

-----Original Message-----

From: Oz Erickson <[oz@emeraldfund.com](mailto:oz@emeraldfund.com)>

Sent: Tuesday, March 05, 2019 4:33 PM

To: Dillon, Diane <[Diane.DILLON@countyofnapa.org](mailto:Diane.DILLON@countyofnapa.org)>; Pedroza, Alfredo <[Alfredo.Pedroza@countyofnapa.org](mailto:Alfredo.Pedroza@countyofnapa.org)>; Ramos, Belia <[Belia.Ramos@countyofnapa.org](mailto:Belia.Ramos@countyofnapa.org)>; Wagenknecht, Brad <[BRAD.WAGENKNECHT@countyofnapa.org](mailto:BRAD.WAGENKNECHT@countyofnapa.org)>; [joellegPC@gmail.com](mailto:joellegPC@gmail.com); Whitmer, David <[Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org)>; [anne.cottrell@lucene.co](mailto:anne.cottrell@lucene.co); Mazotti, Andrew <[Andrew.Mazotti@countyofnapa.org](mailto:Andrew.Mazotti@countyofnapa.org)>; Gregory, Ryan <[Ryan.Gregory@countyofnapa.org](mailto:Ryan.Gregory@countyofnapa.org)>; ClerkoftheBoard <[clerkoftheboard@countyofnapa.org](mailto:clerkoftheboard@countyofnapa.org)>

Cc: Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

Subject: Comments on Proposed Water Quality & Tree Protection Ordinance

Dear Panning Commissioners and Supervisors,

The proposed Water Quality and Tree Protection Ordinance represents an important effort to address agricultural and development issues in Napa County. However, perhaps inadvertently, it will have a profound negative effect on the values and marketability of any country hillside lot and, as currently drafted, would undoubtedly engender negative effects on overall real estate sales and property values in Napa. Some of these effects may not have been clearly understood by the Commission and the Board at the time the ordinance was drafted.

To start with, the ordinance would stop any new developments (e.g. access roads, water tanks, wells, houses, pools, secondary cottages, vineyards etc.) on any hillside slope that is greater than 30%. 30% sounds pretty steep, but please understand that "percent" is not "degree". If we remember our high school geometry, we all know what a 45 degree angle is. It is very steep. In percentages, however, as applied to land slopes, 45 degrees equals 100% slope. A 30% slope thus amounts to about 16 degrees. In contrast, a typical interior staircase is about 36 degrees, over twice as steep. Many of the famous hills in San Francisco (Telegraph, Nob and Pacific Heights), or the hills of Berkeley and, most of all, Napa, have slopes with housing that exceed 30%.

As you can see from the attached slope map of Napa County, over half the county, at least 250,000 acres, has slopes in excess of 30% (16 degrees). In fact, almost any residential hill lot in Napa will exceed this percentage. So the ordinance, as currently drafted, proposes to forbid ANY construction on these slopes. The attached analysis prepared by Madrone Engineering (Fwd: Draft..) illustrates the enormous implications of this 30% prohibition. The lack of any development rights would affect not only an individual landowner, but indirectly local architects, contractors, landscapers, subcontractors, real estate brokers, etc., etc.. Over half the county would be off limits for any future development. As drafted, it is important to note that "development" means that owners wouldn't be able to grade sites to install water tanks to protect their property. They couldn't be widen existing roads to make access easier for fire trucks in the event of forest fires, or to build family homes off an access roads that needed slope adjustments. Without permits they couldn't even cut dangerous flammable brush or get rid of the "laddering" trees that so easily transfer fires to the forest canopy. These are the types of "development" that a 30% slope prohibition would deny.

The economic effects of this ordinance could be profound. Just in one little area of Napa County, 200 yards north of Ehlers Lane, there are six long-existing lots for which the owners have been gradually working through the entitlement procedures with the goal of eventually building homes. I, for one, own two of these lots and have been obtaining and recording the necessary access easements (clearing up the differences between an easement by prescription and a recorded easement) in contemplation of improving the existing access road by a use permit and then building houses for my children. Attached is a stamped letter from my civil engineer, Joel Dickerson, showing that the proposed ordinance would effectively eliminate any use of my land because use permits to improve access roads for slopes over 30% would no longer be allowed. It is not just me. My next door neighbor has always envisaged building his retirement house on top of a little knoll below my property. WQTPO would forbid that. Three other neighbors on the little road to the north of my road with the same access off of Highway 29 whose families have owned their lots for years, and who are currently working on recording access easements would also lose their property rights. These six lots total less than 150 acres. WQTPO applies to well over 250,000 acres. I don't believe the intention of the Board is to strip such basic rights as building a home for one's family. In these days of acute housing shortages, WQTPO essentially eliminates the

possibility of building housing in over half the county. Undoubtedly unintentionally, WQTPO is a profoundly anti-housing legislation masquerading as environmentally sensitive. In these times of housing shortage, shouldn't Napa County be looking at opportunities to ADD housing, not STOP housing?

Finally, it is important to note that information about this ordinance has not been widely disseminated. None of my neighbors (or I for that matter) who are so negatively affected received notice. Thousands of property owners who potentially will lose all their property rights have heard nothing about this proposal. There was no EIR done. In equity, if the County is proposing to effectively strip property rights from a major percentage of its residents, shouldn't those residents be formally advised in writing with a layman's presentation? Who, for example, knows the difference between "percent" slope and "degree" slope? I certainly didn't and nor did one person among the forty I talked to including vineyard owners, brokers, homeowners, planners, etc. Everyone thought "percent" slope was analogous to "degree" slope. Vineyards can be environmentally designed.

In conclusion, an ordinance of this magnitude should be openly discussed and debated and not rushed through with a few hearings. Grandfathering should be arranged. Residential uses that are done in an environmentally sensitive way should be encouraged. For example, in these days of acute fire danger, think of the fire-fighting values of a properly sloped road that would allow a fire engine to promptly battle an incipient fire using stored water on someone's hillside property. Development in a positive way can work well with environmental sensitivity.

Thank you for your consideration of these concerns and I look forward to working with all of you on sensible modifications that will make this ordinance a success.

My best,

S. Osborn Erickson  
3211 St. Helena Highway North  
St. Helena, CA 94574

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March 4, 2019

S. Osborn Erickson  
3211 State Highway 29  
St. Helena, CA 94574

Erickson Parcels  
APN: 022-070-023, -047

Dear Mr. Erickson,

This letter is prepared to summarize the likely effects of the proposed Water Quality and Tree Protection Ordinance (WQTPO) considered by the Napa County Planning Commission on February 20, 2019 (and on the Agenda for the March 6, 2019 meeting) on your parcels.

The two parcels that would be most affected are in the western hills of Napa County approximately 2 miles north of St. Helena (parcels 022-070-023 and -047, 30 acres and 10 acres, respectively). A large portion of each parcel consists of land with slopes between 30% and 50%, and each parcel also has flatter areas that would be suitable for construction of a single-family home with minimal earthwork. The parcels each have existing dirt fire roads, and are otherwise undeveloped.

Under current Napa County Code, in order for you to obtain building permits to construct single-family residences, you would be required to improve the existing dirt fire roads (including constructing portions along new alignments) to meet Napa County Road & Street Standards. Because the majority of the road work would be taking place on land with slopes steeper than 30%, an exception to the Conservation Regulations in the form of a Use Permit would be requested as part of the building permit process. With appropriate mitigation, including slope protection against erosion, and construction of suitable drainage features, it would be possible under today's code for you to obtain permits to place a single-family residence on each parcel.



If the WQTPO is approved by the Planning Commission and the Board of Supervisors, it would make it impossible for you to ever obtain building permits for either parcel. Specifically, the creation of a new classification of "intermittent or ephemeral streams" and the new setbacks from said streams along with the complete restriction of grading activities on slopes steeper than 30% would make it impossible for you to obtain permits to improve your existing fire roads to current Road & Street Standards. Without the ability to improve the roads, no building permit would be possible on either parcel.

Needless to say, this would cause a significant reduction in property value, as well as a loss of other intangible benefits and property rights.

Please contact me if you have any questions about the information mentioned above.

Sincerely,

Joel Dickerson  
President  
[joel@madrone.engineering](mailto:joel@madrone.engineering)





**SLOPES OVER 30%**

**From:** [Joel Dickerson](#)  
**To:** [Joel Dickerson](#)  
**Subject:** Fwd: Draft Water Quality & Tree Protection Ordinance Public Notice - Planning Commission Meeting of March 6, 2019  
**Date:** Thursday, February 28, 2019 4:19:01 PM  
**Attachments:** [PHN Water Quality Notice 3-6-19 PC.pdf](#)  
[Summary Comparison Existing & Proposed.pdf](#)  
[WQ&TP Ordinance Track Changes updated.pdf](#)

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All,

I'm writing to briefly make you aware of a major change to Napa County code that is being considered by the Planning Commission. If you're receiving this e-mail, then the changes will affect your property and/or project.

The major changes include:

1. creation of a new stream setback for *all* "intermittent" or "ephemeral" streams, which are the existing drainage ditches and swales that occur naturally throughout the hillsides of Napa County, and
2. *complete prohibition* of any grading, earthmoving, or structure and road construction on slopes steeper than 30% (roughly 16 degrees)

The restrictions apply to any kind of development, including vineyard, residential, water tanks, and any other earth-disturbing activities. Current code allows for exceptions to these restrictions in some cases, but the proposed ordinance removes the ability to request exceptions for grading on slopes steeper than 30%, and prohibits such grading completely.

I'm attaching a summary comparison between existing code and the proposed changes. For the truly scholarly, I'm also attaching the complete text of the ordinance. If you'd like to provide comments to the County about the proposed ordinance, you can do so in writing before March 6, or you can provide comments in-person at the Planning Commission hearing next Wednesday, March 6, at 1195 Third Street, Napa, as described in the e-mail below.

I'd be happy to answer any questions (to the best of my knowledge) that you may have about the proposed ordinance.

Thank you,  
Joel

**Joel Dickerson, P.E.**  
Madrone Engineering  
1485 Main Street, Suite 302  
St. Helena, CA 94574  
(707) 302-6280  
[www.madrone.engineering](http://www.madrone.engineering)

----- Forwarded message -----

From: **Gallina, Charlene** <[Charlene.Gallina@countyofnapa.org](mailto:Charlene.Gallina@countyofnapa.org)>

Date: Fri, Feb 22, 2019 at 2:40 PM

Subject: Draft Water Quality & Tree Protection Ordinance Public Notice - Planning

Commission Meeting of March 6, 2019

To: Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

Good Afternoon,

Attached is the Public Notice for the Planning Commission Meeting of March 6, 2019 that was posted in the Napa Register today as a display advertisement. You are invited to attend the hearing and be heard or to submit written comments in advance of the hearing to David Morrison, Director of PBES at: [David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org). The Planning Commission staff report will be posted on the county's website in advance of the meeting: <https://www.countyofnapa.org/1468/Agendas-Minutes>. Additional background information concerning this topic may found on the County's website at <https://www.countyofnapa.org/2526/Water-Quality-and-Tree-Protection-Ordina>. Please note that any written correspondence submitted and/or presentations provided for the February 20<sup>th</sup> Planning Commission Meeting is already part of the public record and is not required to be resubmitted again.

If you have any questions, please do not hesitation to contact me or Director Morrison.

Charlene Gallina

Supervising Planner

Napa County Planning, Building, & Environmental Services Department

(707) 299-1355

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**From:** Eldredge, Joy <[jeldredge@cityofnapa.org](mailto:jeldredge@cityofnapa.org)>

**Sent:** Tuesday, March 05, 2019 5:29 PM

**To:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>; Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>

**Subject:** Can you get me near the front of the line for Comments at Planning Commission Mtg?

Hi David and Brian,

I plan to attend your 9am Planning Commission Mtg tomorrow morning to make brief comments regarding the Watershed Ordinance and our upcoming joint study. If history holds true, I'm sure there will be a large number of public comment cards. As in the past, it would be greatly appreciated if you can pull my comment card up at the earlier stage of the meeting so I can make my statements and get back to the Financial System Demos that are also scheduled tomorrow.

Let me know if there is something I need to do other than let the person gathering cards know that I'm with the City and would appreciate an early bid.

My cell is (707)980-3289 if you need to text me.

### Joy Eldredge

Deputy Utilities Director

City of Napa | 1340 Clay Street | Napa, CA 94559

Mailing Address | P.O. Box 660 | Napa, CA 94559-0660

Phone 707.257.9319 |  707.980.3289

Email [jeldredge@cityofnapa.org](mailto:jeldredge@cityofnapa.org)

Website [www.cityofnapa.org/water](http://www.cityofnapa.org/water)

Social [www.facebook.com/CityOfNapa](https://www.facebook.com/CityOfNapa)



**From:** Evangeline James <[ejames@pollockandjames.com](mailto:ejames@pollockandjames.com)>

**Sent:** Tuesday, March 05, 2019 5:47 PM

**To:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

**Cc:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>; Gregory, Ryan <[Ryan.Gregory@countyofnapa.org](mailto:Ryan.Gregory@countyofnapa.org)>; Dillon, Diane <[Diane.DILLON@countyofnapa.org](mailto:Diane.DILLON@countyofnapa.org)>

**Subject:** proposed Water Quality and Tree Protection Ordinance

David,

Thank you for taking the time to meet with me this afternoon regarding the Ordinance which will be going before the Planning Commission tomorrow morning.

As we discussed, I am concerned that some of the language in the proposed Ordinance will hinder property owners from being able to remove brush and ladder fuels on properties located in some of Napa County high fire danger areas, such as Mount Veeder. Specifically, I am concerned that areas with steep slopes, it is necessary to remove brush and ladder fuels more than 150 feet from a permitted structure. In areas with steep slopes, a larger radius is necessary to protect structures, due to how quickly wild fires move in steep terrain. Pursuant to our discussion, I will speak with fire officials about the larger radius guidelines for permitted structures.

Also, I am concerned that for houses that are on long driveways, it may be necessary to clear brush and ladder fuels down the length of the driveway to reach a County road. There should also be protection for brush clearing on driveways for landowners.

We did discuss Angwin briefly, however, I realized we did not discuss St. Helena Hospital. The allowable brush and ladder fuels clearing distance around the hospital should be expanded, since during a wild fire, the hospital should be afforded additional protection, so it does not meet the same fate as the hospital at Feather River.

As you know, Mount Veeder, Angwin, and other areas in the County still have a heavy fuel load, even after the October 2017 fires. I would appreciate some time to work on language to include in the Ordinance to address these fire safety issues.

Again, thank you for your time this afternoon. I will contact you shortly regarding additional proposed language for the Ordinance to address these fire safety issues.

Evangeline

C. Evangeline James  
POLLOCK & JAMES, LLP  
1792 Second St  
Napa, CA 94559  
Telephone (707) 257-3089  
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received this communication in error, please destroy the transmittal, and notify us immediately by email or telephone at (707) 257-3089 that you received this transmission erroneously. Thank you.

March 5, 2019

[VIA EMAIL]

David Morrison  
Director of Planning, Building, and Environmental Services  
Napa County Planning, Building, and Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94559  
david.morrison@countyofnapa.org

Re: Proposed Napa County Water Quality and Tree Protection Zoning Ordinance  
(the “**Ordinance**”)

Dear Mr. Morrison:

Thank you again for meeting with me last week to listen to the plight of certain Napa County residents and property owners who I believe would be unintended victims of the proposed Ordinance.

As a reminder, I own three parcels approximately two miles north of St. Helena. Two of the parcels (identified as parcels 022-070-023 and 022-070-047) are undeveloped, and the intent is to develop them as residences for my family. A large part of these two parcels has a slope of more than 30% (i.e. 16 degrees).

To obtain building permits under the existing Napa County Code to construct single-family residences on my vacant parcels, I must improve the existing dirt fire roads to meet applicable County and State standards. Since a large part of that roadwork requires construction on slopes steeper than 30%, I must request a use permit under the Conservation Regulations of the Code (specifically, Section 18.108.040), which is granted only after a hearing and specific findings related to the environmental and safety impacts of the work.

Under the proposed Ordinance, it appears that I would be prohibited from building homes for my family on my vacant parcels; although my parcels have areas flat enough to construct a single-family home, the proposed Ordinance prohibits road improvements on slopes steeper than 30%, which in turn renders it impossible for me to upgrade the existing dirt fire roads to meet applicable County and State standards and obtain the necessary building permits for the residences. I recognize that Section 18.108.050 of the Code is intended to exempt some residential and road development; however, if Section 18.108.050 is intended to exempt construction work on existing roads to meet fire safety standards, that exemption is not clear to me and others.

This may, at first, seem like the unfortunate and peculiar nature of my parcels and planned development. However, I assure you it is not; the proposed Ordinance would have a severe effect on other ordinary landowners, and I respectfully ask you and the Planning Commission to consider the following:

- **The proposed Ordinance frustrates the expectations of undeveloped parcel owners around the St. Helena hillside.** Because the hillside north of St. Helena has been developed with home sites, the reasonable expectation of purchasers and owners is that single-family residences are permissible on relatively level terrain. And most, if not all, owners of parcels along the hillside near me bought their respective parcels with the expectation of constructing such a residence. I believe it would come as a surprise to many of them that constructing our homes on relatively level terrain is not permissible because we would have no way under the proposed Ordinance to complete upgrades to existing roads to meet applicable safety standards that are triggered by the residential development. My suspicion is that the Planning Commission does not intend to prohibit such development, but I fear that such a prohibition is the practical effect of the proposed Ordinance. Furthermore, it seems to me that that the Planning Commission should be encouraging the development of roads that meet fire and other safety standards.
- **The proposed Ordinance frustrates the expectations of single-family homeowners around the St. Helena hillside who plan additions that trigger existing road upgrades.** I personally know of several owners who are contemplating additions to their homes that would likely trigger a requirement to upgrade existing roads traversing a slope of 30% or greater. Under the proposed Ordinance, permits for those additions would be prohibited unless an exemption applies. The exemption for additions to existing residences is allowed only if the proposed addition is attached and, generally, there is no earthmoving or grading. There is no exemption with respect to access road upgrades required in connection with those additions.
- **The existing use permit process under Section 18.108.040 of the Code already includes protections applicable to access roads on steep slopes to prevent roads that raise justifiable concerns.** The proposed Ordinance makes no distinction between improvements for roads at a steep slope (i.e. the road itself is at a 30% slope) and roads that traverse, at a reasonable incline, a slope of 30%. Both are barred, although one is clearly more concerning than the other. Under the existing Code, the use permit process under Section 18.108.040 appropriately evaluates the safety and environmental concerns of each of these two types of improvements and is more likely to restrict only those improvements that raise justifiable concerns.

Please let me know if you have any questions that I can answer for you with respect to the concerns raised in this letter. You may reach me at 415-489-1316 or [oz@emeraldfund.com](mailto:oz@emeraldfund.com). Thank you.

Sincerely,

S. Osborn Erickson

**From:** David Ehrenberger <[drehrenberger@gmail.com](mailto:drehrenberger@gmail.com)>

**Date:** Tuesday, Mar 05, 2019, 6:01 PM

**To:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

**Subject:** Letter in OPPOSITION to the proposed Water Quality and Tree Protection Ordinance

Mr. David Morrison, Director

Napa County Planning, Building and Environmental Services Department

5 March 2019

Dear Mr. Morrison,

As a land owner in Napa County, I send this email in **strong opposition to the proposed Water Quality and Tree Protection Ordinance** that is to be presented at a public hearing tomorrow morning, March 6<sup>th</sup>. This ordinance, if approved, will have devastating impacts on the economy of Napa County.

The County is basically proposing to forbid any construction on the west and the east sides of Napa Valley, plus many of the interior hills. In addition to dramatically and negatively impacting property values, this ordinance would have major implications for any landowner—including myself—architect, contractor, landscaper, subcontractor, real estate broker, and ultimately the owner of any house in Napa County. You can't hit the economy with a sledge hammer without damaging all aspects of that economy. When you couple the degree restrictions for future building with forbidding any new construction within 65 feet of rivulets that flow down the hills after a winter rainstorm, the County is will dramatically and capriciously reduce any future construction in the valley. Furthermore, this ordinance essentially forbids me and property owners across the Valley from acting to protect our properties from fire dangers.

Finally, although this proposed ordinance affects tens of thousands of acres, it has been proposed with **no Environmental Impact Report** and, even worse, not the slightest notice to the thousands of affected property owners.

I respectfully request my opposition to this ordinance be presented to the Planning Commission at tomorrow morning's meeting (I am currently out of State and cannot attend).

Thank you,

David

David Ehrenberger MD

303 641 8753

**From:** Bill Hocker <[bill@wmhocker.org](mailto:bill@wmhocker.org)>

**Date:** Tuesday, Mar 05, 2019, 6:06 PM

**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>, Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>, [joellegPC@gmail.com](mailto:joellegPC@gmail.com) <[joellegPC@gmail.com](mailto:joellegPC@gmail.com)>, Whitmer, David <[Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org)>, [anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com) <[anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com)>, Mazotti, Andrew <[Andrew.Mazotti@countyofnapa.org](mailto:Andrew.Mazotti@countyofnapa.org)>, [JeriGillPC@outlook.com](mailto:JeriGillPC@outlook.com) <[JeriGillPC@outlook.com](mailto:JeriGillPC@outlook.com)>

**Subject:** Fwd: Protect Napa Property Rights - WEDNESDAY HEARING

Commissioners, Dir. Morrison, Mr. Bordona,

For some reason I received a copy of the email below, and, perhaps unfortunately, I just can't avoid commenting.

From the email:

*"WOW! That [the > 30% ban] has major, major implications for any landowner, hillside grape grower, architect, contractor, landscaper, subcontractor, real estate broker, and ultimately the owner of any house in Napa County. "*  
and  
*"In these times of housing shortage, shouldn't Napa County be looking at opportunities to ADD housing, not STOP housing?"*

The vision in the email compares Napa's hills to those of Berkeley and San Francisco as a buildout scenario model.

The idea that the steep areas of the watersheds are being seen by the development community principally as places for real estate speculation and building projects should only encourage the County to solidify its efforts to protect these areas now while they can. The intent of most of the County's land use policies in the last 50 years has been to prevent urban development of agricultural and open space lands. Until now, the county's wine industry stakeholders have viewed housing development as anathema to the continued viability of their industry. It was their principal concern in the creation of the Agricultural Preserve and the reason they and other residents supported the restriction of property rights that the ordinance required.

Measure C and the ensuing discussion has, quite appropriately, raised concerns about water quantity and quality in further vineyard conversion in the watersheds. It has also raised concerns about GHG generation in converting old growth trees and undisturbed soil to new vineyards, and it has raised concerns about habitat loss as more land is cleared and fenced off. Scientists can, and will, argue both sides of the environmental benefit and harm done by converting the natural environment to agriculture. And if the County errs on the wrong side of reality, natural lands can still be converted to agriculture 50 years from now, or, alternatively, water-starved vineyards and polluted waterways can be left to return to a natural and healthier ecology.

But given this email, it is fairly easy to see what the stakes really are in the watersheds: it is not about agriculture or nature; the real danger is the irreversible urbanization of the watersheds that will eventually overwhelm their value for anything other than building sites.

Even now, as we witnessed in the epic battle over Walt Ranch, the issue of vineyard conversion is often no longer about grape production. It is about land speculation based on vineyards as a landscaping element in the development of good-life fantasies, whether for trophy homes or vanity wineries.

The danger of housing development to the maintenance of a rural and agrarian based economy was the impetus behind the 1968 Ag Preserve. Since then, that wisdom has been has been reiterated as official policy.

*Uncontrolled urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution and potentially serious water problems, such as pollution, depletion and sedimentation of available water resources. Such urban encroachment, or*

*'leap-frog development,' would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.*

- From the findings of Measure J, Agricultural Lands Preservation Initiative, 1990

*While other Bay Area counties have experienced unprecedented development and urban infrastructure expansion over the last four decades, Napa County's citizens have conscientiously preserved the agricultural lands and rural character that we treasure.*

- From the vision statement of the Napa General Plan 2013

The County and the municipalities are already succumbing to the demand for more housing projects, the result of a commitment to their approval and construction of labor-intensive tourism facilities. But, while the embrace of housing is bad enough for a county that purports to treasure rural character, let's not confuse the need for affordable worker housing with the demand for more luxury housing which the real estate developers posit in their email. The county may not have the right to prevent houses on properties (although I've never understood why) but they do have the right to set restrictions on their development for the sake of a greater good.

If the adoption of these new regulations prevents or slows the construction of new buildings in the watershed areas of the county, and protects the rural character that residents and visitors treasure here, then that alone is enough to justify the enactment of the regulations. Should it also preserve and protect our water resources and also do our small bit to prevent the extinction of our species from the threat of climate change, so much the better

Bill Hocker  
3460 Soda Canyon Road  
Napa

From: Riaz Taplin [<mailto:riaz@riazinc.com>]  
Sent: Monday, March 04, 2019 6:38 PM

Subject: Protect Napa Property Rights - WEDNESDAY HEARING

View this email in your browser  
Hi,

A piece of proposed legislation in Napa County will specifically affect anyone with property on a hill, and was written to conceal that fact. This will be a huge impediment to construction and development in Napa County. Please see the below details forwarded from my friend Oz Erickson.

Dear Russ and Riaz,

I am not sure whether you knew about this proposed Napa County ordinance, but it would have a big negative effect on the values and marketability of any country hillside lot and would probably engender negative effects on overall real estate sales and property values in Napa. It would certainly dampen things down. There is a meeting on Wednesday morning, March 6, that you really should attend. If enough people show up, perhaps this terrible ordinance can be defeated.

Below is an email from George Bachich which briefly describes the ordinance. Essentially, it would stop any new developments (e.g. access roads, water tanks, wells, houses, secondary cottages etc.) on any hillside slope that is greater than 30%. 30% sounds pretty steep, but please understand that "percent" is not "degree". If we remember our high school geometry, we all know what a 45 degree angle is. It is very steep. In percentages, however, as applied to land slopes, 45 degrees equals 100% slope. A 30% slope thus amounts to about 16 degrees which represents a comparatively gentle rise. In contrast, a typical interior staircase is about 36 degrees, over twice as steep. Marin Road, typical of the rise in the Berkeley Hills, peaks at a 25 degree slope, close to 50%. Loads and loads of houses in places like Berkeley, Marin and Napa itself are built on slopes that exceed 40%, much less 30%. All the hills in San Francisco (think Telegraph Hill, or Nob Hill, or Pacific Heights) exceed 30% slope.

Well over half of Napa County, over 250,000 acres, has slopes in excess of 30% (16 degrees). In fact, almost any residential hill lot in Napa will exceed this percentage. So the County is basically proposing to forbid ANY construction on the west and the east sides of Napa Valley, plus many of the interior hills. WOW! That has major, major implications for any landowner, hillside grape grower, architect, contractor, landscaper, subcontractor, real estate broker, and ultimately the owner of any house in Napa County. 250,000

acres off the table for any future development? No water tanks allowed to be installed to protect your property? No grading of existing roads to make access easier for fire trucks in the event of forest fires? No cutting of dangerous flammable brush without a permit? You can't hit the economy with a sledge hammer without damaging all aspects of that economy. When you couple the degree restrictions for future building with forbidding any new construction within 65 feet of those little rivulets that flow down the hills after a winter rainstorm, the County is doing a real number on any future construction in the valley and indeed in the whole County. Attached to this email is a technical description of the proposed ordinance from an experienced civil engineer. In these times of housing shortage, shouldn't Napa County be looking at opportunities to ADD housing, not STOP housing?

Also attached to this email are George Bachich's detailed comments about the proposed ordinance. There are many elements in the ordinance, particularly about clearing brush and cutting trees that are highly problematic. Any reasonable, prudent owner of property with a potentially dangerous brush condition would want to maintain the right to clear that brush. As noted above, this ordinance forbids acting to protect your own property from fire dangers without obtaining a permit. Not only would a person not be able to clear out dangerous brush, one couldn't even install a water tank to provide extra fire protection. After the horrendous fires of the last few years, not being allowed to protect one's life and property is difficult to understand. Finally, although the proposed ordinance affects hundreds of thousands of acres, it has been proposed with no Environmental Impact Report and, even worse, not the slightest notice to the thousands of affected property owners.

The hearing to discuss this ordinance is before the Napa County Planning Commission this Wednesday, March 6, at 9:00. If you are concerned about this ordinance, please, please come to the hearing. It will be held at 1195 Third Street, Suite 305, in downtown Napa.

My best,

Oz

PS: Please, please pass this email on. We need people to show up and protest on Wednesday. This ordinance had no feedback from any of the negatively affected parties. It is not only a zombie ordinance, but a stealth one as well.

S. Osborn Erickson  
3211 St. Helena Highway North  
St. Helena, CA 94574

Attachments:

- WQTPO Comments by George Bachich
- Public Notice of Hearing
- Summary Comparison Existing vs Proposed
- WQ\_TP Ordinance Tracked Changes

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**From:** Wesley M Smart <[smart@fnal.gov](mailto:smart@fnal.gov)>

**Date:** Tuesday, Mar 05, 2019, 6:34 PM

**To:** Dillon, Diane <[Diane.DILLON@countyofnapa.org](mailto:Diane.DILLON@countyofnapa.org)>

**Cc:** [anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com) <[anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com)>, Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

**Subject:** Draft Water Quality and Tree Protection Ordinance

March 5, 2019

Dear Supervisor Dillon;

I would like to express my wholehearted support of the conclusion of my neighbor Dean Enderlin's very knowledgeable and thought out letter sent to you yesterday concerning the Draft Water Quality and Tree Protection Ordinance currently under consideration; that is, it should not be adopted

I can only add my personal experience with an attempt to improve the Napa County environment with a tree planting program undertaken after the 1964 fire which burned the existing house and the entire 80 acres of what was then my parents property at 2860 Lake County Highway. My parents participated in a (federal ?) government program that paid most of the cost of planting 1400 seedling evergreen (Ponderosa Pine and Douglass Fir) on the property. Unfortunately most of the planting was on areas unsuited to these evergreens and most have died.

When I moved permanently to the property in 2007 there were 6 large (up to 30 or 40 feet tall) evergreen trees on the steep southwest facing sloop uphill to the east of my house. One was dead, the top half of another was dead, and four were healthy. Now 5 are dead, the largest and nearest my house is still healthy, but if (or when ?) it dies, I will have to pay several thousand dollars to have it professionally removed or risk a huge loss if it falls on my house. Until they fall down and decay away, these dead trees are a large wildfire fuel load dangerously close to my house. It is now clear to me that if it was done at all, evergreen planting should have been restricted to north facing slopes where such trees have a better chance of surviving in Napa County.

If environmental measures are not carefully planned and carried out, they can be counter productive, and sour everyone on all such measures. Please keep this in mind for this and future consideration of environment ordinances.

Sincerely, Wesley M. Smart

**From:** Mark Prestwich <[MPrestwich@cityofsthelena.org](mailto:MPrestwich@cityofsthelena.org)>

**Date:** Tuesday, Mar 05, 2019, 7:52 PM

**To:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

**Cc:** Tran, Minh <[Minh.Tran@countyofnapa.org](mailto:Minh.Tran@countyofnapa.org)>

**Subject:** Comments on Draft Napa County Water Quality and Tree Protection Ordinance

Hi David,

Please share the attached letter from the City of St. Helena with the Napa County Planning Commission. Thank you.

-Mark

Mark T. Prestwich  
City Manager  
City of St. Helena  
1480 Main Street  
St. Helena, CA 94574

Direct: (707) 312-0252



## *The City of St. Helena*

Office of the City  
Manager  
1480 Main Street  
St. Helena, Ca 94574  
Phone: (707) 968-2744  
Fax: (707) 963-7748  
[www.cityofstheleena.org](http://www.cityofstheleena.org)

March 5, 2019

David Morrison  
Planning, Building and Environmental Services Director  
County of Napa  
1195 Third Street  
Napa, California 94559

### **Re City of St. Helena Comments Regarding the Napa County Water Quality and Tree Protection Ordinance**

Dear Mr. Morrison:

On behalf of the City of St. Helena and the St. Helena City Council, I would like to thank you and the Napa County Board of Supervisors for your important work to update and improve conservation regulations relating to stream and wetland setbacks, buffers for municipal reservoirs, tree protections and other related issues. We understand that the Board of Supervisors is considering the adoption of a Water Quality and Tree Protection Ordinance that will promulgate regulations on property in the watershed of the City of St. Helena's Bell Canyon Reservoir.

As you and the Board of Supervisors work to refine the ordinance language, please keep in mind that Bell Canyon Reservoir is St. Helena's primary domestic water supply. Of the approximately 3,647 acres of surrounding watershed, the City owns only 140.7 acres around and including the reservoir. The reservoir itself has a surface area of approximately 76 acres. Thus, the City has no jurisdiction, and therefore little control, over any activities occurring outside the area owned by the City. Under these circumstances the proposed 200-foot buffer zone would appear to be wholly inadequate to minimize degradation of the water quality both in the limited area we own and in the thousands of acres we do not control.

As city leaders, we have a fiduciary duty to protect this critically important domestic water supply. So first and foremost, we believe that the City of St. Helena and the County of Napa should open a discussion about jointly commissioning a Bell Canyon Reservoir watershed study. Such a study could include the creation of a watershed runoff computer model which considers weather patterns, topography, land use, land cover, air quality, septic systems and water diversions. If appropriate and possible, we may wish to discuss expanding the existing watershed studies being performed by the County

and water diversions. If appropriate and possible, we may wish to discuss expanding the existing watershed studies being performed by the County and the City of Napa or at least make use of the existing RFP materials and process. By gathering data on our critically important Bell Canyon watershed, and better understanding how new vineyards and other mountainside developments are impacting St. Helena's primary domestic water supply, city leaders will be in a much better position to ensure that sediments, pesticides, nutrients and other materials are not unnecessarily washing into Bell Canyon Reservoir.

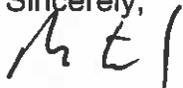
In the meantime, we believe that it is extremely important that the proposed 200-foot buffer zone be increased to a minimum of 500 feet, until we better understand the impacts of vineyard and mountainside development.

We also wish to confirm that any activities in the proposed buffer zone for municipal purposes are exempt from this proposed ordinance.

Finally, we would encourage continuing communication in the future about proposed projects within the Bell Canyon watershed and continuing dialogue about our mutual interest in protecting our precious and vulnerable water supply.

Thank you for the opportunity to comment and for your consideration.

Sincerely,



Mark T. Prestwich  
City Manager

Cc: St. Helena City Council

**From:** cyberswand <[cyberswand@aol.com](mailto:cyberswand@aol.com)>

**Date:** Tuesday, Mar 05, 2019, 8:35 PM

**To:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

**Subject:** Opposition to proposed Water Quality and Tree Protection ordinance

I am the owner of land on Soda Canyon Road in Napa and find it completely unacceptable that such an Ordinance would be considered without formal notice to property owners and equally important without an Environmental Impact study.

Please add my name in opposition.

Barbara Ehrenberger  
510-290-9725

Sent from my Verizon Wireless 4G LTE smartphone

**From:** John W Harrison <[johnwalterhair@yahoo.com](mailto:johnwalterhair@yahoo.com)>

**Date:** Tuesday, Mar 05, 2019, 9:03 PM

**To:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>

**Cc:** Pedroza, Alfredo <[Alfredo.Pedroza@countyofnapa.org](mailto:Alfredo.Pedroza@countyofnapa.org)>, Ramos, Belia <[Belia.Ramos@countyofnapa.org](mailto:Belia.Ramos@countyofnapa.org)>, Wagenknecht, Brad <[BRAD.WAGENKNECHT@countyofnapa.org](mailto:BRAD.WAGENKNECHT@countyofnapa.org)>, joellegPC@gmail.com <[joellegPC@gmail.com](mailto:joellegPC@gmail.com)>, Whitmer, David <[Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org)>, Mazotti, Andrew <[Andrew.Mazotti@countyofnapa.org](mailto:Andrew.Mazotti@countyofnapa.org)>, Gregory, Ryan <[Ryan.Gregory@countyofnapa.org](mailto:Ryan.Gregory@countyofnapa.org)>, ClerkoftheBoard <[clerkoftheboard@countyofnapa.org](mailto:clerkoftheboard@countyofnapa.org)>

**Subject:** Comments on the New Watershed Ordinance

Dear Napa County Planning Commission and County Board of Supervisors,

I am concerned about the new Watershed Ordinance. You may know our family has owned property in the Western hills between St. Helena and Calistoga since the 1920's. We have left the land to transform naturally. Over my 50 years of observation, I have seen the Conifers move into the Oak and Shrub areas and change the landscape. This is called Conifer encroachment. The fuel rich canopy will choke out native species including Oaks contributing to a less diverse ecosystem. We could cut back some of the Conifers and open up areas to balance out the ecosystem and lessen the effects of wildfires ourselves, but the new Ordinance will greatly inhibit our ability to do this kind of work by managing our own land.

There are diverse ecosystems within AW boundaries, so there should be a way to address each with appropriate regulations. It seems like the Western hills have been managed well, in part because of the Hillside Development Ordinance. Measure C was addressing AW district zoning with emphasis on the Eastern side of Napa Valley and its Oak Woodland. The new Ordinance seems like an overkill with wide reaching economic consequences.

I have these two questions and three areas of concerns below.

This Ordinance, refers to unincorporated areas.

1. How much of an area is that or what areas is that referring to? All areas outside the city limits including AW, AWOS/AR and AP?

The Ordinance is written without any consideration for a variance with regard to structures and would restrict us from putting a home on the property that takes advantage of its best asset, a view of the valley floor. It took me thirty years to get here and 3 months to take it away.

2. Will there be a variance incorporated into the Ordinance to accommodate a situation where the only location for a structure such as a home, a barn or a water tank is on a slope that is

I'm very concerned, as well as many other hillside neighbors, with three specific items in the Ordinance that the County Staff recommend. Slope, Tree Canopy Retention and Shrub Canopy.

Slope: the staff recommend Option B. Amend code to Prohibit New Planting and/or Structures on slopes over 30% percent or 16.7 degrees.

This statement is too restrictive.

Site preparation for structures, a house, barn, a water tank are completely different from Planting. I'm assuming planting is referring to Vineyards but that's not clear.

Compared to most Vineyards, a structure will have a smaller footprint, exposing and disturbing much less soil than "a planting". With a structure, erosion control will be much more manageable.

Structures are built level or 0% slope. There are many options for building on slopes up to 100% or 45 degrees. I live in a house with a raised foundation cut into a hillside and built on 50% slope. There are other options where pier and post are used in uneven slopes that sit above the soil leaving it undisturbed.

I feel the current Hillside Ordinance is more than adequate for governing the establishment of Vineyards or other crops and no change is needed.

Tree Canopy Retention: Amend code to extend 60% Retention throughout the unincorporated area.

This is too restrictive.

No Change, option A

Someone should be able to manage areas of their land (not at a 60% Canopy) to have open space for legumes or a grass cover crop, or native/non native landscaping as long as they maintain that area to prevent soil erosion. This also helps with wildfire prevention by providing open space and a reduction in fuel.

Shrub Canopy Retention: Amend code to extend 40% retention throughout unincorporated areas.

This is too restrictive.

No change option A

Someone should be able to manage areas of their land (not at a 40% Canopy) to have open space for legumes or a grass cover crop, or native/non native landscaping as long as they maintain that area to prevent soil erosion.

I think this may fit into the exemption category. Fire is also a big concern with Shrubbery. My Grandfather would conduct his own controlled burns to maintain a balance of shrub undergrowth and tree canopy to help provide a brake from wildfires.

If you understand this concept you should be able to manage your own land yourself and of course with the help of a professional as needed.

Thank you for your time, John Harrison

Sent from my iPad

Sent from my iPad

**From:** Charlotte Williams <[cdevorak@sonic.net](mailto:cdevorak@sonic.net)>

**Sent:** Tuesday, March 05, 2019 11:12 PM

**To:** Whitmer, David <[Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org)>; [joellegPC@gmail.com](mailto:joellegPC@gmail.com); [anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com); Mazotti, Andrew <[Andrew.Mazotti@countyofnapa.org](mailto:Andrew.Mazotti@countyofnapa.org)>; [JeriGillPC@outlook.com](mailto:JeriGillPC@outlook.com)

**Cc:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>; Valdez, Jose (Louie) <[Jose.Valdez@countyofnapa.org](mailto:Jose.Valdez@countyofnapa.org)>

**Subject:** Darms Lane Winery - comments

Dear Planning Commission,

Re: Darms Lane Winery

Individuals in the industry continue to run roughshod over their neighbors. Similar to a juggernaut bent on destruction for the sake of profit it disrupts whole neighborhoods so that a dream can be made real. A dream for some becomes a nightmare for many others.

What is wrong with people that they should make plans for their property that so radically and negatively affect the whole neighborhood? Have we so lost our common decency that we no longer understand that our neighbors have a right to peace at their own homes?

With little or no notice neighbors must hurry to analyze information and assemble a defense against an attack on their neighborhood and their homes. Our elected and appointed officials are the first line of defense for the citizenry. We look to you to examine the data closely and provide a fair decision on the appropriateness and correctness of this application.

Please take into close consideration the problems with and deficiencies in the application that have been documented by my colleagues Kathy Felch and Gary Margadant and others.

Please require the applicant to take this project back to the drawing board and encourage them to engage all the neighbors in serious discussions about what everyone can live with.

Thank you.

Sincerely,

--

Charlotte Helen Williams, president Napa Vision 2050

707-889-1788

[cdevorak@sonic.net](mailto:cdevorak@sonic.net)



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**From:** Charlotte Williams <[cdevorak@sonic.net](mailto:cdevorak@sonic.net)>

**Sent:** Tuesday, March 05, 2019 11:23 PM

**To:** Whitmer, David <[Dave.Whitmer@countyofnapa.org](mailto:Dave.Whitmer@countyofnapa.org)>; [joellegPC@gmail.com](mailto:joellegPC@gmail.com); [anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com); Mazotti, Andrew <[Andrew.Mazotti@countyofnapa.org](mailto:Andrew.Mazotti@countyofnapa.org)>; [JeriGillPC@outlook.com](mailto:JeriGillPC@outlook.com)

**Cc:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>; Valdez, Jose (Louie) <[Jose.Valdez@countyofnapa.org](mailto:Jose.Valdez@countyofnapa.org)>

**Subject:** Watershed & Oak ordinance comments

Dear Planning Commission,

Re: Watershed and Oak ordinance

Has the Department of Fish and Wildlife commented on this proposed plan? There should be documented approval from a state agency for any county plan, especially one having to do with the watershed (rivers) and forests.

I encourage you to do everything possible to complete our General Plan required Climate Action Plan. This would provide a specific roadmap of activities to reduce greenhouse gas emissions and black carbon pollution, focus on activities that can achieve emissions and pollution reductions in the most effective manner and provide specific criteria upon which any proposed or existing activity can be measured. If written clearly it will be a strong guide for any future development or land use policies.

In the meantime, 90% canopy cover retention is only the minimum needed. We really need to retain 100% canopy cover (and plant many more trees) to do what we morally should to prevent further climate change. Please do not go weak and allow more trees to be felled for the sake of grapevines that sequester only small amounts of carbon compared to real trees. And once those grapevines are burned all carbon they have sequestered is released into our air.

Business as usual is only for those wish to practice denial and abstain from acting responsibly toward this planet and everything that lives on it.

I have sympathy for those who have purchased high-priced property in this county expecting to make a profit from it growing grapes, or those whose parents have made a living doing so and assumed they too would enjoy making a living the same way. And yet, expectations and assumptions based on a reality that no longer exists should not be allowed to negatively affect the environment which we all share.

Please enact the most stringent regulations possible to protect our very limited Napa County watershed and oak forests and do your utmost to protect the climate of the entire planet.

Thank you.

Sincerely,

--

Charlotte Helen Williams, president Napa Vision 2050

707-889-1788

[cdevorak@sonic.net](mailto:cdevorak@sonic.net)



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