

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 NAPA COUNTY CODE SECTIONS 18.08.040 (INCLUDE CERTAIN SMALL LOT ANIMAL HUSBANDRY USES WITHIN THE DEFINITION OF AGRICULTURE AND EXCLUDE FROM THE DEFINITION OF AGRICULTURE THE RAISING OF ROOSTERS FOR EXHIBITION OR BLOOD SPORTS), 18.52.020 (PROVIDE FOR AGRICULTURE AS A USE ALLOWED WITHOUT A USE PERMIT IN THE RESIDENTIAL SINGLE ZONING DISTRICT) AND 18.104.190 (ESTABLISH RESTRICTIONS ON OUTDOOR VEHICLE STORAGE); AND ADDING NEW SECTIONS 18.08.424 (DEFINING OUTDOOR VEHICLE STORAGE), 18.104.410 (ESTABLISHING STANDARDS FOR SMALL LOT ANIMAL HUSBANDRY) AND 18.132.062 (ESTABLISHING AN AMORTIZATION SCHEDULE TO TERMINATE OUTDOOR VEHICLE STORAGE, SMALL LOT ANIMAL HUSBANDRY USES NOT IN CONFORMANCE WITH ESTABLISHED STANDARDS AND THE RAISING OF ROOSTERS FOR EXHIBITION OR BLOOD SPORTS)**

**WHEREAS**, periodically the Conservation, Development and Planning Department recommends certain zoning amendments to Chapter 18 of the Napa County Code based on enforcement issues;

**WHEREAS**, to prevent visual clutter and potential nuisance conditions and to protect the visual character of Napa County, the Board desires to impose restrictions on the number of vehicles that may be stored outdoors on small parcels;

**WHEREAS**, the Board desires to establish regulations on small parcels of five acres or less for raising, breeding, keeping or maintaining livestock and poultry to ensure that these small lot animal husbandry uses do not create adverse impacts on adjacent properties by reason of dust,

odors, noise, visual blight, fumes, reduced property values, or vector infestation;

**WHEREAS**, the Board further desires to establish a reasonable amortization schedule to terminate nonconforming outdoor vehicle storage uses, small lot animal husbandry uses and the raising of roosters for exhibition or blood sports;

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

**SECTION 1.** Section 18.08.040 (Agriculture) of Chapter 18.08 (Definitions) of the Napa County Code is amended to read in full as follows:

**18.08.040 Agriculture.**

“Agriculture” means the raising of crops or livestock and includes the following:

- A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;
- B. Grazing of livestock and feeding incidental thereto;
- C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production, except as provided in Section 18.104.410, small lot animal husbandry;
- D. Sale of agricultural products grown, raised or produced on the premises;
- E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(6) of this section. Farm management shall mean the operation, maintenance and storage of farm machinery, equipment, vehicles and supplies used exclusively for agricultural cultivation and harvesting where all machinery, equipment, vehicles and supplies are leased or owned and operated by the farm manager whether that manager is an owner, tenant, or agricultural contractor, and regardless of whether properties managed are contiguous or under similar ownership, provided that at least seventy-five percent of the managed acres are within Napa County. Farm management shall not include manufacturing for sale or retail sales of any kind and shall not include businesses devoted to equipment storage, rental or repair rather than farming. Farm management shall not include the operation, maintenance or storage of equipment used for construction of structures, even if those structures are in support of agriculture;
  1. Offices used for farm management shall meet the definition of accessory uses in Section 18.08.020;
  2. Farm management activities established or expanded after June 30, 2006, alone or in combination with any wineries subject to Section 18.104.220 shall not occupy more than fifteen acres or twenty-five percent of the parcel size, whichever is less;
  3. No single farm management building or structure newly constructed or expanded after June 30, 2006 shall exceed five thousand gross square feet. Multiple smaller buildings are permitted as long as they conform to the lot coverage standard in subsection (E)(2) above;
  4. Uncovered storage areas shall be screened from preexisting residences on adjacent parcels and from designated public roads defined in Chapter 18.106. Screening shall generally consist of evergreen landscape buffers;

5. Farm managers shall possess all applicable local, state and federal permits and licenses;

6. All exterior lighting, including landscape lighting, for farm management uses shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations. Additionally, motion detection sensors must be incorporated to the greatest extent practical. No flood-lighting or sodium lighting of buildings is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction, two copies of a separate detailed lighting plan shall accompany building plans showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for department review and approval.;

F. Agriculture shall not include the raising or keeping of roosters for exhibition or blood sports.

**SECTION 2.** A new Section 18.08.424 (Outdoor vehicle storage) is hereby

added to Chapter 18.08 (Definitions) of the Napa County Code to read in full as follows:

**18.08.424 Outdoor vehicle storage.**

Outdoor vehicle storage means the storage of six or more vehicles, occurring outside of a fully enclosed structure on any lot, or parcel or contiguous lots or parcels for a period exceeding fifteen days. For purposes of this section, vehicles shall mean operable or inoperable automobiles, cars, boats, watercrafts, campers, recreational vehicles, motor homes, trailers, semi-trucks or other trucks. For purposes of this section, a fully enclosed structure means a building with four walls and a roof. Accessory off-street parking required or permitted pursuant to Chapter 18.110 shall not constitute outdoor vehicle storage.

**SECTION 3.** 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;

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. Small lot animal husbandry subject to Section 18.104.410.

**SECTION 4.** Section 18.104.190 (Vehicular repair) of Chapter 18.104

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

**18.104.190 Vehicular repair and outdoor vehicle storage.**

A. All vehicular repair operations at gasoline service stations and automobile repair facilities shall be carried on within a building.

B. Outdoor vehicle storage shall be prohibited on all parcels of five acres or less, except parcels zoned for Marine Commercial, General Industrial, Industrial, and Industrial Park.

C. The commission may authorize outdoor vehicle storage on parcels greater than five acres by use permit pursuant to Chapter 18.124.

D. Outdoor vehicle storage in association with an authorized farm management use (subsection (E) of Section 18.08.040) shall not be subject to this section.

**SECTION 5.** A new Section 18.104.410 (Small lot animal husbandry) of

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

**18.104.410 Small lot animal husbandry.**

A. Notwithstanding any other provision of this code, parcels of five acres or less may be used for animal husbandry, including the breeding and raising of large domestic animals such

as cattle, sheep, horses, goats, pigs, rabbits, poultry and egg production provided that all of the following standards are met:

1. Horses and other large animals, including, but not limited to cows, goats, sheep, pigs, llamas and alpacas, shall be permitted at a maximum of one per twenty thousand square feet of lot area;

2. Raising of poultry and egg production shall be permitted at a maximum of six hens per twenty thousand square feet of lot area and one rooster per forty thousand square feet of lot area; and

3. Paddocks, pens, coops, cages, fenced areas and any other similar animal keeping facility that does not require a building permit shall be set back at least ten feet from the property line and shall adhere to the setbacks contained in the County's Conservation Regulations (Chapter 18.108).

B. The commission may grant an exception to the standards provided in subsection (A) of this section in the form of a use permit pursuant to Chapter 18.124.

C. The director may grant an exception to the standards provided in subsection (A) of this section for 4-H and Future Farmer of America (FFA) projects upon receipt of a written request from a project advisor.

**SECTION 6.**

A new Section 18.132.062 (Amortization of certain

nonconformities) of Chapter 18.132 (Legal Nonconformities) of the Napa County Code is added to read in full as follows:

**18.132.062 Amortization of certain nonconformities.**

A. Notwithstanding any provision in this chapter to the contrary, outdoor vehicle storage occurring prior to January 9, 2009 shall be brought into conformance with this code no later than January 9, 2012.

B. Notwithstanding any provision in this chapter to the contrary, small lot animal husbandry occurring prior to January 9, 2009 that is not in conformance with this code shall be brought into conformance with this code no later than January 9, 2010.

C. Notwithstanding any provision in this chapter to the contrary, raising of roosters for exhibition or blood sports occurring prior to January 9, 2009 shall be removed and the parcel brought into compliance with is code no later than January 9, 2012.

**SECTION 7.**

The project is Categorically Exempt pursuant to Section 15308 of the California Environmental Quality Act (Class 8 – Actions by Regulatory Agencies for Protection of the Environment) and is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA guidelines Section 15061(b). The Class 8 exemption applies because the ordinance will provide additional environmental

protection to small lots in the County by restricting the number of vehicles that may be stored outdoors, imposing minimum lot sizes for raising certain animals, establishing a maximum number of large animals and poultry that may be raised on small parcels and require that animal pens and cages be located outside stream setbacks and property line setbacks. The ordinance further prohibits the raising of roosters for blood sport or exhibition.

**SECTION 8.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with policies and goals of the 2008 General Plan Update preserving agricultural lands for agricultural use (AG/LU-4), maintaining the quality of life in Napa County through enforcing regulations and codes (Policy AG/LU-118),

**SECTION 9.** 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 10.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 11.** 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 \_\_\_\_\_, 2008, 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 \_\_\_\_\_, 2008, by the following vote:

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

**BRAD WAGENKNECHT, CHAIR**  
Napa County Board of Supervisors

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

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

**APPROVED AS TO FORM**  
**Office of County Counsel**  
By: Laura J. Anderson (by e-signature)  
Deputy County Counsel  
By: Sue Ingalls (by e-signature)  
County Code Services  
Date: October 30, 2008

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

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_.

\_\_\_\_\_, DEPUTY

GLADYS I. COIL, CLERK OF THE BOARD