

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 BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING CHAPTER 8.02 (HOUSING ALLOCATION) AND SECTION 15.40.035 (SEASONAL HOUSING FOR FARMWORKERS) OF THE NAPA COUNTY CODE IMPLEMENTING THE PROGRAMS WITHIN THE 2009 HOUSING ELEMENT UPDATE**

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

**SECTION 1.** Chapter 8.02 (Housing Allocation Program) is amended to read in full as follows:

**Chapter 8.02**

**HOUSING ALLOCATION PROGRAM**

**Sections:**

- |                 |  |
|-----------------|--|
| <b>8.02.010</b> | <b>Definitions—Generally.</b>  |
| <b>8.02.020</b> | <del>Allocation rate—Affordable housing</del> <u>Annual growth rate calculation.</u> |
| <b>8.02.030</b> | <b>Implementation</b> <u>and review following census.</u>                            |

**8.02.010 Definitions—Generally.**

Unless the context requires otherwise, the definitions in this section shall govern the interpretation of the provisions of this chapter.

“Affordable housing capable of purchase or rental by persons with moderate or below moderate income” means that not more than thirty percent of the (gross) household income shall be spent on housing costs such as rent, mortgage payments, insurance, taxes, necessary utilities, and condominium membership fees.

“Building permits” means permits for the construction of new dwelling units on a site, not including rebuilding, remodeling, renovating or enlarging existing units, moving an existing dwelling from one unincorporated site to another unincorporated site, or units exempted ~~by 'grandfathering.'~~ from the Growth Management System.

“Growth ~~m~~Management ~~s~~System ~~element~~” means the comprehensive plan which is a part of the Agricultural Preservation and Land Use Element (AG/LU-119) of the county's general plan, ~~and related ordinances, if any,~~ which this chapter implements.

~~“Housing capable of purchase or rental by persons with average or below average income” means that not more than thirty percent of the (gross) household income shall be spent on housing costs such as rent, mortgage payments, insurance, taxes, necessary utilities, and condominium membership fees.~~ “Median Income” means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, section 6932 or its successor provision as determined by the California Department of Housing and Community Development and/or the Federal Department of Housing and Urban Development.

“Moderate” shall mean up to one hundred twenty percent of the ~~County area~~ median income.

“New housing units” means a room or connected rooms constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis, physically separate from other rooms or dwelling units in the same structure, and containing independent cooking and sleeping facilities. New housing units may also be referred to as “dwelling units” or “residential units” and shall include mobile homes, not including mobile homes within the federal take line at Lake Berryessa. New housing units shall not mean the rebuilding of an existing unit, the replacement of an existing unit by another, or the movement of an existing unit or units exempted by the Growth Management System grandfathering.

~~“Nine Bay Area counties” means the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma, and Solano.~~

“Persons per household” means the population in households divided by the number of occupied dwelling units.

“Population growth rate” means the change in the total population in one year's time stated as a percentage either increasing or decreasing, based on relevant data from the United States Census, the Association of Bay Area Governments, the California Department of Finance’s Demographic Research unit, or similar sources ~~and supplemented by the United States Census whenever available~~ for the unincorporated area of Napa County adjusted for annexations and incorporations ~~and the entirety of the nine San Francisco Bay Area counties.~~

~~“Reflect any changes in the annual population growth” means a change in the maximum population growth which matches that of the nine Bay Area counties, but in no case greater than one percent.~~

“Relevant data” means information needed to calculate the actual number of dwelling units to be permitted.

“United States census” means censuses conducted by the United States Bureau of the Census, including Decennial Census and the Mid-Decade Census.

“Vacancy rate” means the number of vacant year-round dwelling units divided by the total number of year-round dwelling units in the unincorporated area.

“Year-round housing units” means those dwelling units which are capable of year-round occupancy, but not including less than monthly rentals and dwelling units within the federal take line at Lake Berryessa.

#### **8.02.020 ~~Allocation rate~~ Annual growth rate calculation ~~--Affordable housing.~~**

A. The annual number of new housing units in the unincorporated area of the county of Napa ~~through December 31, 2020,~~ shall be allocated so as to allow an annual population growth rate ~~that shall not exceed~~ of one percent of the population of the unincorporated area ~~the~~

~~population growth rate of the Nine Bay Area Counties as~~. Such growth rate shall be determined using the most recent census ~~such rate is reflected in the~~ and other relevant data provided by the United States Census, the Association of Bay Area Governments, the California Department of Finance's Demographic Research Unit ~~or similar sources, and as supplemented by the United States Census if available;~~ provided that the annual population growth rate limit shall not exceed ~~one percent in the county of Napa.~~ The annual number of new housing units shall be set by multiplying the population of the unincorporated Napa County by 0.01 and then dividing by the number of persons per household. The calculation may be adjusted to reflect the vacancy rate of year-round housing units and shall not be less than the prior limit, unless annexations or incorporations of residential neighborhoods have occurred since the prior limit was established.

B. At least fifteen percent of the housing units allocated each year shall be for affordable housing capable of purchase or rental by persons with moderate or below moderate income.

#### **8.02.030 Implementation and review following census.**

A. General Plan and Growth Management System. The county shall implement the provisions of this chapter in accordance with the Growth Management System ~~Element~~ of the Agricultural Preservation and Land Use Element of the Napa County General Plan and such other ordinances as may be, or may have been, enacted to carry out the provisions of such Growth Management System ~~Element~~. The county reserves the right to amend the Growth Management System ~~Element~~ in accordance with the requirements of applicable law.

B. Periodic Review. The board of supervisors shall modify the Growth Management System ~~Element~~ based on data from the 2010 Census and each time the Housing Element is updated, or more frequently if so desired by the board of supervisors, and related ordinances by July 1, 2005, again by December 31, 2007 and at least every five years thereafter to reflect any changes in the annual population growth rate for the Nine Bay Area Counties. In setting the annual number of new housing units (and building permits) allocated in the future, the board of supervisors shall use the most recent census and other relevant data provided by the U.S. Census, the Association of Bay Area Governments, the California Department of Finance's Demographic Research Unit, or similar sources. The calculation may be adjusted to reflect ~~for determining the persons per household and~~ the vacancy rate of year-round housing units, and in no event shall the new limit be less than the prior limit, unless annexations or incorporations of residential neighborhoods have occurred since the prior limit was established. ~~The United States Census may be used as a supplementary resource whenever available.~~

### **SECTION 2.** Section 15.40.035 (Seasonal housing for farmworkers) of Chapter 15.40

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

#### **15.40.035 Seasonal housing for farmworkers.**

Except as provided in Section 18.104.295:

A. A permitted farm labor trailer may be occupied for not more than ninety consecutive days, and for not more than one hundred twenty days in any calendar year.

B. A temporary use permit for a farm labor trailer issued pursuant to this chapter that is "farmworker housing" as that term is defined by the Zoning Ordinance (Title 18 of this code)

may be issued for up to a ten-year period and may be renewed pursuant to then-current requirements of this code.

**SECTION 3.** The amendments set forth in this Ordinance implement programs contained within the 2009 Housing Element Update. An Environmental Impact Report, which contemplated the amendments set forth herein, was prepared as part of the 2009 Housing Element Update process.

**SECTION 4.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the General Plan Update: AG/LU-119, AG/LU-30, and AG/LU-11 and with Program H-3i of the 2009 Housing Element Update.

**SECTION 5.** 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 Board of Supervisors of the County of Napa 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 6.** This Ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 7.** A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, 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 Conservation, Development and Planning Commission at a regular meeting of the Commission on the \_\_\_\_ day of \_\_\_\_\_, 2009, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

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

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

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

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

**MARK LUCE, CHAIR**  
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

**APPROVED AS TO FORM**  
**Office of County Counsel**  
By: \_\_\_\_\_  
Chief Deputy County Counsel  
By: \_\_\_\_\_  
County Code Services  
Date: \_\_\_\_\_

**APPROVED BY THE NAPA COUNTY**  
**BOARD OF SUPERVISORS**  
Date: \_\_\_\_\_  
Processed by: \_\_\_\_\_  
Deputy Clerk of the Board

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

GLADYS I. COIL, CLERK OF THE BOARD