

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 RESOURCES IN
NAPA COUNTY**

WHEREAS, periodically the Conservation, Development and Planning Department recommends amendments to Title 18 (Zoning) and related sections of the Napa County Code; and

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

WHEREAS, Community Character Action Item CC-19.2 in the Napa County General Plan (adopted June 2008) (the “General Plan”) calls 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, historic buildings may be neglected and fall into disrepair because they are not recognized as historic buildings or because of the high cost of preservation and rehabilitation;

WHEREAS, Community Character Policy CC-27 of the General Plan states that the County shall offer a variety of incentives for the appropriate rehabilitation and reuse of historic buildings; and

WHEREAS, the Board of Supervisors recognizes that the incentives needed to encourage rehabilitation and reuse of historic resources vary depending on the nature of the resources involved; and

WHEREAS, Napa County Code permits residential use on all legal parcels, making it feasible for historic homes and school houses to be reused as residences; and

WHEREAS, Napa County Code permits agricultural use in agricultural zoning districts, making it feasible for historic barns and agricultural structures to be reused for their original purpose, for farm management, or for agricultural production; 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 15.52 (Landmark Preservation); 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.

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 and farm centers.

15.52.037 Preservation incentives.

15.52.040 Designated landmarks and farm centers --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 ~~its landmarks and~~ historic ~~resources~~ sites;
 2. Stabilize and improve property values and the local economy through the appropriate rehabilitation and reuse of historic structures;
 3. Foster civic pride and increase the 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 ~~resources 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 who wish to designate their qualify historic resources buildings or structures and related landscaping as Napa County Llandmarks, thus making them eligible to apply for local, any state and federal preservation incentives 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 resources 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 as such may be amended from time to time.

"Historical Resource" shall mean a building, structure, site, or landscape that is potentially eligible for designation as a Napa County Landmark, or that has been determined eligible for listing on the California Register or the National Register.

"Mills Act contract" shall mean an agreement executed pursuant to Government Code Section 50280, et seq. as such may be amended from time to time and Board of Supervisors Resolution providing a property tax reduction in exchange for the property owner's agreement to rehabilitate and maintain a designated landmark.

"Napa County Landmark" shall mean a historical resource that has been designated pursuant to this Chapter 15.52 or that has been formally listed on the California Register or the National Register.

"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 professional with demonstrated experience in conformance with the Code of Federal Regulations, Appendix A to Part 61, Professional Qualifications Standards of the Secretary of the Interior's Standards as such may be

amended from time to time.

“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 as such may be amended from time to time.

15.52.020 Administrative authority—Powers and duties.

The conservation, development and planning commission (hereinafter identified as "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 the criteria established by subsection (B) of Section 15.52.030;
- B. Maintain an up to date inventory ~~a listing~~ of designated Napa County Landmarks and other historical resources within the county;
- C. Conduct public hearings on environmental documents prepared for demolition of designated landmarks and adopt ~~negative declarations or~~ environmental documents or recommend adoption to the board~~impact reports~~, as appropriate;
- D. 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 commission may, at the request of the property owner or another party acting with the property owner’s consent, designate existing historical resources ~~buildings or structures and related landscaping~~ as Napa County 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 commission has conducted a public hearing, duly noticed, pursuant to Section 18.136.040~~18.124.040 of the county's zoning provisions~~.

B. Applications for landmark designation shall be made to the commission in writing on a form prescribed by the department and shall describe the historic uses of the property and demonstrate compliance with criteria and requirements of this section.

C. As provided in subsection (A) of this section, a historical resource may be designated as a Napa County Landmark if it:

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; or
2. Is associated with the lives of persons important in our past; or
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; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

~~B. 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;~~

~~c. — 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.~~

D. — Resources with historic integrity are those that retain the essential physical features which enable them to convey their historic identity or their importance to Napa County's or California's history and cultural heritage. 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.

~~EC. — Whether or not they have been designated as such by the commission, Existing building(s) or structure(s) that have been formally listed on the National Register or the California Register by action of the California Historic Resources Commission are considered 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 and farm centers.

In addition to landmarks designated pursuant to Section 15.52.030, the county recognizes ghost wineries and farm centers 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

15.52.037 Preservation incentives.

A. Residential buildings and school houses and religious buildings that have been designated as Napa County Landmarks shall be eligible for property tax reductions following execution of a Mills Act contract. Residential buildings and school houses and religious buildings shall include but are not limited to buildings that were constructed and originally used as houses, carriage houses, dormitories, classrooms, churches or other religious institutions.

B. Barns and agricultural buildings other than wineries that have been designated as Napa County Landmarks shall be eligible for property tax reductions following execution of a Mills Act contract or a Williamson Act contract. Barns and agricultural buildings shall include but are not limited to buildings that were constructed and originally used as barns, water towers, blacksmith shops, ~~or~~ stables, dairies, or outbuildings.

C. Wineries and distilleries that have been designated as Napa County Landmarks or that meet the definition of ghost wineries as provided in subsection (A) of 15.52.035 shall be eligible for the minimum parcel size and setback exemption contained within Section 18.104.245 provided they are rehabilitated and reused as wineries.

D. Farm centers shall be eligible for reuse consistent with subsection (C) of Section 15.52.040.

E. All historical resources shall be eligible for use of the State Historical Building Code as provided in Chapter 15.30 whether or not they are designated as Landmarks.

15.52.040 Designated landmarks and farm centers —Use conditions.

Designated landmarks and farm centers may be used in a manner and pursuant to the 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 and farm centers shall be designed by a Qualified Preservation Professional to be consistent with the Secretary of the Interior's Standards.

B. Proposed 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 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. Proposed demolitions shall be subject to review by the commission concurrent with a request for removal of status pursuant to Section 15.52.050 and shall be authorized if no feasible alternative exists.

D. Farm centers listed in subsection (B) of Section 15.52.035 may be used as meeting halls and special event venues, including food preparation and non-commercial food service.

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 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 commission shall conduct a public hearing pursuant to Section 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 ~~that 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 shall be processed in the manner prescribed by Chapter 2.88 of the Napa County Code.

SECTION 2. In accordance with CEQA and the State CEQA Guidelines (Sections 15168), the County is relying on the program level Environmental Impact Report (EIR) for the General Plan Update (SCH# 2005102088, certified June 2008) as the EIR for this ordinance. As discussed in a separate memorandum and checklist (initial study) dated August 24, 2011, this approach is consistent with CEQA and the State CEQA Guidelines because (1) the proposed ordinance is within the scope of the General Plan approved in 2008, and (2) the program EIR prepared for the General Plan Update adequately describes the activity for purposes of CEQA. In addition, (3) the County has not identified any changes in the General Plan, changes in circumstances under which the General Plan Update was adopted, or new information of substantial importance that would necessitate subsequent environmental review pursuant to CEQA Guidelines Section 15162.

A copy of the General Plan Update EIR may be reviewed during business hours at the offices of the Department of Conservation, Development and Planning, 1195 Third Street in Napa, or on the County's website.

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 Napa County General Plan:

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.

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 7th day of September, 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, Chairman
Napa County Board of Supervisors

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

By: _____

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