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Public Comments

Additional correspondence previously sent to the Board of Supervisors concerning this project may be found on the County's website at [https://www.countyofnapa.org/2526/Watershed-
Protection-Ordinance](https://www.countyofnapa.org/2526/Watershed-Protection-Ordinance)

Whitney, Karita

From: Valdez, Jose (Louie)
Sent: Tuesday, January 29, 2019 7:44 AM
To: Whitney, Karita
Subject: FW: BofS Meeting 1/29 Letter

Louie Valdez
Administrative Manager –
Clerk of the Board of Supervisors
County of Napa, CA
1195 3rd St., 3rd Floor
Napa, CA 94559
(707)-253-4196 Office



A Tradition of Strengthening
A Commitment to Service

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From: Allene Hansen <arsenale@comcast.net>
Sent: Monday, January 28, 2019 11:46 PM
To: Valdez, Jose (Louie) <Jose.Valdez@countyofnapa.org>
Subject: Bofs Meeting 1/29 Letter

Dear Diane,

I have met you over the years at various functions in Calistoga. You have expressed the desire to make certain you stay abreast of the current concerns of up valley residents.

I'm sure you are aware of the election of Donald Williams to the Calistoga City Council. His overwhelming popular vote indicates a shift in concern of residents from continued winery and resort expansion and suburbanization to preserving our small town atmosphere and the rural base of Napa Valley.

Many of us believe we are at a crucial crossroads in Napa Valley and you, as our Supervisor, will be called upon to make critical and brave decisions regarding the future of our beloved Valley.

At the BOS meeting tomorrow serious issues are scheduled to be discussed that will have serious impact on the Valley for decades to come. I am certain you are cognizant of the climate implications of deforestation, disruption of natural waterways, destruction of habitat, etc., not to mention the quality of life effects these issues have on Valley residents and our children.

Please be brave and help us chart a course of preservation not destruction.
If not us,then who?? If not now, then when??

Thank you,Diane!

Allene Hansen (Picardi)
2944 Foothill Blvd
Calistoga, CA 94515
arsenale@comcast.net

Sent from my iPhone

Whitney, Karita

From: Louie Valdez <valdezj001@gmail.com>
Sent: Wednesday, January 30, 2019 7:11 PM
To: Whitney, Karita
Subject: Fwd: 2019 Napa County Strategic Plan Public Hearing comments

Louie Valdez
Sent from my iPhone

Begin forwarded message:

From: "Morrison, David" <David.Morrison@countyofnapa.org>
Date: January 30, 2019 at 18:04:35 PST
To: Louie Valdez <valdezj001@gmail.com>
Cc: "Tran, Minh" <Minh.Tran@countyofnapa.org>, "Brax, Jeffrey" <Jeffrey.Brax@countyofnapa.org>, "Sharp, Leigh" <Leigh.Sharp@countyofnapa.org>
Subject: FW: 2019 Napa County Strategic Plan Public Hearing comments

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

From: cmalan1earth@gmail.com <cmalan1earth@gmail.com>
Sent: Tuesday, January 29, 2019 11:16 AM
To: Morrison, David <David.Morrison@countyofnapa.org>
Cc: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Subject: 2019 Napa County Strategic Plan Public Hearing comments

To: David Morrison, Napa County Planning and Conservation District Director
From: Institute for Conservation Advocacy, Research and Education/ICARE Chris Malan, Executive Director

Re: The Napa County Strategic Plan Comments

David Morrison and the Farm Bureau continue to be woefully incorrect in stating that the Napa River is being 'delisted' on nutrients. The Napa River is 56 miles from Mt. St. Helena to the San Pablo Bay. There is tidal segments of the Napa River and fresh water segments. The San Francisco Regional Water Quality Control Board, SFRWQCB, (Water Board/WB) jurisdiction is to protect and restore water quality to the Napa River. The Napa River has been listed for nutrient, sediment and pathogen pollution since the 1980's with NO regulations to restore water quality until the SFRWQCB finally approved a program to restore and recover water quality in the Napa River on July 2017. This regulation is the first ever in the state that focus' on vineyard pollution discharge. Farmers are NOW required to enlist in the General Wastewater Discharge Requirement program whereby they must decrease their pollution of : nutrients, sediment and pesticides. This is ONLY the beginning of State regulations regarding devastating pollution that has been killing aquatic life and fouling our water bodies.

Because the Napa River is 56 miles long the Water Board has tackled pollution in TWO segments: 1. Tidal and 2. Non-tidal . The WB this month is discussing nutrient pollution in the

tidal and non-tidal. The WB has proposed to de-list the Napa River in the non-tidal. This is ONLY a proposal. This must be approved by the CaEPA and the State Water Board. The tidal segments of the Napa River is from San Pablo Bay to North of the City of Napa to Hardman land and the WB is now proposing to list the Napa River for this segment of the Napa River for nutrient pollution.

Additionally, the WB is proposing a pollution listing to Ca EPA and the State Water Resource Water Control Board for legacy: PCBs, Dieldrin, Cloradane, mercury and other pesticides.

The Napa RIver continues to be more and more polluted. We need to do everything possible to prevent pollution because climate change will be harsh and deadly and we will need to rely on our local water sources. Water Security is essential to our well being.

Therefore, ICARE recommends these changes to the Conservation Regulations/ Erosion Control 18.108.025 regulations. These are failures of the Conservation Regulations not covered in the staff recommendations to the Napa Strategic Plan:

1. Under Sensitive Watersheds for additional grading protection add Friesen Lakes of Angwin- this will add additional protection of water quality for the residents of Angwin.
2. Under Definition section 18.108.030- or stream definitions-completely fails to protect 3rd class streams. The Conservation Regulation definitions for streams are flawed and made up by County Staff. Stream definitions have already been adequately defined by Department of Fish and Wildlife/DFW. The County should replace the Conservation Regulations's current stream definition with the experts on streams definition, DFW.

The 2000-2002 Watershed Task Force made this same recommendations that the County Planning should define the streams according to DFW.

Additionally, the SFRWQCB, developed the first ever General Wastewater Discharge Requirement for vineyards in the State that requires setbacks for vineyard development on 3rd class streams according to the definition of DFW. Also, the Army Corp of Engineers under the Clean Water Act requires protection of all streams.

Water Quality starts at the top of the watershed. The forest and natural vegetation of our watershed is where our water is filtered and aquifers are recharged.

4. No vineyards allowed on slopes over 30% (before grading) To many vineyards get away with grading hills down to below 30% and then planting. Steep slope development is often devastating to water quality.

Sent from my iPad

From: [Morrison, David](#)
To: [Fuller, Lashun](#)
Cc: [Bordona, Brian](#); [Anderson, Laura](#)
Subject: FW: Science and facts RE: Watershed & Oak woodlands
Date: Monday, February 04, 2019 5:27:55 PM

Include this as correspondence for the 20th Commission meeting.

From: Igor Sill <igor.sill@gmail.com>
Sent: Thursday, January 31, 2019 9:31 AM
To: joellegPC@gmail.com; dave.witmer@countyofnapa.org; anne.cottrell@lucene.com; andrew.mazzotti@countyofnapa.org; jeriGillPC@outlook.com; Morrison, David <David.Morrison@countyofnapa.org>; Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>
Subject: Science and facts RE: Watershed & Oak woodlands

Following Tuesday's meeting regarding watershed and oak woodlands I would like to convey my thoughts for your consideration as you explore these many issues. I am a small vineyard owner with property in St Helena (31 years) and in Atlas Peak (3.5 years) and appreciate that our Napa agriculture has a unique heritage. This legacy of farming is still present today and remains one of the most important agricultural places in the world. The 1968 agricultural preserve was passed by Napa's then Board of Supervisors and later strengthened by a majority of voters to preserve, promote and protect agricultural land in Napa Valley for future generations. The ordinance established agriculture and open space as the "best use" of these lands and kept Napa from being over-developed. This was long before Napa County's future as a prosperous wine country was assured, when many felt Napa Valley might go the way of urbanized Silicon Valley. Napa County's Ag Preserve was a visionary land-zoning ordinance, the first of its kind in the US and, our farming legacy thrives today because of it, having become one of the most productive counties in the nation. Since then, the rest of the Bay Area has seen a huge growth difference, mirroring Los Angeles and Silicon Valley's sprawling urbanization while Napa maintains its strategic growth plans. If governmental growth projections are correct, Napa Valley will remain a regional oasis of agriculture 50 years from now. Thank you Napa Board of Supervisors and, thank you Napa vintners and growers.

With it, Napa's vineyards have become the most regulated agricultural industry in California. The cost of compliance results in significant additional expense and time for us growers, vintners, property owners, *and*, for the County as well. All growers and vintners that I know in Atlas Peak are tremendously diligent, responsible, conscientious and concerned about always doing the right thing with their farms and the surrounding lands. Napa's fires showed us what underlying growth and excessive Oaks can do to fuel a fire, and the subsequent erosion caused by the rainfall that follows. It has become obvious that certifications of FFF, CCC and NapaGreen are now abundant and virtually everywhere, just note the number of vineyard signs attesting to prevention of water pollution, limited or total non-use of chemical fertilizers and pesticides to protect our surrounding waterbodies, wild life and air quality. This is a voluntary, conscientious movement by us farmers to "do the right thing" for Napa's land and community, ***without*** the need for further excessive governmental bureaucratic involvement. I lost 27 Oaks in the fires, primarily those whos canopies had NOT been trimmed and lifted, as recommended by the US Forest Service, 11 of which I cut down

completely, and will need to do the same for 4 more, hoping the 12 remaining may someday return to vigorous health. As of last week, I walked our property and noted the many new acorn sprouting Oak volunteers. I stopped counting at 125 and suspect 300+ is the actual number following the fire's 16 month anniversary. **Scientific fact:** fire promotes acorn germination and growth by reducing competitive pressure from underbrush vegetation, releasing soil nutrients, reducing litter-born pathogens, or improving contact with mineral soils. Kauffman and Martin found that densities of black oak (*Q. kelloggii*) growth were up to 9 times greater in burned plots than unburned plots. US Forest Service: https://www.fs.fed.us/psw/publications/documents/psw_gtr217/psw_gtr217_551.pdf The Oaks surrounding our watershed are returning in substantial numbers.

There are tremendous ecological benefits that followed because fires create an "all-you-can-eat buffet". There are more than 40 varieties of insects that feast through fire-ravaged vineyards and properties as they can burrow into the fire-softened food source. The regeneration process is in full gear. Weakened Oaks may or may not die, but they have become homes for insects with an abundance of birds drawn to the burned areas seeking these insects. http://familyonbikes.org/educate/lessons/animals_wildfires.htm

The grasses fertilized by fire-created nutrients has grown drawing more deer, field mice and other grazing wildlife who make a healthy meal of them, then followed by predators -- coyotes, foxes, bobcats, raccoons, owls, hawks, etc., again calling it home.

Napa is well known for its outsized share of activists that have alarmed this community with deceptive or erroneous reporting of false information surrounding watershed, oak woodlands and Napa's long term strategic plan.

I would like to submit and remind the Planning Commission of Napa County Planning, Building & Environmental Services Director, David Morrison science-backed report and for setting the record straight by correcting the erroneous information conveyed in support of altering the county's Strategic Plan in his rebuttal Letter "Facts are Important in Strategic Plan Process" (Napa Valley Register Sept. 18, 2018). https://napavalleyregister.com/opinion/letters/facts-are-important-in-strategic-plan-process/article_67aad01e-62e2-5666-b9e3-7ff04accaba4.html

Director Morrison is absolutely correct in that decisions must be science and fact-based on absolute truth and factually accurate evidence versus fabricated, inaccurate and self-serving distorted misrepresentations.

The effect of presenting false information in support of one's misguided personal viewpoint is damaging to the community at large as well as harmful to the process of setting a community consensus-based policy. No matter how minor the fabricated evidence is, inciting community alarm and false information is counterproductive to everyone's goal of achieving a sustainable vision for Napa.

I applaud and commend Director David Morrison's response to activist publicity containing incorrect information and that it is critical for the success of the Strategic Plan that our community decisions be based on factual evidence. (Napa Valley Register Sept. 18, 2018). He states:

"The Strategic Plan will define county priorities through 2022, and the actions needed to achieve those goals. While debate often centers around land use, the county has nearly 20 departments and over 1,350 employees, who deal with issues including law enforcement, fire, healthcare, libraries, support services, parks, and roads. The Strategic Plan will encompass all of the county's many responsibilities and public concerns. I would like to respond to several specific issues raised.

Algae blooms are a health concern throughout California. They are caused by increased water temperature, high nutrient concentrations, and low water flows. In 2014, the San Francisco Bay Regional Water Quality Control Board (RWQCB) approved a proposal to take the Napa River off the list of impaired water bodies for nutrients resulting in excessive algae growth. The State Water Quality Control Board (SWQCB) will consider the delisting in the summer of 2020.

County staff have worked with the RWQCB to ensure that the new vineyard Waste Discharge Requirements are compatible with our erosion control plan process. As a result of these requirements, other jurisdictions in the Bay Area will be following the model that Napa County established more than 25 years ago to protect watersheds and the quality of our streams.

Forests are not being eliminated within Napa County. Nearly 42 percent of the county (or 213,000 acres) consists of oak woodlands, riparian forest, or conifer forest. In comparison, only 13 percent of the county is used for farmland, and 6 percent is developed with urban uses. Trees cover more than twice as much land in Napa as agriculture and cities combined.

Since 1991, the county has approved an average of eight new wineries annually. There have never been 50 new wineries approved in one year. In fact, there haven't been 50 new wineries approved over the past eight years combined. The highest number of new wineries approved in any one year was 17 in 2006.

Most vineyards are not planted on steep slopes. There are currently 53,451 acres of vineyards in Napa County. More than 57 percent of the vineyards are on lands that have slopes of less than 5 percent. More than 85 percent of vineyards are on slopes of less than 15 percent.

The Conservation Regulations already require stream buffers and tree retention. Setbacks of 35 to 150 feet are mandated for vineyards, depending on the surrounding slopes. Setbacks may also be applied to vineyard replanting and previously disturbed areas may be required to be revegetated. A minimum 60 percent of all tree canopy must be retained on any parcel where a vineyard is proposed. When biological studies are also applied, 90 percent of on-site trees are protected.

Extensive monitoring of wells around the Napa Valley shows that ground water levels remain steady. There is no evidence of subsidence, water quality impacts, salt water intrusion, or streams being affected by overdrafting. The county has prepared a Groundwater Sustainability

Plan (Basin Analysis Report), as required under state law. The plan is currently under review by the California Department of Water Resources. In addition, the county has joined with the city of Napa to voluntarily study water quality in the watersheds of the municipal reservoirs.

The Napa River is proposed for listing as an impaired water body for chlordane, DDT, dieldrin, mercury, and PCBs. No action by the SWQCB has yet been taken. However, the pesticides referenced have been banned for over 30 years. Mercury is a mineral that naturally occurs throughout the region and has not been mined locally more than 50 years.

The county administers 29 permits that allow the use of hold and haul to process high strength wastewater. Six facilities are located within city limits and another five are within the airport industrial area (serviced by the Napa Sanitation District). Only 18 of over 500 wineries (less than 4 percent) have hold and haul permits. Note that on-site wastewater systems also need to have their tanks regularly pumped.

Public policy should be based on goals that we can all agree upon, relying on fact-based analysis. I appreciate and share an interest in protecting our natural resources and welcome the ongoing dialogue. The best way that we can ensure a comprehensive and balanced approach to protecting our natural resources is for the public, business leaders, and local government to work together in developing a sustainable vision for all of Napa County.” David Morrison

Thank you David Morrison, Director for setting the record straight. Thank you Board of Supervisors for leading a common-sense approach to the issues facing our community, including a focus on the small family vineyards and wineries, while balancing growth with agricultural protections in a fair manner for Napa’s vintners and community. Thank you Planning Commission for using science and fact-based information in your assessment and recommendations. Respectfully, Igor Sill, Napa farmer, grower & vintner, Atlas Peak Appellation Association Board of Directors member

Whitney, Karita

From: Valdez, Jose (Louie)
Sent: Monday, February 04, 2019 7:40 AM
To: Whitney, Karita
Subject: FW: Correction on Jan. 29 letter regarding Napa County Board of Supervisors special meeting Jan. 29 item 9C - Watershed protections

Sent with BlackBerry Work
(www.blackberry.com)

From: Geoff Ellsworth <geoffellsworth@yahoo.com>
Date: Monday, Feb 04, 2019, 07:38
To: Dillon, Diane <Diane.DILLON@countyofnapa.org>, Gregory, Ryan <Ryan.Gregory@countyofnapa.org>, Ramos, Belia <Belia.Ramos@countyofnapa.org>, Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>, Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>, Tran, Minh <Minh.Tran@countyofnapa.org>, Valdez, Jose (Louie) <Jose.Valdez@countyofnapa.org>, Morrison, David <David.Morrison@countyofnapa.org>
Cc: Jeff Durham <jdurham@yville.com>, Margie Mohler <mmohler@yville.com>, Donald Williams <dcedar@sonic.net>, Kenneth Leary <kleary@cityofamericanacanyon.org>, Scott Sedgley <ssedgley1@yahoo.com>
Subject: Correction on Jan. 29 letter regarding Napa County Board of Supervisors special meeting Jan. 29 item 9C - Watershed protections

Dear Napa County Supervisors,
On Jan. 29 I submitted a letter signed by various City Council members from each city in the county regarding watershed protections.
Re-reading after the fact I realize in paragraph 3 the percentage number living in our cities I meant to include was 80%, not 90% as written in that letter.

That being said I do believe the number of residents served by city services such as water, fire and police may be closer to 90% so this issue does resonate outside our city boundaries as well.
I appreciate the continued discussion as we all work together on these issues.
Best, Geoff

---- corrected version

Dear Napa County Supervisors,
It is our understanding that on Tuesday, January 29, during the completion process for the County's strategic plan, that watershed/water source protection issues will be discussed, potentially to be forwarded on to County staff for preparation of a potential Ordinance.

This is perhaps a direct result of Measure C and the recently concluded Congressman Mike Thompson committee meetings. Now is the time for the Supervisors to take substantive action on watershed/water source protections for the benefit of the public and the environment, and to ensure there isn't another divisive ballot initiative.

As elected officials and members of the City Councils of our various cities, we couldn't agree more.

80% of our Napa County citizens and residents live in our cities and the health and well being, as well as property values and business investments of our community depend on properly functioning watersheds and the equitable management of our collective water resources. Our municipal reservoirs, along with the Napa River, are directly affected by developments on our AW (Agricultural Watershed) lands.

If the County is going to take substantive action on this, it is critical to involve our Cities in forming the Ordinance.

Other than American Canyon, the voters in all of our Napa County Cities supported Measure C.

Our people want meaningful watershed/water source protections. True leadership from the County Supervisors must recognize partnership with our Cities to ensure a sustainable water supply in terms of both quantity and quality for the foreseeable future.

Discussion of specific measures needs to occur with full inclusion of our City administrations who bear a responsibility to the citizens/residents we serve.

Geoff Ellsworth
Mayor - City of St. Helena

Scott Sedgley
Vice Mayor - City of Napa

Donald Williams
City Council member- City of Calistoga

Kenneth Leary
City Council member - City of American Canyon

Margie Mohler
City Council member - City of Yountville

Jeff Durham
City Council member - City of Yountville

Whitney, Karita

From: Valdez, Jose (Louie)
Sent: Monday, February 04, 2019 8:01 AM
To: Whitney, Karita
Subject: FW: Letter of support for the Napa Watershed Protection Ordinance

Sent with BlackBerry Work
(www.blackberry.com)

From: Michael Lewis <mlewis@atlasvm.com>
Date: Monday, Feb 04, 2019, 08:00
To: Valdez, Jose (Louie) <Jose.Valdez@countyofnapa.org>
Subject: Letter of support for the Napa Watershed Protection Ordinance

Good morning Mr. Valdez,

My name is Michael Lewis, and I am a 4th generation Napa Valley grape-grower.
My great-grandfather established Freemark Abbey winery.

I am also a life long vineyard manager. I have worked for several vineyard management companies, including:

Jack Neil and Son VM
Walsh Vineyards Management
Pina VM
Larkmead Vineyards.
Currently I am employed with Atlas Vineyard management.

In addition, our family trust owns about 50 acres on Ehlers Lane in St. Helena.

I am writing in SUPPORT of increasing environmental protections in our community.

Specifically, I support:

1. Stream and wetland setback for new development at 150'
2. Retaining Oak trees to some minimum standard.
3. Protecting our ground water from over-use.

I assume many, if not most of the vineyard managers want de-regulation, so I wanted to express my opinion to you.

Thank you for your time and consideration,

Michael Ahern Lewis
(707) 819-6159

From: [Bordona, Brian](#)
To: [Gallina, Charlene](#); [Fuller, Lashun](#)
Subject: FW: Watershed Protection Action
Date: Tuesday, February 12, 2019 9:43:58 AM

Public comment for 2/20 PC

From: Ryan Waugh <ryan@waughfamilywines.com>
Sent: Monday, February 11, 2019 8:37 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Subject: Watershed Protection Action

Hi David,

Here is a copy of an email I sent to all the Board members and the planning commissioners.

I am writing to let you know I am deeply disturbed to see Napa County moving forward to pass more regulations on our fragile family farms and winemakers in Napa County. As you are aware, most of our wineries are smaller than 5000 cases and are livelihood wineries and not lifestyle, including mine. I would hope you are aware of how restrictive Napa County is to our wineries and vineyards and we have the most restrictive environmental regulations in the nation if not the world. However, I have come to appreciate the existing regulations, mainly because they are working. However, if more regulations pile on top of the existing regs, soon, the only owners who will be able to afford to grow grapes and make wine in our county are those making decisions in board rooms in New York, London and Sydney.

It has become clear to me that a small, extremely vocal minority has gained a lot of influence in Napa County and it is time for our leaders to step up. The proposed Watershed Protection Actions are clearly a solution searching for a problem. At the January 29th Board of Supervisors hearing, Director David Morrison presented an overview of the issues and here were some of the most important highlights as I hope you recall:

Since 2005:

- The amount of total agriculture land has increased 8.7%
- The amount of urban land has increased 4.6%
- The amount of producing vineyards has increased 4.0% (this is correct, land converted to Urban use has increased at a faster rate than vineyard development – what do you think sequesters more carbon dioxide, vineyards or concrete?)
- The amount of shrub/grassland has decreased 4.1%

- The amount of forested land has decreased 1.2% (I believe the forested lands is what the minority is screaming about now. What exactly is the problem?)

Morrison went on to say the Conservation Regulations have a long tradition of being based on **facts and evidence**. They have allowed growth in agricultural and residential development with **limited** forest loss.

I think it is time to be true to our past and our own traditions and prove to the community there is an issue before proposing a solution.

I am really interested in hearing your position on what the issue is Napa County is trying to solve and why the existing regulations are not working. These questions have not been answered and they must be answered before more regulations are passed. Thank you for reading and for responding with your views on this matter.

Please direct County staff to prove to you the existing regulations are not working before moving forward with the proposed actions.

Thank you for your service.

Ryan Waugh
Founder / Winemaker
Waugh Family Wines
2275 Soda Canyon Road
Napa, CA 94558
www.waughfamilywines.com



From: [Bordona, Brian](#)
To: [Gallina, Charlene](#); [Fuller, Lashun](#)
Subject: FW: Letter to Planning Commission
Date: Tuesday, February 12, 2019 11:18:29 AM
Attachments: [Vineyard Replants PC 021219.pdf](#)

From: Morrison, David <David.Morrison@countyofnapa.org>
Sent: Tuesday, February 12, 2019 11:07 AM
To: Brax, Jeffrey <Jeffrey.Brax@countyofnapa.org>; Anderson, Laura <Laura.Anderson@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>; Sharp, Leigh <Leigh.Sharp@countyofnapa.org>
Subject: FW: Letter to Planning Commission

From: Ryan Klobas <rklobas@napafarmbureau.org>
Sent: Tuesday, February 12, 2019 10:40 AM
To: Joelle Gallagher <joellegPC@gmail.com>; anne.cottrell@lucene.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; Jeri Gill <jeri@sustainablenapacounty.org>
Cc: Morrison, David <David.Morrison@countyofnapa.org>; Tran, Minh <Minh.Tran@countyofnapa.org>
Subject: Letter to Planning Commission

Dear Planning Commission:

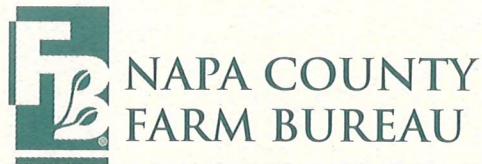
Please find attached a letter from the Napa County Farm Bureau as it relates to the watershed protection ordinance.

Thank you.

Ryan

--
RYAN P. KLOBAS, JD
Chief Executive Officer
Napa County Farm Bureau &
Napa County Farm Bureau Foundation
Office: (707) 224-5403
E-Mail: rklobas@napafarmbureau.org

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February 12, 2019

Planning Commission
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

RE: Watershed Protection Ordinance

Dear Planning Commissioners:

The Napa County Farm Bureau has been reviewing the current watershed protection ordinance and would like to request the following be added to the ordinance.

While Napa County's local CEQA Guidelines document that replants are exempt from CEQA review, County Code is silent on this point. We believe vineyard replanting programs should be expressly categorized as ministerial within the meaning of the California Environmental Quality Act and the State CEQA Guidelines.

We believe the following language should be added to Section 13, 18.108.90 – Requirements for Vineyard Replanting Programs, subsequent to subsection F:

G. Ministerial provisions; exception. It is the intent of the board of supervisors that the vineyard replanting programs shall be ministerial within the meaning of the California Environmental Quality Act and the State CEQA Guidelines. It is the further intent of the board of supervisors that the review of permit applications and the issuance of permits of such vineyard replanting programs shall be ministerial acts.

H. Interpretation and application. This chapter shall be interpreted, administered, and construed in light of the legislative intent expressed in Subsection G. If any provisions, sentences, or words in this chapter are ambiguous or capable of more than one (1) interpretation, staff shall interpret, administer, and construe them as conferring only ministerial authority. Staff shall not exercise personal judgment, special discretion or judgment, or personal, subjective judgment in deciding whether or how projects should be carried out, except in the case of discretionary permit applications.

I. Ministerial system of regulation; automatic repeal. It is the intent of the board of supervisors in enacting this chapter to establish and maintain a ministerial system of regulation for vineyard replanting programs, consistent with the strong policy direction in the general plan to support agriculture as the highest and best use of the land and not unduly complicate and

discourage vineyard development and agricultural grading and drainage. As a legislative matter, treating vineyard replanting programs as discretionary actions would be contrary to the legislative intent of this chapter. As a result, if for any reason a court of competent jurisdiction holds in a final order that the approval of a vineyard replanting program intended to be ministerial is, in fact, discretionary, the requirement for approval of vineyard replanting program or erosion control plan prior to vineyard replanting shall be automatically repealed without further action by the board of supervisors. A "final order" means an order, writ, judgment, or other finding that is no longer subject to modification or reversal on appeal. If this chapter is repealed by this subsection, vineyard replanting development shall be allowed and shall not require separate permitting. Nothing in this subsection is intended to affect any court order.

We request that this language be added to the ordinance in an effort to codify replants as ministerial within the meaning of the California Environmental Quality Act and the State CEQA Guidelines.

If you have any questions, please contact our office.

Thank you.

Sincerely,



Johnnie White
President
Napa County Farm Bureau

CC: Board of Supervisors
Minh Tran
David Morrison