



A Tradition of Stewardship
A Commitment to Service

**NAPA COUNTY
CLERK OF THE BOARD'S OFFICE
1195 Third Street, Suite 310, Napa, California 94559
(707) 253-4421**

APPEAL PACKET

- 1. COMPLETENESS CHECKLISTS**
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- 3. GENERAL INFORMATION REGARDING APPEAL PROCESSING PROCEDURES**
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It is the sole responsibility of the applicant to prepare and file a legally adequate and timely appeal packet. County staff is not authorized to provide legal advice.

Applicants are not entitled to rely on any statements or comments made by County staff during the application for appeal process regarding the technical or legal adequacy of the packet, or timeliness of the submission of the appeal.

COMPLETENESS CHECKLISTS

STEP 1.

NOTICE OF INTENT TO APPEAL

Due within 10 working days of the decision of approving authority (2.88.040)

- a. _____ Identification of the name of permit involved.
- b. _____ Date of the decision being appealed.
- c. _____ Name, address, and telephone number of the appellant.
- d. _____ Filing fee - **\$1,000.00**

STEP 2.

APPEAL PACKET COMPLETENESS CHECKLIST

**Due within 10 working days of submission of the notice of intent to appeal
(2.88.050)**

- a. _____ Name and address of the permittee or the subject of the decision being appealed.
- b. _____ Name and address of appellant, if different.
- c. _____ Identification and date of the decision being appealed, including identification of permit or decision involved.
- d. _____ Description of the specific factual or legal determination of the approving authority which is being appealed, and the basis for such appeal. Any issue not raised in the Appeal Packet shall be deemed waived.
- e. _____ If the basis of the appeal will be, in whole or in part, that there was a prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that no facts were presented to the approving authority that support the decision, **factual or legal bases for such grounds of appeal must be expressly stated or they are waived.**
- f. _____ If the decision appealed from involves real property, the Appeal Packet shall contain the following, in addition to above.
 - 1) _____ Title Insurance Company Report prepared no earlier than six months of decision being appealed:

a) where the subject of the appeal involves a discretionary land use permit pursuant to Code section 2.88.010(F)(1), the title company report must certify all property owners within 1,000 feet of the Subject Parcel specifying owners name, address, and parcel number, or

b) where the subject of the appeal involves real property as provided pursuant to Code section 2.88.010(F)(2) (e.g., appeals involving real property other than a discretionary land use permit such as an appeal on a lot line adjustment decision), the title company report must certify all property owners within 300 feet of the Subject Parcel specifying owners name, address, and parcel number.

2) _____ A copy of Assessor's map book pages as of the date of the decision being appealed that shows all real property as requested in either Item No. (f)(1)(a) or (f)(1)(b), above.

g. _____ Clerk of the Board to calculate Appeal Processing Fee and Cost of Record on Appeal. These fees must be paid no later than the due date for filing of the Appeal Packet.

h. _____ Please provide original(s) and two copies of the Appeal Packet.

APPEAL FEE SCHEDULE

All checks for the following fees shall be made payable to Napa County

STEP 1. FEES FOR NOTICE OF INTENT TO APPEAL¹

Fee for Filing Notice of Intent to Appeal (2.88.040) \$1,000.00

STEP 2. FEES AT TIME OF FILING OF APPEALS PACKET²

- (a) **Appeal Processing Fee (2.88.050):** The fee for filing an appeal shall be comprised of the following components, where applicable, calculated as of the date the appeal is filed:

Notice by Mail:

Labor

100 addresses or less \$49.00
101 to 400 addresses 173.00
Over 400 addresses 261.00

Costs Associated with Notice by Mail 0.54/address

Notice by Publication:

Cost of notice in newspaper 198.00
Costs associated with Notice by Publication 63.00
Preparation of Agenda 60.00
Court Reporter per diem (if appellant requests court reporter) See Clerk of the Board*

- (b) **Cost of Record on Appeal (2.88.050, 2.88.100):**

Labor

250 pages or less \$91.00
Over 250 pages 184.00

Duplication of Record \$.300 for up to first 5 pages (.10 per page for each additional page of the same document) 3.00

Transcript Cost Actual cost

Maps and special needs Actual cost

- (c) **Request for Reconsideration (2.88.110):** The fee for filing a petition for reconsideration shall be comprised of the following components, where applicable, calculated as of the date the petition for reconsideration is filed:

Notice by Mail:

Labor

100 addresses or less \$49.00
101 to 400 addresses 173.00
Over 400 addresses 261.00

Costs Associated with Notice by Mail54/address

Notice by Publication:

Cost of notice in newspaper \$198.00
Costs associated with Notice by Publication 63.00
Preparation of Agenda 60.00
Court Reporter per diem (if petitioner requests court reporter) Actual cost

¹ Napa County Policy Manual, Part III, Sec. 80.037, 110.025, and 140.116.

² Napa County Policy Manual, Part III, Sec. 60.100 160.010

- (d) **Third Party Requests (2.88.080(C), 2.88.100, 2.88.110):**
- Expedited Transcript Fee Actual cost
 - Court Reporter per diem (if only third party requests
court reporter)Actual costs

APPEAL FEE

Public Record Copying Fees. (Sec. 160.010)³

- The fees to reproduce documents by any County Department shall be \$3.00 for up to 5 pages of each document and \$.10 per page for each additional page of that same document.

Recordings of Meetings (Sec. 60.070)⁴

The fee for duplicating meetings of the Board of Supervisors, District or Authority meetings where the Board of Supervisors sits as the governing body, on a CD is Eleven Dollars per quarter hour plus .20 cents per CD.

Please note: If the appeal fees are not filed within the prescribed time period, the decision of the approving authority shall be deemed final and conclusive upon expiration of such time period.

³ Part III, Sec. 160.010, Napa County Policy Manual, Reproduction of Public Documents

⁴ Part III, Sec. 60.070, Napa County Policy Manual, Recordings of Meetings

GENERAL INFORMATION REGARDING APPEAL PROCESSING PROCEDURES

Interested persons may appeal any discretionary action or decision of the approving authority (the officer, director, agency, commission, or department who made the decision being appealed). Activities and decisions subject to appeal include, but are not limited to, Use Permits, Variances, Certificates of Legal Nonconformity, Tentative Parcel Maps, Temporary Trailer Permits, Temporary Event Licenses, and the refusal to issue a Building Permit.

For an appeal of a decision made for the following discretionary land use permits: conditional use permits and modifications thereto, variances, rezonings and zoning text amendments, telecommunications permits, viewshed applications and certificates of legal nonconformity, "interested person" means the approving authority, any person who testified or offered evidence at a hearing or other proceeding at which the matter being appealed was considered, and all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within **one thousand (1,000) feet** of any property which is the subject of the appeal. (See County Code section 2.88.010(F)(1))

For all other appeals, "interested person" means the approving authority, any person who testified or offered evidence at a hearing or other proceeding at which the matter being appealed was considered, and all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within **three hundred (300) feet** of any property which is the subject of the appeal. (See County Code section 2.88.010(F)(2))

"Interested person" includes the appellant and the permittee, if different, whether or not they appeared at the hearing. It also includes other persons if they testified or offered evidence at the hearing other than by merely affixing their signatures to petitions submitted at the hearing.

Where the appeal is from a decision granting a lot line adjustment, a minor modification of a use permit, or a conditional certificate of compliance, "interested person" includes any member of the public.

Appeals from ministerial decisions are limited to a review of the record and will be overturned only upon a finding of an erroneous factual determination.

A NOTICE OF INTENT TO APPEAL AND FEES MUST BE FILED WITH THE CLERK OF THE BOARD WITHIN 10 WORKING DAYS OF THE DATE OF FINAL DECISION OR ACTION BY THE APPROVING AUTHORITY, UNLESS A DIFFERENT TIME PERIOD IS SPECIFIED BY THE COUNTY CODE.

TO FILE AN APPEAL

1) **Notice of Intent to Appeal:** A notice of intent to appeal along with accompanying fees must be submitted to the Clerk of the Board's Office within ten (10) working days of the decision of the approving authority. A Notice of Intent to Appeal is attached to this packet for your convenience. **If the information required in Section 2.88.040 of the Napa County Code and submittal of fees are not filed within the prescribed time period, the decision of the approving authority shall be deemed final and conclusive upon expiration of such time period.**

2) **Appeal Packet:** An original and two copies of all of the items listed in Section 2.88.050 of the Napa County Code must be submitted to the Clerk of the Board's Office within ten (10) working days following the submittal of a notice of intent to appeal. A pre-addressed envelope with sufficient postage affixed is required for the mailed return of all documents submitted. The County Code requires that you provide some basic information including the reasons for the appeal, the relationship of the appellant to the project and the action being appealed. An Appeals Packet Form is attached to this packet for your convenience. **Failure to submit the information required in Section 2.88.050**

of the Napa County Code within the prescribed time period shall result in the withdrawal of the notice of intent to appeal.

If the basis of the appeal will be, in whole or in part, that there was a prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that no facts were presented to the approving authority that support the decision, **factual or legal basis for such grounds of appeal must be expressly stated or they are waived.**

3) Following receipt of the items described in Sections 2.88.040 and 2.88.050 by the Clerk of the Board, the appeal will be scheduled for consideration by the Board of Supervisors.

4) The appeal will be scheduled for a public hearing not less than 15 days nor more than 90 days following receipt of a timely and complete appeal packet by the Clerk. The 90 day period shall be reduced in the event a hearing within a shorter period of time is required by state or federal law, or county regulation.

At the hearing, proponents and opponents of the appeal will be given an opportunity to express their reasons why the appeal should or should not be granted. Following conclusion of the hearing, the Board can either uphold, deny, or modify the decision in question, including conditions of approval, or refer the permit back to the approving officer or body for further consideration.

5) A decision by the Board of Supervisors to uphold, deny, or modify the decision in question shall be final and conclusive, unless reconsideration of the Board's decision is made pursuant to Section 2.88.110 of the Napa County Code.

**FOR ADDITIONAL INFORMATION, WRITE OR CALL:
Napa County, Clerk of the Board of Supervisors
1195 Third Street, Suite 310, Napa, California 94559
(707) 253-4421**



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NOTICE OF INTENT TO APPEAL
(Chapter 2.88 of Napa County Code)

TO BE COMPLETED BY APPELLANT
(Please type or print legibly)

Appellant's Name: _____

Telephone #: (____) _____ **Fax #:** (____) _____

E-Mail Address: _____

Mailing Address: _____
No. Street City State Zip

Action Being Appealed: _____

Date of Decision: _____

Nature of Permit or Decision: _____

Permit Number (if known): _____

Signature of Appellant Date Print Name

TO BE COMPLETED BY CLERK OF THE BOARD

Notice of Intent to Appeal Fee: \$ _____ Receipt No. _____

Received by: _____ Date: _____



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NAPA COUNTY CLERK OF THE BOARD'S OFFICE
1195 Third Street, Suite 310, Napa, California, 94559 (707) 253-4421

APPEAL PACKET FORM
(Chapter 2.88.050 of Napa County Code)

Please submit original plus two (2) copies of the entire Appeal Packet, including this form.

TO BE COMPLETED BY APPELLANT
(Please type or print legibly)

Appellant's Name: _____

Telephone #: (____) _____ **Fax #:** (____) _____

E-Mail Address: _____

Mailing Address: _____
No. Street City State Zip

Status of Appellant's Interest in Property: _____
project applicant, adjacent property owner, other (describe)

Action Being Appealed: _____

Permittee Name: _____

Permittee Address: _____

Permit Number: _____ **Date of Decision:** _____

Nature of Permit or Decision: _____

Reason for Appeal (Be Specific - If the basis of the appeal will be, in whole or in part, that there was a prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that no facts were presented to the approving authority that support the decision, **factual or legal basis for such grounds of appeal must be expressly stated or they are waived.** *(attach additional sheet if necessary)*): _____

Project Site Address/Location: _____
Street City State Zip

Assessor's Parcel No.: _____

If the decision appealed from involves real property, the Appellant must also submit the original and two copies of 1) Title Insurance Report and 2) Assessor's Map Book Pages pursuant to County Code Section 2.88.050(B).

 Signature of Appellant Date Print Name

TO BE COMPLETED BY CLERK OF THE BOARD

Appeal Packet Fee \$ _____ Receipt No. _____
 Received by: _____ Date: _____

ADJOINING PROPERTY OWNER'S LIST REQUIREMENTS

If the decision appealed from involves real property, the appeal packet shall include a title insurance company report issued no earlier than six months prior to the date of the decision being appealed that certifies, by name, address and assessor's parcel number, the owners of all real property located within **either 1,000 feet or 300 feet** as described on Page 7 of this Appeal Packet of any property which is the subject of the appeal.

INSTRUCTIONS TO TITLE COMPANY

Please prepare an original and two copies of the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½" by 11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by the Clerk of the Board of Supervisors.
2. Submit a full page copy of the assessors' map book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you should have any questions, please contact the Clerk of the Board's Office at (707) 253-4421.

COUNTY CODE REGARDING APPEALS

Chapter 2.88 APPEALS

Sections:

- 2.88.010 - Definitions.
- 2.88.020 - Application of provisions—Conflict resolution.
- 2.88.030 - Right to appeal.
- 2.88.040 - Notice of intent to appeal—Time and place for filing—Fees.
- 2.88.050 - Appeal packet—Information to be submitted.
- 2.88.060 - Withdrawal of appeal.
- 2.88.070 - Hearing by the board of supervisors.
- 2.88.080 - Scheduling and notice of the hearing.
- 2.88.090 - Hearing—Conduct and procedures—Decision.
- 2.88.100 - Record on appeal—Costs.
- 2.88.110 - Reconsideration of decision—Fees.
- 2.88.120 - Fees for filing appeals.

2.88.010 Definitions.

The definitions contained in Title 18 of this code, as amended, shall be fully applicable to this chapter except as hereinafter otherwise defined. Such definitions include the following:

- A. “Appellant” means any interested person filing an appeal under this chapter.
- B. “Approving authority” means the officer, director, agency, commission, subsidiary board of the county, department or board of appeals which made the decision being appealed.
- C. “Board” means the board of supervisors of Napa County.
- D. “Clerk” means the clerk of the board of supervisors of Napa County.
- E. “Hearing” means any proceeding at which a person may attend and present testimony, including but not limited to, public hearings and noticed public hearings.
- F. “Interested person” means:
 - 1. For an appeal of a decision made for the following discretionary land use permits: conditional use permits and modifications thereto, variances, rezonings and zoning text amendments, telecommunications permits, viewshed applications and certificates of legal nonconformity, “interested person” means the approving authority, any person who testified or offered evidence at a hearing or other proceeding at which the matter being appealed was considered, and all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within one thousand feet of any property which is the subject of the appeal.
 - 2. For all other appeals, “interested person” means the approving authority, any person who testified or offered evidence at a hearing or other proceeding at which the matter being appealed was considered, and all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred feet of any property which is the subject of the appeal.
 - 3. “Interested person” includes the appellant and the permittee, if different, whether or not they appeared at the hearing, but does not include other persons unless such persons testified or offered evidence at the hearing other than by merely affixing their signatures to petitions submitted at the hearing.

4. Notwithstanding the foregoing subsections (F)(1) through (F)(3), where the appeal is of a decision granting a lot line adjustment, a minor modification of a use permit, or a conditional certificate of compliance, “interested person” includes any member of the public.

G. “Noticed public hearing” means a hearing that is noticed in accordance with Section 18.136.040 of this code, or any similar provision of law.

H. “Permit” means any permit, certificate, license or other entitlement for use, or any determination, decision or action made or taken by any approving authority under this code, including any environmental determination made pursuant to the California Environmental Quality Act (CEQA) and state or county guidelines or other regulations adopted to implement CEQA.

I. “Permittee” means the person who has applied for the permit which is the subject of the appeal.

J. “Working day” means a day when the office of the clerk of the board of supervisors is open for business. Weekends, county holidays as well as days when the office is closed for regular business due to a declared or posted emergency do not constitute working days.

2.88.020 - Application of provisions—Conflict resolution.

A. The procedures provided in this chapter shall apply to all appeals to grant, deny or condition a permit as defined in Section 2.88.010; except that if a different procedure to appeal a determination has been established elsewhere in this code, by state or county guidelines or other regulations adopted to implement the California Environmental Quality Act, or by any state or federal law applicable to the permit, those procedures shall control.

B. Except for the procedures relating to reconsideration of decisions of the board of supervisors on appeal, none of the provisions of this chapter shall apply to any final determination, decision or other action of the board of supervisors.

2.88.030 - Right to appeal.

A. Unless otherwise provided in this code, an appeal may be filed by any interested person whose interests are adversely affected by any discretionary act or determination taken by the approving authority.

B. Appeals from ministerial decisions shall be limited to a review of the record and will be overturned only upon a finding of an erroneous factual determination or processing error.

2.88.040 - Notice of intent to appeal—Time and place for filing—Fees.

A. An appeal is commenced by filing a notice of intent to appeal along with accompanying fees with the clerk within ten working days of the decision of the approving authority. For purposes of this section, the first day of the period within which the notice of appeal may be filed shall be the day following the day on which the decision was made by the approving authority if the decision was made at the conclusion of a noticed public hearing. If the decision was made by the approving authority without a public hearing, the date of decision shall be five days following the date of deposit in the U.S. mail by the approving authority of notice of the decision, addressed to the permittee and all other persons entitled to such mailed notice under this code. The notice of decision shall be mailed by certified mail or shall indicate the date of the mailing.

B. The notice of intent to appeal may be filed with the clerk in writing, by electronic mail or by facsimile. If filed by electronic mail or facsimile after the close of business on a working day, the notice of intent to appeal shall be deemed to have been filed on the next

working day. For purpose of this subsection, "close of business on a working day" shall mean five p.m. or such earlier time posted by the clerk as the time the clerk ceases to accept documents for filing at the clerk's counter. As proof that the notice of intent has been filed, the clerk shall issue only a confirmation noting the date and time of receipt which shall be kept with the notice of intent to appeal. Any appeal filed by electronic mail or facsimile does not extend the time within which the filing fee must be paid.

C. A notice of intent to appeal shall include an identification of the name of the permit, the date the decision being appealed was rendered and the name, address, and telephone number of the appellant.

D. Once the notice of intent has been timely filed and fees submitted, the appellant shall have ten working days from the date of filing the notice of intent to submit a completed appeal packet to the clerk. A notice of intent to appeal will be considered withdrawn if a completed appeal packet is not filed within such time frame.

E. If the notice of intent to appeal is not filed with the clerk within the time period set forth in subsection (A), the decision of the approving authority shall be deemed final and conclusive upon expiration of such time period.

2.88.050 Appeal packet - Information to be submitted.

A. The appeal packet shall include all of the following, which must be received by the clerk within ten working days following the submittal of a notice of intent to appeal. If the notice of appeal is filed by facsimile or electronic mail the ten-day period in which to file the appeal packet begins to run from the date of that filing even if the filing fee is submitted in a timely manner at a later point in time.

1. The name and address of the permittee or subject of the decision being appealed;
2. The name and address of the appellant, if different;
3. Identification and date of the decision being appealed, including identification of the permit or decision involved;
4. Identification of the specific factual or legal determination of the approving authority which is being appealed, and the basis for such appeal. Any issue not raised by the appellant in the appeal packet shall be deemed waived;
5. If the basis of the appeal is, in whole or in part, an allegation of prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that there were no facts presented to the approving authority to support the decision, such grounds of appeal and the factual or legal basis for such grounds must be expressly stated or the board shall deem such bases and grounds for appeal waived by the appellant.

B. If the decision appealed from involves real property the appeal packet shall contain the following, in addition to the above:

1. A title insurance company report issued no earlier than six months prior to the date of the decision being appealed that certifies, by name, address and assessor's parcel number, the owners of all real property located as follows:
 - a. Within one thousand feet of any real property which is the subject of the appeal of a discretionary land use permit as provided in subsection (F)(1) of Section 2.88.010; or
 - b. Within three hundred feet of any real property which is the subject of the appeal as provided in subsection (F)(2) of Section 2.88.010.
2. A copy of the assessor's map book pages current as of the date of the decision being appealed that shows all real property which is the subject of the appeal and all properties in the property owners list described in subsection (B)(1);

It shall be appellant's sole responsibility to ensure that all required items are submitted before the deadline. The clerk and/or county staff have been directed not to comment on or advise the appellant as to the completeness of the appeal. Therefore, the appellant shall not rely on statements made by the clerk or county staff.

2.88.060 - Withdrawal of appeal.

An appeal filed pursuant to this chapter shall be deemed withdrawn and the decision of the approving authority shall be final and conclusive if the notice of intent to appeal is deemed withdrawn pursuant to subsections (D) and (E) of Section 2.88.040 or is expressly withdrawn by the appellant. The appellant may withdraw the appeal at any time by filing with the clerk a signed and written request to withdraw. In the event of such express withdrawal by the appellant, the filing fee shall not be refunded and only that portion of the estimated costs of preparation of the transcript unused at the time the request for withdrawal is filed with the clerk shall be refunded to the appellant.

2.88.070 - Hearing by the board of supervisors.

Any appeal of a decision of the approving authority for which a notice of appeal has been filed in the manner required by this chapter shall be heard by the board unless withdrawn pursuant to Section 2.88.060.

2.88.080 - Scheduling and notice of the hearing.

A. When an appeal has been filed with the clerk which complies with all of the requirements set forth in Sections 2.88.040 and 2.88.050, the clerk shall schedule a hearing to commence before the board at a regular or special meeting of the board held not less than fifteen nor more than ninety calendar days after such submittal. If the appeal is required by state or federal law, or county regulations other than this chapter, to be held within a shorter period, the ninety-day period shall be reduced to the maximum number of days that may expire under such law or regulation before the appeal must be heard.

B. Unless a different requirement for giving notice of appeal is specified by this code or by any applicable state or federal law or regulation, notice of the hearing on the appeal shall be given by the clerk in the same manner as notice was given of the original hearing on the permit or other action, or in the same manner as notice of the decision was given if no hearing had been required on the permit or other action.

C. In addition to the notice of hearing on the appeal given pursuant to subsection (B), the clerk shall give notice to the approving authority and each county officer or department head who may be concerned with the permit or other action, and to any persons who have requested in writing that they be given notice of the appeal, if such persons have paid any fee imposed by resolution of the board of supervisors to cover the cost of such notification. Failure of the clerk to give any notice required under this subsection shall in no way invalidate the appeal or the decision being appealed.

D. The clerk may, but is not required to, give notice of the hearing on the appeal to any other persons or to the public at large in any other manner determined by the clerk, including but not limited to, electronic posting on a county website.

2.88.090 - Hearing—Conduct and procedures—Decision.

A. In hearing the appeal, the board shall exercise its independent judgment in determining whether the decision appealed was correct. If the hearing before the approving authority was recorded electronically or by a certified court reporter and notice of that hearing had been given in the manner set forth in Section 18.136.040, the decision of the board on

appeal shall be based on a review of the documentary record, including a transcription of the hearing, and such additional evidence as may be presented which could not have been presented at the time the decision appealed was made. No other evidence shall be permitted to be presented except as provided in subsection (B) of this section. If the hearing held before the approving authority was not recorded electronically or by a certified court reporter, or if notice of the hearing was not required to be given in the manner set forth in Section 18.136.040, the hearing on appeal shall be heard de novo.

B. Upon a showing of good cause, the chair of the board may authorize a de novo review and/or the presentation of additional evidence which could not have been presented at the time of the decision appealed from. This decision by the chair may be overruled by a majority of the remaining board members.

C. Following close of the hearing on appeal the board may affirm, reverse, or modify the decision being appealed, or may remand the matter to the approving authority for further consideration, additional findings, advisory report to the board within forty days of the remand, or other appropriate action consistent with the decision of the board. If the matter is remanded to the approving authority for an advisory report to the board, the hearing on appeal shall remain open solely for the purpose of receiving the advisory report and testimony thereon, and the board shall close the hearing and render its final decision on the appeal only after reviewing the advisory report or, if no report is submitted within the forty-day period, following expiration of such forty-day period.

D. A decision on the appeal shall be rendered by the board within thirty calendar days of the close of the hearing except that if the board renders a tentative decision within thirty calendar days of the close of the hearing and refers the matter to its legal counsel for preparation of proposed findings, such proposed findings shall be returned to the board and the board shall thereupon adopt its final findings and decision on the appeal within forty-five calendar days following such referral, unless that date is extended by the board for good cause up to ninety days.

E. No building, environmental management or other ministerial permit shall be issued for the purpose of authorizing construction permitted in consequence of the final decision of the board until expiration of the period within which a motion to reconsider must be made, or until the date of the decision of the board on reconsideration of the decision, whichever is later.

F. The decision on appeal shall be final seven working days following the date the board takes final action on the appeal at a public meeting, except that if reconsideration is initiated pursuant to Section 2.88.110, the decision on appeal shall be final on the date the board takes its final action on the reconsideration. The date of the decision shall not be the date the clerk or any officer, body or department notifies the appellant of the decision of the board and the date of decision shall not relate back to the date of the decision by the approving authority, unless a regulation of the county expressly provides otherwise.

2.88.100 - Record on appeal—Costs.

A. The record on appeal shall be prepared in the manner determined by the clerk.

B. The actual cost of preparing the record on appeal shall be borne by the appellant, except that if an interested person other than the appellant requests accelerated preparation of transcripts of proceedings recorded by a certified court reporter, that person shall pay the additional fee required by resolution of the board for such expedited preparation. If the appeal is dismissed upon request of the appellant prior to completion of preparation of transcripts whose expedited preparation was requested by a person other than

the appellant, the person requesting such expedited preparation shall be entitled to refund only of the unearned portion of such expedited preparation costs.

C. If the actual cost of preparing the record exceeds the estimated cost filed with the clerk and the appellant has not paid for the additional cost within fifteen days of receiving notification that a balance is due or the date of the hearing, whichever is earlier, the appeal shall be dismissed by the clerk. Such dismissal shall not be subject to reconsideration by the clerk or appeal to or reconsideration by the board. Notwithstanding such dismissal, the appellant shall remain liable for the excess cost of preparing the record. If such amount is not paid within thirty days following notification to appellant of the excess amount, the amount shall become a debt of appellant to the county which shall be enforceable by the county by civil action in a court of law.

D. If the actual cost of the accelerated preparation requested by an interested person other than the appellant exceeds the estimated additional cost, such actual additional cost shall, if not paid within thirty days of notification to such person, become a debt of such interested person to the county which shall be enforceable by the county by civil action in a court of law.

E. Nothing contained in this section shall be deemed to require any commission, board or other agency of the county to record any hearing, and nothing herein shall be deemed to prevent any person from using the services of a certified court reporter to produce a transcript of any proceedings before an agency of the county.

2.88.110 - Reconsideration of decision—Fees.

A. Reconsideration of the decision of the board on an appeal under Section 2.88.090 may be initiated by request of a member of the board pursuant to board policy or as the result of a written request for reconsideration filed by any interested person. The right to petition for judicial review shall not be affected by the failure of any person to seek reconsideration. Any such request must be filed with the clerk and shall include payment of a filing fee in the amount approved by resolution of the board. The right to initiate reconsideration shall expire seven working days following the date the board announces its final decision on the appeal pursuant to subsection (D) of Section 2.88.090

B. Upon receipt by the clerk of a written request for reconsideration or initiation of such reconsideration by request of a member of the board, the clerk shall set the matter for hearing and give notice of the hearing on reconsideration at least ten calendar days prior to the date set for the hearing, with such notice given in the same manner as notice of the hearing on the appeal was given. Written notice of the hearing on the reconsideration shall also be given by the clerk at least ten calendar days prior to the date set for the hearing to any other persons who filed a written request for such notice pursuant to this chapter.

C. If reconsideration is initiated by other than a member of the board, the grounds for reconsideration shall be limited to one or more of the following which shall be stated in the request for reconsideration:

1. The evidence before the board on the appeal does not support the findings of fact in the decision on the appeal;
2. The findings of fact in the decision on appeal do not support the decision of the board on the appeal;
3. The petitioner has discovered new evidence material to a decision contrary to the decision of the board on the appeal which the petitioner could not, with reasonable diligence, have discovered and produced at the hearing on the appeal.

All objections concerning the matter upon which the reconsideration is sought other than those set forth in the request for reconsideration shall be deemed finally and fully waived.

D. At the hearing to consider the request for reconsideration, the petitioner, other than a member of the board, shall be given an opportunity to demonstrate that one or more of the grounds identified in subsection (C) exist. If the request for reconsideration is made by a member of the board, the board member shall identify the reasons for reconsideration which may but is not required to be limited to the grounds set forth in subsection (C). A representative of the approving authority and any other interested persons shall be given an opportunity to respond. The board shall then vote to determine whether or not it wishes to reconsider its previous decision.

E. If the board decides to reconsider its decision, the hearing reconsidering the decision on appeal shall commence immediately. The hearing shall be limited to evidence presented at the appeal, unless the chair of the board determines good cause exists to allow new evidence pursuant to subsection (C)(3) above.

F. After receiving evidence accepted pursuant to subsection (E) if any, and hearing the arguments of all interested persons, the board shall close the hearing and render its decision reconsidering the appeal within the same timelines contained in subsection (D) of Section 2.88.090. This decision of the board shall be final and conclusive.

2.88.120 - Fees for filing appeals.

The fee for filing appeals pursuant to this chapter is that amount established by resolution of the board of supervisors for filing appeals of matters involving the planning division of the planning, building and environmental services department.

17.52.061 - Appeals.

A. Except as otherwise provided in this section, all appeals of decisions of the advisory agency under this chapter shall be made pursuant to Chapter 2.88 of this title.

B. If the advisory agency has determined under subdivisions (A) and (B) of Section 17.52.020 to deny issuance of a Certificate or Conditional Certificate for some of the parcels in an application on the basis that they have not been divided from all contiguous property, but has also determined that the remainder of the parcels sought to be recognized in the application have been divided from all contiguous property, a notice of appeal of the denial of the issuance of a Certificate or Conditional Certificate for the portion of the property determined not to have been divided from all contiguous property shall be filed no earlier than the time for filing a notice of appeal of the issuance of the Certificate or Conditional Certificate for the parcels determined to have been divided from all contiguous property. No person other than the applicant or owner (if different) may appeal the decision of the advisory agency to deny an application or portion thereof under subdivisions (A) and (B) of Section 17.52.020

C. If the advisory agency has determined under subdivision (C) of Section 17.52.020 that one or more of the parcels sought to be recognized in the application were divided in violation of the provisions of the Subdivision Map Act, any predecessor statutes, or any ordinance of the county enacted pursuant thereto, in effect at the time of the division, the time for filing notice of appeal of that decision shall not commence until the time for filing notice of appeal of the issuance of the Conditional Certificate for such parcels. No person other than the applicant or owner (if different), may appeal the decision of the advisory agency to deny issuance of a Certificate or Expedited Certificate pursuant to subdivision (C) of Section 17.52.020

D. The decision of the advisory agency to grant a Certificate, corrected Certificate, Expedited Certificate, corrected Expedited Certificate, or corrected Conditional Certificate for any parcel shall be final and no person may appeal such decision of the advisory agency to the board.

E. No person other than the applicant, owner (if different), or any person who was required to be given mailed notice under this chapter may appeal to the board the decision of the advisory agency to issue a Conditional Certificate or amended Conditional Certificate unless prior to the date of decision of the advisory agency to issue the Conditional Certificate or amended Conditional Certificate such person filed a written comment with the advisory agency regarding the application, including any comment relating to the environmental determination filed with the planning department during the public review period.

Other sections of the Napa County Code as they relate to appeals:	
Transient Occupancy Tax	3.32.100
Mobile Public Address System	5.32.080
Temporary Events	5.36.090
Caregiver Permits	5.60.060
Abandoned Vehicles	8.20.150
Solid Waste Franchises	8.48.130
Storage and Removal of Solid Wastes	8.52.160
Solid Waste Collection and Transportation	8.56.110
Solid Waste Facilities	8.58.190
Ambulance	8.70.065
Minor Alcohol Offenses	9.12.090
Special Events on Public Roadways	10.24.120
Houseboat Marinas	12.20.060
Moorage and Occupancy of Vessels	12.24.070
Groundwater Conservation	13.15.090
Landmark Preservation	15.52.060
Floodplain Management	16.04.670
Surface Mining and Reclamation	16.12.510
Lot Line Adjustments	17.46.080
Merger of Parcels	17.48.110
Subdivisions	Chapter 17.54
(Including: Tentative Maps, Vesting Tentative Maps, Map Corrections and Amendments)	