
From: Linda Harvey <lindasueharvey@gmail.com>

Date: Wednesday, Feb 27, 2019, 9:44 AM

To: Morrison, David <David.Morrison@countyofnapa.org>, Tran, Minh <Minh.Tran@countyofnapa.org>

Subject: To: Napa County Planning Commissioners/March 6th meeting

To: Napa County Planning Commissioners

Re: March 6, water quality Ordinance

I live at 5135 Dry Creek rd, Napa and have a large amount of Creek frontage,

This will take Mt 8.7 acres to what? Thus probability decreasing value, etc.

Why are these new regulations necessary?

What problems are you fixing that you need to take my land and stop me from improving it?

What will be the total financial impact to us rural property owners, we live on fixed low income.

How many people will these new rules affect?

Why hasn't the County notified parcel owners of these proposed changes by mail as required?

Please reconsider what you are planning to do!

Thank you

Linda Harvey

Sent from my iPad

Position on all Agricultural Watershed (AW) Zoned lands in Napa County

- 1 Retention rate of 85% of the forest canopy and 40% retention rate of shrub and grasslands
- 2 **3:1 mitigation for any removal of forest**
Preservation must be done on-site.
- 3 **Slope – no planting on slopes >30%**
Lands not developable due to protected slopes or stream corridors or existing easements are effectively protected and do not constitute comparable lands eligible for preservation.
- 4 **Class 1 streams – 125 feet minimum buffer from any development**
All vegetation protected

Class 2 streams – 75 feet minimum from any development
All vegetation protected

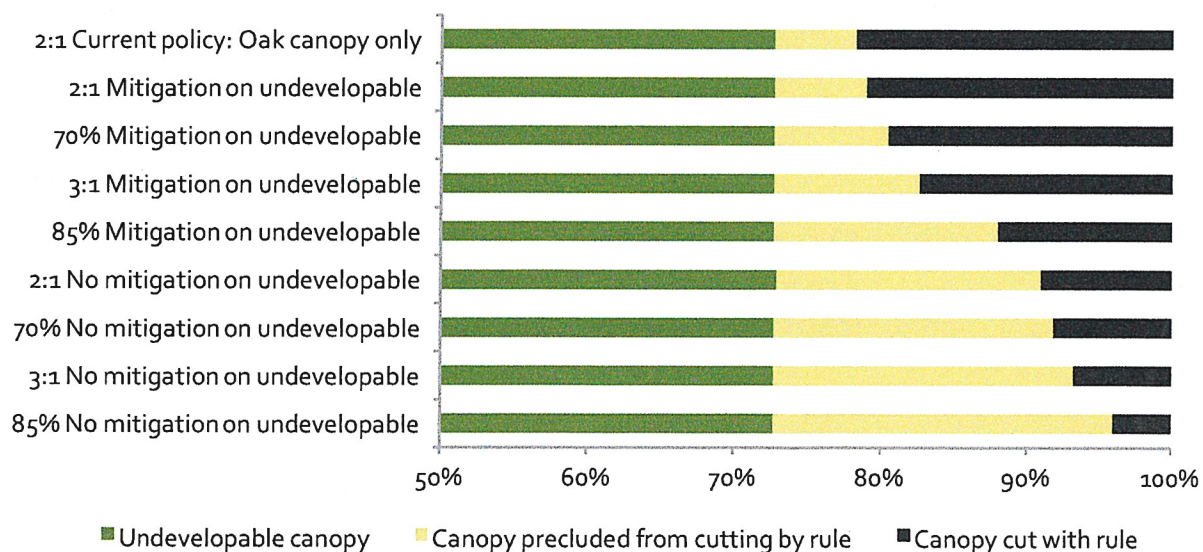
Class 3 streams – 35 feet minimum from any development
All vegetation protected
- 5 **Wetlands – 150 feet minimum from any development**
- 6 **Municipal reservoirs – 500 feet minimum from any development**
- 7 **Altering the ordinance would go to the voters for approval of any changes**
- 8 **Require on-going monitoring and enforcement of the program to ensure compliance**
- 9 **Does not apply to vineyards replanted within existing footprint**

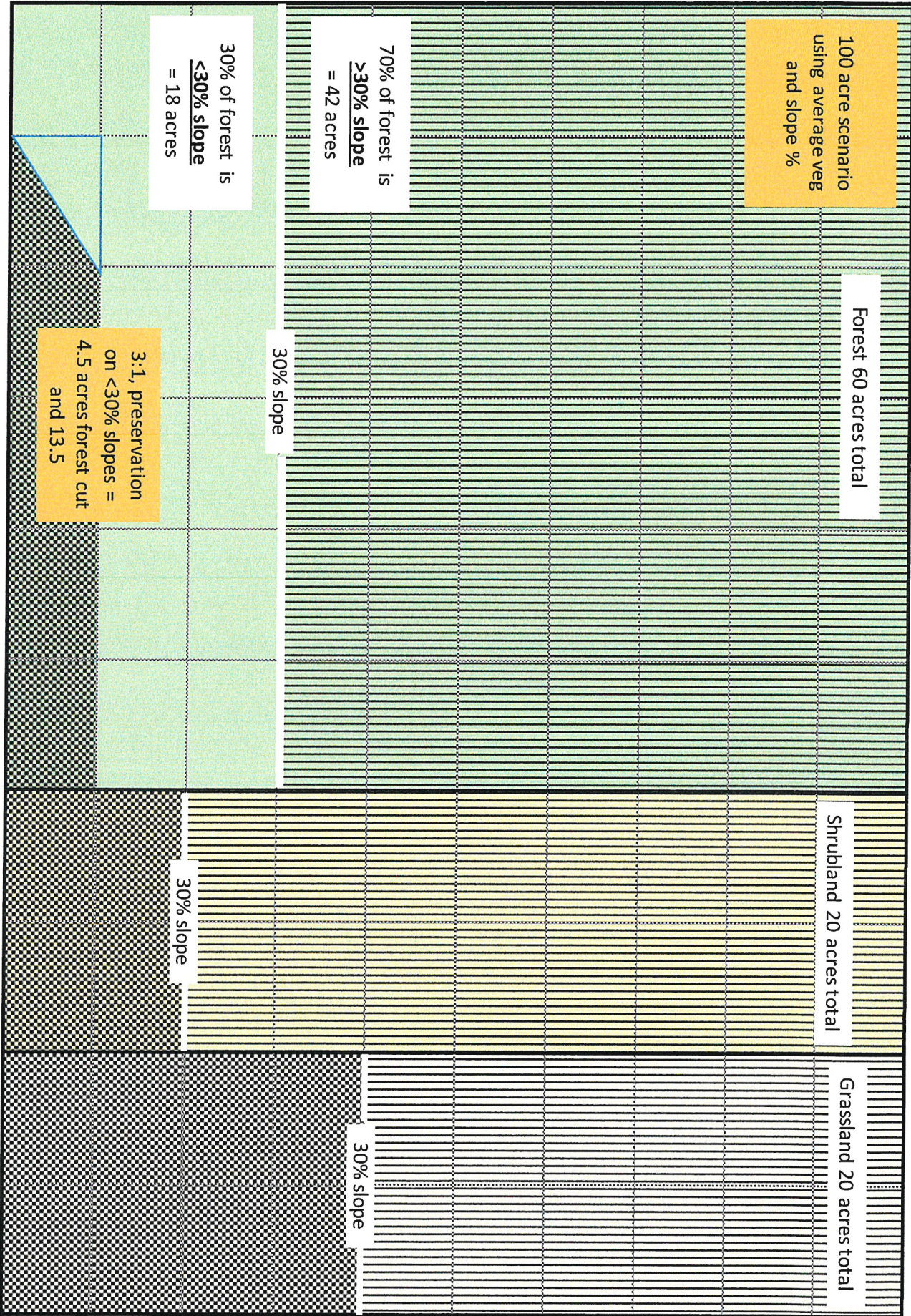
Summary of Policy Outcomes

Whether or not mitigation is allowed on undevelopable lands is the single biggest determinant of how much land is protected from development. A 2:1 (66%) canopy retention policy where mitigation is not allowed on undevelopable area saves almost 5,000 acres *more* forest than an 85% canopy retention policy that allows mitigation on undevelopable land.

Table 9. Mitigation options sorted by amount of canopy area protected

Policy	Canopy Set aside	Canopy Precluded from Cutting	Canopy Protected	Canopy Cut	Oak Canopy Cut
2:1 Current policy: Oak canopy only	76,722	8,933	125,350	34,782	24,851
2:1 With mitigation on undevelopable	105,687	10,090	126,507	33,624	
70% With mitigation on undevelopable	112,092	12,448	128,865	31,267	
3:1 With mitigation on undevelopable	120,099	15,855	132,273	27,859	
85% With mitigation on undevelopable	136,112	24,509	140,926	19,206	
2:1 Without mitigation on undevelopable	28,851	28,851	145,706	14,426	
70% Without mitigation on undevelopable	30,600	30,600	147,017	13,114	
3:1 Without mitigation on undevelopable	32,786	32,786	149,203	10,929	
85% Without mitigation on undevelopable	37,157	37,157	153,574	6,557	





100 acre scenario using average veg and slope %

Forest 60 acres total

Shrubland 20 acres total

Grassland 20 acres total

70% of forest is >math>> 30\%</math> slope = 42 acres

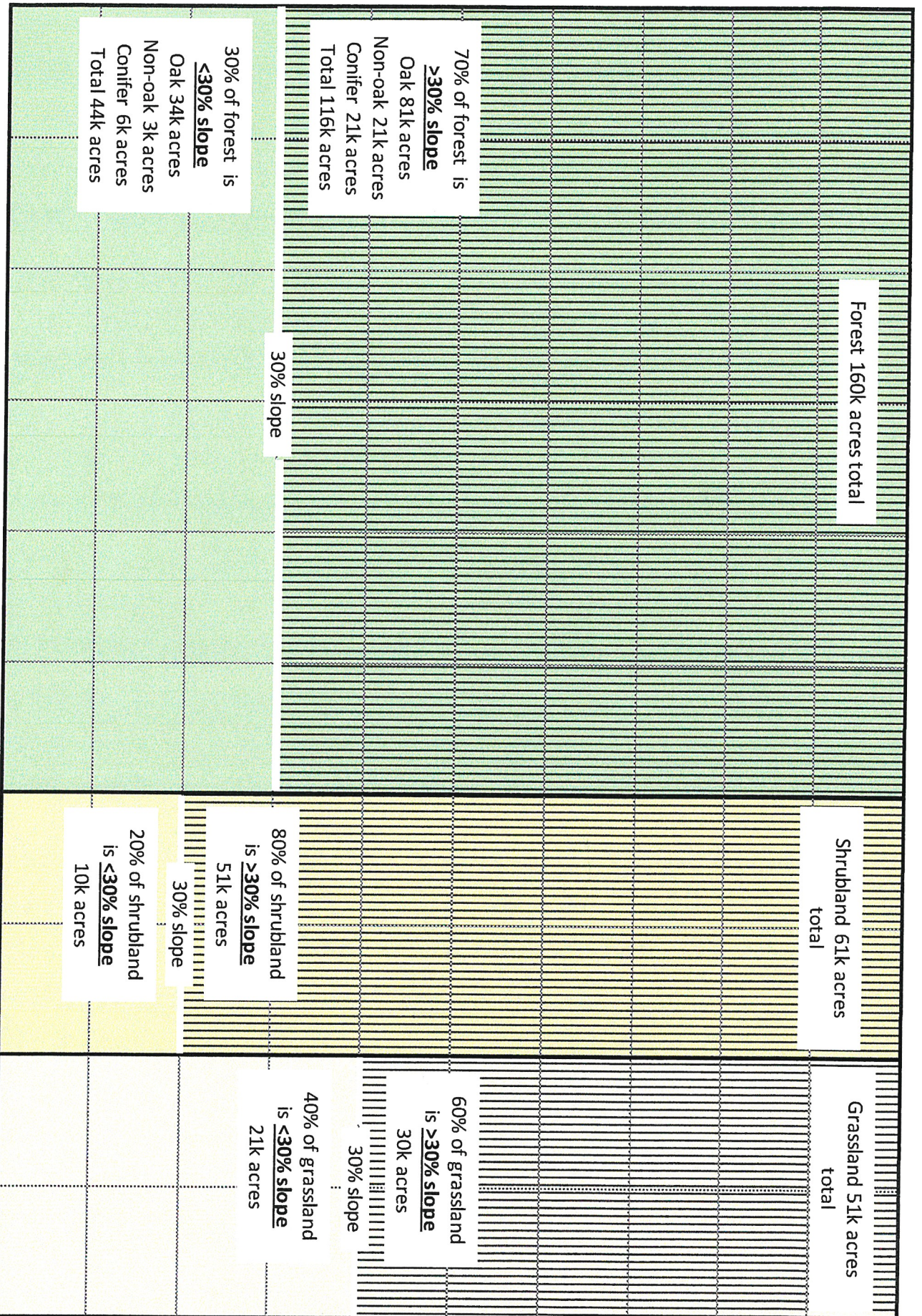
30% of forest is <math>< 30\%</math> slope = 18 acres

30% slope

30% slope

30% slope

3:1, preservation on <math>< 30\%</math> slopes = 4.5 acres forest cut and 13.5



Forest 160k acres total

70% of forest is **>30% slope**
 Oak 81k acres
 Non-oak 21k acres
 Conifer 21k acres
 Total 116k acres

30% of forest is **<30% slope**
 Oak 34k acres
 Non-oak 3k acres
 Conifer 6k acres
 Total 44k acres

30% slope

Shrubland 61k acres total

80% of shrubland is **>30% slope**
 51k acres

20% of shrubland is **<30% slope**
 10k acres

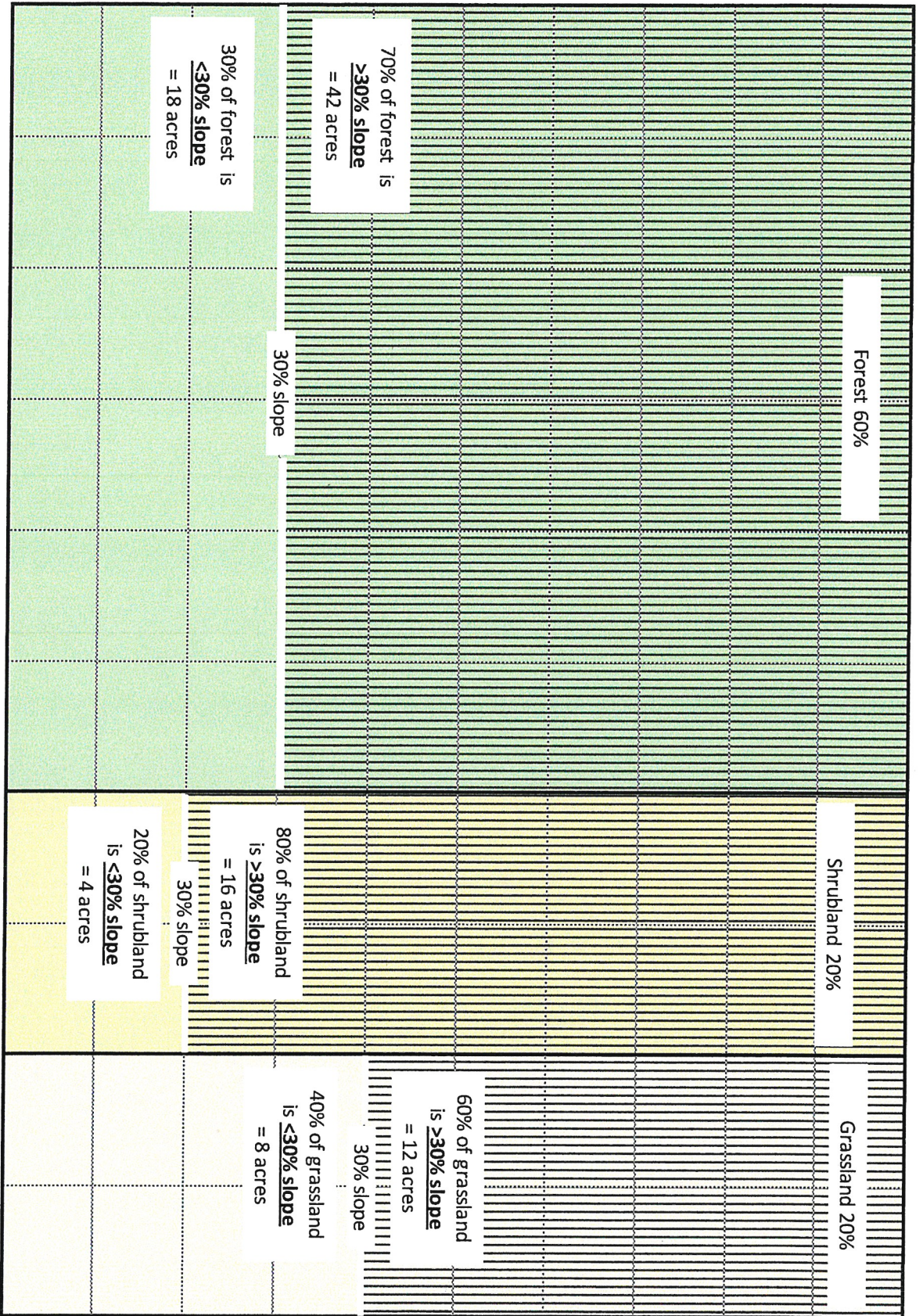
30% slope

Grassland 51k acres total

60% of grassland is **>30% slope**
 30k acres

40% of grassland is **<30% slope**
 21k acres

30% slope



100 acre scenario
using average veg
and slope %

Forest 60 acres total

Shrubland 20 acres total

Grassland 20 acres total

70% of forest is
>30% slope
= 42 acres

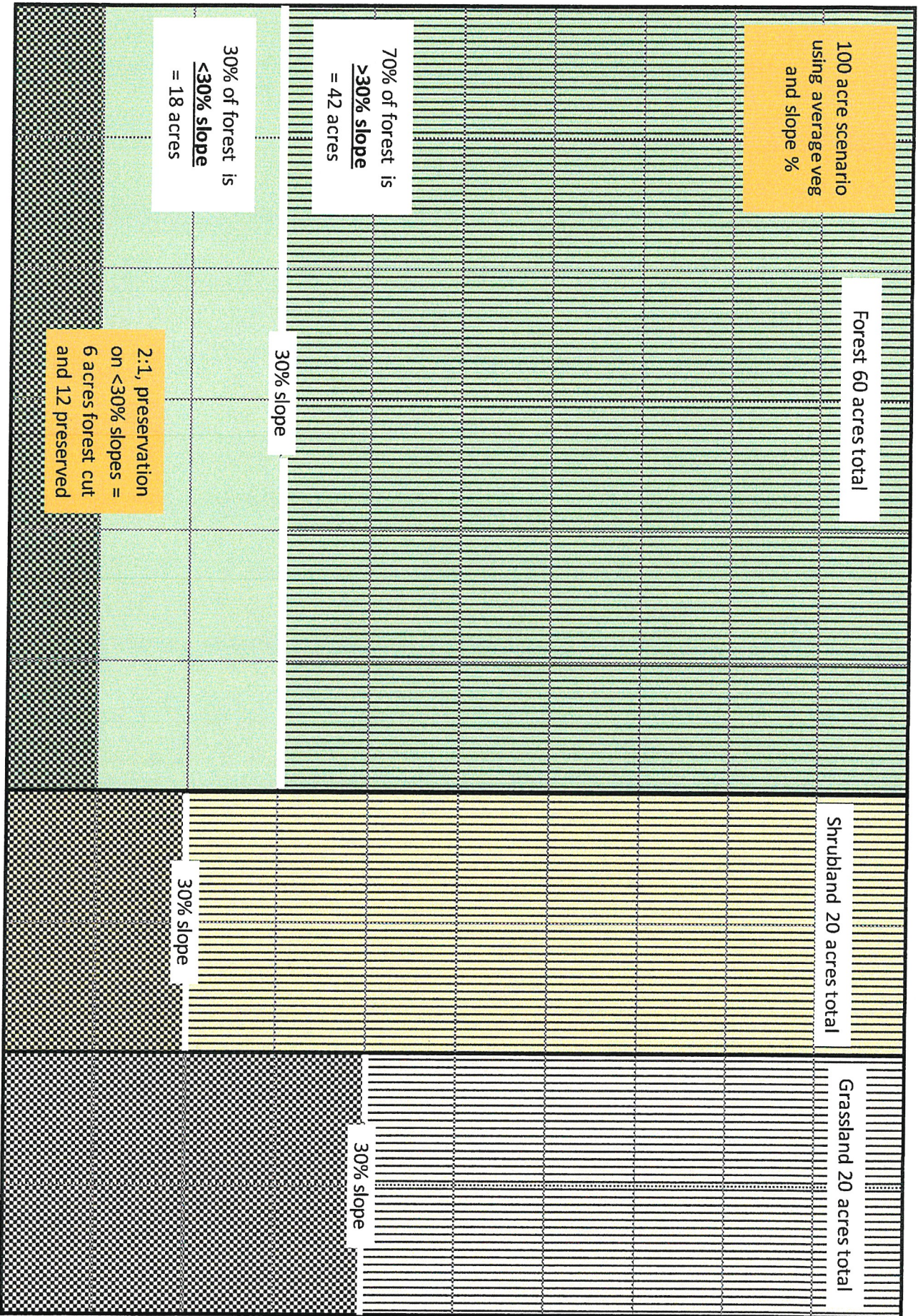
30% slope

30% of forest is
<30% slope
= 18 acres

2:1, preservation
on <30% slopes =
6 acres forest cut
and 12 preserved

30% slope

30% slope



From: Tony & Linda McClimans <tlmcclimans@gmail.com>
Date: Wednesday, Feb 27, 2019, 2:03 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Subject: 3/6/19 P C hearing comments on (water and tree) ordinance

Mr Morrison:

Please convey this letter to the Planning Commission for their 3/6/19 public hearing

Commissioners:

As you tease out the tangled threads of this draft ordinance, you'll find it helps to occasionally reread the purpose (intent) section (page 8 on the 2/8/19 tracking copy).

How you weave the fabric of new policy will largely depend on what you see the County's intent as being.

I'm hopeful you want to adopt something that will:

truly protect trees and water quality;

persuade conservationists that an initiative is unnecessary; and

avoid a referendum.

As to protecting trees and water quality, I recommend you add Lake Berryessa to the list of "sensitive domestic water drainages" (page 16), reinstate the clause struck from "vegetation canopy cover" and include single trees in canopy cover (both on page 17).

As to initiatives, the more protection you provide trees and watercourses (especially those that retard and convey water to public reservoirs) the less likely the need for an initiative. The public recognizes the problem; and recognizes it is only getting worse. Had it not been for furious, well-funded and dishonest opposition, I believe Measure C would have passed. The next initiative, if necessary, probably will pass.

If you adopt an ordinance that can be interpreted (or purposely mis-interpreted) as threatening the safety of residents, the folks who lecture you about property rights might attempt a referendum to overturn the ordinance. You might increase the viability of the ordinance by clearly stating (exemptions section, starting on page 18) that trees within say, 200' of a house are not regulated. Even without regulation, not many people attempt such clearing; yet some get highly incensed at the prospect the County might tell them they can't.

Blessed be the peacemakers.

Tony McClimans
94558

From: Lee Miller <leewmiller@gmail.com>
Date: Monday, Feb 25, 2019, 11:23 PM
To: Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>, Gregory, Ryan <Ryan.Gregory@countyofnapa.org>, Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>, Ramos, Belia <Belia.Ramos@countyofnapa.org>, Dillon, Diane <Diane.DILLON@countyofnapa.org>
Subject: Important Info from a Realtor

I am requesting you do the right thing on this very important issue. Measure C 2.0 is even worse for property owners than the original.

Housing is once again caught in the crossfire in the battle over vineyard development. A new County proposal could impose blanket limits on housing in Napa County – potentially rendering lots unbuildable and diminishing the value of residential property.

This ordinance would amount to a ban on residential activity in thousands of areas at a time when the need for housing is paramount. Do not let homeowners and housing become casualties in the effort to regulate large-scale vineyards. Safeguarding watersheds is of the utmost importance, but targeted, science-based approaches are needed to avoid unduly restricting private property rights and the future of our local housing supply.

Thanks for your leadership and for the time you have invested in reading this.



Lee W Miller

BRE# 1958362

Golden Gate Sotheby's International Realty

Mobile: **707.266.1585**

Email: L.Miller@GGSIR.com

Web: LeeWMiller.com

Real Estate For Real People

From: Sheldon Richards <sheldon@palomavineyard.com>

Sent: Friday, March 01, 2019 1:44 PM

To: Tijero, Jesus <Jesus.Tijero@countyofnapa.org>; Tijero, Jesus <Jesus.Tijero@countyofnapa.org>; Cortez, Nelson <Nelson.Cortez@countyofnapa.org>; Cortez, Nelson <Nelson.Cortez@countyofnapa.org>; Tijero, Jesus <Jesus.Tijero@countyofnapa.org>; Planning Commissioner Joelle Gallagher <joellegPC@gmail.com>; Whitmer, David <Dave.Whitmer@countyofnapa.org>; Planning Commissioner Anne Cottrel <anne.cottrell@lucene.com>; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; Planning Commissioner Jeri Hanson <JeriGillPC@outlook.com>

Cc: Julie Ann Kodmur <corking@julieannkodmur.com>; Sarah McCrea <sarah@stonyhillvineyard.com>; Sam Baxter <sam@terravalentine.com>; Bill Wiebalk <Bill@schweigervineyards.com>; Sheldon Richards <sheldon@palomavineyard.com>

Subject: Spring Mountain District Association Board of Directors

Dear Napa Valley Supervisors and Commissioners:

We are writing to voice our deepest concerns over both the process and content of the Napa County Water Quality and Tree Protection Ordinance (and the user permit process). We believe these concerns are so serious that the only proper course is for you to take consideration of this ordinance off the table at this time.

Specifically, two major topics have not been adequately addressed to move forward:

- 1. No clear rationale has been provided – we are missing the “why.” Indeed, there is a common perception throughout the Valley that the Board is acting for political reasons, not in response to real problems.
- 2. The county has not stated what the expected impacts of the ordinance will be. How much plantable land will be lost, and how will that loss impact the General Fund? What measurable gain will there be to the environment?

The lack of a solid basis for passing this ordinance poses a risk not just to us – but everyone who calls Napa Valley home. Too much is at stake, from our overall safety and wellbeing as citizens to the health of our local economy and base of employment.

We embrace the chance to work with you to fill in the gaps – to assess whether there is an adequate “why” behind the ordinance and gauge their impact. We are committed stewards of the environment and welcome changes to our conservation regulations when they are called for and will bring about positive impacts. Until that time, we urge you as a unified, collective voice to put this process on hold until you can address these unanswered concerns.

Sincerely,

Sheldon Richards, SMDA Board and members
President, Spring Mountain District Association

Sheldon Richards
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w. 707.963.7504
c. 707.318.9608
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sheldon@palomavineyard.com
info@palomavineyard.com

From: Jeffrey Earl Warren <jeffearlwarren@gmail.com>

Sent: Sunday, March 03, 2019 4:25 PM

To: Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Tijero, Jesus <Jesus.Tijero@countyofnapa.org>; Cortez, Nelson <Nelson.Cortez@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>; Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Dillon, Diane <Diane.DILLON@countyofnapa.org>

Subject: NAPA HAS TOO MANY TREES

NAPA HAS TOO MANY TREES

Ask any forester. She will tell you it's true. Despite what you read in the papers, Napa, like the rest of the west, has too many trees. Our forests are unhealthy.

Tree density per acre varies from the Rockies, the Northwest, the Sierras to Napa Valley. Google "How many trees per acre a healthy forest should have," and you'll find that every area of the West currently has 5 to 10 times more trees per acre than there were when Lewis and Clark reached the coast.

According to forester, Ralph Osterling, our Western hills should have around 80 to 100 trees per acre. Currently, we have somewhere between 500 to 800 trees per acre.

That's why this watershed fight is so wrong. First: Citizens defeated Measure C. To re-create "Measure C light" by administrative means, makes a mockery of democracy. It's unethical to favor partisan groups who lost at the ballot box.

Second: The abject ignorance of those advocating for increased "canopy cover" is not only silly, it is "unnatural" and actually dangerous to a healthy environment.

Some advocate increasing tree canopies from 60% to 70% or even 90%. This is counterproductive for the following reasons:

If we want to protect our watershed, what we need is a realization that in order to prevent another ecological disaster, we need proper forest management--not additional canopy cover.

We don't need an ordinance which disincentivizes land owners from managing their over-dense forests—and prevents people from cutting trees over 5 inches in diameter, or limits forest management to 10% of trees per acre.

We may need to eliminate 50% to 80% of the trees per acre. Not clear cut, mind you. Judicious thinning of excess growth is what is needed.

According to Lynn Webber's History of the Napa Valley in 1824, when Altimura, first laid eyes on the Napa Valley, he deemed it perfect for cattle because there *was no underbrush* for cows to get tangled up in.

Lightning occasionally caused "natural forest fires," but more important, (according to Henry T. Lewis in his seminal work, "Patterns of Indian Burning

in California”) the local Indians burned on a regular basis. They did it for a myriad of reasons; from crop management, to making it easier to find acorns. But they did it every year.

That’s why when George Yount arrived in 1834 there was almost no “understory” to fuel fires.

The understory that is clogging our forests, not only robs nutrients from normal healthy trees and blocks sunlight, this same understory provides a “step ladder” effect in the event of fire. Fire climbs up the little stuff and burns the bigger trees. This is why talk of 40% “shrub retention” is not only ludicrous it is dangerous. (See Lake County).

Cal Fire has now recognized the importance of healthy forests to prevent catastrophic conflagrations.

From the US Forest Service website: *The problem fire protection officials face is that not only does green vegetation burn, the forest is overstocked — 100 to 200 trees per acre, where a healthy forest has 40 to 60 trees per acre. **Thinning green vegetation not only reduces the fire danger, it also frees up resources for the remaining plants and trees, making them more healthy, restoring their vigor and making them more resistant to fire as well as infestation by bark beetles and other parasites.***

A secondary benefit from healthy forests is more water for our rivers and streams.

An ancient Redwood can soak up from between 1,000 to 2,000 gallons per day. A mature oak tree hundreds of gallons per day during the dry months. Because our Western Hills have trees of all types and all ages, no one has been able to give me an accurate account of what an average acre of madrone, pine, oak, Douglas firs, Redwoods, et al soaks up daily. Yet, if we have 5 to 10 times too many trees per acre, that means 5 to 10 times as much water is being soaked up by trees and not going into our springs, creeks and rivers. (Trees *shut down* in October, which is why we see puddles in creeks and small increases in river flows—though there has been no rain all summer long).

Lastly, let's stop all talk of “we have to do our part to fight climate change.” Due to the Ag Preserve, we have done more to combat climate change than any county in the country. Urban environments create massive carbon footprints, compared to vineyards and forests. When we came here in the '50's zoning was one home per acre! The Ag Preserve limits urbanization to one home per 40 acres on the flat and one home per 160 acres in the hills.

This restriction means rural land owners have done more than their share to combat climate change, by eliminating tens of thousands of homes.

It is wrong for folks who live in the municipalities or have recently moved to the hills (because they are so pristine due to the Ag Preserve) to

ask country folk to give up more of their property rights. We've done 10,000 times more, already than urban dwellers.

As to setbacks from the tiny dry creeks that begin in the hills, my father's home is on 13 acres. If we followed the proposed setbacks we would have less than two acres usable.

How much more do you want us to give up?

But don't take my word for it. Ask the experts--not the groups with political agendas.

We all want a healthy watershed. Current rules and regulations have made that possible. The beauty you see today is because of policies rural people abided by yesterday.

What we've done is working. Please stop discriminating against country folks. Rural lives matter!

Jeffrey Earl Warren

Broker Associate
Mobile 707.486.1025
License # 00981449

Email jeffearlwarren@gmail.com

Website www.jeffreyearlwarren.com

Golden Gate Sotheby's International Realty
780 Trancas St. Napa, Ca 94558

From: sheryl bartholomay <sherylnapa@gmail.com>

Sent: Monday, March 04, 2019 9:11 AM

To: Morrison, David <David.Morrison@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; joellegPC@gmail.com

Subject: Housing & the Water/TreeOrdinance

Good morning Brad,

As a constituent and local real estate professional, I am writing to share my significant concerns about the proposed Watershed Ordinance. **Housing is once again caught in the crossfire in the battle over vineyard development.** We have seen three ballot initiatives and constant conflict over large-scale vineyard and winery development for many years now – single-family homes are not a threat but would be included in this sweeping proposal. **Please do no let local homeowners become casualties when this ordinance comes before you.**

Homeowners should continue to be allowed to build and improve their single-family home in the unincorporated area by right. As written, this ordinance could strip value and property rights from homeowners, and potentially render parcels unbuildable for single-family homes, ADUs, and other residential activities.

Furthermore, local governments have been working to eliminate barriers to housing and homeownership. Our housing shortage persists – and **homeownership is a cornerstone of our local economy.** Please support local homeowners and a strong housing industry for Napa County.

Thank you for considering my comments and for your leadership on this important issue.

Sheryl Bartholomay

From: Kristofer Chun <Kris@krischun.com>

Sent: Monday, March 04, 2019 9:22 AM

To: Morrison, David <David.Morrison@countyofnapa.org>; anne.cottrell@lucene.com

Cc: Dillon, Diane <Diane.DILLON@countyofnapa.org>

Subject: Water and Tree Protection Ordinance

Commissioner Cottrell ,

As a constituent and local real estate professional, I am writing to share my significant concerns about how the Water Quality & Tree Protection Ordinance will impact homeowners and housing in Napa County. **Once again, we are caught in the crossfire in the battle over vineyard development.** We have seen three ballot initiatives and constant conflict over large-scale vineyards and wineries for many years now – **single-family homes are not a threat, but would be included in this sweeping proposal.** As written, this ordinance could strip value and property rights from homeowners, and potentially render parcels unbuildable for single-family homes, ADUs, and other residential activities.

Homeowners should continue to be allowed to build and improve single-family homes in the unincorporated area by right. Please do not let homeowners become casualties when this ordinance comes before you.

Furthermore, local governments have been working tirelessly to **eliminate barriers to housing and homeownership.** Our housing shortage persists, and homeownership remains a cornerstone of our economy. Please support local homeowners and a strong housing industry for Napa County.

Thank you for considering my comments and for your leadership on this important issue.

Kristofer Chun
Broker Owner
Kristofer Chun Real Estate.
DRE# 0180237
Powered by REMAX Gold

Cc'd:

David Morrison, Director - david.morrison@countyofnapa.org
DISTRICT 3: Supervisor Diane Dillon - diane.dillon@countyofnapa.org
Commissioner, Anne Cottrell, District 3 - anne.cottrell@lucene.com

Home address:

1590 Sylvaner Ave. St. Helena, CA 94574

Office Address:

1560 Silverado Trail Napa, CA 94559



Broker Owner
C: [707.853.5747](tel:707.853.5747)

F: [877.645.5747](tel:877.645.5747)
Cal BRE# 01870237

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"What lies behind us and what lies before us are tiny matters compared to what lies within us." — Ralph Waldo Emerson

From: Desi Capaz <desi@unlocknapavalley.com>

Sent: Monday, March 04, 2019 10:29 AM

To: Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; joellegPC@gmail.com; Morrison, David <David.Morrison@countyofnapa.org>

Subject: Housing & the Water/Tree Ordinance

Supervisor Wagenknecht, Commissioner Gallagher, and Director Morrison,

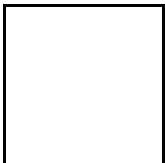
As a constituent and local real estate professional, I am writing to share my significant concerns about how the Water Quality & Tree Protection Ordinance will impact homeowners and housing in Napa County. **Once again, we are caught in the crossfire in the battle over vineyard development – single-family homes are not a threat, but would be included in this sweeping ordinance.** As written, this ordinance could strip value and property rights from homeowners, and render an untold number of parcels unbuildable for single-family homes, ADUs. The proposal exceeds common standards with very little justification or science to do so.

Homeowners should continue to be allowed to build and improve single-family homes in the unincorporated area by right. Please do not let homeowners become casualties when this ordinance comes before you.

Local governments are working to **eliminate barriers to housing and homeownership.** Our housing shortage persists, and homeownership remains a cornerstone of our economy. Please support local homeowners and a strong housing industry for Napa County.

Thank you for considering my comments and for your leadership on this important issue.

Sincerely,
Desi Capaz



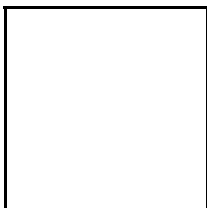
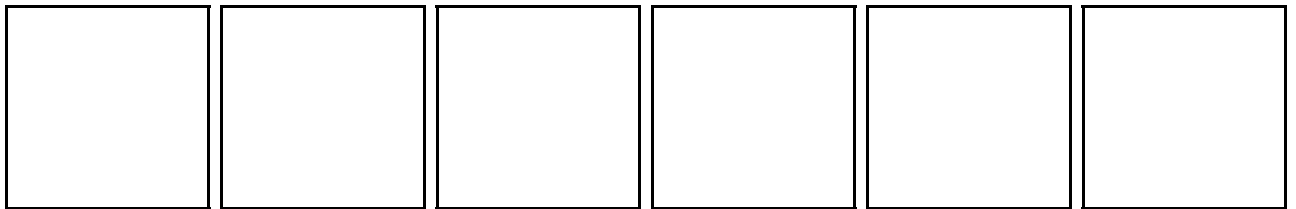
Desi Capaz, MBA

Broker Associate-Realtor®/Technology Trainer, Berkshire Hathaway HomeServices Drysdale Properties

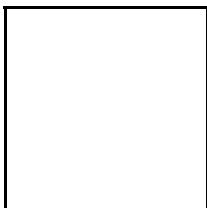
A 1900 Jefferson Street, Napa, CA 94559

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License #01887903



My Newsletter: [Unlock Napa Valley](#)



[Let's Schedule a Meeting](#)

From: Karen Mansfield <kmansfield716@gmail.com>

Sent: Monday, March 04, 2019 12:43 PM

To: Morrison, David <David.Morrison@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>

Subject: Housing and the Water/Tree Ordinance

Commissioner Ramos,

As a constituent and local real estate professional, I am writing to share my significant concerns about how the Water Quality & Tree Protection Ordinance will impact homeowners and housing in Napa County. **Once again, we are caught in the crossfire in the battle over vineyard development.** We have seen three ballot initiatives and constant conflict over large-scale vineyards and wineries for many years now – **single-family homes are not a threat, but would be included in this sweeping proposal.** As written, this ordinance could strip value and property rights from homeowners, and potentially render parcels unbuildable for single-family homes, ADUs, and other residential activities.

Homeowners should continue to be allowed to build and improve single-family homes in the unincorporated area by right. Please do not let homeowners become casualties when this ordinance comes before you.

Furthermore, local governments have been working tirelessly to **eliminate barriers to housing and homeownership.** Our housing shortage persists, and homeownership remains a cornerstone of our economy. Please support local homeowners and a strong housing industry for Napa County.

Thank you for considering my comments and for your leadership on this important issue.

Karen Contreras Mansfield

Mortgage Consultant

707-363-3689

kmansfield716@gmail.com

From: Bill Wagner <bill.wagner007@gmail.com>

Sent: Monday, March 04, 2019 12:34 PM

To: Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; Morrison, David <David.Morrison@countyofnapa.org>

Subject: Housing & the Water/Tree Ordinance Commissioner

Alfredo,

,As a constituent and local real estate professional, I am writing to share my significant concerns about how the Water Quality & Tree Protection Ordinance will impact homeowners and housing in Napa County. Once again, we are caught in the crossfire in the battle over vineyard development. We have seen three ballot initiatives and constant conflict over large-scale vineyards and wineries for many years now – single-family homes are not a threat, but would be included in this sweeping proposal. As written, this ordinance could strip value and property rights from homeowners, and potentially render parcels unbuildable for single-family homes, ADUs, and other residential activities. Homeowners should continue to be allowed to build and improve single-family homes in the unincorporated area by right. Please do not let homeowners become casualties when this ordinance comes before you. Furthermore, local governments have been working tirelessly to eliminate barriers to housing and homeownership. Our housing shortage persists, and homeownership remains a cornerstone of our economy. Please support local homeowners and a strong housing industry for Napa County. Thank you for considering my comments and for your leadership on this important issue.

--

Bill Wagner

REALTOR®, MBA, CDPE

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www.BillWagner-Homes.com

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RE/MAX Hall of Fame

From: sheryl <sheryllea@sbcglobal.net>

Sent: Monday, March 04, 2019 8:07 PM

To: Morrison, David <David.Morrison@countyofnapa.org>

Subject: Water Quality and Tree Protection Ordinance

Dear Mr. Morrison,

Thank you for reading the attached letter and considering the viewpoint of current landowners in Carneros.

-Sheryl deLeuze

March 4, 2019

Mr. David Morrison
Napa County Planning, Building and Environmental Services

Dear Mr. Morrison and Napa County Planning Commissioners,

I am writing to let you know who I am and my concerns regarding the Water Quality and Tree Protection Ordinance. My husband and I have lived in Napa since 1980. We have both worked hard, he at a local winery and me as a NVUSD elementary teacher, and saved our pennies. Those pennies added up and we purchased 11 acres in Carneros back in 2015. We built our home here two years later.

My concerns with the ordinance before you now are many...and it is hard to know where to start. We are located in the Agricultural Watershed District and currently have no intent to plant vineyard. But, of course, when we bought the property that was one possible use and our purchase price was adjusted upward accordingly. To limit the use of this property now, with no compensation to land owners, does indeed feel like the "land grab" many have spoken of.

We have spent countless hours removing berries, scrub, and poison oak trees as large around as a man from growing up into our lovely big oak trees. Will we now be in violation of this ordinance as we maintain a greater-than-100' setback and continue to bring the property back to its once majestic self?

Another item of concern is the set-back requirement for intermittent and ephemeral streams. You would be hard pressed with the current rainfall pattern in Napa this winter to find any area in the county that does not have or did not have water running across it. Of course, this water runs for a day...or two...or three after receiving massive rains overnight. They are gone now but they were there. We now have set-back requirements for water that runs for several days over the course of a year?

It seems to me that the current land use restrictions in Napa County are more than adequate to restrict hillside development and I urge restraint on implementing more restrictions on the back of landowners.

Thank you for your consideration and reading this letter.

Sheryl deLeuze

From: Jennie Onofre <jonofre@yahoo.com>
Sent: Monday, March 04, 2019 6:35 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Subject: Subject: Housing & the Water/Tree Ordinance

Director Morrison,

As a constituent and local real estate professional, I am writing to share my significant concerns about how the Water Quality & Tree Protection Ordinance will impact homeowners and housing in Napa County. Once again, we are caught in the crossfire in the battle over vineyard development – single-family homes are not a threat, but would be included in this sweeping ordinance.

As written, this ordinance could strip value and property rights from homeowners, and render an untold number of parcels unbuildable for single-family homes, ADUs. The proposal exceeds common standards with very little justification or science to do so.

Homeowners should continue to be allowed to build and improve single-family homes in the unincorporated area by right. Please do not let homeowners become casualties when this ordinance comes before you.

Local governments are working to eliminate barriers to housing and homeownership. Our housing shortage persists, and homeownership remains a cornerstone of our economy. Please support local homeowners and a strong housing industry for Napa County. Thank you for considering my comments and for your leadership on this important issue.

Jennie Onofre
Sherman Realty
(707) 508-6313
BRE 01178853
jonofre@yahoo.com

From: David Johnson <zinwriter@yahoo.com>
Sent: Monday, March 04, 2019 6:42 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Subject: City people running rural areas

David,

I have owned my property at 5036 Silverado Trail for nearly 60 years.
I lost my house and 50+ trees in the Atlas Fire.

Now you want to tell he how to steward the property I know and love?

I know this has nothing to do with water quality. Its all about control of property city people don't own, but want to control because they sometimes look at it...and since they don't own any of themselves, so why not grab control over others?

Also I truly believe this is a "class" issue. People who come up with these kinds of controls believe those in the hills are all rich. They're really saying: "I don't like they can have what I can't have so let's take them down a peg or two." Well, trust be I'm not rich. My neighbors worked for PG&E and AAA ...hardly a way to get rich. We just happen to like the country. But we're just hard working people who don't appreciate being singled out for unfair restrictions on our private property.

I respectfully ask that you reconsider your position.

David Johnson

From: Dean Enderlin <enderlin@sonic.net>

Sent: Monday, March 04, 2019 6:52 PM

To: Dillon, Diane <Diane.DILLON@countyofnapa.org>

Cc: anne.cottrell@lucene.com; Morrison, David <David.Morrison@countyofnapa.org>

Subject: Public Comment: Draft Water Quality and Tree Protection Ordinance

Supervisor Diane Dillon
Supervisory District 3
County of Napa, California

RE: Draft Water Quality and Tree Protection Ordinance

Dear Supervisor Dillon,

I attended the January 29th Napa County Board of Supervisors meeting, as well as the February 20th Napa County Planning Commission meeting, to listen to public comments on this matter. I got an earful! Frankly, I'm disappointed that Napa County has decided to move forward so quickly with this controversial ordinance. Item #11 of the Napa County Strategic Plan calls for developing "a balanced approach to growth based on data-informed decisions." The draft ordinance, which appears to have been hastily prepared by county planning staff with little scientific support for the proposed changes, runs counter to that statement. Revisions to the regulations are being considered without a clear understanding of why, and that concerns me. From my perspective, this appears to be regulation purely for the sake of regulation.

The Board of Supervisors and Planning Commission have received plenty of feedback from both sides on the matter, making it clear that this ordinance is too controversial to enact without further scientific review. If enacted in its current form, it will almost certainly be legally contested and reversed, wasting countless hours of county staff time. Although we keep being reminded of the close vote of Measure "C" in support of new environment protection measures, it is important to keep in mind that the voters spoke and the measure was defeated. Likewise, we shouldn't forget the proposed stream setback ordinance of 2004 that opponents successfully defeated.

Proponents of the draft ordinance cite everything from global warming, salmonid protection, a love of trees, resentment of the wine industry and "big money," and even a fear that the winegrape monoculture in the valley will succumb to pathogens as reasons for the county adopting this ordinance. Public testimony does bring out some interesting characters, but their testimony seems based merely on feelings and impressions. This process needs to be fact-based, and I see very little of that on the table.

There are so many components to the draft ordinance, that it is difficult for me to discuss them all in one letter. I echo the concerns raised by the opponents of these regulations, and want to offer a few details of my own regarding several of the proposed sections:

Stream Definition

"Preserve existing definitions, and amend code to add language equivalent to Class 3 streams."

Comment: I would suggest removing the last sentence in the Class III stream definition. It is too vague a definition, and would be difficult to interpret and enforce.

Class III: Waterway with intermittent flow and potential refuge, breeding or feeding areas for some aquatic fauna. Semi-permanent pools form within the waterway or adjacent wetlands after a rain event. ~~Otherwise, any minor waterway that interconnects with wetlands or recognized aquatic habitats.~~

Tree Canopy Retention / Shrub Canopy

"Amend code to extend 60% retention throughout unincorporated area."

"Amend code to extend 40% retention throughout unincorporated area."

Comment: This is a difficult one to codify. With decades of active wildland fire suppression, we have created a tree and shrub canopy in the undeveloped areas of Napa County that is for the most part denser than it was 150 years ago (historic photographs of the upper valley support this). In my opinion, and based on my observations in the hills above Calistoga over the past 50+ years, the current tree and shrub canopy has evolved beyond a natural biological climax community. This observation doesn't include lands recently burned by the Tubbs Fire, which are now in a state of natural post-fire ecological recovery. We shouldn't need a fire to reset the clock. In my opinion, vegetative density has progressed into an unstable and unsustainable state. Decades of restrictive land management have led to an unnaturally dense canopy condition (i.e., fuel load), which as recent "super fires" have demonstrated, now poses an extreme danger to property and human life. Rather than discouraging tree and shrub thinning through these new regulations, Napa County should be supporting more of it. Passing the buck to another agency such as Cal-Fire, by exempting their activities, is a cop-out. Cal-Fire has no budget for this, and prescribed burning is almost unheard of these days because of the permitting and legal hurdles.

When I look up at the hills above Calistoga, I see many hundreds of dead or dying knobcone pine trees, planted after 1964 in a misguided attempt to restore tree canopy by planting fast-growing flora. Had we left well enough alone, the wildland ecology would have recovered naturally. As was reported during last year's Mendocino Complex fires in Lake and Mendocino Counties, similar stands of mature planted knobcone pine near Lake Pillsbury burned so fiercely that fire personnel had to rethink how to defend against this never-before-seen fire behavior. We messed with nature then, and now we're suffering the consequences. Napa County is going down that same path by encouraging greater vegetative cover in the undeveloped landscape during a time when we should be proactively enacting regulations to reduce it.

At the last Planning Commission meeting, there was concern over what set of aerial photographs to use to establish a baseline for enforcing this program. I would argue that there are no

recent aerial photos that are applicable. One needs to understand that the stable plant communities that existed before the Napa Valley was settled have evolved, and current canopy conditions are excessive and not applicable.

In talking with wildlife biologists, my understanding is that it is not the density of the vegetation that is critical for biological diversity and health, but rather, the "patchiness" of the vegetation. Perhaps we should be focusing more on that.

Tree Mitigation Ratio

"Amend code to specify minimum 2:1 mitigation."

Comment: Whether the 3:1 or 2:1 ratio is adopted or not, I would be concerned about how mitigation will take place. The Planning Commission was considering applying partial deed restrictions to properties to accomplish this. As an example, it was suggested that irregular-shaped areas could be set aside on properties for this purpose. Sounds good on paper, but how can such shapes be legally described? I've volunteered with the Napa County Land Trust to monitor conservation easements for many years, and it's hard enough working with poorly marked lot and property lines. I can't imagine how difficult it would be to monitor and enforce a conservation easement where there is no clearly defined legal description of the lands set aside.

As was pointed out in the Planning Commission meeting, deeding a conservation easement is not without significant cost to the landowner. Compelling land owners who wish to develop their lands to set aside such easements imposes an unfair monetary burden upon them. Remember, many small land owners are affected by these changes.

Lastly, I'd like to make a few general comments in response to public testimony regarding global climate change. This was used as an argument to support the new layers of county regulation in this ordinance. This topic shouldn't even be included in the dialog. There are too many variables to take into account. If we start making policy decisions to counteract global warming, we should also consider options for global cooling. Like it or not, we're still in an ice age interglacial period, and a significant component of the current global climate pattern is a natural process.

Sediment load to the Napa River was also a frequent argument in support of this ordinance. There are already new regulations (in the form of the General Discharge Permit) in place to manage sediment load from vineyards. Adding more regulations is, in my opinion, unnecessary. We need to give the new Water Board permit process time to perform. We also need to be careful in imposing so many restrictions that we starve the Napa River and its tributaries of too much sediment. The Napa Valley was not carved by the Napa River. The valley serves as a receptacle (structural basin) that receives sediment deposited by the river and its tributaries. Near Calistoga, that sediment is over 1,800 feet deep, representing millions of years of sedimentation.

There is a principle in geology known as the "graded stream," which suggests that there is a balance between sediment deposition/erosion and a stream's capacity to transport sediment. Too much

sediment, and the stream will begin to deposit the excess and branch into multiple channels. Too little sediment, and the stream will cut downward (incise) in order to maintain an optimal sediment load. In its present state, the upper Napa River appears to be sediment-starved. It would be ironic if the very regulations we're putting in place to "protect" the Napa River from sediment loading, will actually cause damage due to scouring of the channel! Time will tell, but in the meantime we need to understand the problem – if there is a problem – before we overly regulate it.

I urge the Napa County Board of Supervisors and the Napa County Planning Commission to NOT accept this draft ordinance as written.

Sincerely,

Dean A. Enderlin, P.G.
California Professional Geologist #7497
2950 Lake County Hwy.
Calistoga, CA 94515-9743

cc:

David Morrison, Planning Director
Anne Cottrell, Planning Commissioner, Supervisorial District 3

From: Patrick@GrandoniFarms.com <Patrick@grandonifarms.com>

Sent: Monday, March 04, 2019 10:53 PM

To: joellegPC@gmail.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>; anne.cottrell@lucene.com; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; JeriGillPC@outlook.com; Morrison, David <David.Morrison@countyofnapa.org>

Cc: patrick@grandonifarms.com

Subject: 100 acre Napa property owner OPPOSED to any new Ordinances on Water Quality And Tree Protection

I cannot attend the meeting on the 6th but wanted to voice my extreme opposition to any new Ordinances on Water Quality And Tree Protection. We already have too many restrictions. Measure C failed for a reason. Stop this nonsense. It's completely unnecessary.

From: reverdy@reverdyjohnson.com <reverdy@reverdyjohnson.com>
Sent: Monday, March 04, 2019 6:22 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Cc: Gregory, Ryan <Ryan.Gregory@countyofnapa.org>
Subject: Amendment of Chapter 18.108 of Napa County Code

David - Subsequent to our e-mail exchange of several weeks ago following the Vintners CIIC Committee meeting, I have had the opportunity to review the draft ordinance amending the Conservation Regulations in some detail. My comments follow.

1. A nit that may already have been picked up:

On page 9 the the third line in Section 18.108.020 D.2 reads "replacement may occur on slopes greater thirty one percent and up to fifty percent in areas that . . .

I think you may want it to read "replacement may occur on slopes greater than thirty percent and up to fifty percent in areas that . . .

2. In my e-mail to you and Ryan I described the forestry clearing and management work we were doing and why. You responded as follows: **"We agree. The proposed ordinance provides an exemption for property owners who are working with CalFire to manage their fuel loads and improve fire protection."**

The actual text of the exemption in Section 18.108.050 H, however, is as follows:

H. For existing legally constructed structures, the creation and/or maintenance of firebreaks or implementation of fire management strategies required by, and completed under the direction of the California Department of Forestry and Fire Protection.

This suggests that the exemption is limited to activities associated with the protection of "legally constructed structures." If this is the case, my thinning and clearing work, which relates to protecting hillsides, not houses, is not exempt. I have already met with Ben Nicholls of CalFire at its headquarters St. Helena. He was supportive of what we are doing and I anticipate meeting one of the field guys at our property in Pope Valley in the next month or so. From my discussion with Nicholls I get the sense that the interaction between property owner and CalFire is relatively informal. Thus my recommendation is that subsection H be revised simply to read as follows:

H. The creation and/or maintenance of firebreaks or implementation of fuel reduction strategies, all as approved by the California Department of Forestry and Fire Protection.

3. My purpose in acquiring our upland acreage was several fold: (a) to protect the water supply of our irrigation reservoir, which is dependent upon two seasonal streams, each of which captures surface water on the upland property and empties it into sedimentation basins, which in turn feed the reservoir, (b) to develop a supplementary domestic well, which has been done on the upland ridge with solar power, (c) to lessen the risk of catastrophic fire, not just for us in Pope Valley but all the way up Howell Mountain, and (d) to expand our vineyard to any plantable land and thereby improve the economics of our operation. Given the physical character of the upland acreage, we should be able to work within the 5-acre exemption of Section 17. The inclusion of that exemption was a prudent decision, for without it I would likely be manning the barricades.

In that regards, David, I am very mindful of information that your Matt Lamborn kindly provided me a year ago which indicates that of the 7,089 individual parcels in the Ag Watershed, 6,425 are non-conforming, i.e. less

than 160 acres, that the number of different owners of conforming parcels is 298, and that the number of different owners of non-conforming parcels is 4,689. How many of the owners of these parcels, particularly those of less than 160 acres, know what is pending and how it will affect them? I acknowledge that elected officials and county staff may be relieved when this matter is behind them, but for the sake of the integrity of the political process, I suggest there be more outreach, more understanding and less speed.

Best regards.

Reverdy

From: rcr@interx.net <rcr@interx.net>

Sent: Monday, March 04, 2019 5:28 PM

To: Morrison, David <David.Morrison@countyofnapa.org>

Cc: joellegPC@gmail.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>; anne.cottrell@lucene.com; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; JeriGillPC@outlook.com

Subject: Monoculture, Wealth, Inequity, Sustainability, Science

For a sustainable future.

Ron

Monoculture, Wealth, Inequity, Sustainability, Science Ron Rhyno March 2019

Not for us; but for the great, great grandchildren of our grandchildren, a valley/planet thriving, deep into the 22rd century and beyond, ...without fear.

Context -- For millennia the Napa County/Valley woodland watersheds-open spaces have been alive with diversity, integrated ecosystems of trees and flora, furred, feathered, crawling, hopping and burrowing creatures - sentient beings possessing perception, feelings, and intelligence (Narby, 2005). In 'original participation' indigenous first peoples, including our Wappo, for thousands of years lived in symbiotic relationship with woodlands and its creatures prior to European arrival, learning and accepting woodland/watersheds benefits. Our woodlands/watersheds are a local and global ecological treasure; both recipient and now increasingly desired as contributors to global climate change; assigned an agricultural designation allowing human development and ecological destruction.

Napa County crop reports, 1921 to present, reveal a diverse agricultural past; the rising growth of wine grapes [and wineries] from 25% in 1968 until the 2017 County Ag Commissioner report that "agriculture is the linchpin of the local economy and provides open space," and "Wine grapes accounted for 99 percent of the total." (Register, 4.24.18).

Agriculture historically to present denotes food crops; Agri -field, different from Vitis -vine. Table grapes are food; wine grapes are for an alcoholic beverage many of us find pleasurable but not a food supporting nutritional needs of children, nor ourselves. Wine is a luxury item, much at price points many cannot afford. As foreman of the 88-89 Grand Jury in my meeting with the then County Administrator, he expressed his major concern as a wine-grape economic monoculture that a phylloxera epidemic would cause a valley of wall-to-wall housing. In another venue I had encountered a UC Riverside Ag Department article describing risks in Agriculture monocultures as: entropy, atrophy, decline, decay, and perhaps death.

The Social and Economic live in/on Environmental Ecology

Monoculture – Napa County now has a closed -loop economic monoculture dependence on Winegrape Viticulture for Wine, identified by Supervisors and others as "our economic engine." The former Ag Preserve is in fact, the Winegrape Viticulture Preserve and our Woodlands-Watersheds-Open Spaces now intended as the Winegrape Viticulture and Wineries Reserve. "The biggest driver of deforestation is agriculture" [and locally – viticulture], (National Geographic): <https://www.nationalgeographic.com.au/deforestation/>
Water runs downhill and carries with it the buildup of the synthetic applications necessary to maintain agriculture and viticulture monocultures. For millennia our

Woodland Watersheds have not required planting, tree removal, deep ripping, rock crushing, fungicides, fertilizers, herbicides, pesticides, tilling, mechanical and human maintenance.

Wealth -- As the premier wine-grape terroir in the Americas: County beauty, world-class restaurants and lodging make Napa Valley a destination; and now a 'Brand,' driving visitation and vine/wine/hotel investment in the Napa Valley Brand. Brand power is signified in a Treasury Wine spokesperson statement: *"As we move from an agriculture business to a brand-led business..."*. (Register, ____ The Napa Valley name sells. Wealth is required to participate in the vine-wine business and wealth also grows a sense of privilege, defined as *"a special advantage, immunity, permission, right or benefit granted to or enjoyed by an individual, class, or caste."* Privilege Revealed. (in S. Wildman, 1996)

Inequity – Inequity creates and shifts burden. The 2005 UC Berkeley research report *"The Limits of Prosperity: Growth, Inequality, and Poverty in the North Bay"* (Rhee, Acland), describes the hourglass economy, including Napa County:

"...occupational distribution and growth projections reveals that the North Bay job market is indeed characterized by wage and skill polarization, and that this will worsen in the near future. In addition, we find that minorities are concentrated at the bottom of the hourglass economy, and women are disproportionately impacted by part-time work." "Poverty has increased faster among working families than among the population as a whole: 40% faster in Napa, ..."

Burdens exist for: the thousands [not hundreds] of vine/wine workers who do the work, must commute daily and cannot afford to live or rent here except for 180 men-only beds in "Farm Centers"; the women and men who serve our hotels, motels, restaurants; our schools & college teachers and classified staff; the physical and psychological toll on commuters and their families; the loss of schools/college student enrollments and revenues due to unaffordable housing prices and rents; the often bumper-to-bumper traffic congestion adding carbon to the air and commuter stress; the mining of water from our aquifers; the degradation of the Napa River; pollution of Hennessey, and the certain damage poised to Milliken reservoir by planned vineyard and home sites development.

Sustainability -- Defined as *"improving the quality of human life while living within the carrying capacity of supporting eco-systems"* (J. Wells, 2013); and the UN supported intergenerational definition: *"Sustainable Development is development that meets the present without compromising the ability of future generations to meet their own needs."* (Bruntland Commission, 1987).

Science - Our local and global woodlands-watersheds are *Nature's Insurance Trust* for future human and wildlife generations. The 'Science' repeatedly locally asked for, is grounded in 17th Cartesian dualism claiming Nature as: Separate, Object, Other,

Less Than; and subject to human desires and interests. John McPhee's 1980s observation of a University of Wyoming Engineering Department etching: "Strive On – The Control Of Nature Is Won Not Given", describes the present misunderstanding and global/local belief systems for the human-nature relationship.

Contemporary Science seeks Sustainability and describes Complexity.

Contemporary Sciences are extensive, clear, and redundant, the Internet awash with research about woodland watersheds as water protectors, wildlife sanctuaries; and deforestation as the primary cause of species loss, water degradation, climate change and a corollary of poverty. Complexity science is required understanding! Recent research includes: On Biocultural Diversity, (L. Maffi 2001); the 2001-2005 Global "Millennium Eco-System Assessment" coordinated by UC Berkeley's Walter Reid, 1300 experts in 90 different countries, indicating need for local studies integrating indigenous, traditional, and local knowledge systems with "scientific" knowledge; Bridging Scales and Knowledge Systems, (Reid, Berkes, et.al, 2006); Sacred Ecology, (Berkes, 2012); Complexity and Sustainability, (Jennifer Wells, 2013); The Age of Sustainable Development, (J. Sachs, 2015); Water - abundance, scarcity, and security..., (J. Schmidt, 2017); SCALE"(G. West, 2017); and UC Davis' (M. Kat Anderson's 2005) "Tending the Wild – Native American knowledge and the management of California's natural resources" acknowledging indigenous knowledge countering our fire suppression models.

The problem(s)

We humans are the most invasive and destructive species.

My prior work as a civil construction union laborer, heavy equipment operator, and foreman running dirt and asphalt spreads on the 'flat', 'foothills', and some work in the Sierras, informs my experiential and now studied understanding that development in woodlands with any degree of slope is exponentially more complex and destructive than on the flat. It is not controllable. The only scalpel is a laborer with a square-point shovel and an asphalt rake; and there are not enough laborers to keep up with heavy equipment movements.

Peter Senge, et.al. (1994) describe patterns of development inhibiting long term economic, social, environmental success and sustainability: *Limits to Growth* [all systems have growth limits], *Success To The Successful* [wealth is energy to acquire, do work, influence, and acquire more], *Shifting the Burden* [unplanned consequences accruing to others] , and *Accidental Adversaries* [unintended intra-business competition creating spiraling requests for responses] to name a few. These dynamic patterns are visible, at work in the intentional County commitment to scaling up vine/wine development in Nature's protective envelope.

The Response

George Land (1973) in Grow or Die: the unifying principle of Transformation identifies three phases of development transforming monocultural limiting patterns: Entrepreneurship [Start-up], Production, and Diversification. DIVERSIFY And diversification means a different product.

At issue is the willingness of Governance to continue local contributions to local and global woodlands/watersheds degradations.

WHAT TO DO? And for Whom?

The County's organizational decision-making for vine-wine growth is organically imbedded. Organizational development research reveals transforming an organizational culture is a seven to eleven year process.

In the context of global acceleration of deforestation; Napa County's intent to contribute to deforestation for the non-future of our county's children and the global future unborn, Napa Valley/County beauty, our globally recognized terroir, global recognition for vineyards and winery development; and Napa County as a globally recognized **brand** fueling desire and requiring wealth to acquire a piece of the valley:

denying further deforestation [oaks and conifers] for woodland-watersheds vineyard/winery development will exponentially accelerate the value of existing land, vineyards, wineries, and wines! ...and contribute to a future for those who cannot vote, and the planets future unborn.

(Econ 1A): a global [Napa Valley] diamond mine confining development for production to existing resources; a la DeBeers controlling the market.

1st: An immediate stop to woodlands-watersheds vine-winery development

2nd: Create learning organizations, [a la The Fifth Discipline]

3rd: Aggressive entrepreneurial inquiry and action performed by Supervisors

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From: Peter Kilkus <pkilkus@gmail.com>

Sent: Monday, March 04, 2019 4:12 PM

To: joellegPC@gmail.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>; anne.cottrell@lucene.com; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; JeriGillPC@outlook.com

Cc: Morrison, David <David.Morrison@countyofnapa.org>

Subject: Water Quality and Tree Protection Ordinance

Dear Commissioners,

My name is Peter Kilkus and I'm the publisher of the Lake Berryessa News. I ask that you limit the restrictions in the proposed Napa Water Quality And Tree Protection Ordinance. I strongly opposed Measure C. This new proposal is simply a rewrite of that failed proposal.

Despite applehood and mother pie statements about the environmental benefits of the original Oak Woodlands Initiative, the initiative was simply an anti-winery, anti-vineyard, anti-growth measure - as is the new proposal before you.

I've read the proposed ordinance and it appears to be slightly less onerous than Measure C (no definition of oak woodlands as two trees thicker than 6 inches), but as unnecessary too. The 3 to 1 tree replacement is excessive, as is the canopy cover requirement. And the climate change argument is irrelevant to the need for such an ordinance.

Proponents of the watershed/tree protection proposals are correct that uncontrolled, even controlled, new development in Napa County is not the economic boon that so many support. There are serious negative consequences to the quality of life in Napa County. Most of the new jobs go to people who can't afford to live in Napa County. Almost every new job creates a new commuter.

But trying to restrict private property owners' rights to control development for no compelling environmental benefit is not the right answer. Napa County is already the most protected county in the state, if not the country. Napa County has excellent land use controls already on its books.

Thank you for your attention,

Peter Kilkus

--

Peter Kilkus

1515 Headlands Drive

Napa, CA 94558

415-307-6906

From: Lisa Badenfort <lisa@northbayrealtors.org>

Sent: Tuesday, March 05, 2019 12:10 PM

To: Joelle Gallagher <joellegPC@gmail.com>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Dave Loie Whitmer <whitmer25@gmail.com>; Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Anne Cottrelle <anne.cottrell@lucene.com>; Dillon, Diane <Diane.DILLON@countyofnapa.org>; Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>; Jeri Hansen Gill <JeriGillPC@outlook.com>; Morrison, David <David.Morrison@countyofnapa.org>

Cc: Cynthia Turnbow <cynthia@cynthiaturnbow.com>; Chris Wunderlich <chris@napawunder.com>; Lisa Badenfort <lisa@northbayrealtors.org>

Subject: NorBAR: Revised Input on Water Quality & Tree Protection Ordinance

Chair Gallagher & Members of the Napa County Planning Commission,

On behalf of the North Bay Association of REALTORS®, I am writing to submit **revised comments on the draft Water Quality & Tree Protection Ordinance**. Our primary concerns are focused on local, non-farming homeowners who can easily, and oftentimes unintentionally, be impacted by public policy. As proposed, this ordinance could strip property value and rights from homeowners, potentially rendering parcels unbuildable.

As you consider the ordinance before you, we ask that you please consider our key points included in our **attached letter**.

Thank you for all of your work and thoughtfulness on this important issue. Please consider us a partner as we seek solutions to our housing and land use challenges in Napa County. Should you have any questions or opportunities for engagement, please contact me anytime.

Respectfully,
Lisa

Lisa Badenfort

North Bay Association of REALTORS®
Government Affairs Director
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Santa Rosa, CA 95403
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707-636-4294 (mobile)
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OUR MISSION

Protect private property rights
Promote the value of REALTORS®
Provide members tools for success



North Bay Association of REALTORS®
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475 Aviation Blvd., Suite, 220 | Santa Rosa, CA 95403
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March 4, 2019

Napa County Planning Commission
Joelle Gallagher, Chair, District 1
1195 Third Street, Suite 305
Napa, CA 94559

RE: (Updated) Input on the Napa County Water Quality & Tree Protection Ordinance

Chair Gallagher & Members of the Napa County Planning Commission,

On behalf of the North Bay Association of REALTORS®, I am writing to submit revised comments on the draft Water Quality & Tree Protection Ordinance. Our primary concerns are focused on local, non-farming homeowners who can easily, and oftentimes unintentionally, be impacted by public policy.

Housing and homeowners are again caught in the crossfire in the battle over large-scale ag/vineyard development. As proposed, this ordinance could strip property value and rights from homeowners, potentially rendering parcels unbuildable. As you consider the ordinance before you, please consider our key points below:


- Property Rights & Homeownership:** Property owners should continue to be allowed to build or improve their single-family home in the unincorporated area by right. This ordinance could lower property values, taking existing entitlements and already-approved land uses. The County already possesses ample authority to determine the suitability of residential projects.
- Blanket Policies:** As proposed, the ordinance treat all uses the same – single-family homes, ADUs, winery event centers, and 200-acre vineyards subject to the same limits. This proposal (and three previous measures) targets large-scale ag development - the operation of which compares very little to non-farming, residential units on small parcels.
- Cumulative Impacts:** The proposal creates multiple layers of new and expanded restrictions, many of which go well beyond the requirements of a standard EIR and/or General Plans. As proposed, small residential lots could be rendered unbuildable due to rising costs of compliance, or existing encumbrances (well, septic, etc.).
- Scientific & Data-Driven Approach:** Single-family homes and 200-acre vineyards utilize land and resources differently, yet the activities of family homes and working farms are treated the same in this ordinance. Policies of this nature seek to address complex issues that are inherently scientific – and intensely political – emerging from decades of campaigns and conflict. Furthermore, the **Climate Action Plan** is not in place – therefore, formal goals and indicators are also not in place. Absent data-informed justifications for these new mandates, Napa’s homeowners and housing viability are tremendous assets to endanger.
- Engaging Affected Homeowners:** Regulatory changes of this scale should be presented in a meaningful way so that homeowners may understand and respond. As we know, most residents are not engaged in County Planning processes – please consider distributing a simple notice/postcard to each affected property owner prior to adopting this ordinance.
- Stakeholder & Expert Input:** The very need for expanded thresholds has met opposition at every turn (stream classifications, wetlands designation, tree removal/mitigation, canopy retention). Transparent,

comprehensive input from real estate, agriculture, professional design, implementers, etc., would add significant value and perspective on draft regulations of this magnitude and complexity.

7. **Housing:** This ordinance would amount to a ban on residential activity in thousands of areas at a time when the need for housing is paramount. As our housing shortage endures, governments are intentionally removing barriers to homeownership and residential development. In your efforts to regulate agricultural development, please do not let local homeowners and housing become casualties. We must remain able to meet Napa's housing needs – now and in the future.

Thank you for considering our comments. Please consider us a partner as we seek solutions to our conservation and housing challenges in Napa County. Should you have any questions or opportunities for engagement, please contact Lisa Badenfort, Government Affairs Director, at (707) 542-1579, or lisa@northbayrealtors.org.

Respectfully,



Cynthia Turnbow, Chair
Local Government Relations Committee

cc:

Supervisor Brad Wagenknecht, District 1
Joelle Gallagher, Planning Commissioner District 1

Supervisor Ryan Gregory, District 2
Dave Whitmer, Planning Commissioner District 2

Supervisor Diane Dillon, District 3
Anne Cottrell, Planning Commissioner District 3

Supervisor Alfredo Pedroza, District 4
Andrew Mazotti, Planning Commissioner District 4

Supervisor Belia Ramos, District 5
Jeri Hansen, Planning Commissioner District 5

David Morrison, Director of Planning, Building, and Environmental Services

The North Bay Association of REALTORS® is a four-county trade association representing over 3,500 real estate professionals and affiliates. We serve as an advocate for housing and homeownership, the preservation of property rights, and a thriving real estate economy. In addition to advocacy, we serve as a partner and resource to decision-makers on the persistent quality of life issues facing the North Bay.

From: Mary Ann Souza <maryann.souza@compass.com>

Sent: Monday, March 04, 2019 1:36 PM

To: Morrison, David <David.Morrison@countyofnapa.org>; Dillon, Diane <Diane.DILLON@countyofnapa.org>;
anne.cottrell@lucene.com

Subject: Homeowner/Property Rights

Please see attached letter expressing concern for diminished rights property owners may incur.

Thank you.

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Compass

Mary Ann Souza - Broker Associate
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Commissioner Diane Dillon:

As a constituent and local real estate professional, I am writing to share my significant concerns about how the Water Quality & Tree Protection Ordinance will impact homeowners and housing in Napa County. **Once again, we are caught in the crossfire in the battle over vineyard development.** We have seen three ballot initiatives and constant conflict over large-scale vineyards and wineries for many years now – **single-family homes are not a threat, but would be included in this sweeping proposal.** As written, this ordinance could strip value and property rights from homeowners, and potentially render parcels unbuildable for single-family homes, ADUs, and other residential activities.

Homeowners should continue to be allowed to build and improve single-family homes in the unincorporated area by right. Please do not let homeowners become casualties when this ordinance comes before you.

Furthermore, local governments have been working tirelessly to **eliminate barriers to housing and homeownership.** Our housing shortage persists, and homeownership remains a cornerstone of our economy. Please support local homeowners and a strong housing industry for Napa County.

Thank you for considering my comments and for your leadership on this important issue.

Mary Ann Souza

From: ruralangwin <kelliegato@gmail.com>

Date: Tuesday, Mar 05, 2019, 10:42 AM

To: Bordona, Brian <Brian.Bordona@countyofnapa.org>

Cc: Morrison, David <David.Morrison@countyofnapa.org>, Anderson, Laura <Laura.Anderson@countyofnapa.org>

Subject: Re: Question Draft Ordinance

Thanks Brian. I'm going to suggest we include text changes to protect the 'old Lone Oak'. I have been in many a vineyard where the lone oak tree (s), thru root zone changes (think Hess Pope Valley or Gallo Chiles Valley) slowly decline despite minimum setbacks due to habitat changes and yes, trenching, heat reflection, loss of leaf litter root zone cooling, soil microbes impacts, equipment staging and taking lunch under El Roble Grande, and from farm chemicals. And to be very clear the grapes don't grow well around the trees for like 100 feet. It is called allelopathy. These large trees are habitat to support birds and insects and bats that are beneficial to vineyard health.

<https://www.gardeningknowhow.com/garden-how-to/info/allelopathic-plants.htm>

The oak tree occupies a space larger than the drip line. Viticulturalists spend the entire life of the vineyard replanting and over again, fertilizing scraggly vines that just won't grow nor produce a crop near lone oaks. It is a waste of water and tractor time. I suggest these big trees be included in canopy protections. Use crown size or DBH as a determining factor. If you don't keep the big ones you can't have the little ones later.

The mitigations you suggested in your letter ' avoidance or other meanss' are the paper mitigations we are seeking to end.

Please include this comment in your agenda packet to Planning Commissioners.

Thank You,

Kellie Anderson

On Tuesday, March 5, 2019, Bordona, Brian <Brian.Bordona@countyofnapa.org> wrote:

Hi Kellie

As background, the current definition of canopy cover does not include single trees and are therefore not required to be included in the retention of 60% canopy retention requirements. The proposed change to the definition of vegetation canopy cover recommended by staff to the PC modifies the current definition to apply a definition that is more consistent with the state's definition of oak woodlands. As such we used the county's system for vegetation classification (the Manual of California Vegetation – MCV), which is used in the Baseline Data Report and the General Plan (and GP EIR). It is also the classification system on which the county's vegetation GIS layer is based, as well as in our guidelines for preparing biologic reports. Other agencies such as the California Department of Fish and Wildlife use it as well.

To answer your question, a single oak tree out in pope valley surround by what I would assume to be grassland likely would not be considered to be an oak woodland per the MCV. Ultimately this would need to be determined by a qualified biologist as part of vegetation mapping of the report.

If the intent of the ordinance is to provide protection to single isolated oak trees like in the example you provided, additional language may need to be included. Although it's important to note that within the context of the review of an ECPA, the CEQA analysis would provide consideration of a single specimen tree, which could result in mitigation in the form of avoidance or other means.

I hope this is helpful.

Brian

From: ruralangwin <kelliegato@gmail.com>
Sent: Monday, March 04, 2019 5:58 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Subject: Question Draft Ordinance

Hi David,

Wow! Reviewing the packet for Wednesday. An amazing amount of work.

On the definition of canopy cover, does this end up that a single specimen such as an oak is exempt or not covered by the Draft? It reads that way to me. I'm no planner so in plain language I read that a large oak out in the middle of Pope Valley on less than 30 % slope is not protected. Please advise.

Thanks for all you do.

Kellie Anderson