

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 AND
ADDING VARIOUS SECTIONS TO TITLE 18 (ZONING) OF THE NAPA
COUNTY CODE RELATING TO RECREATION DEFINITIONS,
ALLOWED USES IN THE AW ZONING DISTRICT, AND RECREATION
FINDINGS AND STANDARDS; ADDING CHAPTER 18.90 TO CREATE
THE SKYLINE WILDERNESS PARK COMBINATION DISTRICT;
REZONING PORTIONS OF A CERTAIN PARCEL WITHIN THE
UNINCORPORATED AREA OF THE COUNTY OF NAPA FROM THE
PLANNED DEVELOPMENT DISTRICT (PD) TO THE AGRICULTURAL
WATERSHED DISTRICT (AW); AND ADDING CERTAIN PARCELS
WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF NAPA
WITH AN AGRICULTURAL WATERSHED DISTRICT (AW) ZONING
TO THE SKYLINE WILDERNESS PARK COMBINATION DISTRICT
(:SWP).**

WHEREAS, in June 2008 the County Board of Supervisors adopted the 2008 General Plan Update which included a Recreation and Open Space Element;

WHEREAS, Policy ROS-15 of the Recreation and Open Space Element provides that the County shall assure the permanent protection of Skyline Wilderness Park as a public park and nature-based recreation area through all appropriate means, specifically including local zoning requirements;

WHEREAS, to implement Policy ROS-15 and assure public park uses associated with Skyline Wilderness Park are protected, the Board desires to create a Skyline Wilderness Park Combination District zoning district (:SWP) and add approximately 944 acres of land in and around Skyline Wilderness Park to such newly created combination zoning district; and

WHEREAS, concurrently with the adoption this ordinance, the Board by resolution is also adopting the Skyline Wilderness Park Master Plan, which articulates policies for determining allowable uses and improvements within the newly created :SWP zoning district; and

WHEREAS, the Board also desires to adopt and amend certain zoning ordinances that will: (1) allow limited non-commercial quasi-private recreational activities as a matter of right on agricultural watershed lands that are permanently protected as open space through a conservation easement or other means; (2) clarify and update the existing definition of “campground”, “parks and rural recreational uses and facilities” and “recreational vehicle” contained in Chapter 18 of the County Code; and (3) update certain outdoor recreation performance standards to reflect current best management practices; and

WHEREAS, by a concurrent separate resolution, the Board has complied with the requirements of the California Environmental Quality Act by adopting a Negative Declaration which analyzed this proposed ordinance prior to its adoption; and

WHEREAS, prior to the consideration and adoption of this ordinance, the noticing requirements of County Code Section 18.136.040 were complied with.

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

SECTION 1. Section 18.12.010 (Establishment of zoning districts) of Chapter 18.12 (Establishment of Zoning Districts) of the Napa County Code is amended to read in full as follows:

18.12.010 Establishment of zoning districts.

The unincorporated area of the county of Napa is divided into zoning districts, each of which is designated in this section, and each of which is identified for convenience by the letters indicated:

<u>Designation</u>	<u>Letters</u>
Agricultural Preserve	AP
Agricultural Watershed	AW
Airport	AV
General Commercial	GC
Commercial Limited	CL
Commercial Neighborhood	CN
Marine Commercial	MC
Industrial	I
Industrial Park	IP
General Industrial	GI
Planned Development	PD
Public Lands	PL
Residential Single	RS
Residential Double	RD
Residential Multiple	RM
Residential Country	RC
Timber Preserve	TP

Combination Zoning Districts:

Building Site	:B
Airport Compatibility	:AC
Fire Risk	:FR
Geological Risk	:GR
Historic Restaurant	:HR
Agricultural	:A
Urban Reserve	:UR
Agricultural Produce Stand	:PS
Viewshed Protection	:V
Skyline Wilderness Park	:SWP

SECTION 2. Section 18.08.118 (Campground) of Chapter 18.08 (Definitions) of

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

18.08.118 Campground.

“Campground” means ~~a~~ [primarily](#) outdoor facility for short-term overnight recreational use, [including customary accessory structures and uses](#), with sleeping accommodations in temporary facilities such as tents, [tent cabins, yurts or similar rustic enclosures on platforms](#), and ~~certain small~~ [recreation](#) vehicles pursuant to the standards set forth in Chapter 18.104. [A](#) “Campground” [may include permanent facilities with overnight accommodations for caretakers or other employees, agents, or authorized volunteers responsible for maintaining and operating](#)

[the campground and associated areas.](#) “Campground” does not include a “hunting club” as defined elsewhere in this chapter.

SECTION 3. Section 18.08.428 (Parks and rural recreation uses and facilities) of

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

18.08.428 Parks and rural recreation uses and facilities.

“Parks and rural recreation uses and facilities” means a place or facility where outdoor recreational uses that are generally unsuitable for urbanized areas are conducted, with structural development limited to customarily accessory structures which are necessary to conduct the outdoor use. “Parks and rural recreational uses” does not include campgrounds or overnight lodging. “Parks and rural recreational uses” includes motorized activities only in connection with lakes and rivers, [or as required by the Americans with Disabilities Act of 1990, as amended.](#)

SECTION 4. A new Section 18.08.494 (Quasi-private recreation uses and

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

18.08.494 Quasi-private recreation uses and facilities.

[“Quasi-private recreation uses and facilities” means non-commercial rural recreation uses and facilities, where public use is by invitation only, and where the uses and facilities are located on property whose primarily natural condition and resources are permanently protected through a conservation easement or other property interest held either by an independent qualified non-profit land conservation organization or by a public agency.](#)

SECTION 5. Section 18.08.500 (Recreation vehicle) of Chapter 18.08

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

18.08.500 Recreation vehicle.

“Recreation vehicle” means a vehicular-type unit primarily designed as temporary living quarters for recreational or travel use, ~~with a living area less than two hundred twenty square feet, excluding built-in equipment,~~ and which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreation vehicles are: travel trailer, camping trailer, truck camper and motor home. “Recreation vehicle” does not include mobilehomes.

SECTION 6.

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
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;

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

Q. Quasi-private recreation uses and facilities as defined in Section 18.08.494 conforming to the standards in Section 18.104.350.

SECTION 7.

Section 18.20.030 (Uses permitted 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 farmworker 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;
- 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~~ conforming 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 8.

A new Chapter 18.90 (:SWP Skyline Wilderness Park

Combination District) is added to Title 18 of the Napa County Code, reading in full as follows:

Chapter 18.90

:SWP SKYLINE WILDERNESS PARK COMBINATION DISTRICT

Sections:

18.90.010 Intent of classification.

18.90.020 Use Restrictions.

18.90.010 Intent of classification.

The Skyline Wilderness Park Combination District (:SWP) classification is intended to be applied to those lands within or adjacent to Skyline Wilderness Park, where allowed uses vary from those allowed in the principal AW zoning district.

18.90.020 Use Restrictions.

Only the following uses shall be allowed in the :SWP Combination District:

A. Agriculture.

B. Parks and rural recreation uses and facilities as defined in Section 18.08.428, conforming to the standards in Chapter 18.104, and consistent with a board adopted Skyline Wilderness Park Master Plan.

C. Campgrounds as defined in Section 18.08.118, but only when located on public lands, conforming to the standards in Chapter 18.104, and consistent with a board adopted Skyline Wilderness Park Master Plan.

SECTION 9.

Section 18.104.340 (Outdoor recreation – General standards) of

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

18.104.340 Outdoor recreation – General standards.

The following general standards shall apply to all permitted parks and recreation~~al~~ uses and facilities as defined by Section 18.08.428 and all campgrounds as defined by 18.08.118:

A. Adequate water supply and sewage disposal consistent with the requirements of the county environmental management department shall be provided.

B. Adequate access for the intensity of use proposed and to accommodate access by emergency equipment as specified by the county public works department and the county fire department shall be provided.

C. Adequate on-site parking, where needed to accommodate the proposed use, shall be provided on site. ~~with a dust-free all-weather surface approved by the county public works department.~~

D. Garbage service and litter cleanup consistent with environmental management department standards shall be provided.

E. Continuous management of the use shall be provided, through on-site supervision or an adopted state-of-the-art management plan that includes appropriate implementation.

F. The recreational use shall fully provide for appropriate buffer zones and/or fencing ~~for to avoid adverse impacts to~~ adjoining agricultural and residential activities.

G. The recreational use shall fully provide for appropriate buffer zones and/or fencing for protection of adjoining habitats and erosion hazard areas.

H. Impervious surfaces shall be minimized to the greatest feasible extent.

I. Such use shall not result in the displacement of existing agricultural use, as defined in the Napa County Code.

SECTION 10. Section 18.104.350 (Outdoor recreation – Environmental

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

18.104.350 Outdoor recreation – Environmental performance standards.

In addition to the standards of Section 18.104.340, the following environmental performance standards shall apply to all permitted parks and recreational uses and facilities as defined by Section 18.08.428, all quasi-private recreation uses and facilities as defined by Section 18.08.494, and all campgrounds as defined by Section 18.08.118:

A. Noise. No noise shall be produced which exceeds the standards set forth in the general plan noise element and Chapter 8.16 of the Napa County Code for adjacent residential uses.

B. Odors. No obnoxious off-site odors shall be produced.

C. Dust. ~~No dust shall be produced.~~ Best management practices for dust control shall be utilized and no dust may travel off-site.

D. Nighttime Lighting. ~~No light or glare shall be produced that is visible off-site.~~ Any exterior lighting shall be shielded and directed downward, shall be located as low to the ground as practicable, and shall be the minimum necessary for security, safety, and/or operations. Where visible, structures shall utilize non-reflective materials to the greatest extent practicable.

E. Aesthetics. Landscaping and/or fencing shall be required as necessary to reduce adverse visual impacts to the public.

F. Fire. The use shall result in minimal added fire hazard. The use shall meet all requirements of the applicable fire protection agency for fire prevention and suppression.

G. Pests, including Weeds and Vectors. The use shall result in minimal added pest hazards. If necessary, appropriate suppression methods shall be provided.

H. Safety. Facilities shall be designed and the use shall be conducted in a manner that minimizes safety hazards to users, adjacent residents, and adjacent livestock.

I. Erosion. Facilities shall be designed to produce a minimum of soil erosion, and managed and maintained so as to promptly restore any damage from erosion.

SECTION 11.

Section 18.104.360 (Outdoor recreation – Campgrounds) of

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

18.104.360 Outdoor recreation – Campgrounds.

In addition to the standards of Sections 18.104.340 and 18.104.350, the following special performance standards shall apply to campgrounds:

- A. The number and density of sites shall maintain the rural character and the environment of both the site and surrounding areas.
- B. Except for authorized caretakers, employees, agents and/or volunteers, the maximum continuous length of occupancy by the same person or vehicle within the campground shall be fourteen days.
- ~~C. Sleeping facilities shall be limited to tents and vehicles with a maximum width of eight feet and a maximum length of twenty feet.~~
- ~~D. No campsite utility hook-ups of any type will be allowed.~~
- ~~E. Only a single appropriately sized common bathroom/shower facility shall be permitted per campground.~~

SECTION 12.

Section 18.104.390 (Outdoor recreation – Findings) of Chapter

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

18.104.390 Outdoor recreation – Findings.

In addition to findings required by Section 18.124.070, the approving agency must make all the following findings prior to issuance of a use permit for parks or rural recreation uses and facilities or campgrounds:

- A. The use is shown by evidence in the record to be appropriately located.
- B. There is a demonstrated need for the use within the county.
- C. The use does not significantly affect the ability to conduct existing agriculture uses on site or nearby.
- D. The use does not significantly affect potential agricultural operations on site or nearby.
- E. The use itself would not be adversely affected by adjacent agricultural activities.
- F. The use is not growth-inducing.
- G. The use serves local needs.

SECTION 13.

Approximately 3 acres located immediately southwest of the intersection of Imola Avenue and Penny Lane, on a portion of Assessor's Parcel Number 046-

450-041 as identified on the Official Maps of the Napa County Assessor in effect at the time this ordinance takes effect, and as shown on Attachment “A” attached hereto and incorporated herein by reference, is hereby rezoned from PD (Planned Development District) to AW (Agricultural Watershed District). The official zoning map shall be amended to reflect this change consistent with the requirements of Chapter 18.12.

SECTION 14. Approximately 944 acres, commonly known as Skyline Wilderness Park and including that area commonly known as Camp Coombs, located south of Imola Avenue and directly east of the Napa State Hospital and including all of Assessor’s Parcel Numbers 046-450-042, 046-390-001, 045-350-002, 045-360-001, and 046-380-001 and portions of Assessor’s Parcel Number 046-450-041 as identified in the Official Maps of the Napa County Assessor in effect at the time this Ordinance takes effect, and as shown on Exhibit “B” attached hereto and incorporated herein by reference, currently zoned AW or rezoned to AW by virtue of this ordinance, is hereby added to the :SWP (Skyline Wilderness Park Combination District) zoning district. The official zoning map shall be amended to reflect this change consistent with the requirements of Chapter 18.12.

SECTION 15. The rezoning of the approximately 3 acres of Assessor’s Parcel Number 046-450-041 from PD (Planned Development) to AW (Agricultural Watershed) is consistent with the Napa County General Plan (2008) in that General Plan Policy AG/LU-114 and implementing Table AG/LU-B identify AW as the appropriate zoning designation for lands designated Agriculture, Watershed, and Open Space by the General Plan Land Use Map where rezoning is proposed, and the parcel is so designated.

SECTION 16. The addition of the approximately 944 acres as identified in Section 14, above, inclusive of those areas commonly known as Skyline Wilderness Park and as

Camp Coombs, to the newly created :SWP (Skyline Wilderness Park Combination District) zoning district is consistent with the Napa County General Plan in that Policy ROS-15 of the Recreation and Open Space Element provides that the County shall assure the permanent protection of Skyline Wilderness Park as a public park and nature-based recreation area through all appropriate means, specifically including local zoning requirements.

SECTION 17. The Board further finds that, 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 – 4, 12, 20, 27, and 114; CON - 1; ROS – 1, 3, 4, 14, 15, 16, 17, 30 and Action Item ROS-1.2.

SECTION 18. 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 19. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 20. 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: _____

<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>

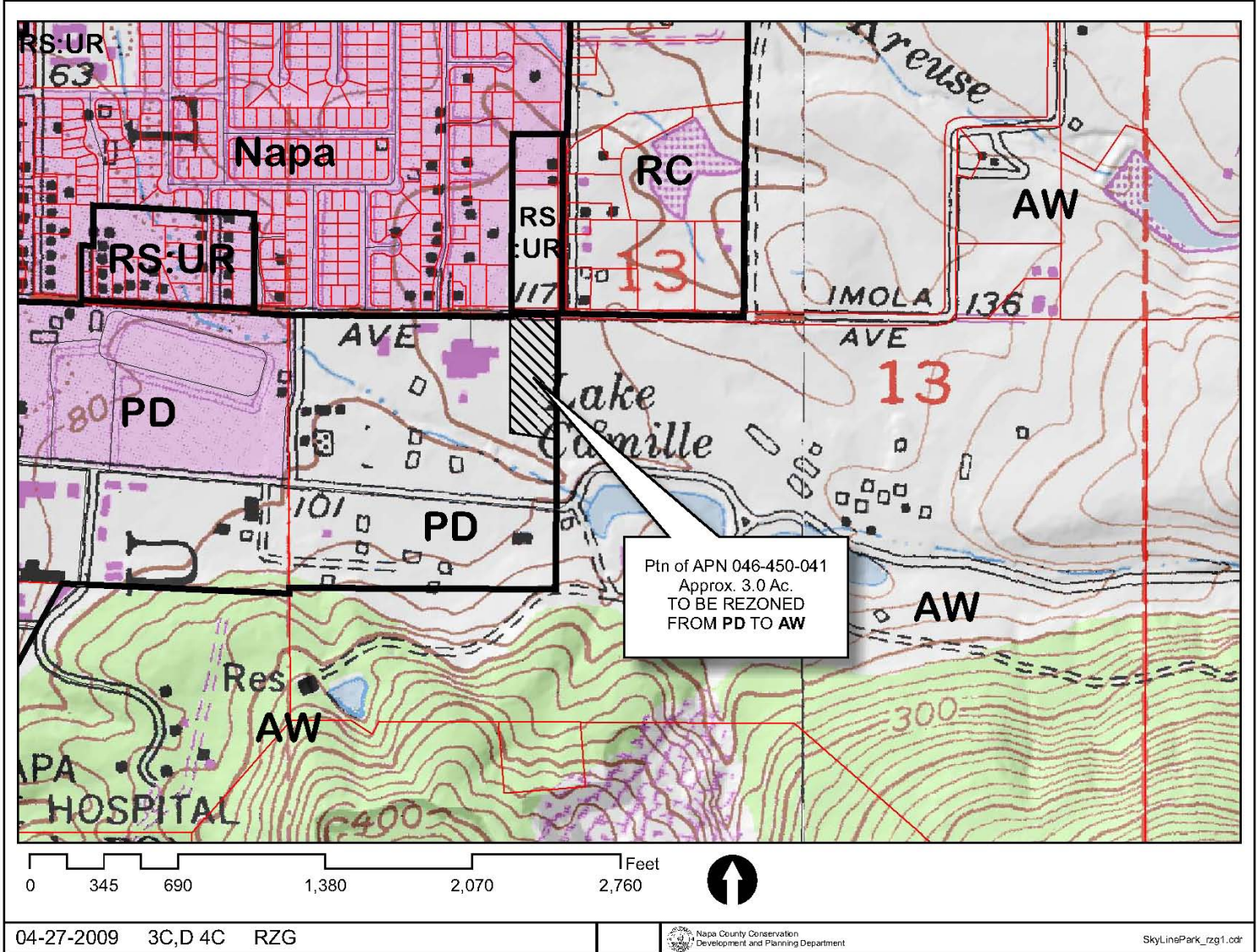
Attachments: Attachment "A" – Map
Attachment "B" – Map

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

SKYLINE PARK (EXHIBIT - "A")



SKYLINE PARK (EXHIBIT - "B")

