RESOLUTION NO. 2016-167

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, AMENDING THE NAPA COUNTY ROAD AND STREET STANDARDS IN ORDER TO SEEK CERTIFICATION BY THE CALIFORNIA BOARD OF FORESTRY AND FIRE PREVENTION**

**WHEREAS,** the County wishes to have the State Board certify the amended Road and Street Standards, all local ordinances, and all relevant Fire Marshal policies related to the Fire Safe Regulations (“Regulations”) to ensure they are consistent with the Regulations and thereby maintain local control over the inspection and exception process connected with the enforcement of the Regulations and Road and Street Standards and the other requirements of the Regulations within those portions of unincorporated Napa County that are within the State Responsibility Area as defined in Public Resources Code section 4126-4127, and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 1 through Article 5; and

**WHEREAS,** Section 4290 of the Public Resources Code requires the Board of Forestry and Fire Protection (“State Board”) to adopt regulations implementing minimum fire standards related to defensible space which are applicable to State Responsibility Area lands; and

**WHEREAS,** the State Board regularly adopts amendments to the Regulations, including most recently amendments that went into effect on January 1, 2016; and

 **WHEREAS,** the criteria for the design of road and street improvements in Napa County are set forth in the booklet on file with the Clerk of the Board of Supervisors, entitled “Adopted Road and Street Standards, Napa County (dated April 27, 1971 and as amended through January 26, 2016)”, hereinafter referred to as the “Road and Street Standards”; and

**WHEREAS,** pursuant to Napa County Code Sections 17.02.470 and 17.36.010(B) the Road and Street Standards may be amended from time to time by resolution of the Board of Supervisors; and

**WHEREAS,** the Road and Street Standards have been revised nine times since their adoption on April 27, 1971 and were last revised on January 26, 2016, by Resolution No. 2016-06; and

**WHEREAS,** the Road and Street Standards were tentatively amended on June 7, 2016 at a duly noticed public hearing, where the Board of Supervisors considered the proposed revised Road and Street Standards and considered all verbal and written public comment; and

**WHEREAS,** the Road and Street Standards tentatively amended on June 7, 2016, were amended and superseded at a duly noticed public hearing on October 4, 2016, where the Board of Supervisors considered the proposed revised Road and Street Standards and considered all verbal and written public comment; and

**WHEREAS**, the California Board of Forestry and Fire Protection required minor additions to the tentative Road and Street Standards at a public hearing on August 23, 2016; and]

**WHEREAS**, the California Board of Forestry and Fire Protection formally certified the tentative Road and Street Standards at a public hearing on November 2, 2016; and

**WHEREAS**, pursuant to Napa County Code Sections 8.36 et seq. Napa County has enacted ordinances that regulate Fire Protection – Weed and Rubbish Abatement that are equal to or more strict than the requirements of the Regulations; and

**WHEREAS**, pursuant to Napa County Code Sections 15.32 et seq. Napa County has enacted a Fire Code that is equal to or more strict than the requirements of the Regulations; and

**WHEREAS**, the Fire Marshal has promulgated interpretative policy to provide the same overall practical effect as the setback requirements set by the Fire Safe Regulations; and

**WHEREAS**, the Department of Planning, Building and Environmental Services and the County Fire Department request that the Board amend and supersede Resolution No. 2016-131, adopted on October 4, 2016; and

**WHEREAS,** the Department of Planning, Building and Environmental Services and the County Fire Department have prepared a draft version to update the Road and Street Standards to provide local rules and standards that are equal to or exceed the Regulations adopted by the State Board and recommends that the Napa County Road and Street Standards be revised to incorporate the changes as reflected in the updated draft version of the Road and Street Standards attached as Exhibit “A” and incorporated here by reference; and

 **NOW, THEREFORE, BE IT RESOLVED** that the Board hereby resolves as follows:

1. The Board hereby finds that the revised proposed Road and Street Standards attached as Exhibit “A” are exempt from the California Environmental Quality Act (“CEQA”) under the General Rule because it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3).]

 2. The Board hereby adopts the Road and Street Standards attached as Exhibit “A” and incorporated here by reference.

1. The Board hereby finds that Resolution No. 2016-131 is amended and superseded.

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 **THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the 22nd day of November, 2016, by the following vote:

 AYES: SUPERVISORS WAGENKNECHT, CALDWELL, LUCE,

 DILLON and PEDROZA

 NOES: SUPERVISORS NONE

 ABSENT: SUPERVISORS NONE

 NAPA COUNTY, a political subdivision of

 the State of California

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 ALFREDO PEDROZA, Chairman of the

 Board of Supervisors

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| APPROVED AS TO FORMOffice of County CounselBy: *Dylan Roy (e-sign)* Deputy County CounselDate: November 14, 2016  | APPROVED BY THE NAPA COUNTYBOARD OF SUPERVISORSDate: November 22, 2016Processed By:  Deputy Clerk of the Board | ATTEST: GLADYS I. COILClerk of the Board of SupervisorsBy: |