



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/14/2018

Agenda Placement: 10B

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: Amend County Policy Manual and Zoning Code Regarding Rebuilding for the 2018 Steele Fire

RECOMMENDATION

Director of Planning, Building, and Environmental Services and County Counsel request the following:

1. Adoption of a resolution amending Part III, Section 10.020 (d) of the County Policy Manual, regarding fee reductions for all building permits for structures damaged or destroyed after a natural disaster; and
2. Adoption of an urgency ordinance amending Chapter 8.80 of the County Code regarding Disaster Recovery, as it relates to the 2018 Steele Fire.

EXECUTIVE SUMMARY

Adoption of the resolution will amend the County Policy Manual to provide the authority and direction needed for Planning Building and Environmental Services (PBES) staff to implement fee rebates for those owners of properties damaged in the 2018 Steele Fire that have obtained building permits since July 30, 2018, and to reduce future fees for such owners through 2022.

Adoption of the urgency ordinance will allow property owners and residents with property damaged or destroyed by the 2018 Steele Fire to avail themselves of the same expedited rebuild process as is applied to fire damaged properties from the 2017 Napa Complex Fire under County Code Chapter 8.80.

PROCEDURAL REQUIREMENTS

1. Staff Reports
2. Public Comments
3. Motion, second, discussion and vote on the resolution and the ordinance.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	The proposed fee reductions will primarily address building fees (which are part of an enterprise fund separate from the general fund). However, some fees reductions would apply to the planning, engineering, and environmental health divisions, which receive partial monies from the general fund.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	A total of 8 property owners lost their homes in the 2018 Steele Fire. This is in addition to the more than 650 homes lost in the 2017 Napa Fire Complex. Some owners had no fire insurance, but many owners were underinsured for the construction costs associated with a disaster of this magnitude. The reduced fees would provide critical financial assistance for many who have lost everything. The fee reductions also help to expedite rebuilding, shortening the amount of time that families forced to live in temporary circumstances. Facilitating the reconstruction process also allows the County to recover the more than \$750 million in property tax assessments lost to date.
Is the general fund affected?	No
Future fiscal impact:	The fee reduction is limited to a five-year period for each disaster event. Reduced revenues in the building division will continue for the next several fiscal years until rebuilding is complete. However, the number of structures that need to be rebuilt due to the 2017 and 2018 fires is significantly larger than typical recent construction levels and there is continued non-fire related construction activity. Overall, revenues are expected to remain above expected levels, even with the proposed fee reductions.
Consequences if not approved:	If the amendment of subsection (d) of Section 010.020 is not approved, applicants who are repairing or rebuilding structures damaged or destroyed in the 2018 Steele Fire would pay 100% of all fee costs associated with reconstruction of their homes.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action relates to the issuance of building permits, which are considered ministerial actions as defined by 14 California Code of Regulations 15268 (State CEQA Guidelines) and in Appendix A of the Napa County Local Procedures for Implementing the California Environmental Quality Act, therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On July 28, 2018, the Steele Fire in Berryessa Highlands began burning in Napa County. Conditions of extreme peril to the safety of persons and property within Napa County were caused by fast-moving and widespread fires in the Berryessa Highlands community. A total of 8 homes were destroyed and 2 more were damaged. That same day Governor Edmund G. Brown Jr. proclaimed a State of Emergency in several counties, including in Napa County due to the Steele Fire. On August 7, 2018, the Assistant County Executive Officer of Napa County proclaimed the existence of a local emergency within Napa County.

In October 2017, the Napa Fire Complex burned more than 144,000 acres and led to significant damage and destruction of residences and businesses. As a result of the 2017 Napa Complex Fire, the Board of Supervisors adopted Urgency Ordinance No. 1424 on November 21, 2017, adding a new Chapter 8.80 entitled "2017 Napa Fire Complex Disaster Recovery" to the Napa County Code to provide various policies related to use, occupancy and construction of dwellings and other structures to allow for the fastest possible reconstruction of structures lost or damaged as a result of the 2017 Napa Fire Complex. On May 8, 2018, the Board also adopted Resolution No. 2018-52 amending the Napa County Policy Manual regarding County reduced fees for displaced residents and property owners to reconstruct structures lost or damaged by the 2017 Napa Fire Complex.

Staff recommends that the fee reduction policies and the provisions of County Code Chapter 8.80 applicable that are afforded to those property owners and residents impacted by the 2017 Napa Fire Complex be extended to the families affected by the 2018 Steele Fire. Government Code Section 25123 (d) provides that an urgency ordinance for the immediate preservation of public peace, health and safety may be adopted by at least four-fifths vote and shall take effect immediately. The proposed urgency ordinance will amend Chapter 8.80 to allow property owners and residents impacted by the 2018 Steele Fire the same expedited process as relied upon for victims of the 2017 Napa Fire Complex. The proposed resolution amending the policy manual will expand the County's disaster fee reduction policies from just the 2017 Napa Fire Complex to any local emergency declared by the Board. This action will prevent the County from needing to amend its policies each time in response to a particular disaster as it arises and make the policies applicable on a broader basis to any Board declared local emergency.

SUPPORTING DOCUMENTS

- A . Attachment A - Draft Resolution and County Policy Manual Amendment
- B . Attachment B - Draft Policy Manual Amendment (tracked changes)
- C . Attachment C - Draft Resolution and Urgency Ordinance Amending the Zoning Code

CEO Recommendation: Approve

Reviewed By: Helene Franchi