

MEASURE C

IMPARTIAL ANALYSIS BY THE NAPA COUNTY COUNSEL

MAR 9 2018

Deputy

Measure "C" amends the Napa County General Plan and Zoning Ordinance to establish "water qualify buffer zones" on parcels greater than one acre within the Agricultural Watershed (AW) zoning district and would limit tree removal, including both oak and non-oak species, within those zones. The buffer zones would extend between 25 to 125 feet from the top-of-the-bank of any Class I, II, or III stream, as defined, and within 150 feet of any wetland. Tree removal associated with replanting grape vines within the footprint of vineyards approved before the Measure's effective date would be permitted.

Measure C requires on-site replacement of lost oak trees or oak woodlands, or permanent preservation of comparable habitat, at a minimum 3:1 ratio for activities on AW zoned lands greater than one acre, with limited exceptions. Where infeasible, purchase of a conservation easement or payment of in-lieu fees sufficient to provide permanent preservation of comparable oaks at a 3:1 ratio would be required.

Measure C establishes an "Oak Removal Limit," such that when a cumulative total of 795 acres of oak woodlands are removed in AW zones, as measured from September 1, 2017, further removal of oak woodland would be subject to a permitting process. Oak tree removal is defined to include "intentional burning" that would count toward the Limit. Oaks destroyed by fires caused by natural phenomena, by backfires set by state or federal agencies, or removed at the direction of CalFire would not count towards this Limit. It is unclear whether trees removed due to fires resulting from other causes would count toward the Limit.

Once the Limit is reached, permits are required for removal of oak trees five inches or greater in diameter. Permits may be issued in the circumstances set forth in the next paragraph or where removal is necessary to ensure that agricultural use of parcels greater than 160 acres remain economically viable.

Measure C establishes exceptions to the rules on tree removal in the buffer zones that include, but are not limited to, removing downed and dead trees, adhering to State and County requirements for firebreaks, averting imminent threat to health and safety, for development or maintenance of access roads, septic or wastewater systems, water wells, water resources and storage facilities; on land owned by a public agency; within 11 feet of the centerline of driveways; and within 150 feet of a lawful residence or other structure. These exceptions also apply to oak removal after the Limit is reached. Oak removal permits must ensure retention of at least 90% of the affected oak canopy unless infeasible and, for agricultural uses or new structures, must include remediation measures.

Effect on Existing Law: Napa County's existing conservation regulations provide stream setback requirements which differ from the buffer zone setbacks of Measure C in their definition of streams and in the types of uses allowed within the setbacks. Where there is a conflict with respect to tree removal, Measure C contemplates that the more restrictive regime would control.

**A YES VOTE MEANS** you want to amend the General Plan/zoning regulations to establish the above described buffer zones and to establish the regulatory framework with respect to the removal of oak trees and oak woodlands.

**A NO VOTE MEANS** you do not want to amend the General Plan/zoning regulations to establish the above described buffer zones and to establish the regulatory framework with respect to the removal of oak trees and oak woodlands.

Jeffrey M. Richard  
Acting County Counsel

**FILED**  
Napa County  
Assessor-Recorder-County Clerk  
Election Division

MAR 9 2018

By: \_\_\_\_\_

Deputy