

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 NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, AMENDING SECTIONS 18.08.332 (JUNIOR ACCESSORY DWELLING UNIT), 18.08.550 (SECOND UNIT), 18.08.551 (SECOND UNIT, INTERIOR), 18.104.180 (JUNIOR ACCESSORY DWELLING UNIT AND SECOND UNIT, AND 18.110.030 (NUMBER OF PARKING SPACES REQUIRED), AS THEY RELATE TO SECOND UNITS AND JUNIOR ACCESSORY DWELLING UNITS; AMENDING THE CODE TO ALLOW JUNIOR ACCESSORY DWELLING UNITS IN THE AP ZONING DISTRICT; AMENDING SECTIONS 18.28.030 18.32.030, AND 18.34.030 (USES PERMITTED UPON GRANT OF A USE PERMIT) RELATING TO COMMERCIAL ACCESSORY DWELLING UNITS; AND AMENDING SECTION 13.15.010 (MINOR IMPROVEMENT) RELATING TO JUNIOR ACCESSORY DWELLING UNITS

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

SECTION 1. Section 18.08.332 (Junior Accessory Dwelling Unit) of Chapter 18.08

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

18.08.332 Junior accessory dwelling unit.

The term "junior accessory dwelling unit" means a unit as set forth in Government Code section 65852.22(gh)(1) or successor provision and means a unit that is no more than five hundred square feet in size and contained entirely within ~~an existing a~~ single-family structureresidence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

SECTION 2. Section 18.08.550 (Second unit) of Chapter 18.08 (Definitions) of the

Napa County Code is amended to read in full as follows:

18.08.550 Second unit.

The term "second unit" means "accessory dwelling unit" as set forth in Government Code section 65852.2(ij)(41) or successor provision and means a residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent

provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as a primary ~~single family~~ dwelling unit is situated. The second unit may be attached ~~to~~ or detached, ~~as described below from the single family dwelling or may be attached to an accessory structure.~~ A second unit may consist of an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

A. "Second unit, attached" means a second unit that is attached to or located within a proposed or existing primary dwelling unit, including building additions and conversion of attached garages and storage areas.

B. "Second unit, detached" means a second unit that is not attached to or located within, a proposed or existing primary dwelling unit, including a second unit attached to, or located within, a detached garage, outbuilding, or other accessory structure.

SECTION 3. Section 18.08.551 (Second unit, interior) of Chapter 18.08 (Definitions) of the Napa County Code is deleted in its entirety:

~~18.08.551 — Second unit, interior.~~

~~The term "second unit, interior" means a second unit which is constructed entirely within the existing and legally created space of a single family home or accessory structure.~~

SECTION 4. Section 18.104.030 (Accessory dwelling unit) of Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.030 Commercial aAccessory dwelling unit.

~~One d~~Dwelling units which ~~is~~ are accessory to a principal commercial use on the parcel may be constructed on any CL, CN, or MC zoned parcel, ~~but may be occupied only by the owner, operator or caretaker of the principal use pursuant to Sections 18.28.030(M), 18.32.030(G), or 18.34.030(K).~~

SECTION 5. 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 Junior accessory dwelling unit and second unit

A. Pursuant to the provisions of Government Code Sections 65852.2 and 65852.22, ~~a junior accessory dwelling unit or a second unit may be constructed in the residential single~~

~~zone, residential country zone, agricultural watershed zone, or on single family dwelling lots in a planned development zone, upon the issuance of a building permit.~~ The following requirements apply to all second units and junior accessory dwelling units, as applicable:

1. The lot is a legal lot as defined by Section 18.08.340 of this title;
2. The lot is zoned RS, RC, AW, or PD when the lot ~~is designated for a single family dwelling unit~~ contains an existing or proposed single family home or existing multifamily unit that is precluded from transient occupancy;
3. The lot contains ~~only at least one existing,~~ legal single-family dwelling or multifamily dwelling, except when an applicant is applying for a permit to build a ~~main dwelling unit~~ single-family home and a second unit at the same time. ~~Each lot may contain either a junior accessory dwelling unit or a second unit, but not both.~~
4. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls. The total floor space of a second unit shall not exceed twelve hundred square feet as measured from the inside of the exterior walls;
5. Except as modified in this Section 18.104.180, a junior accessory dwelling unit or second unit shall conform to all height, setback, lot coverage and other zoning requirements applicable to a primary (main) dwelling in the zone in which the property is located, unless they are inconsistent with the provisions of this chapter, in which case the standards of this chapter shall apply ~~the unit is contained in a legal nonconforming structure and does not expand the nonconformity;~~
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 a second unit or junior accessory dwelling unit, except:
 - a. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit, nor shall a connection fee be charged, for the purposes of providing water, sewer, or power; and
 - b. sSecond units shall not be considered new residential uses for the purposes of calculating any county connection fees or capacity charges for utilities; and
 - c. No impact fees shall be imposed upon the development of a second unit less than seven hundred fifty square feet. Any impact fees charged for a second unit of seven hundred fifty feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this provision, an "impact fee" includes the fees specified in Sections 66000 and 66477 of the Government Code.
7. All reviews of junior accessory dwelling units and second units shall be ministerial;
78. County building code requirements which apply to single-family dwellings shall also apply to junior accessory dwelling units and second units;
89. Approval by the department ~~of environmental management~~ must be obtained where either a private or individual sewage disposal system is to be used;
910. Fire sprinklers shall not be required for a second unit if they are not required for the primary residence; ~~For the purposes of fire or life safety or protection, a junior accessory dwelling unit shall not be considered a new dwelling unit and no fire and life safety requirements may be applied to residences containing a junior accessory dwelling unit unless~~

they apply uniformly to all single-family residences in the zone regardless of whether or not they contain a junior accessory dwelling unit.

101. No parking is required for a junior accessory dwelling unit. Second units shall have one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway. Offstreet parking is permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. Notwithstanding the foregoing, the parking standards for second units as set forth herein shall not apply in any of the following instances:

- a. The second unit is located within one-half mile of a public transit stop;
- b. The second unit is located within an architecturally and historically significant district;
- c. The second unit is a second unit interior, and is part of the existing primary residence or an existing accessory structure;
- d. On-street parking permits are required but not offered to the occupant of the second unit; or
- e. There is a car share vehicle pick-up location within one block of the second unit.

142. If the construction of a second unit replaces an existing garage, carport, or covered parking structure, no replacement spaces must need be provided to meet the requirements of Section 18.110.030 (Number of parking spaces) of Chapter 18.110 (Off street parking and loading facilities) but may be provided as covered spaces, uncovered spaces, tandem spaces, or mechanical parking lifts.

123. At the time of application for a second unit, the property owner shall acknowledge in writing that (a) the second unit may not be sold separately from the existing family home; and (b) neither the second unit nor the single-family home may be used for short-term residential rentals. Prior to the issuance of a building permit for the second unit, the owner shall record a covenant in a form approved by the county to notify future owners of the requirements of this subsection.

14. Limits on lot coverage, floor area ratio, open space, and size must permit or shall be waived to allow an 800 sq. ft. detached or attached second unit 16 feet high with four-foot side and rear yards, if the proposed second unit is in compliance with all other development standards, including but not limited to front yard setbacks.

15. A second unit shall have a separate entrance from the primary dwelling unit.

16. Except as specified below, a second unit shall be required to comply with the setback requirements of the zone in which the unit is to be located.

- a. No setback is required for an existing living area or an existing accessory structure converted to a second unit, or for a new second unit constructed in the same location and built to the same dimensions as an existing structure.
- b. For all other second units, a setback of four feet is required from the rear and side property lines.

17. Where there is an existing multifamily structure on a site, the following types of second units are permitted:

- a. Second units within portions of existing multifamily dwelling structures that are precluded from transient occupancy, provided that those portions of the existing multifamily dwelling are not used as livable space, and provided that

each unit complies with state building standards for dwellings. A second unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure. Up to 25 percent of the number of existing multifamily units in the building that are precluded from transient occupancy, but at least one unit, shall be allowed.

b. Up to two detached second units on a lot with an existing multifamily dwelling structure that is precluded from transient occupancy, provided that the height does not exceed 16 feet and that four-foot side and rear yard setbacks are maintained.

18. A junior accessory dwelling unit complying with Section 18.104.180(D) may be developed on the same site as a detached second unit not exceeding 800 sq. ft. or more than 16 feet high, with side and rear yard setbacks of at least four feet, on a lot with an existing or proposed single-family dwelling.

B. The following additional requirements shall apply to all detached second units, ~~except second units, interior:~~

1. A second unit attached to an accessory structure shall not have interior access connecting to the accessory structure.

2. 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~~ department;

3. The lot must ~~meet the following area requirements:~~

a. ~~RS: eight thousand square feet minimum. The lot proposed for a second unit must also meet the minimum lot area requirements standards of the department of environmental management in regard to water and sewer requirements;~~

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

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

5. 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 relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.

~~C. The following additional requirements shall apply to all second units attached to an existing legal single-family dwelling, except second units, interior:~~

~~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 increased floor area of an attached second unit shall not exceed fifty percent of the existing living area, with a maximum increase in floor area of twelve hundred square feet as measured from the inside of the exterior walls.~~

~~D. The following additional requirement shall apply to all second units, except second units, interior:~~

~~1. 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 relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.~~

EC. Second units, attached interior, shall additionally comply with the following:

~~1. The second unit must be constructed entirely within the existing and legally created space of a single family home or accessory structure in the RS or RC zoning district, or on single family dwelling lots in a PD zoning district.~~

~~2. The second unit must have exterior access independent from the existing single family home.~~

~~3. Side and rear setbacks must be sufficient for fire safety.~~

~~4. No additional parking for the second dwelling unit, interior, shall be required. However, if the second unit, interior, replaces an existing garage, carport, or covered parking structure, replacement spaces must be provided to meet the requirements of Section 18.110.030 but may be provided as covered spaces, uncovered spaces, tandem spaces, or mechanical parking lifts.~~

~~5. No new or separate utility connection directly between the second unit, interior and the utility shall be required.~~

~~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.~~

~~2. The total floor area of an attached second unit shall not exceed fifty percent of the existing primary dwelling or 800 sq. ft., whichever is greater.~~

FD. Junior accessory dwelling units shall additionally comply with the following:

~~1. Notwithstanding Section 18.104.180(A)(2) a junior accessory dwelling unit may be permitted within an existing or proposed single family dwelling within the AP zone;The lot must contain only one existing, legal single-family dwelling;~~

~~2. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls;~~

~~3. The junior accessory dwelling unit must be created within the ~~existing~~ walls of an existing or proposed primary dwelling ~~and must include conversion of an existing bedroom;~~~~

~~4. A separate exterior entry shall be provided to serve a junior accessory dwelling unit, ~~with an interior entry to the main living area.~~ A junior accessory dwelling may include two interior doors leading into the main house for sound attenuation;~~

~~5. The junior accessory dwelling unit shall include at least an efficiency kitchen which includes cooking appliances, requiring and limited to the following components:~~

- ~~a. A sink with a maximum waste line diameter of one and a half inches;~~
 - ~~b. A cooking facility or appliance which does not require electrical service greater than one hundred and twenty volts, or natural or propane gas; and~~
 - ~~e. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.~~
6. At the time of application for a junior accessory dwelling unit, the property owner shall acknowledge in writing that (a) the owner must occupy as a principal residence either the primary dwelling or the junior unit, unless the owner is another governmental agency, land trust, or housing organization; (b) the junior accessory dwelling unit shall not be sold separately from the existing family home; and (c) neither the junior accessory dwelling unit nor the single-family home shall be used for short-term residential rentals. Prior to the issuance of a building permit for the junior accessory dwelling unit, the owner shall record a covenant in a form approved by the county to notify future owners of the requirements of this subsection and of the restrictions on the use, size and attributes of the junior accessory dwelling unit.

G. The planning director shall administratively approve ministerial permits for junior accessory dwelling units and second units conforming to the provisions of this section within the time limits specified by Government Code section 65852.22 or 65852.2, as applicable, or successor provision.

SECTION 6. Section 18.110.030 (Number of parking spaces required) of Chapter

18.110 (Off-street parking and loading facilities) of the Napa County Code is amended to read in full as follows:

18.110.030 Number of parking spaces required.

Use	Parking Spaces Required*
Auto dismantling/wrecking	1 per employee** + 1 per 1000 sq. ft. office area
Banks w/o ATM	1 per 400 sq. ft.
Banks w/ATM	1 per 400 sq. ft. + 1.5 for each machine
Business and professional offices, excluding medical and dental offices	1 per 250 sq. ft.
Churches or house of worship	1 per employee + 1 per each 3.5 seats in main sanctuary
Day care	1 per employee + 1 per 12 children

Hospitals	1 for each bed, + 1 for each employee on the shift w/ the maximum number of personnel
Hotels, motels	1 per unit + 1 for each nonresident manager
Hotel/resort/conference center/golf:	
Hotel	1 per room
Conference center	.5 per person @ maximum permitted occupancy
Food service facilities	1 per 120 sq. ft.
Retail	1 per 250 sq. ft.
Golf	1 per every two employees plus 3 per golf hole
Manufacturing	1 per 500 sq. ft.
Medical and dental	
Medical and dental clinics/offices	1 per 200 sq. ft.
Processing/laboratory	1 per 500 sq. ft.
Research	1.5 per employee
Residential units:	
Single-family	2 + 1 per second unit or guest house or per bedroom in the second unit , except that no additional parking is needed for the second unit if the conditions in subsection (A)(101) or subsection (A)(12) of Section 18.104.180 are met. No additional parking is required for a junior accessory dwelling unit.
Multiple-family	2 per unit + 1 for every 2 units for guest parking; <u>and 1 per second unit or per bedroom, whichever is less, in the second unit, except that no additional parking is needed for the second unit if the conditions in</u>

	<u>subsection (A)(11) or subsection (A)(12) of Section 18.104.180 are met.</u>
Restaurant and any other establishment selling food and beverages for consumption on-site (including bars and taverns, night clubs w/o live entertainment)	1 per 120 sq. ft.
Restaurants with a counter and/or take out service or drive-in/thru facilities	1 per 120 sq. ft. + 1 for each 50 sq. ft. of those areas devoted to counter/take out service
Retail stores, shops, service establishments	1 per 250 sq. ft. including shopping centers
Schools:	
Elementary and junior high	1 per employee
High schools	1 per employee + 1 per 10 students
Colleges (academic, business, beauty, technical, etc.)	1 per employee + 1 per 3 students
Self-serve laundry and dry cleaning facilities	1 per 200 sq. ft.
Service station	3 per service bay + 1 per employee on day shift
Warehousing/storage as defined by Chapter 18.08	1 per each 1,000 sq. ft. for the first 10,000 sq. ft., and 1 per 2,000 sq. ft. for all warehouse area exceeding 10,000 sq. ft.
Use of a building, structure or premise not otherwise listed	The planning commission or zoning administrator shall determine the number of parking spaces required for any use not specifically listed. In determining such uses, the above parking space requirements shall be used as a general rule and guideline.

* Where the computation of required parking spaces produces a fractional result, fractions of one-third or greater shall require one full parking space.

** An employee means full time or the equivalent of full time.

SECTION 7. Section 18.28.030 (Uses permitted upon grant of 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. ~~Commercial A~~ accessory dwelling units, provided that (i) prior to issuance of a building permit to commence construction of the dwelling units, the permittee shall record a deed restriction, in a form acceptable to county counsel, limiting in perpetuity the use of the dwelling units to occupancy by households with moderate incomes (as defined in Section 18.82.020) and below, (ii) the dwelling units are compatible with neighboring land uses, and, (iii) water, wastewater treatment, and parking is available to support the dwelling units.

SECTION 8. 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. Commercial A accessory dwelling units, provided that (i) prior to the issuance of a building permit to commence construction of the dwelling units, the permittee shall record a deed restriction, in a form acceptable to county counsel, limiting in perpetuity the use of the dwelling units to occupancy by households with moderate income and below, (ii) the dwelling units are compatible with neighboring land uses, and (iii) water, wastewater treatment, and parking is available to support the dwelling units.

SECTION 9. Section 18.34.030 (Uses permitted upon grant of a use permit) of Chapter 18.34 (MC Marine Commercial District) of the Napa County Code is amended to read in full as follows:

18.34.030 - Uses permitted upon grant of a use permit.

In the MC district, the following uses are permitted upon grant of a use permit:

- A. Public or private marina;
- B. Boat launching ramp, launching hoist or other devices for launching boats;
- C. Private yacht club;
- D. Beach clubs, including pools, cabanas and lockers;
- E. Boat rentals, boat sales and boat repairs;
- F. Boat storage facilities and recreation vehicle storage areas;
- G. Marine supplies including, but not limited to, boating, fishing, surfing and sporting equipment;
- H. Restaurants, with a seating capacity not to exceed fifty seats, drive-in type or drive-through restaurants not included;
- I. Fishing pier;

- J. Fishing station, bait sales;
- K. ~~One dwelling unit when it is an accessory use to an approved use, said dwelling unit to be used solely as living quarters for the owner or caretaker of the use approved on the site~~Commercial accessory dwelling units, provided that (i) prior to the issuance of a building permit to commence construction of the dwelling units, the permittee shall record a deed restriction, in a form acceptable to county counsel, limiting in perpetuity the use of the dwelling units to occupancy by households with moderate income and below, (ii) the dwelling units are compatible with neighboring land uses, and (iii) water, wastewater treatment, and parking is available to support the dwelling units;
- L. Service facilities, such as for sales of ice, beverages, fishing, bathing supplies and equipment;
- M. Commercial charter, excursion and fishing boat docking;
- N. Dispensing of fuel and oil in conjunction with an approved use, refrigeration sales and service, and other similar services required to service boats and meet the needs of boat owners;
- O. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;P.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.

SECTION 10. To clarify and ensure consistency in processing junior accessory dwelling unit (JADU) applications on parcels located within the groundwater deficient area identified on Map 13-1, the definition of “Minor improvement” as set forth in Section 13.15.10 (Title, purpose and definitions) of Chapter 13.15 (Groundwater Conservation) of the Napa County Code shall be amended to read in full as follows:

13.15.010 - Title, purpose and definitions

“Minor improvement” means a modification to an existing water supply that involves simple repair or replacement of pipes, fittings, faucets, hoses, pumps, meters, components of irrigation systems, sinks, tubs, toilets, showers, washing machines, and all other elements of the water supply and delivery system that will not potentially increase the amount of groundwater extraction at that site. For the purposes of this definition, swimming pools (if filled with trucked in water from a supply source that does not include groundwater from a groundwater deficient area and is provided with a cover), replacement dwellings (when an existing legal dwelling unit had previously existed on the property), ~~and~~ additional potential bedrooms whether or not attached to the single-family dwelling unit and junior accessory dwelling units approved and constructed per Napa County Code 18.104.180 are considered minor improvements. Any modification or improvement that will increase the amount of groundwater extracted is not a minor improvement.

SECTION 11. Pursuant to Public Resources Code section 21080.17, the adoption of this ordinance implementing Government Code section 65852.2 is exempt from the California Environmental Quality Act. The adoption of the ordinance implementing Government Code Section 65852.22 for junior accessory dwelling units is categorically exempt under CEQA Guidelines Section 15303, conversion of small structures, in that it permits only one junior accessory dwelling unit on any parcel, which must include an existing bedroom within an existing single family home with only minor exterior alterations to allow access and limited utility service.

SECTION 12. Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the 2008 General Plan Update: AG-LU 23, AG-LU 28, AG-LU 30, and with Goals H-1, H-2 and H-5 and Policies H-2g, H-4e of the 2014 Housing Element.

SECTION 13. 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 Napa County Board of Supervisors 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 14. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 15. 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 Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on the ___ day of _____, 2020. The Planning Commission's recommendation was considered by the Board of Supervisors and this Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors ("the Board"), State of California, held on the ___ day of _____, 2020, and passed at a regular meeting of the Board held on the ___ day of _____, 2020, by the following vote:

AYES:	SUPERVISORS	_____

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

NAPA COUNTY, a political subdivision of the State of California

 DIANE DILLON, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: _____</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 _____, 2020.

_____, DEPUTY
JOSE LUIS VALDEZ, CLERK OF THE BOARD