

TITLE: AN INITIATIVE AMENDING THE NAPA COUNTY GENERAL PLAN AND ZONING CODE BY (1) CREATING WATER QUALITY BUFFER ZONES WITHIN THE AGRICULTURAL WATERSHED ZONING DISTRICT AND RESTRICTING TREE REMOVAL WITHIN THOSE ZONES; (2) STRENGTHENING OAK REMOVAL REMEDIATION STANDARDS; AND (3) ESTABLISHING A PERMIT PROGRAM FOR OAK TREE REMOVAL ONCE 795 ACRES OF OAK WOODLAND HAVE BEEN REMOVED

SUMMARY: This initiative, if enacted, will amend the Napa County General Plan and Zoning Code to do the following:

1. Create Water Quality Buffer Zones along streams and wetlands on parcels greater than one acre within the Agricultural Watershed (AW) zoning district, and restrict tree removal within these zones.

The following setbacks would constitute buffer zones: between 25-125 feet from top-of-bank of any Class I, II or III stream, as defined, and within 150 feet of any wetland.

2. Include Exceptions to the tree removal prohibition, including exceptions for: removing downed and dead trees; firebreaks; averting imminent threat to health and safety; replanting within the footprint of vineyards approved prior to the effective date of the initiative; property within the County's affordable housing overlay district; residential housing projects whose approval is necessary to comply with state law; permitted access roads, septic or wastewater systems, water wells, water resources and storage facilities, solar energy systems, electric vehicle charging stations, telecommunications towers, pedestrian, bicycle, or equestrian trails, flood control projects, or stream crossings; within 11 feet of centerline of driveways serving legally existing or proposed structures; recorded utility right-of-ways; lands owned by public agencies; pursuant to federal, state or local order preserving or restoring wildlife habitat, alleviating hazardous conditions, or abating public nuisances; within 150 feet from existing or permitted residences or structures.

3. Establish Oak Removal Remediation requiring on-site replacement of lost oaks 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, requires purchase of a conservation easement or payment of in-lieu fees sufficient to provide permanent preservation of comparable oaks at a 3:1 ratio.

4. Establish Oak Removal Limit of 795 acres and require the County to track all oak woodlands removed within the AW district after September 1, 2017. Once the limit is reached, prohibit further removal, except upon issuance of a permit.

5. Establish Permit Program for removal of any oak tree five inches or greater in diameter; removing more than 10 oaks on a parcel within 12 months requires use permit approval. Permits may be issued only if the County makes certain specified findings, or to avoid a violation of the law. Permits must require compliance with established remediation measures and ensure retention of at least 90% of the oak canopy cover on the affected parcel unless County finds it is infeasible.

6. Penalties. Violations may be prosecuted as a misdemeanor and are subject to maximum penalties established for Code violations, plus the value of unlawfully removed oak trees and remediation.