

Additions are underlined.  
Deletions are ~~struck through~~.  
Revision markers are noted in left or  
right margins as vertical lines.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,  
STATE OF CALIFORNIA, AMENDING CHAPTER 8.80 DISASTER  
RECOVERY TO EXTEND THE EFFECTIVE DATE AND EXPAND THE  
PROVISIONS TO ANY DECLARED LOCAL EMERGENCIES  
AFFECTING PROPERTY OR STRUCTURES**

**WHEREAS**, in response to destructive wildfires in Napa County in 2017, the Board of Supervisors added Chapter 8.80 to the Napa County Code to adopt 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 wildfires;

**WHEREAS**, the Board of Supervisors amended Chapter 8.80 of the Napa County Code on August 14, 2018, in response to the 2018 Steele Fire, on September 15, 2020, in response to the 2020 LNU Lightning Complex Fire, and on November 10, 2020, in response to the Glass Fire, to allow the victims of those wildfire disasters to utilize the accelerated process in Chapter 8.80 to reconstruct their homes or other structures;

**WHEREAS**, the provisions of Chapter 8.80 are set to expire on December 31, 2024, unless extended by the Board of Supervisors;

**WHEREAS**, the Board of Supervisors wishes to extend the deadline for recovery efforts for past fire disasters and to expand the provisions of Chapter 8.80 to cover future fires and other natural disasters or conditions that may result in damage to property or structures, resulting in a declaration of local emergency.

The Napa County Board of Supervisors, State of California, ordains as follows:

**SECTION 1.** Section 8.80.010 (Purpose and intent.) of Chapter 8.80 (Disaster

Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.010 Purpose and intent.**

The purpose and intent of this chapter is to establish procedures to facilitate expediency in the process of rebuilding, repairing or replacing structures and vineyards that ~~were~~are damaged or lost as a result of ~~the 2017 Napa Fire Complex, the 2018 Steele Fire, the 2020 LNU Complex (Hennessey) Fire, and the 2020 Glass Fire~~ disasters a declared emergency or natural disaster. Notwithstanding any other provisions that may conflict, this section shall control with respect to redevelopment or repair of structures and properties that incurred damage during ~~the 2017 Napa Fire Complex, the 2018 Steele Fire, the 2020 LNU Lightning Complex Fire and the 2020 Glass Fire~~ a natural disasters for which the Board declares a state of local emergency.

**SECTION 2.** Section 8.80.020 (Definitions.) of Chapter 8.80 (Disaster Recovery) of the

Napa County Code is amended to read in full as follows:

**8.80.020 Definitions.**

For purposes of this chapter, the following definitions shall apply:

“Burn area” means the land burned over by wildland fire.

“Department” means the planning, building and environmental services department.

“Designated public roads” shall mean those roads identified in Napa County General Plan Community Character Element Figure CC-3.

“Director” means the director of the planning, building and environmental services department or the director’s designee.

“Fire” or “Fire disaster” means a local emergency caused by a wildfire, including the 2017 Napa Fire Complex, the 2018 Steele Fire, the 2020 LNU Lightning Complex Fire or the 2020 Glass Fire, ~~and~~as well as any natural occurrences related to or caused by ~~the~~a fires.

“~~Fire-d~~amaged property” means land within the area impacted by a natural disaster or condition that gives rise to a local emergency, including the burn areas of the 2017 Napa Fire Complex, the 2018 Steele Fire, the 2020 LNU Lightning Complex Fire, the 2020 Glass Fire, that was physically destroyed or directly damaged by the natural disaster or condition, or property on which a structure was declared by the director to be unsafe to use or occupy, as a result of ~~the fire~~a natural disaster or condition that gives rise to a local emergency.

“~~Fire-d~~amaged structure” means a structure that was declared by the director to be unsafe to use or occupy, as a result of ~~the fire~~a natural disaster or condition that gives rise to a local emergency.

“~~Fire-d~~amaged vineyard” means only that area of a vineyard land or the individual

vines that were either destroyed or directly damaged as a result of ~~the fire~~ a natural disaster or condition that gives rise to a local emergency.

“Local emergency” shall have the same definition as contained in Government Code section 8558(c)(1).

“Major ridgeline” or “minor ridgeline” shall have the same definition as contained in Section 18.106.020 (Definitions).

“Natural disaster” means a natural event, such as an earthquake, flood, wildfire, landslide, or similar event, that causes, or threatens to cause, harm, damage, or destruction to persons or property.

“Substantial views” shall have the same definition as contained in Section 18.106.020 (Definitions).

“Unique topographic or geologic features” shall mean the following landforms: Mt. St. Helena, Stag’s Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John.

**SECTION 3.** Section 8.80.040 (Applicability.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.040 Applicability.**

Except where so stated in this chapter, this ordinance shall apply to land within the scope of a natural disaster or condition that gave rise to a local emergency, such as land within the burn area for each fire disaster and to each parcel existing as of the date of the applicable ~~fire disaster~~ local emergency, on which one or more buildings were destroyed, or for which the director declared one or more structures to be unsafe to use or occupy, as a result of the natural disaster or condition that gave rise to a ~~fire-disaster~~ local emergency.

**SECTION 4.** Section 8.80.050 (Effective period.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.050 Effective period.**

The provisions in this chapter shall ~~expire on December 31, 2024, unless otherwise specified herein, and shall be of no further force or effect unless extended or modified by the board of supervisors~~ be effective within five years from the date of the declaration by the board of supervisors of a local emergency for each specific disaster or emergency, unless otherwise specified herein. For the 2017 Napa Fire Complex, the 2018 Steele Fire, the 2020 LNU Lightning Complex Fire, and the 2020 Glass Fire, the provisions of this chapter shall be effective until October 1, 2025.

**SECTION 5.** Section 8.80.060 (General standards for rebuilding on fire-damaged properties.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in

full as follows:

**8.80.060 General standards for rebuilding on fire-damaged properties.**

A. Except as provided herein, the development regulations, permitted uses and conditionally permitted uses for any fire-damaged property shall be the development regulations, permitted uses and conditionally permitted uses of the zoning district in which the property is located.

B. The requirement for a twenty-eight-foot road setback from the centerline of private roads, as specified in Section 18.112.100 (Private roads), shall be waived for any fire-damaged property.

C. Single-family residences located in the RS, RM, RC or PD zoning districts shall not be subject to compliance with subsection (A)(1) of Section 18.110.050, provided that the paved surface to be utilized for off-street parking for the residence is no greater than forty percent of the total surface area of the minimum required front yard and does not encroach into a corner side yard.

D. Site plan approval shall not be required for residential and residential accessory structures on fire-damaged properties but instead shall be integrated into the building permit process. The requirements of Section 18.140.030 (Processing application—Conditions of approval) shall not apply to building permits for any single-family dwelling unit, guest cottage, accessory dwelling unit or accessory residential structure, nor for any agricultural use of land or buildings as defined in Section 18.08.040 (Agriculture).

E. Prior to determining that a project meets the criteria contained in this chapter, the department may require the submittal of additional information including, but not limited to, a photo or computer simulation of the project and associated improvements or documentation of the location and size of structures existing prior to the firelocal emergency.

F. If there is a sufficient area on a fire-damaged property to locate a mobile home or recreational vehicle while clean-up and rebuilding occurs, one may be placed temporarily at an off-site commercial zoned property, subject to compliance with all of the provisions in Napa County Policy Manual Section 12B (Temporary Housing).

**SECTION 6.** Section 8.80.070 (Applicability of the Viewshed Protection Program to fire-damaged properties.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.070 Applicability of the Viewshed Protection program to fire-damaged properties.**

A. Applicability of Viewshed Protection manual. Each replacement, expanded or new structure, or any replacement, improved or new roadway on fire-damaged properties shall be subject to review for compliance with applicable provisions of the Design Manual, as that document is referenced and defined in Section 18.106.020 (Definitions.), if the portion of the property on which the structure or roadway is proposed is:

1. Located on a major or minor ridgeline; or
2. Located on a slope of fifteen or more percent. For purposes of this section, the slope in an area of disturbance shall be calculated using the slope determination methodology described in Section 18.108.060, for any proposed building or road site.

B. Relationship to Previously Approved use Permits and Small Lot Subdivisions. All structures and small lot subdivisions meeting the requirements of subsection (D) of Section 18.106.030 (General provisions.) are exempt from the requirements of this chapter.

C. Relationship to Prior Approvals Pursuant to Chapter 18.106. All residential structures or accessory structures for which approval was granted pursuant to Chapter 18.106 (Viewshed Protection program.), and were subsequently damaged, destroyed or deemed unsafe to occupy as a result of ~~the fire disaster~~ a local emergency, may be rebuilt in accordance with the prior approval and are exempt from this chapter. Requests for modifications to plans that were previously granted approval pursuant to Chapter 18.106 shall be subject to review by the director in accordance with this chapter.

**SECTION 7.** Section 8.80.080 (Replacement of in-kind projects subject to administrative review under the Viewshed Protection Program for fire-damaged properties.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.080 Replacement of in-kind projects subject to administrative review under the Viewshed Protection Program for ~~fire~~-damaged properties.**

A. General Provisions. Applications for a building permit or grading permit subject to this chapter shall be submitted to the department for review by the director.

B. Administrative Criteria. A project shall be certified and cleared for further processing pursuant to Title 15 (Buildings and Construction) if the department determines that a project meets all of the following conditions:

1. The project is an in-kind replacement of a ~~fire~~-damaged structure(s), meaning:

- a. The replacement building foundation is the same size and dimension, and is in the same location,
- b. The building square footage is the same,
- c. The building height, width, depth, and roof slope are the same,

2. The project as designed meets the following standards in the Design

Manual:

- a. The project lighting, including site lighting, has been designed to avoid off-site visibility and glare,
  - b. The exterior color treatment of the structure will blend with the color of surrounding vegetation and landforms, and
  - c. Exterior windows and trim are non-reflective;
3. The exterior treatment of the building is designed to reduce its visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road;
4. Future structures, including roads, driveways, wastewater disposal systems, and necessary earthmoving to construct project improvements, will be located to avoid environmentally sensitive areas as defined by Section 18.08.270;
5. A detailed landscape plan has been prepared that incorporates the criteria set forth in the Design Manual for provision of defensible space and substantial screening of the structure or road; and
6. The project as designed is consistent with Chapter 18.108 (Conservation

Regulations).

C. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute the record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with subsection (B) of this section.

D. Administrative review and approval or denial pursuant to this section shall be considered a ministerial final action and not subject to appeal pursuant to Chapter 2.88 (Appeals).

E. Projects that do not satisfy the administrative criteria and standards contained in this section shall be subject to review and approval under Sections 8.80.090, 8.80.100 or 8.80.110 of this chapter.

**SECTION 8.** Section 8.80.090 (Projects subject to administrative review under the Viewshed Protection Program for fire-damaged properties.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.090 Projects subject to administrative review under the Viewshed Protection Program for ~~fire~~-damaged properties.**

A. General Provisions. Applications for a building permit or grading permit which are not exempt from this chapter pursuant to subsection (B) or (C) of Section 8.80.070 or which do not meet the criteria in subsection (B) of Section 8.80.080 shall be submitted to the department for review. If the application meets the criteria specified in subsection (B) or (C) of this section, the department shall certify that the project complies with the applicable provisions of this chapter and the project shall be cleared for continued processing pursuant to Title 15 (Buildings and Construction).

B. Visibility Determination. If the department determines that the road or structure would not be visible for any of the designated public roads, because of the relationship of the road or structure to surrounding topography or existing vegetation, then the project shall be cleared for further processing.

C. Administrative Criteria. A project shall be certified and cleared for further processing if the department determines that a project meets all of the following conditions:

1. The highest point of the proposed structure is located more than twenty-five vertical feet below a major or minor ridgeline;
2. The project as designed and sited meets all of the following standards:
  - a. The height of the building is twenty-four or fewer feet as measured from finished grade along fifty percent or more of the longest wall as viewed from any designated public road,
  - b. The improvement(s), including any required earthmoving or grading associated with the structure or roadway, shall avoid removal of existing vegetation with emphasis on preserving mature trees. If the improvements require the removal of any tree with a diameter of six or more inches at breast height, the application shall include a detailed landscaping plan specifying the location and replacement of trees and

vegetation in a manner that screens the improvements from substantial views from designated public roads and provides for defensible space in conformance with state law,

c. The project site is located within a conifer forest, hardwood forest or hardwood woodland area mapped by the State of California, and a significant portion of naturally vegetated lands on-site has been retained to provide opportunity for natural screening of the development from substantial views from designated public roads,

d. Landscaping will be installed and designed to screen the project from substantial views from designated public roads,

e. The project lighting, including site lighting, has been designed to avoid off-site visibility and glare,

f. The exterior color treatment of the structure will blend with the color of surrounding vegetation and landforms,

g. Exterior windows and trim are non-reflective, and

h. Roof angles and composition are designed to conform to existing landforms and landscape;

3. The project as sited and designed reduces its visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road;

4. The project requires fewer than two thousand cubic yards of earthwork if the average slope of the area of disturbance is less than ten percent or one thousand cubic yards if the average slope is ten percent or greater, and the overall limits of grading do not extend beyond one and one-half acres of land;

5. Future structures, including roads, driveways, wastewater disposal systems, and necessary earthmoving to construct project improvements will be located to avoid environmentally sensitive areas as defined by Section 18.08.270 of the code; and

6. The project as designed is consistent with Chapter 18.108 (Conservation Regulations).

D. Prior to the issuance of a building permit for any project authorized under subsection (B) or (C) of this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with either subsection (B) or (C) of this section.

E. Administrative review and approval or denial pursuant to this section shall be considered a ministerial final action and not subject to appeal pursuant to Chapter 2.88 (Appeals).

F. Projects that do not satisfy the administrative criteria and standards contained above shall be subject to review and approval under Sections 8.80.100 or 8.80.110 of this chapter.

**SECTION 9.** Section 8.80.100 (Projects subject to review by the zoning administrator under the Viewshed Protection Program for fire-damaged properties.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:



**8.80.100 Projects subject to review by the zoning administrator under the Viewshed Protection Program for fire-damaged properties.**

A. If a project is exempt from this chapter under subsection (B) or (C) of Section 8.80.070 or if it does not meet the administrative criteria in subsection (B) of Section 8.80.080 or Section 8.80.090 of this chapter, the project shall not be cleared for further processing unless the zoning administrator can make the following findings:

1. If the highest point of the proposed project is located more than twenty-five vertical feet below a major or minor ridgeline, measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and color tone;

2. If the highest point of the proposed structure is within twenty-five vertical feet of a major or minor ridgeline, existing vegetation, proposed landscaping, topographical siting, architectural design, and color tone screen the predominant portion of the proposed structure;

3. The proposed structure, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated public roads;

4. The proposed structure, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation;

5. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography;

6. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted for the site that would provide maximum screening from designated public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law;

7. The proposed structure and associated improvements substantially conform with the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road; and

8. The project as designed or modified is consistent with the requirements of Chapter 18.108 (Conservation Regulations).

B. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with subsection (A) of this section.

C. The decision of the zoning administrator shall be final unless an appeal has been filed by the applicant or any interested person pursuant to Chapter 2.88 (Appeals).

D. If one or more of the findings in subsection (A) of this section cannot be made, the application shall be forwarded to the planning commission for processing in accordance with Chapter 18.106 (Viewshed Protection Program) and for a possible exception pursuant to Section 18.106.070 (Exceptions).

**SECTION 10.** Section 8.80.110 (Projects subject to review by the planning commission for exceptions to the Viewshed Protection program for fire-damaged properties.) of Chapter 8.80



(Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.110 Projects subject to review by the planning commission for exceptions to the Viewshed Protection Program for ~~fire~~-damaged properties.**

Applications for a building permit or grading permit which are not exempt from this chapter pursuant to subsection (B) or (C) of Section 8.80.070 or which do not meet the criteria in subsection (B) of Section 8.80.080, 8.80.090 or in subsection (A) of Section 8.80.100 shall be reviewed by the planning commission. Upon application by the property owner, an exception shall be processed pursuant to Section 18.106.070 (Exceptions).

**SECTION 11.** Section 8.80.120 (Required public and private notification of zoning administrator public hearings conducted pursuant to the Viewshed Protection program for fire-damaged properties.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.120 Required public and private notification of zoning administrator public hearings conducted pursuant to the Viewshed Protection Program for ~~fire~~-damaged properties.**

Notice shall be given by the department in the manner set forth in subsection (B) of Section 18.106.060.

**SECTION 12.** Section 8.80.130 (Conservation regulations for fire-damaged properties and fire-damaged vineyards.) of Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.130 Conservation regulations for ~~fire~~-damaged properties and ~~fire~~-damaged vineyards.**

A. Unless otherwise exempt under County Code Section 18.108.050 (V), Chapter 18.108 (Conservation Regulations) shall apply to a ~~fire~~-damaged property, except that the zoning administrator shall be authorized to hear and decide requests for exceptions to the conservation regulations in the form of a use permit pursuant to Section 18.108.040 (Exceptions).

B. For purposes of calculating Vegetation Retention Requirements contained in subsection (C) of County Code Section 18.108.020 (Vegetation Retention Requirements.) for earthmoving activity as defined in Section 18.108.030 (Definitions.) occurring on ~~fire~~-damaged property in the Agricultural Watershed zoning district and outside of a sensitive domestic water supply drainage as defined in Section 18.108.030 (Definitions.), the vegetation canopy cover shall be as configured on the parcel existing on June 19, 2018.

C. Except as provided herein, Chapter 18.108 (Conservation Regulations) shall apply to ~~fire~~-damaged vineyards.

D. ~~Fire-d~~Damaged vineyards with an existing approved erosion control plan may replant the vineyard in accordance with the previously approved erosion control plan without the requirement of a Track II application.

E. ~~Fire-d~~Damaged vineyards that have been legally established without an erosion control plan may replant the vineyard without the requirement of a Track II application provided that there is no expansion of the vineyard footprint, there is no change in vineyard row direction, and no new subsurface drainage is installed unless necessary to correct an existing erosion or water quality problem.

F. ~~Fire-d~~Damaged vineyards involving replants under one acre and under five percent are allowed without a Track II application.

**SECTION 13.** Section 8.80.140 (Legal nonconformities on fire-damaged properties.) of

Chapter 8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.140 Legal nonconformities on ~~fire~~-damaged properties.**

A. Except as provided herein, Chapter 18.132 (Legal Nonconformities) shall apply to ~~fire~~-damaged properties.

B. A ~~fire~~-damaged structure that was a legal nonconformity prior to the ~~fire~~-local emergency may be relocated if the director determines that such relocation would enhance opportunities for use of renewable energy sources, decrease the area of impervious surfaces on the property, would improve fire access and/or defensibility, or would reduce the extent of nonconformity with the minimum setbacks from utilities contained in Section 13.28.040 (Clearance from other facilities).

C. “Voluntary abandonment” for ~~fire~~-damaged properties shall mean cessation of the use or portion thereof for six consecutive months or twelve nonconsecutive months in any two-year period or, if the use is seasonal, for more than one season. However, if the cessation is caused by the destruction in whole or in part of conforming or legal nonconforming facilities or structures that are essential to continuation of the use, and that destruction was caused by the ~~fire~~ disaster~~local emergency~~, then the use shall be deemed voluntarily abandoned unless recommenced before December 31 of the second calendar year following the declaration of a local emergency by the board of supervisors, if a building permit is not required for the damaged structure. ~~as follows: before December 31, 2019, for the 2017 Napa Fire Complex, before December 31, 2020, for the 2018 Steele Fire, before December 31, 2022 for the 2020 LNU Lightning Complex Fire and Glass Fire, if a building permit is not required to repair the structure or facility or within two years of final inspection if a building permit is required for the fire-damaged structure and such permit is obtained before December 31, 2022 for the 2017 Napa Fire Complex and the 2018 Steele Fire, before December 31, 2024 for the 2020 LNU Lightning Complex Fire and Glass Fire.~~ Upon a showing of good cause, the director may extend by six months the timelines within which a building permit must be obtained or a final inspection conducted.

D. The provisions for waiver of hearing, and waiver of notice and hearing in subsections (C)(1) and (2), respectively, of Section 18.132.050 (Certificate of present extent of legal nonconformity – Application – Procedure) shall apply to both residential and non-residential ~~fire~~-damaged properties.

**SECTION 14.** Section 8.80.150 (Automatic expiration of use permits.) of Chapter 8.80

(Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.150 Automatic expiration of use permits.**

In recognition of the limitation of resources for rebuilding in the wake of ~~the fire disaster~~ local emergency, any discretionary zoning permit located within a fire-damaged property perimeter and approved after January 1, 2016, and within one year of the declaration of local emergency by the board of supervisors~~before December 31, 2021~~, shall, without further action by any county officer or body, expire and become void three years after the date the approving officer or body approved the use permit or, if any appeal is taken to the board of supervisors, three years after the date the decision of the board on appeal becomes final. However, if a shorter or longer time period is included in the conditions of approval of the use permit, that time period shall control.

**SECTION 15.** Section 8.80.160 (Automatic expiration of building permits.) of Chapter

8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.160 Automatic expiration of building permits.**

In recognition of the limitation of resources for rebuilding in the wake of ~~the fire disaster~~ local emergency, building permits issued to rebuild residential structures damaged or destroyed by ~~fire~~ the local emergency shall, without further action by any county officer or body, expire and become void if the building or work authorized by the permit is not commenced within three years of the date the permit is issued. If any such work is commenced within three years of the issuance of the permit, expiration of the permit shall be determined in accordance with Section 15.04.070, except as modified hereby.

**SECTION 16.** Section 8.80.160 (Automatic expiration of building permits.) of Chapter

8.80 (Disaster Recovery) of the Napa County Code is amended to read in full as follows:

**8.80.170 Streamlined rebuilding on ~~fire~~-damaged properties.**

A. Except as provided herein, Chapter 18.124 (Use Permits.) shall apply to ~~fire~~-damaged properties.

B. Previously established conditionally approved uses on ~~fire~~-damaged properties may be relocated and processed as an Administrative Permit, if the director determines all of the following that:

1. Any relocated structures do not exceed an aggregate total of ten thousand square feet;
2. There is no cumulative increase in paved or impervious ground surface area;
3. The relocated uses are located in a previously disturbed area, within the approved winery development area;
4. The relocated use complies with all applicable County regulations and does not require any exceptions and/or variances and/or viewshed application;
5. The relocated use complies with all mitigation measures previously imposed (if any) and does not result in any new potential environmental impacts under CEQA;
6. The relocated uses would result in no intensification of the previously approved use; and

7. The relocated uses would provide greater fire safety than the previously established use, through improved access, better defensibility, or other fire prevention measures.

C. Previously established conditionally approved uses on ~~fire~~-damaged properties may be relocated and processed as a minor modification, if the zoning administrator determines all of the following that:

1. Any relocated structures do not exceed an aggregate total of the use's previously established square footage;
2. The relocated use complies with all applicable county regulations and does not require any exceptions and/or variances from County Code;
3. The relocated use complies with all mitigation measures previously imposed (if any) and does not result in any new potential environmental impacts under CEQA;
4. The relocated use would result in no intensification of the previously approved use; and
5. The relocated use would provide greater fire safety than the previously established use, through improved access, better defensibility, or other fire prevention measures.

**SECTION 17.** The Board of Supervisors finds that adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and CEQA Guidelines Sections 15301 regarding minor alterations of existing facilities and 15302 regarding limited new small facilities.

**SECTION 18.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared

invalid.

**SECTION 19.** This ordinance shall be effective thirty (30) days from and after the date of its passage, but shall apply retroactively starting January 1, 2025, to ensure the continuity of the provisions of Chapter 8.80.

**SECTION #.** A summary of this ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on the 17th day of December, 2024, and was passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the \_\_\_\_\_ day of January, 2025, by the following vote:

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

AYES: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_

ABSTAIN: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_

NAPA COUNTY, a political subdivision of the  
 State of California

\_\_\_\_\_  
 JOELLE GALLAGHER, Chair of the  
 Board of Supervisors

|  |   |  |
|--|---|--|
| <p>APPROVED AS TO FORM<br/>Office of County Counsel</p> <p>By: _____<br/>Deputy County Counsel</p> <p>By: _____<br/>Code Services</p> <p>Date: _____</p> | <p>APPROVED BY THE NAPA COUNTY<br/>BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____<br/>Deputy Clerk of the Board</p> | <p>ATTEST: NEHA HOSKINS<br/>Clerk of the Board of Supervisors</p> <p>By: _____</p> |
|--|---|--|

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_.

\_\_\_\_\_, DEPUTY  
 NEHA HOSKINS, CLERK OF THE BOARD