



Napa County

Board Agenda Letter

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Board of Supervisors

Agenda Date: 12/17/2024

File ID #: 24-1905

TO: Board of Supervisors

FROM: Sheryl L. Bratton - County Counsel

REPORT BY: Jason M. Dooley - Deputy County Counsel IV

SUBJECT: Introduction and intention to adopt an Ordinance removing Section 2.88.040 and amending Sections 2.88.050, 2.88.060, 2.88.070, and 2.88.080 of Chapter 2.88, Appeals, and Section 3.32.100 of Chapter 3.32, Uniform Transient Occupancy Tax, regarding the filing and contents of appeals packets.

RECOMMENDATION

PUBLIC HEARING - Introduction of Ordinance

Introduction and intention to adopt an Ordinance removing Section 2.88.040 and amending Sections 2.88.050, 2.88.060, 2.88.070, and 2.88.080 of Chapter 2.88, Appeals, and Section 3.32.100 of Chapter 3.32, Uniform Transient Occupancy Tax, regarding the filing and contents of appeals packets. (No Fiscal Impact)

(STAFF REQUESTS A CONTINUANCE TO JANUARY 28, 2025 AT 9:00 AM.)

BACKGROUND

Under the current code, appeals are initiated by filing a Notice of Intent to Appeal on a form provided by the Clerk of the Board, along with an initial filing fee. The Notice of Intent must be filed within 10 days of the decision subject to the appeal. Thereafter, an applicant must submit a complete Appeal Packet and another fee calculated by the Clerk of the Board. Napa County Code section 2.88.050 sets forth the required contents of the Appeal Packet, but essentially, the Appeal Packet sets forth the relevant details about the appeal, including the substantive grounds of appeal and, in cases involving real property, a report identifying the owners of any property within 1000 feet of the property subject to the appeal. The Appeal Packet is due within 10 days of filing the Notice of Intent to Appeal, and therefore, no more than 20 days after the date of the decision.

On November 5, 2024, the Board of Supervisors amended the fee policy relating to appeals and established a single fee to encompass the general costs associated with an appeal. The fee change simplifies the process for

the Clerk, who no longer must calculate a complicated fee based on the number of pages submitted by the applicant, but also provides the applicant with certainty and consistency.

Along with the fee change, staff now recommends simplifying the appeal process further by eliminating the two-step filing process. The proposed ordinance would remove the Notice of Intent to Appeal so that only an Appeal Packet would be required to initiate an appeal. The Appeal Packet would still be due within 20 days of the decision and would still require all of the listed information and detail. The proposed ordinance retains the same standards for calculating the deadline for filing the appeal, and removes all reference to the Notice as a basis for calculating due dates, deadlines, or hearing dates.

On November 20, 2024, the Clerk of the Board sent a draft of the ordinance to interested parties and land use stakeholders to ensure that those most likely impacted by this procedural change were aware of the proposed amendment. Based on this stakeholder engagement, staff is examining a change to the proposed ordinance that will require this matter to be continued to a future Board meeting.

Procedural Requirements:

1. Open Public Hearing;
2. Brief Staff Report;
3. Public Comments;
5. Motion, second, discussion and vote to continue the public hearing to January 28, 2025.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Consequences if not approved:	Current appeals filing fees would be inconsistent with the Code, and the appeals process would continue to be somewhat cumbersome.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.