

RESOLUTION NO. 2019-__

**RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,
STATE OF CALIFORNIA, EFFECTIVE OCTOBER 15, 2019, AMENDING
THE COUNTY CODE COMPLIANCE PROGRAM**

WHEREAS, on August 22, 2017, the Board of Supervisors directed staff of the County Planning Building & Environmental Services Department (“Staff”) to present for the Board’s consideration Staff’s recommendations regarding certain changes to the County’s land use regulation and compliance program that included the following components: 1) a systematic program with enforceable deadlines for landowners to apply for new permits or modifications to resolve outstanding violations; 2) a reporting program that would include annual production and grape sourcing data for certain wineries located within the unincorporated area of Napa County; and 3) revisions to the current process and procedures for temporary events; and

WHEREAS, in public sessions on September 12, 2017, October 30, 2018, and November 13, 2018, Staff presented its recommendations to the Board on the issues described above and accepted the Board’s direction; and

WHEREAS, the Board heard and considered Staff’s presentations and all public comments and written input on Staff’s recommendations and gave direction to Staff to make certain modifications for the Board’s consideration; and

WHEREAS, on December 4, 2018, the Board adopted Resolution No. 2018-164, providing direction to County staff regarding the County Code Compliance Program, annual winery production and grape source reporting, and the regulation and permitting of temporary events; and

WHEREAS, on May 21, 2019, and September 24, 2019, the Board gave direction to staff to develop an ordinance to provide regulatory relief for small wineries and to streamline the use permit modification process, which relief could potentially apply to wineries who complied with the timelines in the Resolution; and

WHEREAS, on September 24, 2019, the Board also gave direction to staff to extend the deadline for owners who submitted an application for a Status Determination prior to the March 29, 2019 deadline, and who subsequently want to submit a Use Permit or Use Permit Modification application to remedy any potential violations identified as a result of the Status Determination process; and

WHEREAS, the County will require time to draft and consider the Small Winery Protection and Use Permit Streamlining Ordinance, and owners applying for Use Permit Modifications under the Code Compliance Program need to know how the Ordinance may affect the types of changes they may request as a part of their operations.

NOW, THEREFORE, BE IT RESOLVED, effective as of October 15, 2019, that Paragraph 1.b of Resolution No. 2018-164 is amended as follows:

Continue to allow any property owners to voluntarily initiate a review by the County to determine the extent of their existing entitlements and/or permissible uses of their

property. The purpose of such status determinations would be solely to document and/or delineate existing property rights, and would not reduce or affect established entitlements. Staff would evaluate existing use permits, use permit modifications, other land use entitlements, and any documentary evidence provided by the applicant. The resulting analysis would lead to a written decision by the PBES Director that would provide the owner with a clear understanding of both their rights and obligations, which the owner and staff would then both rely upon in the future to determine if a land use is operating in compliance with existing entitlements and the County Code. The Director's decision would be issued administratively within 120 days of the application being determined complete, without a public hearing. Any party entitled to appeal under County Code Chapter 2.88 can appeal the decision to the Board of Supervisors. If an owner or interested party disagrees with the Director's decision, in whole or in part, regarding a status determination application accepted as complete prior to the deadline set forth in subparagraph 1(a) above, the deadline will be extended for ~~an amount of time equal to the time required to process the status determination application or 120~~ 210 days from the Director's decision. This extension is to allow the owner an opportunity to prepare a substantially conforming use permit or modification application to remedy any outstanding violations. This extension allows the County additional time to consider the draft Small Winery Protection and Use Permit Streamlining Ordinance, and to inform applicants fully as to the type of application they may need in remedying any violations.

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 15th of October, 2019, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

 RYAN GREGORY, Chair of
 the Napa County Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: _____ (via e-signature) County Counsel Date: <u>December 4, 2018</u>	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____	ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors By: _____
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	Deputy Clerk of the Board	
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