



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/24/2017

Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: David Morrison, Director, Planning, Building & Environmental Servi - (707) 253-4805

SUBJECT: Adoption of a Resolution Providing Direction Regarding the County Code Compliance Program

RECOMMENDATION

Director of Planning, Building and Environmental Services requests adoption of a resolution providing direction to County staff regarding the County code compliance program, annual winery production and grape source reports, and regulation and permitting of temporary events.

EXECUTIVE SUMMARY

On August 22, 2017, the Board initiated discussions regarding a revised code compliance program. The Board directed staff to return on September 12, 2017, with a comprehensive land use 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 all wineries located within the unincorporated area; 3) revisions to the current process and procedures for temporary events, including a probationary period for temporary events that have violations and 4) recognition of the significant work needed to carry out additional enforcement efforts, in light of existing workload priorities for both PBES and County Counsel.

The attached draft resolution memorializes the direction to staff provided by the Board of Supervisors on September 12, 2017, regarding code compliance. It is intended that this resolution be a reference guide for decision makers, staff, the public, and landowners in the months to come as the various compliance programs are implemented.

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: Government Code Sections 15307, 15308, 15309, and 15321 of the CEQA Guidelines categorically exempts actions taken by regulatory agencies to protect natural resources and the environment, perform inspections, and enforcement actions by regulatory agencies. Government Code Section 15262 statutorily exempts feasibility or planning studies for possible future actions. Based on the above citations, CEQA is not applicable

BACKGROUND AND DISCUSSION

For the discussion held on August 22, 2017, staff provided a history of land use compliance actions taken by the Board of Supervisors from 1986 through adoption in 2017 of a new Code Compliance and Procedures Manual that governs enforcement for all divisions within PBES, not just zoning and building. In addition, staff provided background on the history of actions taken by the Board of Supervisors sine 2015 to strengthen code enforcement and establish a comprehensive reporting system. Staff further noted these efforts had resulted in a reduction in the number of backlog compliance cases, even while the number of new complaints has been increasing.

On August 22, 2017, the Board of Supervisors directed staff to develop a comprehensive Land Use Compliance program that includes the following components:

1. A systematic program with enforceable deadlines for landowners to apply for new Use Permits or modifications to resolve outstanding violations;
2. A reporting program that would include annual production and grape sourcing data for all wineries located within the unincorporated area;
3. Revisions to the current process and procedures for temporary events, including a probationary period for temporary events that have violations;
4. Recognition of the significant work needed to carry out additional enforcement efforts, in light of existing workload priorities for both PBES and County Counsel's office.

On September 12, 2017, staff reported back with recommendations in response to the direction provided by the Board of Supervisors. The recommendations proposed a Land Use Compliance Program, to establish a deadline for applications to resolve existing violations; require owners who are in violation after the deadline to come into immediate compliance with their legal entitlements; create a Use Determination process for owners to determine the extent of their legal entitlements; and requested the use of temporary staffing if needed to process future workloads associated with the increased compliance efforts. Staff also proposed the details of a winery reporting program, to require production and grape source data from all wineries on an annual basis. Finally, staff recommended changes to the existing Temporary Event Permit program, to create a probationary system for violations and to require that applications be submitted 90 days prior to the event.

After public comment and extensive discussion, the Board of Supervisors accepted many of the staff recommendations, with several revisions including the following direction:

- | Authorize the Director to close out an application that is incomplete after the March 27, 2017, deadline, where the applicant is not making a good faith effort towards timely completion.
- | Revise future staff reports to "decouple" recommendations, to clearly distinguish between portions of a proposed project that are necessary to remedy existing violations, and those that that would expand beyond existing permissible uses. Each set of recommendations will be considered separately by the decision-making body.
- | Continue to place a high priority on those violations that represent immediate threats to public health and safety, and/or the environment. Also prioritize cases where the violation is unambiguous ("black and white") and resolution can be quickly obtained.
- | Exempt those pre-Winery Definition Ordinance (WDO) wineries or portions thereof, which do not have to comply with the 75% Napa County grape source requirement, from submitting annual grape source data.
- | Provide regular updates to the Board of Supervisors regarding the status of implementing the various code compliance efforts discussed herein.

The draft resolution (see Attachment A) memorializes the direction to staff provided by the Board of Supervisors on September 12, 2017, regarding code compliance. It is intended that this resolution be a reference guide for decision makers, staff, the public, and landowners in the months to come as the various compliance programs are implemented.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi