



A Tradition of Stewardship  
A Commitment to Service

## **NAPA COUNTY WATER QUALITY AND TREE PROTECTION ORDINANCE**

### **Frequently Asked Questions (FAQs)**

1. ***Why did the Board of Supervisors consider this ordinance?***

Over the past three years, there have been two initiatives and several private efforts to improve water quality and protect forests, 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 ordinance evolved through four hearings, attended by nearly 800 people, including 200 speakers, and hundreds of letters and emails on the subject. As a part of this effort, staff worked with CalFire, other public entities, and various community groups in further refining the ordinance. The process resulted in a comprehensive and detailed ordinance that creates important advances in environmental protection, while balancing the need for economic growth and the rights of property owners.

2. ***Did the process for this ordinance move too quickly?***

The debate over water quality and tree protection has been ongoing since the Water, Forest and Oak Woodland Protection Initiative was drafted in 2015. Over the past four years, the debate 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. ***Does this ordinance take away my right to build a new home or add onto my home?***

No. Since 1991, the Conservation Regulations have required that any development (including homes) on slopes of 30% or greater require a Use Permit, which is a discretionary approval subject to CEQA review. This ordinance will continue to allow the County to approve Use Permits for qualifying development on 30% slopes. Homes on less than 30% slopes will continue to be allowed with the appropriate permits.

In addition, this ordinance continues to exempt remodels and additions to existing homes, even on 30 percent slopes. However, additions within stream, wetland, or municipal

reservoir setbacks still require approval of an exception in the form of a Use Permit as has been required in the past.

4. ***Does this ordinance stop me from clearing vegetation to protect my home against wildfire?***

No. The ordinance specifically exempts landowners who are creating or maintaining defensible space around buildings, and/or fire management practices that are consistent with the adopted Napa County Defensible Space Guidelines.

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

It would be highly speculative to make any general conclusions about what economic impact the ordinance may have on individual property values or County revenue. Application of the 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 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 ordinance better protect 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. ***Will this ordinance change how the County regulates ephemeral and intermittent streams?***

No. The County currently evaluates where ephemeral and intermittent streams occur for projects that are subject to the California Environmental Quality Act (CEQA), such as Erosion Control Plans. Ephemeral and intermittent streams are located, mapped, and a 35-foot buffer for each stream is established. This ordinance would extend this protection to projects where CEQA is not required, such as Building Permits. However, the existing process to determine ephemeral and intermittent streams, and the 35-foot setback, would remain the same as is currently implemented.

8. ***How does this ordinance better protect our forests?***

The ordinance expands existing protections of forests in municipal watersheds to include forests, oak woodlands, and native trees and it increases the percentage of tree canopy protection on each parcel from 60 percent to 70 percent. The ordinance also expands this 70% vegetation canopy retention protection to parcels within the Agricultural Watershed (AW) zone. Existing mitigation requirements (the number of acres of trees that must be conserved or replanted for every acre of trees removed) are also increased from 2:1 to 3:1 under the new ordinance, unless there is riparian habitat restoration or public benefit provided.

9. ***What does the ordinance do about climate change?***

The ordinance complements 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<sup>2</sup>e) annually by the year 2030.

10. ***How can I find out more about the ordinance?***

Napa County has a webpage that provides all of the staff reports, public comments, and background information regarding the 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>.

11. ***When does the ordinance become effective?***

The ordinance becomes effective 30 days after passage, on Thursday, May 9, 2019.

12. ***Does the ordinance apply to applications already on file?***

The ordinance will apply to all applications for uses that may involve earthmoving activity that are filed on or after May 9, 2019. The provisions of the ordinance will also apply to any applications for uses that may involve earthmoving activity that were filed prior to May 9, 2019 but were ultimately not accepted by the County as complete for processing as filed.