



Agenda Date: 1/31/2006  
Agenda Placement: 8A  
Set Time: 9:00 AM PUBLIC HEARING  
Estimated Report Time: 30 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Steven Lederer, Deputy Planning Director, 253-4417  
**SUBJECT:** Temporary Events Ordinance Public Hearing

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### **RECOMMENDATION**

Director of Conservation, Development and Planning requests the following:

1. First reading and intention to adopt an ordinance amending Chapter 5.36 (Temporary Events) and Sections 18.120.010 (Exceptions To Use Limitations) and 18.126.060 (Permit--Issuance Prerequisites) of the Napa County Code relating to application, processing and notice requirements for temporary events in Napa County Categorical;
2. Adoption of a resolution to adopt the Temporary Events License Application Packet and Temporary Events Manual; and
3. Adoption of a resolution establishing, increasing, decreasing and waiving certain fees relating to Temporary Events as authorized by Chapter 5.36 of the Napa County Code.

**ENVIRONMENTAL DETERMINATION:** Categorical exemption pursuant to Class 5 (CEQA Guidelines Section 15305), Minor alterations to land use limitations.

### **EXECUTIVE SUMMARY**

This ordinance makes several improvements to the temporary events section of the Napa County Code. The processing of licenses for smaller events (up to 200 people) have been demonstrated to require a less rigorous permitting processing. The proposed changes are designed to streamline the process and make it less expensive. The proposed ordinance also provides a reasonable process (which was developed in conjunction with the organizers) to license the Wine Auction.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Categorical exemption pursuant to Class 5 (CEQA Guidelines Section 15305), Minor alterations to land use limitations.

**BACKGROUND AND DISCUSSION**

The attached ordinance is designed to simplify the processing requirements of the Temporary Events ordinance, primarily by reducing the routing requirements for Category 2 events (less than 200 people), and by increasing the number of people allowed for each type of event. In the process we have rewritten large sections of the ordinance for grammatical and organizational clarity. In doing so, staff recognizes that the "track changes" version of the ordinance looks to have many more changes than usual. As such, I have attempted to summarize the changes below.

Summary of Proposed Changes to Temporary Events Ordinance:

5.36.010 A new definitions section was added to provide additional clarity

5.36.015 (all types of events are listed here for clarity and ease of reference)

Category 1: 50 or fewer people (no change to current ordinance)

Category 1A: Political Events (no change)

Category 1B: Previously approved event by UP or CLN (no change)

Category 2A: Event that would otherwise classify as a Category 1 event but that uses outdoor amplified sound, or an event that would otherwise classify as a Category 1 event but it is conducted on a parcel that has a UP which doesn't specifically authorize the event (events conducted on a parcel with UP changed from Category 1 to 2A)

Category 2B: >50 people but <200 people (was limited to 100 people previously)

Category 3: >200 people but <400 people (was limited to 300 people previously)

Category 4: >400 people (was >300 people previously)

Category 5: New annual event permit for larger on-going non-profits with specific qualifications (such as, but not exclusively, the Wine Auction)

5.36.020 Additional guidance added for processing Category 5 events

5.36.030 Applications must be submitted at least 60 days before the event occurs (was 90 days previously; reduced processing time allows reduction in lead time needed);

Applications will be accepted up to 50 days before the event if a late fee is paid.

Applications will not be accepted after the 50 day limit as it is not possible to complete an appeal process in that period of time.

5.36.040 Category 2A or 2B events are no longer routed to other departments for review; so long as the application is complete and the event meets the standards as a Category 2A or 2B it will be approved by the Planning Department as is.

5.36.050 Notice requirements (except for the new category 5 events, no changes are proposed to notice requirements)

Category 1s—No Notice to neighbors required

Category 2s—No Notice to neighbors required unless complaints about prior events

Category 3—Neighbors are noticed, but public hearing only required if a neighbor requests one

Category 4—Neighbors are noticed, hearing conducted by ZA

Category 5—Board resolution noticed via BOS agenda

5.36.055 Hours of operation (8 AM to midnight) added to be consistent with County noise ordinance.

5.36.060/070/080 Clarifies that applicant is responsible for liability stemming from the event and indemnifies the County accordingly

The last change listed above may allow the County to also delete the requirement that the County be named as an insured on the applicant's insurance policy, however this change in policy must be made by the Board of Supervisors.

The Temporary Events Manual is amended to reflect requirements pursuant to California Assembly Bill 2176 that was signed into law in 2004 which is intended to increase opportunities for recycling and waste reduction at large events and venues throughout the state.

Staff will recommend the Board adopt the attached resolution amending the Temporary Events Manual, which provides additional guidance for application processing, and the updated fee schedule, reducing the costs of processing Category 1 (\$405 to be reduced to zero, as no license is required for Category 1 events), and Category 2A and 2B events from their current levels (\$992 to \$116 (the equivalent of one hour of processing time)), and reducing the expedited processing fee from \$652 to \$322. These cost reductions are a result of the proposed improved processing procedure. One other significant change in the proposed fee schedule is to require ALL parties (even non-profits) to pay a minimum processing fee of \$116 for all permits (non-profits can currently receive a complete fee waiver). This minimum processing fee helps make the Department budget whole for processing the vast number of the temporary event licenses, and discourages speculative applications from being submitted, while still providing the service at a reasonable fee that won't discourage legitimate requests.

The Planning Commission conducted public hearings on this item on January 18th, and after requesting some minor editorial corrections, and hearing no objection from any member of the public, recommended approval of the ordinance.

#### ACTIONS REQUESTED:

The Department recommends that first, the Board hold a public hearing on this proposal, that the title be read and reading of the balance of the ordinance be waived or recommend changes as they see fit, and second, the Board move and approve an intention to adopt the ordinance and accompanying resolutions at the second reading and final adoption to occur on a date and time specified by the Clerk. For continuity, the resolutions are scheduled to take effect at the same time as the ordinance.

#### **SUPPORTING DOCUMENTS**

- A . Tracked Ordinance
- B . Clean Ordinance
- C . Resolution Adopting License Application Packet and Manual
- D . Tracked - Temporary Event License Application Packet and Temporary Event Manual
- E . Clean - Temporary Event License Application Packet and Temporary Event Manual
- F . Resolution Adopting Fees

CEO Recommendation: Approve

Reviewed By: Andrew Carey