A USE PERMIT OR VARIANCE REQUIRED?

If your project involves earth disturbing activity on slope(s) 30% or greater and is not exempt, use permit approval will be required prior to any grading (see Section 18.108.040 for required findings). If your project involves slope(s) greater than 50% and is not exempt, a variance must be approved prior to grading (see Chapter 18.128 for required findings). For structural projects, a Stormwater Management Plan must be incorporated into the site plan that accompanies the application. For agricultural projects, an erosion control plan must accompany the application.

**WHO IS AUTHORIZED TO
PREPARE AN EROSION CONTROL PLAN?**

Agricultural Development Projects:

- (A) A certified professional soil erosion and sediment control specialist (CPSESCS), or Soil Conservation Service employee working under the direction of a CPSESCS; or
- (B) A licensed civil engineer; or
- (C) A registered professional forester (RPF); or(D) A licensed Landscape Architect; or
- (E) A certified Engineering Geologist; or
- (F) A licensed Architect; or
- (G) The property owner with review by the Resource Conservation District.

Track II Vineyard Replant Projects:

Any person on the pre-qualified list of consultants is eligible to prepare Track II Vineyard Replant erosion control plans. Track II ECP's are ministerial actions pursuant to the California Environmental Quality Act (CEQA). The list of Track II pre-qualified consultants is available from the Planning Department.


HOW CLOSE TO A STREAM CAN I GRADE?

Agricultural and residential projects must meet the following setbacks from the top of the bank of a stream or watercourse:

Slope %	Required Setback
< 1%	35 feet
1 - 5%	45 feet
5 - 15%	55 feet
15 - 30%	65 feet
30 - 40%	85 feet
40 - 50%	105 feet
50 - 60%	125 feet
60 - 70%	150 feet

For streams located within the Napa County Airport Area, check the Airport Industrial Area Specific Plan for required setbacks.

What Is Considered A Stream?

The Conservation Regulations define "Stream" as any of the following:

- (1) A watercourse designated by a solid line or dash and three dots symbol on the largest scale of the U.S. Geological Survey maps most recently published, or any replacement to that symbol;
- (2) Any watercourse which has a well-defined channel with a depth greater than 4 feet and banks steeper than 3:1 and contains hydrophilic vegetation, riparian vegetation, or woody vegetation including tree species greater than 10 feet in height; or
- (3) Those watercourses listed in Resolution No. 94-19.

How Is The Stream Setback Measured?

The setback is measured from the top of the bank of the stream to the nearest edge of the proposed graded area.

**EROSION CONTROL PLAN SUBMITTAL AND
APPLICATION PROCESS FOR AGRICULTURAL PROJECTS:**

Information and application packets for erosion control plans may be obtained at the Conservation, Development and Planning Department.

- 1. A pre-application meeting is required prior to the submittal of your application where your application will be reviewed for completeness. As part of your application submittal package, you will need to submit a completed erosion control plan application form with five (5) copies of the proposed erosion control plan with the appropriate filing fee.
- 2. The submitted erosion control plan package will be reviewed for compliance with applicable local regulations and undergo environmental review pursuant to the California Environmental Quality Act (CEQA). You or the

plan preparer will be advised of any necessary modifications and/or mitigation measures required for the Plan to conform with local regulations and/or comply with CEQA.

3. Upon completion of the environmental review, the Department can approve the Erosion Control Plan. A signed approved copy of the Plan will be distributed to the applicant, engineer, Napa County Resource Conservation District (RCD), and the Planning Director.
4. Your signed approved copy of the Plan must be available on the job site at all times.
5. Field checks will be made to confirm completion of winterization of the project site completion of temporary and permanent measures. You will be advised accordingly.

DO I NEED A GRADING PERMIT?

Earthmoving activities such as grading of driveways longer than 50 feet in length; excavation beyond finished grade for a building; and related grading associated with new vineyard plantings or replants may require a grading permit which is issued by the Public Works Department (see grading permit brochure). Contact the Public Works Department for a determination of exemption status for your project or for a grading permit application.

Environmental Review

Depending upon the project description, amount of grading, and the slope of the site an environmental analysis may be prepared. Larger projects and those located in environmentally sensitive areas are **all required by state law** to undergo this analysis, which requires a 20-30 day public review period depending on the project in addition to staff preparation time.



WHEN CAN GRADING OCCUR?

Following the issuance of appropriate permits (building, grading, erosion control etc.), grading and earthmoving activities may in most cases commence between April 1 and October 15; however, if the project site is located within any of the County's Sensitive Domestic Water Supply Drainages (maps available at the Planning Department), grading and earthmoving activities may occur only between April 1 and September 1. Grading throughout the County may continue during the winter shutdown period (September 1 – April 1 for all earth moving activity within Sensitive Domestic Water Supply Drainage Areas and October 15 – April 1 for earth moving activity all other cases) **only** if an application to conduct work during the winter shutdown period is submitted and approved by the Planning Department (for agricultural projects) or the Public Works Department (all other projects). Applications must be submitted at least 2 weeks before work is planned to commence.



MORE INFORMATION NEEDED?

This brochure is a brief information summary. For specific details, the Napa County Code should be consulted. For further information, contact the Planning Division between 8:00 a.m. and 4:45 p.m. weekdays at (707) 253-4417. For questions regarding the Stormwater Management Program contact the Public Works Department at (707) 253-4351.