

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 VARIOUS SECTIONS
OF TITLE 18 OF THE NAPA COUNTY CODE (ZONING)
IMPLEMENTING PROGRAMS WITHIN THE 2009 HOUSING
ELEMENT UPDATE**

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

SECTION 1. Section 18.08.293 (Farm Labor Camp) of Chapter 18.08

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

18.08.293 Farmworker center~~Farm labor camp~~.

A farmworker center ~~farm labor camp~~ consists of:

- A. Permanent or seasonal farmworker housing as defined by this code, which is either contained in two or more units, or provides beds for at least five farmworkers; and
- B. Is regulated by the State Department of Housing and Community Development pursuant to Title 25 Farmworker Housing Regulations; and
- C. Contains no structures or uses except as may be specifically identified in use permit for the farmworker center~~camp~~, unless exempt from a use permit requirement under Section 18.104.295.

SECTION 2. Section 18.08.548 (Seasonal Farm Labor Camp) of Chapter 18.08

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

18.08.548 Seasonal farmworker center~~labor camp~~.

“Seasonal farmworker center~~labor camp~~” is a farmworker center~~labor camp~~, as defined by Section 18.08.293 of this code, composed entirely of farm labor trailers, as defined by Section 15.40.010 of this code, or which includes permanent structures existing on the effective date of the ordinance codified in this section, provided that more than half the beds in such structures are occupied for no more than one hundred twenty days in any calendar year, and for no more than ninety days consecutively. No beds in the farmworker center~~camp~~ are occupied for more than two hundred seventy days in any calendar year, and all beds occupied for more than one hundred twenty days are in permanent structures.

SECTION 3.

A new Section 18.08.591 (Single Room Occupancy Unit) is hereby added to Chapter 18.08 (Definitions) of the Napa County Code to read in full as follows:

18.08.591 Single Room Occupancy Unit.

“Single room occupancy unit” means a living space with a minimum floor area of one hundred fifty square feet and a maximum of four hundred square feet restricted to occupancy by no more than two persons. Kitchen and bathroom facilities may be wholly or partially included in each living space or may be fully shared.

SECTION 4.

Section 18.10.020 (Duties - Specific Subjects) of Chapter 18.10 (Zoning Administrator) of the Napa County Code is amended to read in full as follows:

18.10.020 Duties—Specific subjects.

The zoning administrator shall hear and decide all applications for the following unless, in his sole discretion, he determines that the public interest would be furthered by having a particular application heard and decided by the conservation, development and planning commission:

- A. Permits and modifications thereof for the following:
 - 1. Farmworker housing as defined by Section 18.08.294 of this code,
 - 2. (Reserved),
 - 3. Kennels and veterinary facilities,
 - 4. Multiple-family dwelling units,
 - 5. Second dwelling units as part of a deep lot development,
 - 6. Undergrounding of gas, electric, telephone, or cable television lines,
 - 7. Noncommercial wind energy and conversion systems,
 - 8. Child day care centers,
 - 9. Residential care facilities (medium) and (large),
 - 10. (Reserved),
 - 11. (Reserved),
 - 12. (Reserved),
 - 13. Minor modifications of use permits after making the findings required by Section 18.124.130 of this title,
 - 14. Farmworker centers ~~labor camps~~ as defined by Section 18.08.293 of this code,
 - 15. (Reserved),
 - 16. (Reserved);
- B. (Reserved);
- C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040;
- D. (Reserved);
- E. Summary reversions to acreage, but only after making the findings required by Section 17.50.070;
- F. (Reserved);

G. Licenses for Category 3 temporary events as defined in Section 5.36.010 if a hearing is requested and Category 4 temporary events as defined in Section 5.36.010 if not referred to the board;

H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050;

I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an “advisory agency” as defined in Chapter 17.02;

J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010);

K. (Reserved);

L. Applications for extensions of the life of a tentative map;

M. Minor modifications of small winery exemption certificates and minor modifications to use permits other than very minor requests for changes as described in Section 18.124.130(C)(1) through (4), after making the findings required by Section 18.124.130;

N. Variances from the standards for mobilehome parks in accordance with Section 15.40.480, or any successor amendment thereof;

O. Exceptions in the form of a use permit to any requirements of Chapter 15.48 of the Napa County Code in accordance with the requirements set forth in Section 18.108.040;

P. Applications for exceptions to the county’s adopted road and street standards in connection with a building permit clearance for a single-family residence or other ministerial permit clearance.

SECTION 5.

Section 18.16.020 (Uses allowed without a use permit) of Chapter

18.16 (AP Agricultural Preserve District) of the Napa County Code is amended to read in full as follows:

18.16.020 Uses allowed without a use permit.

The following uses shall be allowed in all AP districts without use permits:

A. Agriculture;

B. One single-family dwelling unit per legal lot;

C. Residential care facilities (small);

D. Family day care homes (small);

E. Family day care homes (large), subject to Section 18.104.070;

F. One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;

G. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;

H. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this section, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this section in conformance with the applicable certificate of exemption, Section 18.08.600 of this code, and any resolution adopted pursuant thereto;

I. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this section shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;

J. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260; ~~and~~

K. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140-;

L. A second unit, either attached to or detached from an existing legal residential dwelling unit, provided that (i) all of the conditions set forth in Section 18.104.180 are met, and (ii) prior to issuance of a building permit to commence construction of the second unit, the permittee shall record a deed restriction, in a form acceptable to county counsel, limiting use of the second unit to occupancy by a low income household, as defined in Section 18.82.020; and

M. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.

SECTION 6.

Section 18.16.030 (Uses allowed upon grant of a use permit) of

Chapter 18.16 (AP Agricultural Preserve District) of the Napa County Code is amended to read in full as follows:

18.16.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all AP districts, but only upon grant of a use permit pursuant to Section 18.124.010:

A. Farmworker housing and seasonal farm ~~worker labor camps centers~~ conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (M) of Section 18.16.020 ~~Section 18.104.295;~~

B. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;

C. Kennels and veterinary facilities;

D. Feed lots;

E. Noncommercial wind energy and conversion systems;

F. Wineries, as defined in Section 18.08.640;

G. The following uses in connection with a winery:

1. Crushing of grapes outside or within a structure,
2. On-site aboveground disposal of wastewater generated by the winery,
3. Aging, processing and storage of wine in bulk,
4. Bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - a. Office and laboratory uses,
 - b. Marketing of wine as defined in Section 18.08.370,
 - c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
 - H. The following uses, when accessory to a winery:
 1. Tours and tastings, as defined in Section 18.08.620,
 2. Display, but not sale, of art,
 3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
 4. Child day care centers limited to caring for children of employees of the winery;
 - I. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
 - J. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
 - K. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility;
 - L. Farm management uses not meeting one or more of the standards contained in subsections (E)(2), (E)(3), and (E)(4) of Section 18.08.040.

SECTION 7.

Section 18.20.020 (Uses allowed without a use permit) of Chapter

18.20 (AW Agricultural Watershed District) of the Napa County Code is amended to read in full as follows:

18.20.020 Uses allowed without a use permit.

The following uses shall be allowed in all AW districts without use permits:

- A. Agriculture;
- B. One single-family dwelling unit per legal lot;

C. A second unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;

D. Residential care facilities (small);

E. Family day care homes (small);

F. Family day care homes (large), subject to Section 18.104.070;

G. One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;

H. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;

I. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this chapter, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this chapter, in conformance with the applicable certificate of exemption, Section 18.08.600, and any resolution adopted pursuant thereto;

J. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this chapter shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;

K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

L. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140;

M. Hunting clubs (small) as defined in Chapter 18.08;

N. Overnight lodging in public parks or in structures, at the density and intensity of use (number of units) lawfully developed for such purpose prior to October 13, 1977, provided that such use has a currently-valid certificate of the extent of legal nonconformity pursuant to Section 18.132.050;

O. Any recreational vehicle park or campground and their accessory and related uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided that no expansion of uses or structures beyond those which were specifically authorized by a use permit or modification of a use permit issued prior to May 10, 1996, shall be permitted except as may be authorized by a subsequent permit issued pursuant to this title;

P. Floating dock which complies with all of the following:

1. Is accessory to a residential or agricultural use otherwise permitted by this chapter without a use permit;

2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows; ~~and~~ and

3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock; ~~and~~

Q. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code; ~~and~~ and

R. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.

SECTION 8. Section 18.20.030 (Uses allowed upon grant of a use permit) of Chapter 18.20 (AW Agricultural Watershed District) of the Napa County Code is amended to read in full as follows:

18.20.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all AW districts, but only upon grant of a use permit pursuant to Section 18.124.010:

A. Parks and rural recreation uses and facilities as defined in Chapter 18.08, conforming to the standards in Chapter 18.104;

B. Farmworker housing and seasonal farm ~~worker labor camps centers~~ conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (R) of Section 18.20.020 ~~Section 18.104.295~~;

C. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;

D. Kennels, horse boarding and/or training stables, and veterinary facilities;

E. Feed lots;

F. Sanitary landfill sites;

G. Noncommercial wind energy and conversion systems;

H. Wineries, as defined in Section 18.08.640;

I. The following uses in connection with a winery:

1. Crushing of grapes outside or within a structure,

2. On-site, aboveground disposal of wastewater generated by the winery,

3. Aging, processing and storage of wine in bulk,

4. Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,

5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:

a. Office and laboratory uses,

- b. Marketing of wine as defined in Section 18.08.370,
- c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
- J. The following uses, when accessory to a winery:
 - 1. Tours and tastings, as defined in Section 18.08.620,
 - 2. Display, but not sale, of art,
 - 3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
 - 4. Child day care centers limited to caring for children of employees of the winery;
- K. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- L. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
- M. Campgrounds and normal accessory structures (such as restrooms) on public lands, and additions or alterations to legally established public or private campgrounds if such use has not been abandoned pursuant to Chapter 18.132. Any campground establishment, additions or alterations shall conform to the standards in Chapter 18.104;
- N. Hunting clubs (large) as defined in Chapter 18.08 and subject to the standards in Chapter 18.104;
- O. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility; [and](#)
- P. Farm management uses not meeting one or more of the standards contained in subsections (E)(2), (E)(3), and (E)(4) of Section 18.08.040.

SECTION 9.

Section 18.28.030 (Uses allowed with a use permit) of Chapter

18.28 (CL Commercial Limited District) of the Napa County Code is amended to read in full as follows:

18.28.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all CL districts upon grant of a use permit pursuant to Section 18.124.010:

- A. Gasoline service stations, including minor auto repair facilities;
- B. Hotels, motels, inns and bed and breakfast establishments (defined in Section 18.08.080 and regulated by Section 18.104.050) with no more than fifty guest rooms;
- C. Restaurants, cafes, coffee shops, delicatessens, bars and taverns with no more than one hundred seats;

- D. Tourist information facility;
- E. Retail stores less than five thousand square feet in gross floor area selling groceries, candy, ice cream or alcoholic beverages; laundromat as an accessory use;
- F. Child day care centers;
- G. Wineries, located within an existing structure(s) upon an existing lot of record which is presently being commercially used for the production, processing or storage of wine and which is also located in one of those areas designated as urban on the general plan land use map;
- H. Private schools (institutional) subject to compliance with criteria specified in Section 18.104.160;
- I. Tourist and excursion transportation facilities as defined by Section 18.08.610;
- J. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- K. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
- L. Art studios and galleries; ~~and~~
- M. Accessory dwelling units affordable to households with moderate incomes (as defined in Section 18.82.020) and below, where the dwelling units are compatible with neighboring land uses, and where water, wastewater treatment, and parking is available to support the dwelling units.

SECTION 10.

Section 18.32.030 (Uses permitted upon grant of a use permit) of

Chapter 18.32 (CN Commercial Neighborhood District) of the Napa County Code is amended to read in full as follows:

18.32.030 Uses permitted upon grant of a use permit.

- A. The following uses may be permitted in all CN districts upon grant of a use permit pursuant to Section 18.124.010:
 - 1. Retail business including: candy, ice cream shops and retail bakeries; health food stores; ice sales (not to include ice plants); dry goods and variety stores; gift and novelty shops; hardware stores; liquor stores; tobacco shops; newsstands and bookstores. Each of these uses are limited to a maximum floor area of two thousand five hundred square feet;
 - 2. Food/meat markets, not including slaughtering (less than twenty-eight thousand square feet in floor area); buyback recycling centers as an accessory use;
 - 3. Service businesses including barber and beauty shops; shoe repair; laundry or self-service laundromat; dry cleaning agency (no on-site processing), repair of personal or household items;
 - 4. Child day care centers;
 - 5. Medical, optical and dental offices, and related laboratory facilities as an accessory;
 - 6. Branch post offices;
 - 7. Swimming pool;

8. Gasoline service stations, including incidental repair;
9. Video rentals;
10. Private schools (institutional) subject to compliance with criteria specified in Section 18.104.160;
11. Nurseries and garden stores, including outdoor storage of plant materials;
12. Small financial services such as branch banks and automatic teller machines, but not including drive-through banking; and
13. Professional, administrative, executive, financial, real estate, insurance and other general business offices.

B. In the Lake Berryessa and Capell Valley areas, the following additional uses may also be permitted in the CN district upon grant of a use permit pursuant to Section 18.124.010:

1. Auto supply stores;
2. Small contractor's offices and equipment, boat and material storage yards where all outdoor storage areas shall be screened from public streets and adjacent properties;
3. Restaurants, coffee shops, pizza parlors and cafes, not including drive-through eating places, with no more than fifty seats on the parcel containing the use; and
4. Storage and sales yards associated with hardware stores, and building materials yards, including small ready-mix concrete batching operations, with concrete production that does not exceed three thousand five hundred cubic yards per year, that provide delivery service, and where all outdoor storage areas are screened from public streets and adjacent properties.

C. In the Angwin urban residential area, the following additional uses may be permitted in the CN district upon grant of a use permit pursuant to Section 18.124.010:

1. Auto supply, service, repair, and detail shops;
2. Awning, cover, upholstery, framing, custom cabinet, and other similar shops when less than two thousand five hundred square feet in size;
3. Service businesses such as house cleaners, exterminators, plumbing and floor covering installers, septic tank cleaners, and landscape maintenance businesses; and
4. Contractor's offices with incidental outdoor storage.

D. Outdoor display and storage of materials and equipment shall be allowed upon grant of a use permit when incidental to the commercial use of a lot in the CN zone provided that such storage is confined to an area not exceeding three thousand square feet and is situated on the rear half of the lot. The latter limitation shall not apply to the outdoor storage of plant materials at retail nurseries.

E. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;

F. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district.

G. Accessory dwelling units affordable to moderate incomes households (as defined in Section 18.82.020) and below, where the dwelling units are compatible with neighboring land uses, and where water, wastewater treatment, and parking is available to support the dwelling units.

SECTION 11.

Section 18.36.020 (Uses allowed without a use permit) of Chapter

18.36 (I Industrial District) of the Napa County Code is amended to read in full as follows:

18.36.020 Uses allowed without a use permit.

The following uses shall be allowed in all I districts without a use permit:

- A. Agriculture;
- B. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- C. Telecommunication facilities that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140; and
- D. Emergency shelters, providing that all the conditions set forth in Section 18.104.065 are met and applicable conditions in the Airport Land Use Compatibility Plan and the Napa County Airport Industrial Area Specific Plan are met.

SECTION 12.

Section 18.36.030 (Uses permitted upon grant of a use permit) of

Chapter 18.36 (I Industrial District) of the Napa County Code is amended to read in full as follows:

18.36.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all I districts, but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Industry;
- B. Livestock feed lots;
- C. Noncommercial wind energy and conversion systems;
- D. Telecommunication facilities that do not meet one or more of the performance standards specified in Section 18.119.200; and
- ~~E. —Homeless shelters.~~

SECTION 13.

Section 18.44.020 (Allowed uses) of Chapter 18.44 (GI General

Industrial Zoning District) of the Napa County Code is amended to read in full as follows:

18.44.020 Allowed uses.

In the GI district:

A. The following uses are permitted without a use permit provided that, prior to the issuance of any building permit or the commencement of such use, the director or his designee has issued a site plan approval pursuant to Chapter 18.140 (commencing with Section 18.140.010) and further providing that the use(s), other than agriculture, do not employ more than twenty-five full-time equivalent employees:

- 1. Agriculture;
- 2. Bakeries and creameries;

3. Cabinet shops and lumber storage yards, including wholesale and incidental retail sales;
 4. Electrical, plumbing, heating, welding, sheet metal and machine parts and shops, if conducted within a completely enclosed building or screened outdoor yard area;
 5. Equipment storage, rental or repair yards, including contractor storage yards or building materials yards if conducted within a completely enclosed building or screened outdoor yard area;
 6. Truck terminals, including truck repair facilities;
 7. Storage, warehousing and related wholesale and incidental retail sales of goods and nonvehicular equipment, whether conducted outdoors or within buildings, including facilities for the aging, and storage subsequent to aging, of alcoholic beverages, except that no more than ten percent of the gross floor area shall be devoted to incidental retail sales activities;
 8. Assemblage or packaging of products from previously prepared materials such as aluminum, cloth, plastic, paper, leather, precious or semi-precious metals or stones;
 9. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
 10. Telecommunication facilities that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140.
- B. The following industrial uses are permitted, provided that a use permit has been granted pursuant to Chapter 18.124 (commencing with Section 18.124.010):
1. Laundries and cleaning and dyeing plants;
 2. Wrecking, auto dismantling, salvage and recycling or junkyards;
 3. Heavy manufacturing, which shall include the manufacture of automobiles, tractors, farm equipment, trucks, railway equipment, aircraft, cranes, electrical generating or transmission equipment; the processing of steel or other metals, scrap metal, chemicals, waste products or pet food; any uses involving electroplating or electropainting; and any uses involving the compounding, heating, processing, refining, treating, incineration or generating of goods, materials or products which are defined by state law as hazardous or extremely hazardous, or which are caustic, toxic, highly combustible, noxious or poisonous;
 4. Manufacturing or commercial processing of asphalt and asphalt products, building materials, cement, concrete, sand and rock, minerals, mineral ores or similar products or materials;
 5. Agricultural processing plants and facilities, including bakeries and creameries employing more than twenty-five full-time equivalent employees, wineries or other alcoholic beverage plants; fruit and vegetable packing plants, dehydrators or canneries;
 6. Limited professional and personal service commercial uses, such as contractor's showrooms, as an accessory use to other allowed uses listed within Section 18.44.020;
 7. Educational and training facilities which support the above-identified types of uses;
 8. Caretaker residences;
 9. Other uses which, in the opinion of the approving officer or body, are consistent with the intent of this district and similar in their environmental effects to those of any of the above-listed uses;

10. Telecommunication facilities that do not meet one or more of the performance standards specified in Section 18.119.200;

11. ~~Homeless~~Emergency shelters, providing that all the conditions set forth in Section 18.104.065 are met and that applicable conditions in the Airport Land Use Compatibility Plan and the Napa County Airport Industrial Area Specific Plan are met.

C. Uses described in subsection (A) of this section, other than agriculture, shall require the approval of a use permit pursuant to Chapter 18.124 (commencing with Section 18.124.010) if those uses would be constructed/established in environmentally sensitive areas as defined in Section 18.08.270; would involve storage or use of more than fifty-five gallons or five hundred pounds of hazardous, infectious wastes or any amount of extremely hazardous waste as defined in Health and Safety Code Sections 25117, 25115 and 25117.5, and Title 22, Division 4, Articles 9 and 11 of the California Administrative Code or hazardous materials as defined in Health and Safety Code Section 25411(c); or employ more than twenty-five full-time equivalent employees.

D. In the event a proposed use involves multiple uses, some of which require a use permit and some of which do not, the entire proposed use shall require a use permit.

E. In the event that a use allowed without a use permit pursuant to subsection (A) of this section is converted to a use permitted in subsection (B) of this section following site plan approval, a use permit shall be required pursuant to Chapter 18.124 (commencing with Section 18.124.010).

SECTION 14. Section 18.52.020 (Uses allowed without a use permit) of Chapter

18.52 (RS Residential Single District) of the Napa County Code is amended to read in full as follows:

18.52.020 Uses allowed without a use permit.

The following uses may be allowed in all RS districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. A second unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- C. Family day care homes (small);
- D. Family day care homes (large) subject to Section 18.104.070;
- E. Residential care facilities (small);
- F. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;
- G. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- H. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140;
- I. Floating dock which complies with all of the following:

1. Is accessory to a residential use otherwise permitted by this chapter without a use permit~~;~~
 2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows~~;~~
and
 3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock~~;~~
- J. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code~~;~~ and
- K. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.

SECTION 15. Section 18.56.020 (Uses allowed without a use permit) of Chapter 18.56 (RD Residential Double District) of the Napa County Code is amended to read in full as follows:

18.56.020 Uses allowed without a use permit.

- The following uses shall be allowed in all RD districts without a use permit:
- A. One single-family dwelling unit per legal lot;
 - B. One additional dwelling unit located within a single-family dwelling;
 - C. Residential care facilities (small);
 - D. Family day care homes (small);
 - E. Family day care homes (large) subject to Section 18.104.070;
 - F. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
 - G. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140~~;~~ and
 - H. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.

SECTION 16. Section 18.60.020 (Uses allowed without a use permit) of Chapter 18.60 (RM Residential Multiple District) of the Napa County Code is amended to read in full as follows:

18.60.020 Uses allowed without a use permit.

The following uses shall be allowed in all RM districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. Family day care homes (small);
- C. Family day care homes (large) subject to Section 18.104.070;
- D. Residential care facilities (small);
- E. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- F. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140; ~~and~~
- G. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.

SECTION 17.

Section 18.60.030 (Uses permitted upon grant of a use permit) of Chapter 18.60 (RM Residential Multiple District) of the Napa County Code is amended to read in full as follows:

18.60.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all RM zoning districts but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Multiple-family dwelling units and single room occupancy units;
- B. Outdoor parks and recreation facilities compatible with agriculture and residences;
- C. Residential care facilities (medium) subject to Section 18.104.170;
- D. Residential care facilities (large) subject to Section 18.104.170;
- E. Child day care centers; and
- F. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020~~(F)~~, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential double (RD), residential multiple (RM), residential country (RC), or planned development (PD) zoning district.

SECTION 18.

Section 18.64.020 (Uses allowed without a use permit) of Chapter 18.64 (RC Residential Country District) of the Napa County Code is amended to read in full as follows:

18.64.020 Uses allowed without a use permit.

The following uses shall be allowed in all RC districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. Agriculture;
- C. Public stables;
- D. A second unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- E. Family day care homes (small);
- F. Family day care homes (large) subject to Section 18.104.070;
- G. Residential care facilities (small);
- H. One guest cottage provided that all of the conditions set forth in Section 18.104.080 are met;
- I. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;
- J. Temporary off-site parking for events in a nonagricultural area which have been authorized by the county, subject to compliance with criteria specified in Section 18.104.130;
- K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- L. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140; ~~and~~ [M. Farmworker housing \(i\) providing accommodations for six or fewer employees, or \(ii\) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.](#)

SECTION 19.

Section 18.104.010 (Schedule of zoning district regulations) of

Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended

to read in full as follows:

18.104.010 Schedule of zoning district regulations.

A. The table presented in this section lists zoning districts in the first vertical column. Regulations are shown horizontally across the top of the table. The second and each succeeding vertical column shows the indicated minimum or maximum standard allowed for each listed regulation in the zoning district specified in the first vertical column.

B. Notwithstanding subsection (A) of this section, the side yard setbacks for legal parcels that are two acres in size or less and are located in the agricultural preserve, agricultural watershed or residential country zoning districts shall be the side yard setbacks applicable within the residential single zoning district.

C. Notwithstanding subsection (A) of this section, the side yard setback for a dwelling unit or accessory structure proposed on any lot with a lot width of less than sixty feet measured at the front yard setback line shall be five feet.

D. Notwithstanding subsection (A) of this section, and except as provided in Section 18.104.295, the minimum parcel size in the AP zoning district shall be two acres for ~~farm~~worker labor camps centers established pursuant to Section 18.104.305 and the minimum parcel size in the AW zoning district shall be two acres for farmworker labor camps centers established pursuant to Section 18.104.305.

E. Notwithstanding subsection (A) of this section, the front yard setbacks for all parcels within the Berryessa Highlands Subdivision, Units I and II, shall be ten feet from the front property line.

Table 18.104.010
SCHEDULE OF ZONING DISTRICT REGULATIONS

| | Minimum Lot | | | Minimum Yard | | | | |
|-----------------|-----------------|---------------|--------------------------|--------------|----------------|----------------|--------------------------------|-------------------------|
| Zoning District | Area | | Minimum Lot Width (Feet) | Feet | | | Maximum Main Building Coverage | Maximum Building Height |
| | (Acres) | (Square Feet) | | Front | Side | Rear | | |
| | | | | | | | | |
| AP | 40 | — | — | 20 | 20 | 20 | — | 35 |
| AW | 160 | — | — | 20 | 20 | 20 | — | 35 |
| AV | — | — | — | — | — | — | — | — |
| GC | 1 ^F | — | — | 10 | 5 ^A | — ^A | — | 35 |
| CL | 1 ^E | — | — | — | — | — | — | 35 |
| CN | 1 | — | — | — | — | — | — | 35 |
| MC | varies | | 75 | 20 | 20 | 20 | 40% | 35 |
| I | — | 20,000 | 100 | 20 | 20 | 20 | 35% | 35 |
| GI | varies | | 100 | varies | | | 35—50% ^D | 35 |
| IP | varies | | 125 | varies | | 10 | 35%—50% ^D | 35 |
| PD | — | — | — | — | — | — | — | 35 |
| PL | 10 ^G | — | — | varies—20 | | 20 | — | 35 |
| RS | — | 8,000 | 60 | 20 | 6 ^C | 20 | 50% | 35 |
| RD | — | 8,000 | 60 | 20 | 6 ^C | 20 | 40% | 35 |
| RM | — | 8,000 | 60 | 20 | 6 ^C | 20 | 40% | 35 |
| RC | 10 | — | 60 | 20 | 20 | 20 | — | 35 |
| TP | 160 | — | — | — | — | — | — | 35 |
| FR | 160 | — | — | — | — | — | — | 35 |
| GR | 160 | — | — | — | — | — | — | 35 |

A. Five feet shall be added to each side and rear yard for each story above the first story of any building.

B. Plus two thousand square feet per unit.

C. Three feet shall be added to each side yard for each story above the first story of any building. Minimum yard on the street side of a corner lot shall be ten feet.

- D. Up to fifty percent for certain uses.
- E. One-half acre if public water and sewer is available.
- F. Twenty thousand square feet if public water and sewer is available.
- G. In areas with general plan designations agricultural resource or agriculture, watershed and open space.

SECTION 20.

A new Section 18.104.065 (Emergency Shelters- Development

Standards and Design Criteria) is hereby added to Chapter 18.104 (Additional Zoning District

Regulations) of the Napa County Code to read in full as follows:

18.104.065 Emergency Shelters- Development Standards and Design Criteria.

A. Emergency shelters are allowed as a permitted use in the Industrial Zone and as a conditional use in the General Industrial Zone. The development standards listed in Table 1 below shall apply to emergency shelters in the Industrial and General Industrial zones. These development standards shall apply for all projects whether or not they require use permit approval. Where use permit approval is required in the General Industrial zone, Chapter 18.124 shall apply in addition to this section. Where use permit approval is required, the development standards may be modified if deemed appropriate by the commission.

TABLE 1

| <u>Subject</u> | <u>Standard</u> |
|-------------------------------------|--|
| <u>Site area (min)</u> | <u>20,000 square feet</u> |
| <u>Building site coverage (max)</u> | <u>35%</u> |
| <u>Front setback (min)</u> | <u>20 feet</u> |
| <u>Rear setback (min)</u> | <u>20 feet</u> |
| <u>Side setback (min)</u> | <u>5 feet</u> |
| <u>Height limit (max)</u> | <u>35 feet</u> |
| <u>Parking requirements</u> | <u>1 space for each employee and 1 space for every four beds</u> |

B. The following design guidelines shall apply to development of emergency shelters in the Industrial and General Industrial zoning districts. The design guidelines will be enforced through review and approval by the director, or his/her designee, in the cases where a use permit is not required, or by the commission in the event a use permit is required.

1. Use must meet density requirements for similar uses as stated in the Airport Land Use Compatibility Plan and an overflight easement must be recorded.

2. The site must be mitigated for hazardous materials before the site can be occupied.

3. Signage must meet standards for the applicable zoning district in which the emergency shelter is located.

4. Laundry facilities shall be provided that are adequate to meet the needs of the residents.

5. Temporary shelter shall be provided for no more than three hundred thirty days per calendar year for each resident.

6. Staff and services shall be provided to assist residents to obtain permanent shelter and income.

7. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility and for training, counseling and treatment programs for residents.

8. The number of beds at any facility shall not exceed sixty.

9. Projects should connect to municipal providers for water and sewer services or demonstrate that they can comply with groundwater/wastewater requirements through the department of environmental management.

10. All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

11. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

12. All development shall be subject to the county's Conservation Regulations (Chapter 18.108).

SECTION 21.

Section 18.104.170 (Residential care facilities) of Chapter 18.104

(Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.170 Residential care facilities.

Notwithstanding any other provisions of this title, a residential care facility (medium) or (large) shall meet the following criteria:

~~A. Density Standards. No use permit shall be approved for a residential care facility (medium) or (large) within three hundred feet of another residential care facility, family day care home or child day care center.~~

B.A. Minimum Lot Area Standards. The lot on which a residential care facility (medium) or (large) is located shall meet the minimum lot area requirements of that district, and it shall contain not less than two thousand square feet for each person served by the facility.

C.B. Parking Standards. Residential care facilities (medium) or (large) shall comply with the following parking and loading area requirements:

1. One off-street parking space shall be provided for each four persons served by the facility.

2. One additional off-street parking space shall be provided for each full-time or part-time employee of the facility.

3. Off-street loading and delivery areas shall be provided for each facility which has a capacity to serve thirteen or more persons, and an additional off-street loading and delivery area shall be provided for each additional one hundred persons or fraction thereof beyond the first one hundred persons.

~~D~~C. Large Residential Care Facilities Located in RS (Residential Single) Zoning Districts. The following additional criteria must be met:

1. Location within ~~one-half~~ five miles of a state-licensed general acute care hospital with supplemental emergency service as defined by the ~~State~~ Health and Safety Code Section 1250(a).

2. Not less than forty percent of the site shall be reserved for common use space and shall not be covered by buildings or parking improvements, but may be utilized as required setback, yard and septic system areas.

3. Minimum parcel size shall be two acres.

4. Public water and/or sewer services shall be provided to the site.

~~E~~D. Additional Conditions. Additional conditions to those set forth in this section may be imposed by the conservation, development and planning commission when deemed necessary by the commission to protect the public health, safety and welfare.

SECTION 22.

Section 18.104.180 (Second Unit Attached to or Detached from an

Existing Dwelling) of Chapter 18.104 (Additional Zoning District Regulations) of the Napa

County Code is amended to read in full as follows:

18.104.180 Second unit attached to or detached from an existing dwelling.

A. Pursuant to the provisions of Government Code Section 65852.2, a second unit may be constructed or placed attached to or detached from an existing dwelling unit in the residential single zone, residential country zone, agricultural preserve zone, or agricultural watershed zone upon the issuance of a building permit, if the following conditions are met:

1. The lot is a legal lot as defined by Section 18.08.340 of this title;

2. The lot is zoned RS, RC, AP or AW;

3. The lot contains only one existing, legal single-family dwelling except when an applicant is applying for a permit to build a main dwelling unit and a second unit at the same time;

4. The applicant for the building permit shall be the owner occupant of the existing dwelling;

5. The second unit shall conform to all height, setback, lot coverage, parking and other zoning requirements applicable to a primary (main) dwelling in the zone in which the property is located, except that a detached second unit shall be a separate, stand alone structure. The planning director may waive the requirement that the structure be stand alone if an alternative design (such as a single level to be built on top of an existing structure) provided by the applicant includes design features which preclude future expansion of the structure beyond the allowable living area of the unit. Examples of such features include: 1) use of external staircases rather than internal staircases to access a second floor unit; 2) exclusion of common walls which could be penetrated to create additional living space; or 3) exclusion of attached

areas that can be easily converted to additional living space (such as substantially enclosed porches). Second units legally constructed prior to the date of adoption of this ordinance which are attached to other structures are to be considered legally conforming and may expand up to the one thousand two hundred square foot limit;

6. All site plan review requirements, permit and mitigation fees and other charges applicable to primary (main) dwellings in the zone in which the property is located shall apply to the second unit;

7. County building code requirements which apply to single-family dwellings shall also apply to the second unit;

8. Approval by the county department of environmental management has been obtained where either a private or individual sewage disposal system or private or individual water system is to be used;

9. If an individual sewage disposal system is proposed, a separate system serving the second dwelling unit shall be installed unless otherwise approved by the director of environmental management;

10. The lot meets the following area requirements:

a. RS: eight thousand square feet minimum, exclusive of area devoted to required yards or setbacks. The lot proposed for a second unit must also meet the minimum lot area requirements of the department of environmental management in regard to water and sewer requirements,

b. RC, AP and AW zoned properties meeting the minimum lot area requirements of the department of environmental management in regard to water and sewer requirements.

11. Second units may be separately metered and shall include separate shut-off valves for all utilities.

B. The following additional requirements shall apply to all second units attached to an existing legal single-family dwelling:

1. The second unit shall be located no more than twenty feet from the living area of the existing dwelling and shall be attached to the existing dwelling in the manner set forth in Section 18.08.070 of this title; and

2. The square footage of the living area of the second unit shall not exceed thirty percent of the square footage of the living area of the existing dwelling at the time of creation of the second unit.

C. The following additional requirements shall apply to all detached second units:

1. The total area of floor space of a detached second unit shall not exceed twelve hundred square feet as measured from the inside of the exterior walls;

2. The maximum distance that a detached second unit may be from the nearest portion of the living area of the existing legal single-family dwelling on the same parcel shall be five hundred feet, measured along a level, horizontal straight line, unless a greater distance is required to avoid an agricultural constraint or to meet the standards of the department of environmental management relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.

SECTION 23. Section 18.104.295 (Employee housing) of Chapter 18.104

(Additional Zoning District Regulations) of the Napa County Code is amended to read in full as

follows:

18.104.295 Employee housing.

Notwithstanding any regulations set forth in this chapter, nothing in this chapter shall be construed to require the grant of a use permit for employee housing (as defined in Health and Safety Code Section 17008) where the grant of a use permit is not so required under ~~the provisions of Part 1 (commencing with Section 17000) of Division 13 of the~~ Health and Safety Code Sections 17021.5 or 17021.6 or successor provisions, entitled “Employee Housing Act.” . If any provision in this chapter conflicts with the mandates of the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code as it relates to employee housing, the provisions of the Employee Housing Act shall supersede the local zoning regulations.

SECTION 24. Section 18.104.300 (Farmworker housing) of Chapter 18.104

(Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.300 Farmworker housing.

Subject to the provisions of Section 18.104.295 where applicable, the following provisions shall apply to farmworker housing:

- A. Except as provided in subsection (D) of Section 18.104.010, ~~Section 18.104.295~~ and Section 18.104.305, the minimum parcel size for a use permit approved for farmworker housing, as defined by Section 18.08.294 of this code, shall be as follows:
 1. Any farmworker housing unit on a permanent foundation that is not part of a farmworker labor camp center, or any farmworker labor camp center containing permanent structures must be located on a parcel or parcels containing at least forty acres.
 2. Seasonal farmworker housing (i.e., occupied no more than one hundred twenty days in any calendar year) must be located on a parcel of at least twenty acres, provided that utilities are disconnected or such housing is removed from the site during the remainder of the year.
- B. An unmet need (for the income level and household size) must be demonstrated for housing one full-time qualified farmworker occupant per unit, permanently or seasonally, for the life of the unit. If agricultural employment need is demonstrated for at least one hundred eighty days in each of three successive calendar years, the unit shall be considered “permanent” or “full time” for the life of the unit.
- C. Farmworker housing shall be occupied solely by qualified farmworker occupants as defined by Section 18.08.294 of this code.
- D. Units must be located on the site of a qualifying agricultural employment; or on other lands owned or controlled by the agricultural employer; or if a public agency owns or manages the housing (under a long-term management agreement), within fifteen miles of an adequate amount of agricultural employment to provide full time agricultural employment for one qualified farmworker occupant per unit of farmworker housing.

E. Farmworker housing may not exceed one thousand two hundred square feet per unit in size.

F. A congregate farmworker lodging facility shall be deemed to contain one unit for each five beds, rounding up to the next whole unit.

G. Rent, if any, including utility costs, does not exceed a level affordable to a household of the median income for Napa County.

H. No more than ten farmworker housing units outside of a permitted farm~~worker labor camp~~ center shall be located on any single parcel.

I. A minimum of two parking spaces shall be provided per farmworker housing unit outside of farm~~worker labor camps~~ centers, screened from all on- and off-site residences and public streets. Parking areas for temporary or seasonal units shall be surfaced with a pervious surface acceptable to the director of conservation, development and planning.

J. A deed restriction is required for all units of permanent farmworker housing constructed on agriculturally zoned parcels. Any division of the land on which the farmworker housing lies, or reduction through any means of the land below the minimum size established in subsection (A) of this section will be subject to review and removal of the unit(s) to ensure conformance with the applicable zoning classification.

K. Farmworker housing is subject to removal if the agricultural employment upon which need for the unit(s) is based is eliminated. This section shall not apply if a showing is made that elimination of the agricultural use for no more than twenty-four months is related to the long-term functioning of agriculture on the site(s) used to establish the housing need (e.g., crop rotation, replanting, disease or the like).

L. The owner on which the farmworker housing is located shall certify, on a continuing annual basis, the full name, location(s) of employment, and duration of tenancy of all qualified farmworker occupants pursuant to Section 18.08.294 of this code.

M. A farmworker housing unit that ceases to be occupied in compliance with this code shall not be converted to another use or occupancy until each public housing authority operating within fifteen miles of the site has been notified of the intent to convert at least sixty days prior to the conversion and has had the opportunity to meet and confer with the property owner. A public housing authority, or another housing provider designated by the authority, may continue to operate the farmworker housing unit(s) for occupancy by persons employed in agriculture within fifteen miles of the housing site, upon submittal to the department of an occupancy agreement executed by the authority, its agent if any, and the owner. However, if such an agreement is not reached, the use shall be subject to review for revocation or modification pursuant to subsection (K) above to the extent it is occupied by persons who are not qualified farmworkers as defined by Section 18.08.294.

SECTION 25.

Section 18.104.305 (Farm labor camp—Owned or managed by local government agency) of Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.305 Farm~~worker centers~~ ~~labor camp~~—Owned or managed by local government agency.

Subject to the provisions of Section 18.104.295 where applicable, the following provisions shall apply to farmworker housing:

A. Notwithstanding subsection (A) of Section 18.104.300, a publicly owned and operated farm~~worker center~~ ~~labor camp~~ as described in subsection (A)(2) of Section 18.104.310, that is, a congregate housing facility occupied for no more than three hundred thirty days in a calendar year, comprised of permanent structures which is either owned or managed under a long term lease by a local government agency may be located on a parcel of two or more acres, subject to all of the following conditions, together with applicable conditions in subsection (B), if any:

1. The farm~~worker center~~ ~~labor camp~~ may be occupied by no more than sixty farmworkers at any one time;
2. No more than five new farm~~worker centers~~ ~~labor camps~~ may be established pursuant to this section after March 7, 2002;
3. The local government agency shall operate the farm~~worker center~~ ~~labor camp~~ in accordance with all applicable provisions of both this code and applicable state and federal law.

B. If a newly created parcel is conveyed or leased to a local government agency to operate a farm~~worker center~~ ~~labor camp~~ pursuant to subsection (A), above, and the local government agency ceases to use the parcel for a farm~~worker center~~ ~~labor camp~~, then all of the following conditions shall apply:

1. The local government agency shall, within six months, directly reconvey the parcel to the grantor or cancel the lease in such a manner as to merge it into the parcel from which it was divided;
2. The local government agency may not convey a parcel which does not satisfy the requirements of Section 18.104.300 to any third persons other than successors in interest of the grantor;
3. The use permit for the farm~~worker center~~ ~~labor camp~~ shall automatically expire;
4. The parcel may thereafter be used only for purposes otherwise allowed by applicable zoning;
5. The local government agency shall submit a plan to the director describing the action it will take to insure that future use of the structures conform to zoning applicable to the parcel at the time of reconveyance, including, but not limited to, demolition of the structures, modification of the structures to make them not habitable for residential use, or conversion of the structures to a use allowed by the zoning.

C. No parcel shall be created for the purpose of establishing a farm~~worker center~~ ~~labor camp~~ pursuant to this section and subsection (D) of Section 18.104.010 unless the local government agency first agrees in writing to accept title to the parcel or to enter into a long term lease.

D. A use permit for a farm~~worker center~~ ~~labor camp~~ issued pursuant to this section shall automatically expire if the parcel is not used as a farm~~worker center~~ ~~labor camp~~ within three years after execution of the conveyance of the parcel.

E. A use permit for a farm~~worker center~~ ~~labor camp~~ issued pursuant to this section shall automatically expire if the ~~farmworker center camp~~ is not used for two consecutive growing seasons, provided that, if the director receives written notice that the ~~farmworker center camp~~ is

temporarily closed for rehabilitation, growing seasons during which rehabilitation is taking place shall not be counted.

F. To the extent it is legally permissible, language that ensures the conditions in subsections (A) and (B), above, shall be complied with shall be included in any deed or lease by which property is acquired by a local government agency for use as a farm ~~worker center labor camp~~ pursuant to this section.

G. Notwithstanding subsection (A)(3) of Section 18.104.330, a farm ~~worker center labor camp~~ established pursuant to this section may provide information regarding, and referral of farmworkers to, employment, social and community, and health services.

H. For purposes of this section, long term lease means forty years or longer.

SECTION 26. Section 18.104.310 (Farm labor camps) of Chapter 18.104

(Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.310 ~~Farm labor camps~~ Farmworker centers.

Subject to the provisions of Section 18.104.295 where applicable, the following provisions shall apply to farmworker housing:

A. ~~Farm labor camps~~ Farmworker centers, defined by Section 18.08.293 of this code, may consist of any of the following types of farmworker housing, or combination thereof, totaling two independent residential units or five beds or more:

1. Permanent single-family dwelling units.
2. Congregate housing facilities, such as dormitories, occupied for no more than two hundred seventy days in a calendar year, provided that publicly owned and operated congregate housing facilities may be occupied for no more than three hundred thirty days in a calendar year.
3. Temporary trailers, occupied for no more than one hundred twenty days in a calendar year.

B. ~~Farm labor camps~~ Farmworker centers shall, in addition to the requirements of Section 18.104.300, meet the following standards:

1. All ~~farmworker center camp~~ parking areas shall be screened from adjacent property boundaries and from public roads. All permanent ~~farm labor camp~~ farmworker centers, and all seasonal farmworker centers ~~camp~~-containing any permanent structures, shall be screened along the entire perimeter by landscaping, excluding driveways and farm service roads located more than one hundred yards from any residence on adjacent parcels. Seasonal farmworker centers ~~camp~~-without permanent structures shall, at a minimum, landscape any frontage on a public road.

2. Exterior lighting of farm ~~worker labor camps~~ centers shall be low profile and limited to security needs only; all exterior lights shall be shielded from streets and any off-site residences.

3. A farm ~~worker labor camp~~ center shall have an adequate management plan to demonstrate ability to comply with all requirements.

4. A farm ~~worker labor camp~~ center shall comply with all health and safety and building codes, and requirements of state law.

5. At least one (standard-sized) parking space per unit shall be provided, or one space per three beds, whichever is more, as well as one space per ~~camp~~ farmworker center employee (e.g., manager).

C. Seasonal farm ~~worker labor camps~~ centers shall, in addition to the other requirements of this code, meet the following standards:

1. A seasonal ~~camp~~ farmworker center may contain no more than twenty units/acre, or sixty beds total, whichever is less.

2. Any permanent structures utilized as part of a seasonal ~~camp~~ farmworker center must either have existed on June 24, 1993, or be constructed within the farmworker housing development area as defined by Section 18.104.320.

3. Where seasonal ~~camps~~ farmworker centers consist entirely of “farm labor trailers,” as defined by Section 15.40.010 of this code, such trailers shall be removed for storage in non-agriculturally-zoned areas, or be placed within existing buildings or existing fully-screened enclosures, for the remaining two hundred forty or more days each year.

D. Any beds occupied for more than one hundred twenty days in a farm ~~worker labor camp~~ center shall be located in permanent structures. Any use permit allowing a farm ~~worker labor camp~~ center is subject to revocation in accordance with the procedures set forth in Section 18.124.120 of this code if any part of the ~~camp~~ farmworker center is occupied for than two hundred seventy days in any calendar year, provided that publicly owned and operated congregate housing facilities may be occupied for three hundred thirty days in any calendar year.

SECTION 27. Section 18.104.320 (Farm labor camp development area) of

Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.320 Farm ~~worker labor camp~~ center development area.

A. The farm ~~worker labor camp~~ center development area shall be a contiguous area consisting of the aggregate paved or impervious ground surface of the approved or recognized buildings, decks, patios, and exclusive driveways, and parking areas.

B. Farm ~~worker labor camps~~ centers as defined by Section 18.08.293, which were permitted on or before the date of adoption of the ordinance codified in this chapter, shall not be expanded beyond the farm ~~worker labor camp~~ center development area; except that farmworker housing may be added if it complies with subsection (A) or (B) of Section 18.08.294 or if it is a permitted use in the zoning district.

SECTION 28. Section 18.104.330 (Accessory Farm Labor Camp Uses) of

Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.330 Accessory farmworker center-labor camp uses.

A. Any or all of the following uses, if included specifically in a use permit, may be permitted as an accessory use for residents of an authorized farmworker center-labor camp. Such accessory uses must be located either in a single community building or in a permitted location outdoors, and such uses may not be advertised to the general public:

1. Food service for residents of the farmworker center camp;
2. Laundry facilities for residents of the farmworker center camp;
3. At an authorized farmworker center-labor camp which is operated by a public housing authority on January 1, 1995, and without the establishment of permanent facilities therefor:
 - a. Information and referral to employment services for residents of the farmworker center camp.
 - b. Information and referral to social and community services for residents of the farmworker center camp.
 - c. Information and referral to health services for residents of the farmworker center camp.

SECTION 29. A new Section 18.104.420 (Supportive and Transitional Housing)

is hereby added to Chapter 18.104 (Additional Zoning District Regulations) to the Napa County Code to read in full as follows:

18.104.420 Supportive and Transitional Housing

Pursuant to Government Code Section 65583(a)(5), transitional and supportive housing (as defined in Health and Safety Code Sections 50675.2(h) and 50675.14(b)) are subject to the same restrictions as residential dwellings of the same type.

SECTION 30. Section 18.126.020 (Definitions) of Chapter 18.126

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

18.126.020 Definitions.

For purposes of this chapter, the following words and phrases are defined and shall be construed as hereafter set out, unless the context requires otherwise.

“Code” means the Napa County Code.

“Construction trailer” means any mobilehome used for the temporary housing or shelter of persons or chattels located upon land where the occupant is engaged in the construction of any building or works, for which any permits or approvals required by law have been issued.

“Department” means the Napa County conservation, development and planning department.

“Director” means the director of the Napa County conservation, development and planning department and/or his authorized designee.

“Farm labor trailer” means any mobilehome or mobilehomes used for temporary housing or shelter of persons on a seasonal basis which is located either (a) on the premises of a farm

where such persons are bona fide employees of such farm, or (b) in a permitted farm worker center ~~labor camp~~.

“Medical or caregiver trailer” means a mobilehome used for temporary housing or shelter of persons whose primary function is to provide medical aid or perform caregiver functions to a person requiring those services who resides in a legal residence on the parcel.

“Office trailer” means a temporary trailer located on the same site that may be used to continue operations of a legal business while the previously approved structure undergoes repair or remodeling.

“Permit” means an administrative permit issued pursuant to this chapter.

“Watchman trailer” means a mobilehome used for temporary housing or shelter of a person in connection with and adjacent to any business establishment for the purpose of preventing vandalism, burglary or unauthorized entrance upon the premises of such business.

SECTION 31. Section 18.126.060 (Permit—Issuance prerequisites) of Chapter

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

18.126.060 Permit—Issuance prerequisites.

Issuance of an administrative permit is subject to the following standards:

A. An administrative permit for a temporary event shall not be issued unless the application complies with Chapter 5.36 and the standards set forth in the Temporary Events Manual.

B. An administrative permit for a home occupation shall not be issued unless the application complies with the standards contained in Section 18.104.090.

C. An administrative permit for certain entry structures and fences shall not be issued unless the application complies with the standards contained in subsection (D)(3) of Section 18.104.270 or Section 18.104.275.

D. An administrative permit for a directional sign shall not be issued unless the application complies with the standards contained in subsections (A) and (B) of Section 18.116.030.

E. An administrative permit for an identification sign shall not be issued unless the application complies with the standards contained in Section 18.116.035.

F. An administrative permit for a comprehensive sign plan shall not be issued unless the application complies with the standards contained in Section 18.116.035.

G. An administrative permit for an agricultural sign shall not be issued unless the application complies with the standards contained in subsection (C) of Section 18.116.030.

H. An administrative permit for a temporary off-site sign shall not be issued unless the application complies with the standards contained in subsection (G) of Section 18.116.030.

I. An administrative permit for a construction trailer shall not be issued unless the application complies with the following standards:

1. A building permit for a residential use has been issued for the property upon which the trailer will be located;
2. The trailer is for use by the owner/builder;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and

4. The trailer meets applicable county setback requirements.
- J. An administrative permit for a medical or caregiver trailer shall not be issued unless the application complies with the following standards:
 1. The property owner or occupant of the property has provided written documentation from a licensed physician indicating the property owner's or occupant's need for twenty-four-hour, in-home medical care;
 2. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 3. The trailer meets applicable county setback requirements.
- K. An administrative permit for an office trailer shall not be issued unless the application complies with the following standards:
 1. A use permit has been granted for the property upon which the trailer will be located and a building permit for the office is either in process for issuance or has been issued;
 2. The trailer will be used during the daytime for business purposes only and no overnight lodging will occur;
 3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 4. The trailer meets applicable county setback requirements.
- L. An administrative permit for a watchman trailer shall not be issued unless the application complies with the following standards:
 1. A use permit has been granted and a building permit (if required) is either in process for issuance or has been issued for the property upon which the trailer will be located;
 2. There is a need for security on-site because the property is located in an isolated area or there is a risk of theft, vandalism, burglary, or unauthorized entry upon the property;
 3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 4. The trailer meets applicable county setback requirements.
- M. [Except as provided in Section 18.104.295, a](#) permit for a farm labor trailer shall not be issued unless the application complies with the following standards:
 1. A use permit has been granted for the property upon which the trailer will be located;
 2. A building permit for a permanent structure is either in process for issuance or has been issued;
 3. There is a demonstrated need for a temporary trailer to be onsite prior to completion of construction of the permanent structure;
 4. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 5. The trailer meets applicable county setback requirements.
- N. An extension of time for an administrative permit for any temporary trailer shall not be issued unless the director determines that the original findings identified in Section 18.126.060 have not changed.
- O. A permit for hot air balloon launchings shall not be issued unless the application complies with the following standards:
 1. The proposed launch site is located more than five hundred feet from any off-site residence or if the launch site is proposed within five hundred feet of any off-site residence, the permittee has submitted written consent to the planning department from the property owners or

residents of any off-site residences within five hundred feet stating that they have no objection to the proposed launch site;

2. The permittee has submitted a signed statement which acknowledges that the permittee: (a) has read the county's adopted code of conduct; (b) agrees that all users of the launch site will be bound by the county's adopted code of conduct; and (c) certifies that all activities within the last year at any other sites operated by the permittee have complied with the county's adopted code of conduct;

3. The permittee has provided written authorization from either the property owner where the launch site is proposed or the property owner's authorized agent together with a statement from the property owner or the property owner's authorized agent confirming that balloon launchings will not interfere or conflict with any existing or planned agricultural uses on the property;

4. The site is proposed for use only between the hours of five-thirty a.m. and nine-thirty a.m.;

5. The permittee has provided the planning department with a certificate of insurance naming the county and the property owner as additional insureds on the personal injury/property damage insurance in an amount acceptable to the county's risk manager which is consistent with the county's corporation yard license requirements currently existing or as amended;

6. The permittee has provided a list of intended landing areas that are both reasonable given the launch location and prevailing winds and permitted or allowed;

7. The permittee and each balloon operator utilizing the permittee's launch site agree to conduct their operations so as to remain in good standing with the county. For purposes of this section, "in good standing with the county" means that within the last twelve-month period, the county has not received more than three verified complaints or a number of verified complaints equivalent to three percent of the total number of launches, whichever is greater. All complaints must be: (a) submitted on a form provided by the planning department for verification; and (b) submitted by a property owner or resident who has certified that the permittee or a balloon operator using the launch site has landed on the property owner's or resident's property without permission; and

8. Notice of the tentative approval of a hot air balloon launching site pursuant to this chapter shall be given by the director of planning in accordance with subsection (B)(4) of Section 18.136.040. All notices under this section shall inform the persons notified of their right to appeal the decision under Section 18.126.060, including the time within which any such appeal must be filed.

P. An administrative permit for agriculture association signs and American viticulture area signs shall not be issued unless the application complies with the standards contained in subsection (F) of Section 18.116.030.

SECTION 32.

The amendments set forth in this Ordinance implement programs 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 33. 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: AG/LU-11, AG/LU-30, and AG/LU-30.1 and with the following policies, programs and goals of the 2009 Housing Element Update: Goals H-1, H-2, and H-5, Policies H-2g, H-3f, H-4a, H-4g, and Programs H-2f, H-3d, H-3e, H-3i, 3j, H-4d, H-4f.

SECTION 34. 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 35. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 36. 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: _____

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|---|
| <p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ Chief Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p> |
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|--|
| <p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed by: _____</p> <p>Deputy Clerk of the Board</p> |
|--|

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