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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

NAPA COUNTY WATER QUALITY AND TREE PROTECTION ORDINANCE

Frequently Asked Questions (FAQs)

1. ***Why is the Board of Supervisors considering this ordinance?***

Over the past three years, there have been two initiatives and several private efforts to find a solution to improving water quality and forest preservation, while allowing property rights to thrive. In each case, a small group of people led these attempts without the benefit of broader public participation or transparency. None of them was successful, and they have left the community strongly divided. After hearing from thousands of constituents during the Strategic Planning process, the Board of Supervisors decided that a larger and more open discussion was needed. Since January, the draft ordinance has evolved through three public hearings, attended by nearly 500 people, including 150 speakers, and over 100 letters and emails on the subject. As a part of this effort, staff have worked with CalFire, other public entities, and various community groups in further refining the draft ordinance. This process has resulted in a comprehensive and detailed proposal that creates important advances in environmental protection, while balancing the need for economic growth and the rights of property owners.

2. ***Is the process for this proposed ordinance moving too quickly?***

No. The debate over water quality and tree protection has been ongoing since the Water, Forest and Oak Woodland Protection Initiative of 2016 was drafted in 2016. Over the past three years, it has consumed vast amounts of time and energy from both the public and county resources. Individuals and community groups have had many opportunities to express their opinions and state their positions. Final action on the proposed ordinance will allow the County and community to address other pressing issues that deserve our collective attention, including traffic congestion, affordable housing, and regional climate change.

3. ***If adopted, will this ordinance take away my right to build a new home or add onto my home?***

No. You will be able to construct houses on slopes of less than 30 percent, with approval of a building permit. Since 1991, the Conservation Regulations have prohibited homes on 30 percent slopes in the absence of a Use Permit, which is a discretionary approval subject to CEQA review and which may be denied. The Board of Supervisors could continue this limitation, or prohibit structures above 30 percent slopes.

You will also be able to remodel and make additions to existing homes, even on 30 percent slopes. The draft ordinance also includes an exemption for improvements to existing

driveways, when needed to meet County Road and Street Standards. Although it should be noted that the Road and Street Standards require a maximum slope of 20%, unless a Variance is granted.

The proposed ordinance would not allow additions within proposed stream, wetland, or municipal reservoir setbacks to better protect those resources, unless an exception in the form of a Use Permit is granted.

4. ***If adopted, will this ordinance stop me from clearing vegetation to protect my home against wildfire?***

No. The draft ordinance specifically exempts landowners who are creating or maintaining defensible space around buildings, and/or fire management practices that are consistent with the County Fire Hazard Abatement Ordinance.

5. ***What are the economic impacts of this proposed ordinance?***

It would be highly speculative to make any general conclusions about what economic impact the proposed ordinance may have on individual property values or County revenue. Application of the draft ordinance will be unique to each parcel, habitat, watershed, and development proposal. There are thousands of parcels in the unincorporated area and the impact of the draft ordinance will vary. In addition, the market will react to any new regulations, affecting both the price and demand for land, housing, and agriculture in the future.

6. ***How will this proposed ordinance better protect our water quality?***

Cities, a town, and a private water company have expressed concerns that land use changes may affect domestic water supplies. Local water suppliers depend on open-air reservoirs for drinking water to serve their residents, and generally do not have the filtration systems needed to address elevated levels of sediment, nutrients, or pesticides. Contaminants come from a variety of sources, including roads, wastewater treatment, grazing, wildfires, recreational uses, housing, and agriculture. The draft ordinance provides an opportunity to reduce these potential concerns.

The Napa River remains listed as impaired for sediment by the Regional Water Quality Control Board (RWQCB). The RWQCB recently adopted new requirements for vineyard properties and related unpaved roads aimed at reducing sediment levels. The draft ordinance will complement this effort by adding measures to improve erosion control for a range of uses.

7. ***How does this proposed ordinance better protect our forests?***

The draft ordinance would expand existing protections of forests in municipal watersheds to include forests, oak woodlands, and native trees. It would increase the percentage of trees protected from development on each parcel from 60 percent to 70 percent. It would also increase the existing mitigation requirement (the number of acres of trees that must be conserved or replanted for every acre of trees removed) from 2:1 to 3:1, depending on where the mitigation occurs.

8. ***What does this proposed ordinance do about climate change?***

The draft ordinance would complement proposed protections for forests and riparian areas in the revised draft Climate Action Plan (not yet adopted) to reduce greenhouse gas emissions by over 5,200 metric tons of carbon dioxide equivalent (MCO_{2e}) annually by the year 2030.

9. ***How can I find out more about what is being proposed?***

Napa County has a webpage that provides all of the staff reports, public comments, and background information regarding the draft ordinance, as well as contact information for staff if you have questions. The webpage may be found at:

<https://www.countyofnapa.org/2526/Water-Quality-and-Tree-Protection-Ordina>.

10. ***Where can I submit comments?***

To become part of the administrative record, you can e-mail written comments to the Clerk of the Board of Supervisors at: clerkoftheboard@countyofnapa.org, or drop them off at 1195 Third Street, Suite 310, Napa, CA. 94559. You can also attend the hearing on the draft ordinance, which will be held at the Board of Supervisors' Chambers at 9:00 am on Tuesday, March 26, 2019. People who wish to provide verbal comments will be limited to 3 minutes of testimony.