



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/23/2019

Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Christine M. Secheli for 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 to clarify the applicability of the standards to certain types of use permit applications.

EXECUTIVE SUMMARY

The proposed resolution, if adopted, would amend Section 2 of the Napa County Road and Street Standards (the Standards), to clarify that the Standards would only apply to applications for a Major Modification to a Use Permit or new Use Permit applications. The current wording in Section 2(c) of the Standards is overly broad and requires applicants to comply with the Standards upon submittal of any application for a use permit no matter how minor the requested modification, regardless of whether there is an intensification of use, even if no additional vehicle trips are generated by the modification, and irrespective of whether the modification impacts access roads or the County's roadway network. The proposed amendment would provide a more reasonable basis and nexus for imposing the Standards on the types of applications (Major Modifications and new Use Permits) that result in an intensification of use and potentially add more cars to the roadway network. The amendment would recognize that applications for Use Permits involving a Very Minor Modification or a Minor Modification are the types of use permit applications that would not alter the overall concept, change the density or intensity, negatively impact the environment, or result in additional vehicle trips and therefore would not be subject to the Standards.

This item aligns with Action Item 15 of the 2019-2022 Napa County Strategic Plan, which is to strengthen effective, efficient and fiscally responsible County operations.

FISCAL IMPACT

Is there a Fiscal Impact? No

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. [See Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15308.] The proposed action is also exempt from the California Environmental Quality Act ("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 the California Environmental Quality Act, 14 CCR 15061(b)(3).]

BACKGROUND AND DISCUSSION

The Napa County Road and Street Standards were first adopted in 1971 for the purpose of meeting the objectives outlined by the 1970 Road Standard Advisory Committee including, but not limited to, providing reasonable standards related to terrain and parcel size, providing adequate safety and service, and providing low maintenance cost road facilities. The Standards have been amended 12 times over the past 47 years. These amendments have included, but are not limited to, updating design criteria and details, accessibility requirements, and procedures to apply for an exception to the Standards. The Standards were last amended in September 2017 to allow the County a greater range of options in the local administration of private road developments for sites located completely within the Local Responsibility Area and not designated as being in a Very High Fire Hazard Severity Zone. The 2017 amendment allowed an exception to the Standards where measures provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response.

The proposed amendment before the Board today has been initiated by Staff from the Engineering Division and the County Fire Marshal in consultation with the California Board of Forestry and Fire Protection (the Board of Forestry) to clarify applicability of the Standards, make the Standards consistent with the Board of Forestry's rules, and to apply the Standards on the types of use permit applications (Major Modifications and new Use Permits) that may increase intensity or density, generate more vehicle trips, contribute to the County's roadway network, or create new structures for emergency responders to protect. The proposed amendment continues to promote the County's compliance with the State Responsibility Area (SRA) Fire Safe Regulations and clarifies the process by which that occurs.

Public Outreach

On February 15, 2019, Staff from the Engineering Division of the Planning, Building and Environment Services Department notified 168 stakeholders and design professionals by email of the proposed amendment to the Standards and of a workshop to solicit public input on the amendment scheduled for March 1, 2019.

On March 1, 2019, Engineering Division Staff and the County Fire Marshal held a workshop which was attended by approximately eight interested persons. Two letters and one email in support of the amendment to the Standards were also received. The written and verbal comments noted the lack of nexus and the financial burden to applicants by applying the Standards to Minor Modifications and Very Minor Modifications where there is no added traffic volume, new structures for emergency responders to protect, or increase in intensity or density.

Commenters supported applying the Standards to only Major Modifications and new Use Permits since those applications result in new structures or substantial additions thereto, more traffic volume, and an increase in land use intensity or density. (See Attachment C.)

Proposed Amendment

The proposed resolution before the Board would amend Section 2 of the Standards to clarify that the Standards would only apply to applications for a Major Modification to a Use Permit or new Use Permit applications. (See proposed redline of Section 2(c) in Attachment A.) The current wording in Section 2(c) of the Standards is overly broad and requires applicants to comply with the Standards upon submittal of any application for a use permit no matter how minor the requested modification, regardless of whether there is an intensification of use, even if no additional vehicle trips are generated by the modification, and irrespective of whether the modification impacts access roads or the County's roadway network.

The proposed amendment would provide a more reasonable basis and nexus for imposing the Standards on the types of applications (Major Modifications and new Use Permits) that actually result in an intensification of use and additional traffic volumes on the roadway. Under County Code Section 18.124.130 (B), Minor Modifications consist of changes that do not alter overall concept, density, intensity, or negatively impact the environment of an existing use for a property, and changes in the location and/or size of approved structures being increased by no more than 25 percent. Under County Code Section 18.124.130 (C), Very Minor Modifications include covers over existing approved pads, less than 10 percent changes in square footage or footprint, realignment of internal circulation roads, and similar items at the discretion of the director. The proposed amendment would recognize that because applications for a Very Minor Modification and a Minor Modification are the types of use permit applications that would not alter the overall concept, change the density or intensity, negatively impact the environment, or result in additional vehicle trips, they therefore would not be subject to the Standards.

If adopted, the resolution must then be submitted to the Board of Forestry to certify that the amended Standards equal or exceed the SRA Fire Safe Regulations by providing the same practical effect. County Staff has been in communication with representatives from the Board of Forestry and the County Fire Marshal's office during the drafting of the proposed amendment and has shared the proposed amendment with both. Engineering Division Staff is confident that the proposed amendment has the support of the Board of Forestry. If adopted today, the resolution would be forwarded to the Board of Forestry for certification at their May 7, 2019 Board meeting.

The proposed amendment continues the efforts of Napa County to meet the objectives of the Standards while striving to preserve the health, safety, and welfare of the public. This resolution incorporates stakeholder, Board of Forestry staff, and the County Fire Marshal's feedback for improving regulatory compliance, clarifying the Standards and imposing the Standards where a nexus exists. This process aligns with the pillars and objectives of the County's Strategic Plan, specifically, by operating as an effective and open government and providing increased transparency in government operations while empowering residents. The proposed resolution will also protect or enhance the environment by reducing potential grading, paving, and road-widening currently imposed on all use permit applications and require road improvements in conformance with the Standards only where there is an intensification of use or generation of more vehicle trips.

Staff recommends adoption of the proposed resolution.

SUPPORTING DOCUMENTS

A . Draft RSS Revision (Excerpt - Section 2, red-lined version)

B . Proposed Resolution

C . Pine Ridge Letter_RSS Amendment

D . Palisades Land Use Consultancy Letter_Update to the RSS

CEO Recommendation: Approve

Reviewed By: Leigh Sharp