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**Resolution 2023-59: Amending the Napa
County Road and Street Standards To
Comply with Adopted 2021 State
Minimum Fire Safe Regulations**

RESOLUTION NO. 2023-59

RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, AMENDING THE NAPA COUNTY ROAD AND STREET STANDARDS TO COMPLY WITH THE ADOPTED 2021 STATE MINIMUM FIRE SAFE REGULATIONS REGARDING INGRESS AND EGRESS IN THE STATE RESPONSIBILITY AREA AND THE LOCAL RESPONSIBILITY AREA VERY HIGH FIRE HAZARD SEVERITY ZONE

WHEREAS, since 1991, the State Board of Forestry and Fire Protection (the Board of Forestry or BOF) has been the state agency charged with establishing minimum wildfire protection standards in conjunction with building, construction, access and development on lands in the State Responsibility Area (SRA); and

WHEREAS, in 2018, SB 901 (Dodd), expanded the applicability of the regulations promulgated under Public Resources Code §4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ). It also revised Public Resources Code §4290 to require that the BOF more frequently update regulations relating to fuel breaks and greenbelts near communities, and to preserve undeveloped ridgelines to reduce fire risk and improve fire protection. The regulations set certain minimum standards for structures, subdivisions and developments in the SRA and LRA VHFHSZ and provide for basic emergency access and perimeter wildfire protection, as well as standards for fuel breaks, greenbelts, and measures to protect undeveloped ridgelines; and

WHEREAS, on August 17, 2022, the BOF adopted the revised 2021 State Minimum Fire Safe Regulations (2021 Minimum Fire Safe Regulations). The intent of this action by BOF is to establish standards for fuel breaks and greenbelts near communities, establish measures for preservation of undeveloped ridgelines, improve clarity regarding the inspection and enforcement agencies, promote local jurisdictional compliance with the 2021 Minimum Fire Safe Regulations, and clarify the process by which that occurs; and

WHEREAS, the Minimum Fire Safe Regulations apply to lands designated as in the SRA and, since July 1, 2021, in the LRA Very High Fire Hazard Severity Zone. Together, the SRA and LRA VHFHSZ cover approximately 73% of Napa County. All California counties and cities must comply with the new 2021 Minimum Fire Safe Regulations. An effective date for the 2021 Minimum Fire Safe Regulations has not yet been established but they are likely to be effective for applications for building permits for new construction not related to an existing structure, applications for a use permit, road construction, and the creation of new parcels approved after January 1, 2023; and

WHEREAS, the 2021 Minimum Fire Safe Regulations are divided into five (5) Articles; of which only Article 5 was substantially amended, altering the meaning of the regulatory provisions. Provisions in Articles 1 through 4 (Administration, Ingress and Egress, Signing and Building Numbering, and Emergency Water Supply respectively) remain unchanged or the change was non-substantive and did not alter the regulatory effect of the provision(s); and

WHEREAS, the criteria for the design of road and street improvements in Napa County are set forth in the booklet on file with the Clerk of the Board of Supervisors, entitled “Adopted Road and Street Standards, Napa County (dated April 27, 1971 and as amended through November 10, 2020,” hereinafter referred to as the “Road and Street Standards”; and

WHEREAS, in July 2019, the BOF certified Napa County's Road and Street Standards (adopted by the Board of Supervisors in Resolution No. 2019-53) as meeting or exceeding the State's Minimum Fire Safe Regulations including the County's standards related to access. Because the County's 2019 Road and Street Standards were previously certified by the BOF as meeting or exceeding the Minimum Fire Safe Regulations and because the 2021 Minimum Fire Safe Regulations do not define "access" or change the County's standards regarding "access", the County's provisions regarding "access" are and remain consistent with the BOF's objectives and the BOF's prior endorsement remains in effect. As of 2020, the BOF stopped the certification process of local regulations but did not rescind prior certifications; and

WHEREAS, the BOF's 2019 certification of the County's Road and Street Standards (adopted by the Board of Supervisors in Resolution No. 2019-35) as meeting or exceeding the State's Minimum Fire Safe Regulations included the County's standards related to disaster reconstruction for residences consistent with the BOF's Emergency Regulatory Action regarding exempting the reconstruction or repair of legally constructed homes damaged by wildfire under certain conditions. The 2021 Minimum Fire Safe Regulations do not explicitly exempt disaster reconstruction, however they do explicitly exempt new construction relating to an existing structure. The County's proposed amendments to the Road and Street Standards exempting disaster reconstruction related to legal structures that existed prior to the disaster that do not propose an increase in intensity, density or square footage or a changes in the use of a structure is consistent with the BOF's objectives and meets or exceeds the 2021 Minimum Fire Safe Regulations; and

WHEREAS, pursuant to Napa County Code Sections 17.02.470 and 17.36.010(B) the Road and Street Standards may be amended from time to time by resolution of the Board of Supervisors; and

WHEREAS, the Road and Street Standards have been revised fifteen times since their adoption on April 27, 1971 and were last revised on November 10, 2020, by Resolution No. 2020-133; and

WHEREAS, the Engineering Division of the Planning, Building and Environmental Services Department and County Fire Department have reviewed the Road and Street Standards and recommend that they be amended to ensure that the Napa County's scope, applicability and standards for ingress and egress are equal to or exceed the minimum requirements of the 2021 Minimum Fire Safe Regulations, as reflected in the proposed amended Road and Street Standards attached as Exhibit "A" and incorporated here by reference; and

WHEREAS, the proposed amendments would result in the Road and Street Standards being applied to any application for a Use Permit or any modification thereto proposing an increase in average daily trips (ADT); a change of use and/or occupancy classification of an existing structure resulting in a higher hazard, based on life and fire risk as defined in the California Fire Code; and Administrative Permits proposing new construction not relating to an existing structure, a change of use and/or occupancy classification of an existing structure resulting in a higher hazard, and road construction; and

WHEREAS, the proposed amendments would also result in the Road and Street Standards being applied to those previously existing legal residential, commercial or industrial structures destroyed by disaster that propose an increase in square footage, intensity or density or a changes in the use of a structure that previously existed; and

WHEREAS, the proposed amendments would also result in the Agricultural Road classification being applicable to access serving agricultural related single use facilities which cumulatively generate less than or equal to 40 average daily trips along its access, and shall not be applicable to winery uses; and

WHEREAS, the proposed amendments are intended to provide reasonable application of the 2021 Minimum Fire Safe Regulations and are intended to meet or exceed the 2021 Minimum Fire Safe Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby resolves as follows:

1. The Board hereby finds that the proposed amendment to the Road and Street Standards attached as Exhibit “A” are exempt from the California Environmental Quality Act (“CEQA”) under the General Rule because 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 California Environmental Quality Act, 14 CCR 15061(b)(3).] The Board further finds that the proposed amendment is exempt from the CEQA pursuant to Categorical Exemption Class 8 because it been determined that this type of project does not have a significant effect on the environment. [See Class 8 (“Actions by Regulatory Agencies for Protection of the Environment”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15308.]

2. The Board hereby adopts the amendments to the Road and Street Standards attached as Exhibit “A” and incorporated here by reference.

3. The Board hereby directs the Clerk of the Board to place a copy of the amendment to the Road and Street Standards attached as Exhibit “A” in the booklet entitled “Adopted Road and Street Standards, Napa County (dated April 27, 1971 and as amended through December 6, 2022), on file with the Clerk of the Board.

4. This Resolution shall take effect immediately.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the

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LEFT BLANK]**

Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the 18th day of April 2023, by the following vote:

AYES: SUPERVISORS COTTRELL, GALLAGHER, GREGORY,
PEDROZA and RAMOS

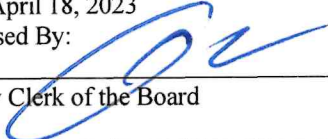

NOES: SUPERVISORS NONE

ABSTAIN: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

NAPA COUNTY, a political subdivision of
the State of California

By: 
BELIA RAMOS, Chair of the
Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel Deputy County Counsel</p> <p>By: <u>Laura J. Anderson (e-signature)</u></p> <p>Date: <u>April 6, 2023</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: April 18, 2023 Processed By: </p> <p>Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: </p>
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