

## **REBUILDING AFTER A DISASTER**

### **Policy**

Napa County property owners, residents and businesses have sustained property damage and displacement resulting from natural disasters including earthquakes, winter storm flood events and most recently wildfires of unprecedented destruction. The damage sustained by property owners due to the magnitude and scope of these fires requires that additional measures be taken by the County to effectively provide responsive and effective post disaster permitting services. The following policies provide a framework for assisting property owners in rebuilding their homes and businesses immediately after a disaster. This policy serves as direction from the Board of Supervisors (Board) regarding additional County actions to further the goals stated herein.

### **Local Emergency Declaration**

The Board may make a Local Emergency Declaration declaring a specific event as a disaster for the purpose of implementing the provisions of this policy.

### **Building Codes and Ordinances**

All rebuilds, additions and expansions will be required to meet the current requirements of the California Building Code, California Fire Code, Napa County Code (County Code), and all applicable county ordinances. Rebuild permits affecting less than 50% of the damaged structure (please refer to Planning, Building, and Environmental Services (PBES) Burned Dwelling Replacement procedures document) will not require that the entire structure be treated as new construction under the Building Code. Additions and expansions to structures, beyond those which legally existed as of the date of the declaration of a local emergency, are not exempt from development related mitigation and other current regulatory requirements.

Structures that have approved building permits within the past seven years may rebuild using those approved plans, with applicable revisions to meet current Code requirements. For plans that were previously prepared by a licensed design professional (i.e. architect or engineer), a signed affidavit from the design professional is required allowing the owner to use the plans for the rebuild permit. If there has been no response from the design professional within 30 days after a written request from PBES seeking permission to copy the plans, then PBES can duplicate the plans and provide a copy to the owner.

The Board directs the Director of PBES to review the Administration of Building Regulations Ordinance (Chapter 15.04 of the County Code) to allow for longer permit expiration dates and extensions of time for active rebuild permits caused by the disaster.

### **Code Compliance**

For the twelve months following the declaration of a local emergency, the Code Compliance Division will not take action on any property permitted for rebuilding in the area impacted by the declaration of local emergency, unless the damaged structure or debris poses an imminent threat to health and/or public safety. This exclusion does not apply to structures damaged or destroyed that cannot establish a legal or non-conforming status.

### **Demolition and Debris Removal**

A demolition permit will be required to demolish any partially damaged structures, unless Right of Entry has been granted to the County to allow clean-up by the designated State and/or Federal agency. Where a private land owner is conducting clean up, all debris must be removed from the property and disposed of in accordance with all applicable County, State and Federal requirements within one year from the date of the declaration of a local emergency. Properties where debris is not removed within one year may be deemed a nuisance and appropriate enforcement action may be taken by the County. Where the property owner is conducting their own demolition and debris removal, it is the responsibility of the owner to obtain a Demolition Permit from PBES prior to the start of any work.

### **Erosion Control Permits (ECPs)**

During times of a declared local emergency, vineyards and graded work sites may be closed due to mandatory or advisory evacuations. Disasters may also cause extensive damage to graded areas such as new or replanted vineyards, which can impair the implementation of requirements under approved ECPs. At the same time, County staff and resources may be diverted to more urgent watershed priorities. The Director of PBES shall temporarily suspend the requirement for winterization inspections during the duration of any declared local emergency within areas impacted by the disaster.

### **Extensions of Time for Use Permits and Ministerial Permits**

The Board directs the Director of PBES to review the County Code to establish and/or modify extensions of time for discretionary and ministerial permits.

### **Legally Non-Conforming Uses**

The Board directs the Director of PBES to review the Legal Nonconformities Ordinance (Chapter 18.132 of the County Code) to make accommodations for legal non-conforming structures and use impacted by a disaster.

### **Permit Approvals**

Where a declared local emergency affects the ability to implement adopted mitigation measures and/or conditions of approval associated with prior County permit approvals, owners are advised to consult with PBES staff regarding options for ensuring future compliance including modification of the permit and/or California Environmental Quality Act (CEQA) document.

### **Property Tax Assessment**

For property tax assessment purposes only, primary residences may be rebuilt anywhere on the same parcel and will maintain the Proposition 13 base year value, as long as the rebuilt home meets all other requirements in terms of size and quality. However, relocation of any rebuilt structure is subject to all other applicable requirements, including building and zoning codes.

### **Rebuild Permit Priority**

Specifically identified staff from the departments of PBES, Fire, and Public Works will be assigned as facilitators to assist in the issuance of rebuild permits. Staff will be available to meet one-on-one to discuss plan check questions and expedite rebuild permits, as well as provide pre-

application meetings with impacted owners and their consultants. The processing of all rebuild permits will be given priority over other pending applications.

### **Road and Streets Standards (RSS) Requirements**

In addition to any applicable exceptions contained in Sections 3 and 5 of the RSS, rebuilds within Napa County will not be subject to current RSS requirements, if they meet the following two conditions:

1. The replacement structure's livable space will not be greater than 125 percent of the original structure's livable space (based on square footage); and
2. The Napa County Fire Marshal determines the driveway was not a contributing factor in delaying or prohibiting emergency responders from accessing the original structure or for safe evacuation during the disaster.

If both of these conditions cannot be met, then the rebuild shall be considered new construction and subject to the current RSS requirements.

### **Set Back Requirements**

In some cases, structures may have been legally built prior to the establishment of current setbacks, and may be located within the required setback. The Board directs the Director of PBES to review the County Code with regards to the applicability of setbacks regarding rebuild permits with the area impacted by the declared local emergency.

### **Status Report**

The Director of PBES shall provide regular reports to the Board regarding the effectiveness of disaster recovery efforts, including but not limited to the number of rebuilding permits, processing time, and valuation of construction.

### **Temporary Housing**

Property owners may place mobile homes without permanent foundations or recreational vehicles (motor homes, trailers, 5<sup>th</sup> wheels, camper shells) on their lots to occupy on a temporary basis if their primary residence was red-tagged as destroyed or damaged beyond repair. Property owners will be required to obtain a building permit from the PBES Department to verify the adequacy of temporary connections to existing utilities, and to ensure that the temporary housing unit meets County requirements. No tents or freestanding generators will be allowed. The temporary use is valid for one year. The Director of PBES may grant an extension of time if an active building plan review application is on file to rebuild the structure. All temporary housing must be removed prior to the issuance of a Certificate of Final Occupancy of the primary residence. Occupancy of the temporary housing shall be limited to the owner of the property and the temporary housing cannot be rented, leased, occupied or used by anyone other than the property owner.

### **Temporary Utility Connections**

Reconnections to municipal electrical, water, sewer and natural gas/propane systems are allowed with proper temporary fittings, with prior approval of the municipality or utility company. A special inspection permit from PBES will be required to insure that health and safety requirements are being met. Temporary connections shall not exceed one year from the date of

the declaration of a local emergency. Connections to existing well systems and private sewage systems are allowed subject to prior approval from PBES. The Director of PBES may grant an extension of time if an active building plan review application is on file to rebuild the structure, so long as the request for extension is made in writing by the property owner to the Director of PBES prior to the expiration of the one-year deadline.

### **Temporary Uses**

The Director of PBES may allow alternative uses equivalent to existing, legally established uses that have damaged or destroyed structures located within the area impacted by the declared local emergency. Property owners will be required to file an application for an Emergency Permit on a form provided by PBES. These activities may be allowed only so long as the declared disaster is in effect. Examples of alternative equivalent uses may include the following:

1. Temporary replacement of the winery's tasting room or other winery related accessory uses, through tents, portable buildings, or relocation to existing on-site structures, so long as all appropriate building code requirements are met, and the temporary facilities do not serve a greater number of visitors or marketing events than allowed under the winery's approved Use Permit or the Winery Definition Ordinance. Temporary commercial kitchens must meet all Environmental Health requirements.
2. The temporary replacement of processing equipment, through the use of mobile bottling facilities or other portable equipment necessary for processing grapes for harvest, provided that such portable equipment and operations do not result in storm water pollution or illicit discharges into the storm water conveyance system.
3. Existing undamaged wineries with excess crushing and processing capacity (defined as any amount that is allowed under the approved Use Permit or Winery Definition Ordinance minus the amount used by the undamaged on-site winery) may accept grapes for crushing and processing from off-site damaged wineries. The excess production capacity used by any winery that operates under an Emergency Permit shall not be counted in the calculation of the three-year production average or the 75% rule for purposes of code enforcement. The County does not regulate custom crush activities. This paragraph is intended to only apply to wineries that have a use permit condition of approval that restricts or prohibits custom crush activities and is not intended to be construed as regulating custom crush activities.

### **Unpermitted Construction**

County staff will make every practical effort to verify and recheck information related to preexisting permitted structures. Staff will rely primarily on information from the county assessor, historical aerial photos and PBES permit files. Unpermitted construction and/or pre-existing land uses will not be recognized if there are no records to verify that Napa County acknowledged approval. Paying taxes on a structure does not in itself "legalize" the structure for rebuilding.

**Viewshed**

The Board directs the Director of PBES to review the Viewshed Protection Program (Chapter 18.106 of the County Code) to provide a process to streamline rebuild applications.

**Water Supply**

If a damaged or destroyed structure has an on-site water supply that was not damaged, the owner may disinfect the water system and reconnect. No County approvals are required. If the existing wellhead or pump was damaged or destroyed and requires replacement, permits shall be secured for such work and the new supply shall meet current Environmental Health standards. New construction will be required to meet current fire and building codes, which may require an increased water supply for required hydrants and sprinklers.

**Wastewater**

Structures damaged or destroyed due to disaster may be replaced without meeting current wastewater requirements if livable space within the rebuild will not increase by more than 25% and if no new bedrooms are added beyond what was legally established in the original structure. Please Refer to PBES Burned Dwelling Replacement procedures document for requirements.