



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 5/21/2019  
Agenda Placement: 9D  
Set Time: 10:00 AM PUBLIC HEARING  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**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:** Disaster Recovery Ordinance

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### **RECOMMENDATION**

Director of Planning, Building, and Environmental Services (PBES) requests that the Board of Supervisors

1. Find the proposed ordinance exempt under the California Environmental Quality Act pursuant to Categorical Exemptions Class 8 and the General Rule; and
2. First reading and Notice of Intent to Adopt an ordinance to amend Chapter 8.80 of the County Code, to extend the expiration of provisions to facilitate the replacement of homes lost in the 2017 Napa Fire Complex and 2018 Steele Fire, and to bring the chapter into consistency with recent changes to Chapter 18.108 of the County Code (Conservation Regulations).

### **EXECUTIVE SUMMARY**

The 2017 Napa Fire Complex devastated over 700 properties within Napa County. Within days of the fires starting, staff began evaluating current codes and procedures focusing on how best to acknowledge the previously existing residential buildings and provide both an efficient path to rebuilding but also alternatives for property owners when considering their rebuilding approaches.

On October 24, 2017, the Board of Supervisors adopted Resolution No. 2017-174 which directed staff to review the County Code and make recommendations that "...effectively provide responsive and effective post disaster permitting services."

On November 21, 2017, the Board of Supervisors adopted Ordinance No. 1424, adding Chapter 8.80 (Disaster Recovery) to the County Code. The new ordinance established processes to streamline the Building Permit review/approval process for owners of fire-damaged property. The proposed ordinance would amend Chapter 8.80 of the County Code, to extend the expiration of the emergency provisions for disaster victims who wish to rebuild

their residence for an additional 3 years. It would also bring Chapter 8.80 into consistency with Ordinance No. 1438 (Water Quality and Tree Protection Ordinance), which amended Chapter 18.108 of the County Code (Conservation Regulations).

### **PROCEDURAL REQUIREMENTS**

1. Staff presents the report;
2. Open the Public Hearing and receive public comments;
3. Close the Public Hearing;
4. Clerk reads the Ordinance Title;
5. Motion, second, discussion and vote to waive the balance of the reading of the ordinance; and
6. Motion, second, discussion, and vote on intention to adopt the ordinance.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of Categorical Exemptions Class 8 and the General Rule. 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) pursuant to Categorical Exemption Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of the CEQA at 14 CCR § 15308 and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable. [See guidelines for the implementation of the CEQA at 14 CCR § 15061(b)(3)]. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

The proposed ordinance makes two changes to Chapter 8.80 (Disaster Recovery) within the existing County Code.

#### **Effective Period**

The first change is to Section 8.080.050, which defines the effective period of this chapter. When adopted in 2017, the Disaster Recovery provisions were set to expire on December 31, 2019. Staff recommends changing the expiration date to December 31, 2022.

At the time of adoption, there was insufficient information about both the scope of the 2017 Napa Fire Complex and the time required to recover from a disaster of this scale. It has been over 18 months since the 2017 Fire, and the County has issued building permits on only 25 percent of the 655 homes destroyed, with another 8 percent building applications pending. At this rate of construction, it will take another 3 years to replace all of the homes lost.

Staff has discussed the effective period with the County Assessor. If a property owner has had their home destroyed by fire, but does not want to rebuild at the same location, they have 5 years from the date of the fire to transfer their base year property value and build a replacement structure on a different parcel within Napa County. In addition, 12 counties in California accept calamity transfers, where property owners may transfer their base year value after losing a home to fire and build a replacement home outside of Napa County. Property owners have 3 years from the date of the disaster to take advantage of a calamity transfer.

The proposed expiration date will allow additional time for those property owners who wish to rebuild, either at the existing location, elsewhere within Napa County, or within those counties that accept calamity transfers.

#### Water Quality and Tree Protection Ordinance

The second change clarifies how the County would apply the recently adopted Ordinance No. 1438 (Water Quality and Tree Protection Ordinance) within areas damaged by wildfire. Staff recommends amendments to several sections of County Code to address this issue.

Section 8.080.020 (Definitions) would include a new definition of “burn area” and would clarify the definition of “fire-damaged property” to refer to the 2017 Napa Fire Complex and the 2018 Steele Fire.

Section 8.080.070 would correct the methodology for slope calculations to be consistent with the Water Quality and Tree Protection Ordinance.

Section 8.080.130 would cross-reference Section 18.108.050.(V) of the Water Quality and Tree Protection Ordinance, which states:

*Reconstruction of existing legally constructed structures lost to fire or other natural disaster when the rebuild area of disturbance does not exceed 125% of the original footprint, does not encroach any further into the stream setback area than the original footprint and any recontouring, grading, earthmoving or re-engineering is necessary to correct existing erosion or water quality problem, regardless of slope percent of the original footprint. This rebuild exemption may only be used once.*

Section 8.080.130 would add a new paragraph to indicate that when calculating vegetation canopy cover for future projects on fire-damaged properties, the baseline reference will rely on aerial photographs dated June 19, 2018.

#### **SUPPORTING DOCUMENTS**

A . Attachment A - Chapter 8.80 Amendments (track changes)

B . Attachment B - Chapter 8.80 Amendments (clean)

CEO Recommendation: Approve

Reviewed By: Leigh Sharp