



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 12/15/2015  
Agenda Placement: 9J  
Set Time: 11:15 AM  
Estimated Report Time: 45 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Steven Lederer - Director of Public Works  
Roads Department  
**REPORT BY:** Rick Marshall, Deputy Director of Public Works - Engr - (707) 259-8381  
**SUBJECT:** Discussion of Special Events and Filming on County Roadways

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### **RECOMMENDATION**

Director of Public Works to discuss special events and filming activities on public roadways and requests conceptual approval of proposed changes prior to preparation of ordinance update.

### **EXECUTIVE SUMMARY**

At the March 17, 2015 meeting, the Board of Supervisors held a discussion on the County requirements pertaining to Special Events on Public Roadways. At that time, the Board designated a subcommittee of Supervisors Diane Dillon and Alfredo Pedroza to work with staff and stakeholders to identify potential modifications to the current requirements.

Following meetings with staff, representatives of other local agencies, and event organizers, the subcommittee has developed a series of proposals to present to the full Board today for conceptual approval. With that approval, staff will then work with County Counsel to develop ordinance language for adoption by the Board.

### **PROCEDURAL REQUIREMENTS**

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

## **BACKGROUND AND DISCUSSION**

Chapter 10.24 of the Napa County Code establishes the requirements for conducting special events on public roadways under the jurisdiction of Napa County. A copy of the full text of Chapter 10.24 is attached for reference.

On March 17, 2015, the Board of Supervisors discussed these requirements in response to various concerns which had been raised by the public. At that meeting, following public testimony and Board discussion, the Board designated a subcommittee of Supervisors Diane Dillon and Alfredo Pedroza to work with staff and stakeholders to identify potential modifications to the current requirements. Staff met with the subcommittee numerous times to review the current ordinance and issues with its implementation (i.e., where it is lacking, where it causes problems for Napa County or for applicants, etc.). The subcommittee also reviewed the requirements of other agencies, including local cities and neighboring counties. An initial list of potential modifications was developed and discussed with representatives of local public agencies (local cities and town, as well as Emergency Medical Services and California Highway Patrol representatives) for the purpose of hearing their concerns and to arrive at general conclusions about what might change. The list was modified in response to this input and reviewed with event organizers and local bicycling/walking groups on September 14, 2015. Additional feedback was received following the September 14 meeting.

At this time, the subcommittee is recommending that the proposals listed below be reviewed for conceptual approval by the full Board of Supervisors. With that approval, staff will then work with County Counsel to develop ordinance language for implementation and return for first reading of the ordinance on February 2, 2016 and second reading/adoption on February 9. If approved, the changes would become effective on March 10, 2016.

### **Proposed Modifications**

The following modifications have been identified for the Board's consideration today:

#### **1. Frequency of events/impacts to arterial roadways**

- a. **Limits.** The concern about traffic delays and disruption caused by special events and filming activities are greatest on the County's arterial roadway network. These are the major roadways which primarily serve longer-distance travel between communities, and include all State highways, plus Silverado Trail, Petrified Forest Road, Wooden Valley Road, Devlin Road, Kelly Road and American Canyon Road. To reduce these impacts, it is proposed to limit special events and filming on any arterial roadway to a maximum of two per month, and a maximum of one per weekend. In cases where event applications are received which would exceed these limits, preference would be given to events held by non-profit organizations over those held by commercial applicants.
- b. **Closures.** Another proposal to minimize the impact to the arterial roadway network is that full closure of any arterial will only be permitted for events with a minimum of 1,000 participants. Smaller events will either need to revise their event course to not involve any arterials, or will need to revise their event management plan to not require any closures.

## 2. Date reservation system

In order to manage the allocation of dates as discussed in #1a, it is proposed to establish a system in which all special event organizers would "reserve" dates well in advance. This system would also identify certain "black-out" dates, such as Auction Napa Valley, Bottle Rock, etc. The proposal is to establish the following process for reserving dates for Special Events or filming on Public Roadways:

- a. Applicants submit a written request (email is acceptable) up to one year in advance, requesting a particular date for their event or filming activity. The request must include the event date, the proposed route, and the estimated number of participants.
- b. A deposit equal to half of the "base" fee (discussed further below) must be received no less than six months in advance of the event date.
- c. A completed application, including the balance of the base fee, must be received no less than 90 days in advance of the event.

## 3. Notification requirements

One concern expressed by those impacted by the conduct of special events and filming activities is the provision of notice in the areas affected, so that residents and businesses can plan ahead and avoid being delayed in their travels. Changes proposed for consideration include:

- a. Place message boards for all events, not just those with road closures. Signs may be fixed in place, or electronic changeable message boards may be used. For fixed signage, appropriate sign materials such as wood or metal may be used, as approved by the Public Works Department.
- b. The County will implement the following provisions for the public to receive notice of special events: (1) Notice will be posted to the Nixle system twice; one week before and two days before each event. (2) Information about each event, including a route map, will be made available on the County website.

## 4. Fees

- a. **Permit fees.** It is proposed to modify the current flat fee to a combination of a "base fee" and an hourly fee. The "base fee" will represent the cost of the County Road crew preparing the event course in advance of the event, and includes such activities as sweeping the roadway surface and repairing any damage which may present a hazard to event participants. The hourly fee will be charged for those portions of the permit review which are highly variable depending on the quality of the application materials received. It will represent the time spent by office staff in both the Public Works and Emergency Medical Services departments. This portion of the fee will act as an incentive for event organizers to submit complete application packages and address all potential concerns up-front. It will also enable the County to move to full cost recovery for its costs of reviewing event applications.
- b. **Event participant fee.** This concept will be studied further, but is not recommended for implementation at this time. The concept which was explored during the stakeholder outreach process was to have event organizers collect an event participant fee, estimated at \$10. Essentially, event organizers would charge each participant \$10 more than whatever they were otherwise charging for registration fees. This money would be provided to the County Roads Fund, for use in improving the condition and safety of the roads which constitute the event course.
- c. **Waivers.** County regulations currently include a provision that applicants which meet certain criteria may be granted a waiver of the special event permit fee, including that the applicant must be a 501c(3) organization and that a designated percentage of proceeds be donated for the public benefit of citizens of Napa County. It is proposed to modify the criteria to make it clearer that in order to qualify for the waiver, the event must provide a significant benefit to the people of this county. The proposed modification would require that applicants must be a local 501c(3) organization or designate a local 501c(3) partner, and that a

minimum of 25% of net revenues must go to the local organization or local partner. (The current regulations do not require the organization to be local, and do not specify the percentage of proceeds which must be donated to qualify for fee waiver.)

#### **5. Liability concerns**

In order to reduce the County's liability associated with the conduct of special events, it is proposed to require that all event participants and volunteers sign a waiver form. The County will provide standard language which will include all of our minimum requirements; event organizers may use the County language as-is or may incorporate this language into their own forms if they wish. Any variation to the County's standard language must be approved by the County prior to issuance of the event permit.

#### **6. Emergency Medical Services (EMS) requirements**

The County's Emergency Medical Services (EMS) Agency wishes to clarify its requirements for the safe conduct of special events and filming, and to work with applicants to be able to successfully meet those requirements at the time of permit application. EMS has recommended adding language to the existing ordinance to require approval of medical response plans prior to issuance of special event permits.

#### **7. Route cleanup**

While many applicants do a good job cleaning up the event course following a special event, some do not, and this is a direct concern to residents and businesses along the route. When there is a problem, County crews are then stuck with having to perform the cleanup (at taxpayer expense). The areas of greatest concern are in the immediate vicinity of start/finish lines, staging areas, aid stations, exchange sites, and other similar "stationary" components of an event course. Cleanup of areas within 0.1 mile of these locations will be reasonably considered the responsibility of event organizers, while other locations along an event course cannot be definitively attributed to events vs. the general public. It is proposed to modify the ordinance to require a "cleaning deposit" at the time of application. Staff will inspect the areas within 0.1 mile of each "stationary" event component following each event, and the deposit will be refunded if the course is clean. If not, these funds will reimburse the County for the expense of having staff perform the cleanup.

#### **8. Filming permits**

Filming activity, such as for television commercials, on County roads (and other facilities) is currently governed by a different set of regulations than those which apply to special events. However, the conduct of these activities on County roads has the potential to be just as disruptive to traffic. Therefore, it is proposed that filming activity be consolidated into the ordinance governing special events, in order that the existing regulations, as well as the proposed modifications, will apply.

### **Feedback on Proposed Modifications**

Staff and the Board subcommittee have received numerous messages providing feedback on the modifications proposed. The written comments have been consolidated into one document, attached to this report. Much of the feedback has been along the lines of how will the modifications be implemented if approved by the Board. As event organizers have already begun contacting staff to reserve dates for their events in 2016, a timeline has been developed to guide staff in phasing in the modifications as they are currently proposed. This timeline and staff guidance document is also attached to this report for reference.

### **SUPPORTING DOCUMENTS**

- A . Chapter 10.24 Napa County Code
- B . Consolidated comments on proposed modifications

C . Guidelines for Implementation

CEO Recommendation: Approve

Reviewed By: Liz Habkirk