



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/10/2020

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: Patrick Ryan, Engineering Manager - PBES - (707) 253.4892

SUBJECT: Adopt a resolution amending the Napa County Road and Street Standards

RECOMMENDATION

Director of Planning, Building and Environmental Services and County Fire Chief request adoption of a resolution amending the Napa County Road and Street Standards (RSS) to comply with the emergency action by the Board of Forestry and Fire Protection (BOF) taken on July 20, 2020, regarding the applicability of its State Responsibility Area Fire Safe Regulations to the reconstruction or repair of legally constructed homes damaged by wildfire under certain conditions.

EXECUTIVE SUMMARY

The proposed resolution would amend the disaster reconstruction provision of Section 2 of the Napa County Road and Street Standards (RSS) pursuant to the emergency action by the Board of Forestry and Fire Protection (BOF). The emergency action taken by the BOF on July 20, 2020, only exempted the reconstruction or repair of legally constructed structures damaged by wildfire so long as it did not increase the square footage or change the use of the structure that had previously existed. The emergency regulatory action by the Board of Forestry became effective on July 27, 2020.

Currently, the RSS allows structures that were destroyed by wildfire to rebuild up to 125% of the previous legally entitled livable space without being subject to the standards, unless County Fire determines that the private access impaired emergency response and/or safe evacuation. The proposed amendment would bring County requirements into conformance with the BOF action by requiring that any increase in the square footage of a structure destroyed in a disaster or a change in the use of that structure would require full compliance with the RSS. The proposed resolution would become effective on January 1, 2021, and ensure that Napa County's Standards are equal to or exceed the minimum standards required by Title 14, California Code of Regulation, State Responsibility Area Fire Safe Regulation.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, second, discussion and vote on the item.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed: Effective and Open Government - Strengthen effective, efficient and fiscally responsible County operations.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Categorical Exemption Class 8. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA). [See Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of CEQA at 14 CCR §15308.] The proposed action is also exempt from CEQA under the General Rule because it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines for the Implementation of CEQA, 14 CCR 15061(b)(3).]

BACKGROUND AND DISCUSSION

The Napa County Road and Street Standards (RSS) were first adopted in 1971 to implement the objectives outlined by the 1970 Road Standard Advisory Committee including, but not limited to, providing reasonable standards related to terrain, parcel size, and providing adequate safety and service. The RSS have been amended 14 times over the past 49 years. These amendments have included, but are not limited to, updating design criteria and details, adding accessibility requirements, and creating procedures to apply for an exception to the RSS.

In 2016, the RSS was amended to allow structures that were destroyed by wildfire to rebuild up to 125% of the previous legally entitled livable space without being subject to the standards, unless County Fire determines that the private access impaired emergency response and/or safe evacuation. This rule has been in place for the past four years and has assisted property owners with structures destroyed in the 2017 Napa Fire Complex. However, the Board of Forestry and Fire Protection (BOF) approved an urgency ordinance on July 20, 2020, to amend the State Responsibility Area (SRA) Fire Safe Regulation (14 CCR, Division 1.5, Chapter 7, Subchapter 2, Article 1, Section 1270.02.(c)(1)(A) through (C)) to exempt the reconstruction or repair of legally constructed structures damaged by wildfire only when there is no increase to the square footage of the legally constructed structure that previously existed; and/or no change to the use of the structure that had previously existed. Any increase in the area or the use of the structure now requires compliance with the Fire Safe Regulations. The emergency regulatory action by the Board of Forestry was effective on July 27, 2020.

The proposed resolution would amend Section 2 to require that any increase in the square footage of a

structure destroyed in a disaster or a change in the use of that structure would require full compliance with the RSS. Under the proposed resolution, an increase in the area or the use of the structure would require compliance with the RSS for any new building permits received after January 1, 2021, to rebuild structures lost in a wildfire. This change ensures that the RSS are equal to or exceeds the minimum standards required by Title 14, California Code of Regulation, SRA Fire Safe Regulation.

A public stakeholders meeting was held by County staff on November 3, 2020, regarding the proposed amendment to the RSS. A total of 19 members of the public attended the meeting. Attendees asked clarifying questions, but there were no objections or requested changes to the draft amendment.

Any change to the RSS must be submitted to the BOF to certify that the amendment equals or exceeds the SRA Fire Safe Regulations by providing the same overall practical effect. Upon adoption, the draft resolution would be forwarded to the BOF for certification at their next available meeting.

Staff recommends adoption of the proposed resolution.

SUPPORTING DOCUMENTS

- A . 2020 SRA Fire Safe Regulation_Emergency Action
- B . 2020 Napa County Road & Street Standards_REDLINE
- C . 2020 Napa County Road & Street Standards_CLEAN
- D . 2020 Reso NCRSS
- E . 2020 NCRSS Resolution_EXHIBIT A

CEO Recommendation: Approve

Reviewed By: Helene Franchi