

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  
15.52 (LANDMARK PRESERVATION) AS IT RELATES TO THE  
DESIGNATION AND DISPOSITION OF HISTORIC LANDMARKS IN  
NAPA COUNTY**

**WHEREAS**, periodically the Conservation, Development and Planning Department recommends certain amendments to the Napa County Code; and

**WHEREAS**, Napa County Code provisions related to the designation and disposition of historic landmarks has not been updated since 1990, although professional historic preservation practices have evolved substantially; and

**WHEREAS**, Action Item CC-19.2 in the Napa County General Plan (adopted June 2008) call on the County to improve the procedures and standards to provide for the preservation and appropriate rehabilitation of significant resources, and to incorporate incentives for historic preservation; and

**WHEREAS**, Action Item CC-28.1 in the Napa County General Plan calls on the County to establish a discretionary process whereby owners of qualified historic buildings within agricultural areas of the County may apply for permission to reuse their buildings for their historic use or a compatible new use as long as the use is compatible with agriculture and the historic building is rehabilitated and maintained in conformance with the U.S. Secretary of the Interior's Standards; and

**WHEREAS**, the Board of Supervisors wishes to assess this idea by making a discretionary process available to owners of a limited number of important historic resources that are considered “at risk,” thereby evaluating the effectiveness and limitations of the historic preservation incentive envisioned by General Plan Policy CC-28; and

**WHEREAS**, both the Pope Valley Store and the Rutherford Depot have been vacant for many years, and are considered “at risk” for this reason and because of their deteriorated condition; and

**WHEREAS** if the proposed incentive successfully stimulates adaptive reuse of the Pope Valley Store and the Rutherford Depot in a way that is compatible with agriculture and respectful of the historic buildings and their setting, the Board could consider extending the program to other “at risk” historic resources; and

**WHEREAS**, farm centers and grange halls have played a significant role in the County’s agricultural heritage and the Board of Supervisors wishes to accommodate their continued use; and

**WHEREAS**, Napa County Code has long addressed so called “ghost wineries” and provided standards for their reuse, and the Board of Supervisors wishes to reference those resources and standards in Chapter 15.51 (Landmark Preservation).

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

**SECTION 1.** Chapter 15.52 (Landmark Preservation) of the Napa County Code is amended to read in full as follows:

Sections:

- 15.52.010 Purpose of provisions--Citizen participation.**
- 15.52.015 Definitions.**
- 15.52.020 Administrative authority--Powers and duties.**
- 15.52.030 Landmark designation criteria and procedures.**

- 15.52.035** **Ghost wineries, farm centers, and other landmarks of special significance.**
- 15.52.040** **Designated landmarks, ghost wineries, farm centers, and other landmarks of special significance --Use conditions.**
- 15.52.050** **Designated landmarks--Removal of status.**
- 15.52.060** **Appeals procedure.**

**15.52.010 Purpose of provisions--Citizen participation.**

- A. It is the intent and purpose of the board ~~of supervisors~~, by this chapter, to:
  - 1. Preserve the county's historic and cultural heritage, as embodied and reflected in landmarks and historic sites;
  - 2. Stabilize and improve property values as well as local economies through the appropriate rehabilitation and adaptive reuse of historic structures;
  - 3. Foster civic pride and increase our collective understanding of Napa's agricultural heritage in the beauty and accomplishments of the past;
  - 4. Protect and enhance the county's attractions to residents and visitors, and serve as a support and stimulus to business;
  - 5. Protect the county's important assets and sStrengthen its overall ~~the~~ economy ~~of the county~~; and
  - 6. Promote the use of historic sites and landmarks for the education, pleasure and welfare of the people of the county.
- B. Toward the preceding goals, the county will promote citizen participation by:
  - 1. Providing specific criteria for property owners to qualify buildings or structures and related landscaping as county landmarks, thus making them eligible to apply for local, any state and federal registers landmark status and associated tax benefits;
  - 2. Seeking funding, in kind donations, and volunteer efforts necessary to develop and maintain a comprehensive inventory of potentially eligible ~~Providing landmark status to qualified~~ structures and sites so that the State Historic Building Code may be utilized when applicable during rehabilitation, reconstruction or restoration activities.

**15.52.015** **Definitions.**

Unless the context clearly requires otherwise, the definitions in this section shall govern the provisions of this Chapter 15.52.

"California Register" shall mean the California Register of Historic Resources established by California Public Resources Code Section 5024.1.

"National Register" shall mean the National Register of Historic Places authorized by the National Historic Preservation Act of 1966 and maintained by the National Park Service, U.S. Department of the Interior.

"Qualified Preservation Professional" shall mean a registered architect with demonstrated experience in evaluating historic buildings and rehabilitating them in conformance with the Secretary of the Interior's Standards.

"Secretary of the Interior's Standards" shall mean the Secretary of the Interior's Standards for Rehabilitation as set forth in 36 CFR Part 67.

**15.52.020 Administrative authority--Powers and duties.**

The conservation, development and planning commission (hereinafter identified as “planning commission”) shall administer the Landmark Preservation Ordinance, and for that purpose shall have the following powers and duties:

- A. Review applications for landmark designations for consistency with criteria established by subsection (B) of Section 15.52.030;
- B. Maintain an up to date inventory ~~listing~~ of designated landmarks and potentially eligible structures and sites within the county;
- C. Conduct public hearings on environmental documents prepared for demolition of designated landmarks and adopt ~~negative declarations or~~ environmental documents impact reports; or recommend adoption to the board as appropriate;
- D. Review applications for adaptive reuse pursuant to subsection (E) of Section 15.52.040; and
- E. Perform other functions related to the cultural resources of the county as may be delegated to it by the board ~~of supervisors.~~

**15.52.030 Landmark designation criteria and procedures.**

A. The planning commission may, at the request of the property owner or another party acting with the property owner’s consent, designate existing buildings, ~~or~~ structures, sites, or landscapes and related landscaping as landmarks if they meet one or more of the criteria established in subsection (B) of this section, are more than fifty years old, and retain their historic integrity as defined in subsection (C) of this section. Designations shall be made only after the planning commission has conducted a public hearing, duly noticed, pursuant to Section 18.124.040 of the county's zoning provisions.

- B. Consistent with the California Register for Historic Resources, the criteria for Napa County Landmark designation are as follows:
- 1. Is associated with events that have made a significant contribution to the broad patterns of Napa County’s or California’s history and cultural heritage.
  - 2. Is associated with the lives of persons important in our past.
  - 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
  - 4. Has yielded, or may be likely to yield, information important in prehistory or history.

~~The commission shall consider the following factors in making a finding that the proposed landmark has special historical, architectural, cultural, aesthetic or engineering interest or value of a historical nature:~~

- 1. ~~Its character, interest or value as a part of the local, regional, state or national history, heritage or culture:~~
  - a. ~~Its location as a site of a significant historical event,~~
  - b. ~~Its identification with a person or persons who significantly contributed to the local, regional, state or national history and culture;~~
  - c. ~~Its exemplification of the cultural, economic, social or historical heritage of the county;~~
- 2. ~~Its architectural significance at the local, state or national level:~~
  - a. ~~Its embodiment of distinctive architectural characteristics of a style, type or period,~~
  - b. ~~Its identification as the work of an architect, builder or designer whose work has~~

~~influenced the development of the county;~~

~~e. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represent a significant innovation or which are unique;~~

~~3. Its relationship to any other landmark, if its preservation is essential to the integrity of that landmark;~~

~~4. Its potential for yielding archaeological information.~~

C. Resources with historic integrity are those that retain the essential physical features which enable them to convey their historic identity. According to the California Office of Historic Preservation, essential physical features are those characteristics that define why a property is significant and can include its location, design, setting, materials, workmanship, feeling, and association.

DE. Existing building(s) or structure(s) that have been formally listed on the National Register of Historic Places or included in the California Register of Historic Resources by action of the California Historic Resources Commission are deemed to be Napa County Landmarks due to their acknowledged ~~may also be eligible for designation as landmarks if it (they) are designated by the appropriate state or Federal agency as being of~~ historical, cultural or architectural significance.

~~D. In addition to satisfying one or more of the criteria established in subsections (B) or (C) of this section, the structure(s) or building(s) shall be at least fifty years old.~~

~~E. When several buildings are of equal architectural interest, the one with the most known history should be designated as the landmark.~~

#### **15.52.035 Ghost wineries, farm centers, and other landmarks of special significance.**

In addition to landmarks designated pursuant to Section 15.52.030, the county recognizes ghost wineries, farm centers, and other landmarks of special significance as noted below:

A. Ghost wineries are substantially intact buildings (i.e., four walls and a roof) that were used as wineries prior to Prohibition on January 16, 1920, but that were not being used as wineries as of May 14, 2002.

B. Farm centers include but are not limited to the following historic buildings that were used as grange halls or agricultural community centers:

1. Pope Valley Farm Center
2. Rutherford Grange
3. Tucker Farm Center
4. Welcome Grange
5. Carneros Community Center

C. Other landmarks of special significance due to their association with the county's agricultural heritage include the following buildings and sites:

1. Pope Valley Store
2. Rutherford Train Station

#### **15.52.040 Designated landmarks, ghost wineries, farm centers, and other landmarks of special significance --Use conditions.**

Designated landmarks, ghost wineries, farm centers, and other landmarks of special significance may be used in a manner and pursuant to procedures as established by the principal zoning district in which they are located subject to the conditions and exceptions listed below.

A. Alterations to designated landmarks, ghost wineries, farm centers, and other

landmarks of special significance shall be designed by a qualified preservation professional to be consistent with the Secretary of the Interior's Standards.

B. Proposed demolitions and alterations that are not certified by a qualified preservation professional as consistent with the Secretary of the Interior's Standards shall be subject to review by the planning commission to ensure that all feasible measures are taken to protect the structure from changes that would adversely affect its historical integrity as defined in subsection (C) of Section 15.52.030 or qualify the structure for removal of status pursuant to Section 15.52.050.

C. Ghost wineries may also be reused as wineries consistent with the provisions of Section 18.104.245.

D. Farm centers may be used as meeting halls and special event venues, including food preparation and non-commercial food service.

E. Adaptive reuse of the other landmarks of special significance listed in subsection (C) of Section 15.52.035 for uses permitted in the Commercial Limited zoning district may also be permitted upon grant of a use permit pursuant to Section 18.124.010, provided that the approving agency makes all of the following findings in addition to the findings required by Section 18.124.070:

1. The adaptive reuse will support the long-term preservation of the landmark, and the applicant has agreed to rehabilitate and maintain the building in conformance with the Secretary of the Interior's Standards for Preservation Projects.

2. The adaptive reuse will enhance public understanding and appreciation for the county's agricultural heritage.

3. The adaptive reuse is compatible with agriculture.

4. The adaptive reuse does not constitute urbanization because it either re-establishes an historic use of the property, or establishes a new use that does not require inappropriate alterations or extensive additions to the historic building that are not consistent with the Secretary of the Interior's Standards.

5. The adaptive reuse is supported by adequate off-street parking, adequate water supplies, and an adequate waste disposal system.

6. The property owner has agreed to maintain the building in accordance with the Secretary of the Interior's Standards, has provided a written maintenance plan, and has agreed to fund the cost of annual monitoring by the county or a designated third party reviewer for the duration of the use permit.

#### **15.52.050 Designated landmarks--Removal of status.**

A. Once designated as a landmark, removal of landmark status from structure(s) or building(s) by the planning commission may ~~only~~ be initiated by the commission upon written request by the property owner, ~~and following the conduct of a public hearing pursuant to Section 18.124.040 of the county's zoning provisions.~~

B. Prior to approving a request for the removal of landmark status, the planning commission shall conduct a public hearing pursuant to 18.124.040 and find that:

1. The applicant has demonstrated that the deletion is necessary to correct an unsafe or dangerous condition within the designated building that cannot be corrected without removal;

2. The applicant has demonstrated the denial of the request will result in immediate and substantial economic hardship; or

3. There are no reasonable alternatives to the removal as of the time of the hearing.

**15.52.060 Appeals procedure.**

Appeals to a decision by the ~~conservation, development and~~ planning commission on the designation or deletion of structure(s) or building(s) as landmarks or on the adaptive reuse of landmarks shall be processed in the manner prescribed by Chapter 2.88 of the Napa County Code.

**SECTION 2.** A Negative Declaration has been prepared for this Ordinance and circulated for public review and comment. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. There is one property (Pope Valley Store) that is on the lists of hazardous waste sites enumerated under Government code section 65962.5. That property is undergoing remediation.

**SECTION 3.** 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 2008 General Plan Update:

**Goal CC-4:** Identify and preserve Napa County's irreplaceable cultural and historic resources for present and future generations to appreciate and enjoy.

**Goal CC-5:** Encourage the reuse of historic buildings by providing incentives for their rehabilitation and reuse.

**Policy CC-19:** The County supports the identification and preservation of resources from the County's historic and prehistoric periods.

**Action Item CC-19.2:** Consider amendments to the County zoning and building codes to improve the procedures and standards for property owner-initiated designation of County Landmarks, to provide for the preservation and appropriate rehabilitation of significant resources, and to incorporate incentives for historic preservation.

**Policy CC-27:** Offer incentives for the appropriate rehabilitation and reuse of historic buildings and disseminate information regarding incentives available at the state and federal level.

Such incentives shall include but are not limited to the following:

a) Apply the State Historical Building Code when building modifications are proposed.  
b) Reduce County building permit fees when qualified preservation professionals are retained by applicants to verify conformance with the SHBC and the Secretary of the Interior's Standards.

c) Use of the federal historic preservation tax credit for qualified rehabilitation projects.

d) Income tax deductions for qualified donations of historic preservation easements.

**Policy CC-28:** As an additional incentive for historic preservation, owners of existing buildings within agricultural areas of the County that are either designated as Napa County Landmarks or listed in the California Register of Historic Resources or the National Register of Historic Places may apply for permission to reuse these buildings for their historic use or a compatible new use regardless of the land uses that would otherwise be permitted in the area so long as the use is compatible with agriculture, provided that the historic building is rehabilitated and maintained in conformance with the U.S. Secretary of the Interior's Standards for Preservation Projects.

This policy recognizes that, due to the small number of existing historic buildings in the County and the requirement that their historic reuse be compatible with agriculture, such limited development will not be detrimental to the Agriculture, Watershed or Open Space policies of the General Plan. Therefore such development is consistent with all of the goals and policies of the General Plan.

**Action Item CC-28.1:** Amend the Zoning Ordinance to provide a discretionary process such as a use permit by which property owners may seek approval consistent with Policy CC-28, for an additional incentive for historic preservation. The process shall preclude reuse of buildings which have lost their historic integrity and prohibit new uses that are incompatible with the historic building or that require inappropriate new construction.

**SECTION 4.** 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 5.** This Ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 6.** 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 \_\_\_\_\_, 2011, 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 \_\_\_\_\_, 2011, by the following vote:

AYES:	SUPERVISORS	_____
		_____
NOES:	SUPERVISORS	_____
		_____
ABSTAIN:	SUPERVISORS	_____
		_____
ABSENT:	SUPERVISORS	_____
		_____

\_\_\_\_\_  
**BILL DODD, Chair**  
 Napa County Board of Supervisors

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

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

<p><b>APPROVED AS TO FORM</b>  <b>Office of County Counsel</b></p> <p>By: _____ (by e-signature)          Deputy County Counsel</p> <p>By: _____ (by e-signature)          County Code Services</p> <p>Date: _____</p>	<p><b>Approved by the Napa County</b>  <b>Board of Supervisors</b></p> <p>Date: _____</p> <p>Processed by:          _____          Deputy Clerk of the Board</p>
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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