



Napa County

Board Agenda Letter

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Board of Supervisors

Agenda Date: 12/17/2024

File ID #: 24-2021

TO: Board of Supervisors
FROM: Brian D. Bordona, Director of Planning, Building, and Environmental Services
REPORT BY: Jason M. Dooley, Deputy County Counsel
SUBJECT: Introduction and intention to adopt an Ordinance amending Chapter 8.80, Disaster Recovery

RECOMMENDATION

PUBLIC HEARING - Introduction of Ordinance

Introduction and intention to adopt an Ordinance amending Chapter 8.80 (Disaster Recovery) to extend the effective date and expand the provisions to any declared local emergencies affecting property or structures. (No Fiscal Impact)

BACKGROUND

After the 2017 Napa Complex wildfires, the Board of Supervisors adopted Chapter 8.80 to provide relief to property owners affected by the fires from administrative requirements for rebuilding their homes and other structures. The provisions simplified the review of fire rebuild projects in connection with the Conservation Regulations, Viewshed Regulations, and other provisions of the Napa County Code, without compromising the purposes of those regulations.

Chapter 8.80 was amended again after the 2018 Steele Fire disaster, and then again after the 2020 LNU Lightning Complex Fire and the 2020 Glass Fire, to ensure that the relief extended to victims of those wildfire disasters. The last amendment extended the effective date of the provisions of Chapter 8.80 to December 31, 2024.

The Board of Supervisors has also adopted policies that provide other relief to disaster victims, including a fee waiver for fire rebuilds as well as temporary relief from certain regulations associated with building permits. At the July 23, 2024, regular meeting of the Board, staff outlined the different provisions of these policies and highlighted the continuing need for relief as the process for rebuilding after a wildfire can be slow. Staff also informed the Board that the applicability of the various policies was not coordinated in any way, so that the

terms of Chapter 8.80 expired nearly a year before the fee waiver policy.

The Board directed staff to amend Chapter 8.80 to extend the effective date from December 31, 2024, to October 1, 2025, which is five years after the declaration of local emergency relating to the 2020 Glass Fire. This proposed ordinance makes that amendment to the Code and applies retroactively to cover any applications submitted between December 31, 2024, and the effective date of this ordinance.

In addition, staff proposes expanding the application of Chapter 8.80 to any property damage resulting from a future natural disaster or other condition that gives rise to a declaration of local emergency. The current language only applies to specified wildfire disasters and the Board has had to adopt urgency ordinances in response to additional wildfires. The proposed changes would make the provisions applicable after future disasters without additional action by the Board, aside from the declaration of local emergency. The relief would extend for five years after the emergency declaration.

PROCEDURAL REQUIREMENTS:

1. Open Public Hearing.
2. Staff report.
3. Public comments.
4. Close Public Hearing.
5. Motion, second, discussion and vote on intention to adopt the Ordinance.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The current provisions expire on December 31, 2024, and only apply to the wildfires between 2017 and 2020. Property owners affected by those wildfires continue to rebuild and this action will allow those affected to continue benefit from the streamlining provisions of the Disaster Recovery Ordinance.
Is the general fund affected?	No
Future fiscal impact:	None.
Consequences if not approved:	The current provisions will expire on December 31, 2024, and those property owners affected by the wildfires would no longer benefit from streamlined processes to rebuild their homes. The County would also have to amend the ordinance for any future disasters.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The 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.