

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 TITLE 18 OF THE NAPA COUNTY CODE BY DELETING CHAPTERS 18.26 (GC GENERAL COMMERCIAL DISTRICT), 18.56 (RD RESIDENTIAL DOUBLE DISTRICT), 18.84 (:FR FIRE RISK COMBINATION DISTRICT), 18.88 (:GR GEOLOGICAL RISK COMBINATION DISTRICT) 18.96 (:A AGRICULTURAL COMBINATION DISTRICT), 18.101 (:V VIEWSHED PROTECTION COMBINATION DISTRICT), ADDING A NEW SECTION 18.08.638 (WILDLIFE RESCUE CENTER), AND AMENDING CERTAIN SECTIONS IN THE FOLLOWING CHAPTERS: 18.08 (DEFINITIONS), 18.10 (ZONING ADMINISTRATOR), 18.12 (ESTABLISHMENT OF ZONING DISTRICTS), 18.20 (AW AGRICULTURAL WATERSHED DISTRICT), 18.24 (AV AIRPORT DISTRICT), 18.28 (CL COMMERCIAL LIMITED DISTRICT), 18.32 (CN COMMERCIAL NEIGHBORHOOD DISTRICT), 18.40 (IP INDUSTRIAL PARK ZONING DISTRICT), 18.48 (PD PLANNED DEVELOPMENT DISTRICT), 18.52 (RS RESIDENTIAL SINGLE DISTRICT), 18.60 (RM RESIDENTIAL MULTIPLE DISTRICT), 18.64 (RC RESIDENTIAL COUNTRY DISTRICT), 18.100 (:UR URBAN RESERVE COMBINATION DISTRICT), 18.104 (ADDITIONAL ZONING DISTRICT REGULATIONS), 18.108 (CONSERVATION REGULATIONS), 18.112 (ROAD SETBACKS), 18.116 (SIGNS), 18.120 (EXCEPTIONS), 18.124 (USE PERMITS), 18.126 (ADMINISTRATIVE PERMITS), 18.128 (VARIANCES), 18.132 (LEGAL NONCONFORMITIES).

WHEREAS, in June 2008 the County Board of Supervisors (Board) adopted the 2008 General Plan Update, which revised and updated the various land use policies implemented by Title 18 (Zoning); and

WHEREAS, from time to time it is necessary and desirable for the Board to update the terms of Title 18 (Zoning) to better achieve consistency with the County's General Plan, with the policy goals of the Board, and with the existing regulatory practice of the Department of Conservation,

Development, and Planning (Department); and

WHEREAS, Title 18 (Zoning) includes several zoning districts which are not, and have not, been utilized on the County's official zoning map and which have therefore become archaic and unnecessary; and

WHEREAS, with the advent of computerized mapping and geographic information systems, certain regulations which the Board once saw fit to adopt regarding the drafting and management of the official zoning map are no longer necessary or useful; and

WHEREAS, certain changes to Title 18 (Zoning) regarding commercial airspace condominiums are necessary to achieve consistency with the State Subdivision Map Act and with the existing written policy of the Department; and

WHEREAS, the Board desires to amend the regulations applicable to the Planned Development (PD) and Residential Country (RC) zoning districts to allow agricultural uses in the PD district and certain farm management uses subject to use permit approval within the RC district, each in consistency with the County's adopted General Plan; and

WHEREAS, Title 18 (Zoning) presently includes provisions which do not clearly reflect Department's long standing policy and practice of reviewing guest cottages as ministerial and the Board desires to bring said provisions into conformance with the Department's policy and practice in this regard; and

WHEREAS, Title 18 (Zoning) presently references a section of the Uniform Building Code which is no longer operative to establish maximum building height and the Board desires to simplify the task of measuring allowable building heights; and

WHEREAS, Title 18 (Zoning) presently includes provisions which unreasonably limit the size of residential second units that are attached to existing primary single family dwellings and the Board desires to subject all second units to a consistent 1,200 square foot maximum size limitation; and

WHEREAS, the health and safety of the community as a whole is best served by requiring

minimum property line setbacks for sheds and other small structures and by ensuring that political signs are not placed within the public right-of-way; and

WHEREAS, the Board wishes to update regulations applicable to the expiration of and extensions of time for use permits and the granting of variances in order to bring the terms of Title 18 (Zoning) more clearly into conformance with the practice of the Conservation, Development, and Planning Commission ("Planning Commission") and the Department; and

WHEREAS, the Board adopted the Conservation Regulations (Chapter 18.108) to protect the public health, safety and community welfare, and to otherwise preserve the natural resources of the county of Napa. Further, those regulations were intended to ensure the continued long-term viability of county agricultural resources by protecting county lands from excessive soil loss which if unprotected could threaten local water quality and quantity and lead ultimately to loss of economic productivity. The Board finds that variances to the terms of the Conservation Regulations deserve the highest level of public scrutiny and should only be heard by the Planning Commission, or by the Board on appeal; and

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

WHEREAS, for ease of reference, this Ordinance shall be known as the "2012 Omnibus Zoning Code Update."

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

SECTION 1. Section 18.08.310 (Home occupation) of Chapter 18.08 (Definitions) of the Napa County Code is amended to read in full as follows:

18.08.310 Home occupation.

"Home occupation" means an occupation conducted in a ~~single-family~~ dwelling unit by members of the family residing on the premises which is incidental to and subordinate to the use of the dwelling unit as a residence.

SECTION 2. Section 18.08.380 (Multiple-family dwelling unit) of Chapter 18.08

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

18.08.380 Multiple-family dwelling unit.

"Multiple-family dwelling unit" means a development of two or more dwelling units designed to house two or more families living independently of each other. A multiple-family dwelling unit may consist of one building or a group of detached dwelling units. ~~The term does not apply to a single-family dwelling unit with an additional dwelling unit located within as allowed in RD districts.~~

SECTION 3. Section 18.08.480 (Public kennels) of Chapter 18.08 (Definitions) of the Napa

County Code is amended to read in full as follows:

18.08.480 Public kennels.

"Public kennels" means any facility in which five or more dogs or cats are kept, boarded or trained for remuneration, whether or not in special structures. As used in this title, the terms "public kennel" and "kennel" may be used interchangeably and shall share this definition.

SECTION 4. Section 18.08.490 (Public stable) of Chapter 18.08 (Definitions) of the Napa

County Code is amended to read in full as follows:

18.08.490 Public stable.

"Public stable" means a facility for the commercial boarding of horses or for the housing of horses for rental, or both. As used in this title, the terms "public stable" and "stable" may be used interchangeably and shall share this definition.

SECTION 5. Section 18.08.600 (Small winery) of Chapter 18.08 (Definitions) of the Napa

County Code is amended to read in full as follows:

18.08.600 Small winery.

"Small winery" means any existing winery ~~or proposed new winery~~ with a maximum annual production capacity of twenty thousand gallons of wine that meets the following conditions:

- A. A small winery shall be located on a parcel of land four acres or larger in size.
- B. Small winery buildings and related facilities shall not be located in any county-designated environmentally-sensitive area.
- C. A small winery does not conduct public tours, provide wine tastings, sell wine-related items or hold social events of a public nature.
- D. A small winery shall meet all requirements of the county's Design Criteria for Small Winery.

SECTION 6. A new Section 18.08.638 (Wildlife rescue center) is added to Chapter 18.08

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

18.08.638 Wildlife rescue center.

“Wildlife rescue center” means a facility licensed by the U.S. Department of the Interior, the U.S. Fish and Wildlife Service, and/or the California Department of Fish and Game addressing the rehabilitative needs of wildlife where such wildlife species are now or once were native to the county. A wildlife rescue center may include structures not to exceed a cumulative five thousand square feet of interior area. Such wildlife rescue center structures may include medical rooms, rooms housing wildlife, and accessory uses such as reception areas, offices, training rooms, restrooms, storage areas, and break rooms. Wildlife rescue centers may also include wildlife cages and/or pens provided that such facilities comply with all county-required yards and setbacks, regardless of whether or not such cages and/or pens would otherwise require a building permit. Standalone wildlife cages and/or pens shall not be subject to the cumulative five thousand square foot interior area limitation.

SECTION 7. Section 18.10.020 (Duties – Specific Subjects) of Chapter 18.10 (Zoning

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

18.10.020 Duties - Specific subjects.

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

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

G. Licenses for Category 3 temporary events as defined in Section [5.36.015](#) ~~5.36.010~~ if a hearing is requested and Category 4 temporary events as defined in Section [5.36.015](#) ~~5.36.010~~ if not referred to the board;

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

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

J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010); [and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108;](#)

K. (Reserved);

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

M. Minor modifications of small winery exemption certificates and minor modifications to use permits other than very minor requests for changes as described in [subsection \(C\)\(1\) through \(5\) of Section 18.124.130](#) ~~(C)(1) through (4)~~, after making the findings required by Section 18.124.130;

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

O. [\(Reserved\); and Exceptions in the form of a use permit to any requirements of Chapter 15.48 of the Napa County Code in accordance with the requirements set forth in Section 18.108.040;](#)

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

SECTION 8. 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:

Designation	Letters
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
<u>Affordable Housing</u>	<u>:AH</u>

SECTION 9. Section 18.12.020 (Official Zoning Map) of Chapter 18.12 (Establishment of Zoning Districts) of the Napa County Code is amended to read in full as follows:

18.12.020 Official zoning map.

The zoning districts are delineated on the official zoning map which, together with all explanatory matter entered thereon, is adopted by this reference and is declared to be a part of this title of the Napa County Code. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be maintained by or at the direction located in the office of the director, shall be the final authority as to the current zoning status of the real property shown thereon.

SECTION 10. Section 18.12.030 (Official Zoning Map - Identification) of Chapter 18.12 (Establishment of Zoning Districts) of the Napa County Code is amended to read in full as follows:

18.12.030 Official zoning map - Identification.

The official zoning map shall be identified by the ~~signature of the chairman of the board attested by the county clerk, and bearing the~~ county seal under and the following words: "This is ~~to certify that this is~~ the Official Zoning Map of the County of Napa identified in Napa County Code Section 18.12.020." ~~together with the date of the adoption of this title.~~

SECTION 11. Section 18.12.040 (Official zoning map - Changes) of Chapter 18.12 (Establishment of Zoning Districts) of the Napa County Code is amended to read in full as follows:

18.12.040 Official zoning map - Changes.

A. If, in accordance with provisions of this title and California Government Code Sections 65853-65857, inclusive, a change is made in a district boundary or other matter shown on the official zoning map, such change shall be entered on the official zoning map promptly after the amendment has been adopted by the board, ~~with an entry on the official zoning map as follows: "On [date], by~~

~~official action of the board of supervisors, the following change was made on the Official Zoning Map: [Brief description of nature of change.]~~ which entry shall be signed by the clerk of the board. No amendments to this title of the Napa County Code which involves matters shown on the official zoning map shall become effective until such change has been entered on the official zoning map.

B. No changes of any nature shall be made in the official zoning map, or matter shown thereon, except in conformity with the procedures set forth in this chapter. Any unauthorized change by any person shall be considered a violation of this code and shall be punishable as provided in Section Four of Ordinance No. 436.

SECTION 12. Section 18.12.050 (Official zoning map - Replacement) of Chapter 18.12

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

18.12.050 Official zoning map - Replacement.

A. If the official zoning map is damaged, destroyed or lost, or becomes difficult to interpret for any reason, the ~~board may by resolution adopt~~ director may draft a new official zoning map which shall supersede the prior official zoning map. The official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by seal and statement as required in Section 18.12.030. ~~the signature of the chairman of the board attested by the county clerk, and bearing the seal of the county under the following words:~~

~~"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map of the County of Napa adopted [date of adoption of map being replaced] as part of Title 18 of the Napa County Code."~~

B. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 13. 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, and wildlife rescue centers;

- 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. Sale of wine-related products;
 - 5. 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 on public lands 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 14. Section 18.24.040 (Other regulations applicable) of Chapter 18.24 (AV Airport

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

18.24.040 Other regulations applicable.

A. The regulations shown for AV districts in the Schedule of Zoning District Regulations, Section 18.104.010, shall apply to each structure and to each use of land within the airport district.

B. Uses conducted in accordance with an adopted Airport Master Plan or Airport Layout Plan shall not be subject to the requirements of this chapter.

SECTION 15. Chapter 18.26 (GC General Commercial District) of the Napa County Code

shall be deleted in its entirety.

SECTION 16. Section 18.28.040 (Minimum lot area) of Chapter 18.28 (CL Commercial

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

18.28.040 Minimum lot area.

In the CL district:

Minimum lot area shall be one-half acre if both public water supply and public sewage facilities are available, and one acre in all other circumstances. Commercial airspace condominiums shall not be deemed to create new lots subject to the minimum lot area requirements.

SECTION 17. Section 18.32.010 (Intent of classification—General criteria for district

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

18.32.010 Intent of classification—General criteria for district designation.

A. The intent of this classification is to provide zoning districts consistent with the general plan where residents of the unincorporated area of the county may obtain commercial services for day-to-day needs in the immediate neighborhood in a setting compatible with surrounding land uses. The area and location of such zoning district shall be determined largely by the urban nature and extent of the local trade area to be served. Other criteria which will figure significantly in the choice of parcels deemed suitable for classification include availability of public service, public utilities, traffic safety, character of the site and surrounding area. The central business district of each incorporated city shall be recognized as the dominant commercial and financial center for the surrounding unincorporated area of the county.

B. Those areas adjacent to Lake Berryessa, in Angwin, and in the Capell Valley are significantly removed from developed or developing urban areas, but have a population which requires, because of that very isolation, certain commercial uses and services beyond the day-to-day needs which would be allowed in the neighborhood commercial district, albeit on a smaller scale than that required in an urban area.

C. For this reason, commercial uses as included herein are found to ~~which are branches or subordinate small-scale versions of the commercial uses found in the general commercial district would~~ be consistent with the intent of the CN district within the areas adjacent to Lake Berryessa, in Angwin, and in the Capell Valley.

SECTION 18. Section 18.32.040 (Development plan) of Chapter 18.32 (CN Commercial

Neighborhood District) of the Napa County Code of the Napa County Code is amended to read in full as follows .

18.32.040 (Reserved.) ~~Development plan.~~

~~In the CN district:~~

~~A. — A development plan as defined in Section 18.08.230 for the entirety of any parcel or contiguous ownership larger than one acre in size shall be filed prior to or concurrent with the filing of a use permit under Section 18.124.020.~~

~~B. — The development plan submitted shall, at a minimum, identify future building envelopes, parking areas, driveway locations, open space areas, and natural features. Building design criteria and landscaping and sign standards shall also be included.~~

~~C. — The development plan shall be reviewed and, if acceptable, approved by the commission.~~

~~D. — All use permits for the parcel(s) covered by the development plan shall be consistent with said plan.~~

~~E. — Revision of the approved development plan shall comply with the provisions of Section 18.104.060B.~~

SECTION 19. Section 18.32.050 (Minimum lot area) of Chapter 18.32 (CN Commercial

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

18.32.050 Minimum lot area.

In the CN district:

Minimum lot area shall be one-half acre if both public water supply and public sewerage facilities are available, and one acre in all other circumstances. Commercial airspace condominiums shall not be deemed to create new lots subject to minimum lot area requirements.

SECTION 20. Section 18.40.030 (Applicability—Additional standards applicable when—

Review of development plans) of Chapter 18.40 (IP Industrial Park Zoning District) of the Napa County Code is amended to read in full as follows:

18.40.030 Applicability - Additional standards applicable when - Review of development plans.

In the IP district:

A. The standards set forth in this chapter, in this title and in any relevant specific plan, are applicable to each structure and each use located within the IP zoning district. However, if a parcel proposed to be developed is subject to a specific plan and that specific plan contains development standards that are inconsistent with or in addition to the standards established by this chapter or this title, the additional standards set forth in the specific plan shall be applicable and, in regard to inconsistent standards, the more restrictive shall control unless the contrary is expressly stated in the specific plan.

B. ~~(Reserved.) The development standards set forth in Sections 18.40.050(D) and (E), 18.40.060(B)(1) and (C), 18.40.070(D) and (E), 18.40.110(B)(1), (C) and (D), 18.40.140(C) and (D), and 18.40.170 shall not apply to the expansion of existing conforming uses lawfully established prior to June 11, 1987, and continuously operated thereafter. However, all existing and required setbacks shall be landscaped as set forth in Section 18.40.110. A minimum three foot landscaped strip shall be maintained along all side and rear property lines except as provided in Section 15.40.060(B)(2)(a). All expansions shall meet the applicable standards set forth in this chapter.~~

C. On sites with mixed industrial and commercial land uses, industrial design criteria and development standards shall apply to industrial uses, and commercial design criteria and development standards shall apply to commercial uses. Where the mixed industrial and commercial uses are in the same structure, the more restrictive regulations shall apply.

D. Development plans for all parcels shall be subject to review by the approving officer or body. Said review shall be based upon the pertinent development and performance standards set forth in this chapter and in the applicable specific plan. Any development plan submitted including, but not limited to, the required landscape plan, shall demonstrate that all pertinent development standards contained in this chapter and applicable specific plan have been met.

SECTION 21. Section 18.48.020 (Uses allowed without a use permit) of Chapter 18.48 (PD

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

18.48.020 Uses allowed without a use permit.

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

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

B. 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~~;~~

C. Agriculture, provided that the lot is one acre in size or greater.

SECTION 22. Section 18.48.030 (Uses permitted upon grant of a use permit) of Chapter

18.48 (PD Planned Development District) of the Napa County Code is amended to read in full as follows:

18.48.030 Uses permitted upon grant of a use permit.

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

A. All residential uses permitted in RC (residential country), RS (residential single) and RM (residential multiple) zones;

B. All commercial uses permitted in CL (commercial limited) and CN (commercial neighborhood) zones;

C. Educational facilities;

D. Recreational facilities provided for the use of persons residing within the PD zone, providing the recreation uses are compatible with the existing or permitted uses in the surrounding area (within one-half mile);

E. Mobilehome parks;

F. Institutional facilities;

G. Telecommunication facilities, other than those allowed under [subsection \(B\) of](#) Section 18.48.020~~(B)~~, that can, for demonstrated technical reasons acceptable to the director, only be located within a residential single (RS), ~~residential double (RD)~~, residential multiple (RM), residential country (RC), or planned development (PD) zoning district.

Such uses noted in subsections (A), (B) or (D) of this section shall only be allowed or permitted in other zoning districts under this title.

SECTION 23. Section 18.52.030 (Uses permitted upon grant of a use permit) of Chapter

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

18.52.030 Uses permitted upon grant of a use permit.

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

A. Outdoor parks and recreation facilities compatible with agriculture and residences;

B. Residential care facilities (medium) subject to Section 18.104.170;

C. Residential care facilities (large) subject to Section 18.104.170;

D. Child day care centers;

E. Private schools (institutional) subject to compliance criteria specified in Section 18.104.160;

F. Telecommunication facilities, other than allowed under [subsection \(H\) of](#) Section 18.52.020~~(H)~~, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), ~~residential double (RD)~~, residential multiple (RM), residential country (RC), or planned development (PD) zoning district.

SECTION 24. Chapter 18.56 (RD Residential Double District) of the Napa County Code shall be deleted in its entirety.

SECTION 25. Section 18.60.030 (Uses permitted upon grant of a use permit) of Chapter

18.60 (RM Residential Multiple District) of the Napa County Code is amended to read in full as follows:

18.60.030 Uses permitted upon grant of a use permit.

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

A. Multiple-family dwelling units and single room occupancy units;

B. Outdoor parks and recreation facilities compatible with agriculture and residences;

C. Residential care facilities (medium) subject to Section 18.104.170;

- D. Residential care facilities (large) subject to Section 18.104.170;
- E. Child day care centers; and
- F. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), ~~residential double (RD)~~, residential multiple (RM), residential country (RC), or planned development (PD) zoning district.

SECTION 26. Section 18.64.030 (Uses allowed upon grant of a use permit) of Chapter 18.64

(RC Residential Country District) of the Napa County Code is amended to read in full as follows:

18.64.030 Uses permitted upon grant of a use permit.

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

- A. Public kennels and veterinary facilities;
- B. Parks and recreation uses and facilities, conforming to the standards in Chapter 18.104;
- C. Private schools (institutional) subject to compliance with criteria specified in Section 18.104.160;
- D. Telecommunication facilities, other than those allowed under subsection (L) of Section 18.64.020~~(L)~~, that can, for demonstrated technical reasons acceptable to the director, only be located within a residential single (RS), ~~residential double (RD)~~, residential multiple (RM), residential country (RC), or planned development (PD) zoning district; and;
- E. 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 27. Chapter 18.84 (:FR Fire Risk Combination District) of the Napa County Code shall be deleted in its entirety.

SECTION 28. Chapter 18.88 (:GR Geological Risk Combination District) of the Napa County Code shall be deleted in its entirety.

SECTION 29. Chapter 18.96 (:A Agricultural Combination District) of the Napa County Code shall be deleted in its entirety.

SECTION 30. Section 18.100.030 (Nonresidential development—Conditions and standards) of Chapter 18.100 (:UR Urban Reserve Combination District) of the Napa County Code is amended to read in full as follows:

18.100.030 Nonresidential development—Conditions and standards.

A. Notwithstanding subsection (C) of Section 18.100.020~~(C)~~, nonresidential development in the county shall be permitted even though the parcel is included within the :UR zoning district in the following circumstances:

1. In the case of development which requires the issuance of a use permit, if the approving officer or body, in addition to making the findings required by Section 18.124.070, finds that:

a. The proposed development is consistent with the general plan and zoning policies of the city that would be applicable were the same development proposed to be located within the city; and

b. A reasonable annexation request has been made and denied within one year of the use permit application being filed; and

c. No reasonable use of the property exists should the uses that require the issuance of a use permit in the primary zone continue to be prohibited.

2. (Reserved.)~~In the case of subdivisions, providing the approving officer or body makes the findings required by Title 17, and in addition finds that:~~

~~a. A reasonable annexation request has been made and denied within one year of the subdivision application being filed; and~~

~~b. No reasonable use of the property exists should subdivision of the property continue to be prohibited.~~

3. In the case of telecommunication facilities, if the commission has made all the findings required under Sections 18.124.070 and subsection (A)(1)(a) and (b) of Section 18.100.030~~(A)(1)(a) and (b)~~ and has issued a use permit for the proposed facility.

B. For purposes of subsection (A) of this section, a reasonable annexation request shall be deemed to have been made if a complete application to annex the property has been filed with LAFCO or the city and rejected by either entity within one year prior to the date of the application. However, in such a case the development standards imposed as a condition of the permit shall be substantially the same as those required by the city for similar types of development.~~What constitutes a reasonable annexation request for purposes of subsection (A) of this section shall be determined by applying the standards set forth in the general plan rural-urban limit line policy 7.2.~~

C. No development application shall be deemed complete and accepted for filing by the county until the applicant has provided evidence to the county that an informational copy of the same application has been filed with the city and the city has determined that were the application for a similar development in the city, the application would be considered complete.

D. If, within sixty days of an application for a use permit being deemed complete by the county and accepted for filing, the city requests that conditions be attached to the issuance of the use permit, the county will ensure that conditions substantially similar to those recommended by the city are imposed unless the county standards are more restrictive than the conditions recommended by the city.

~~E. Development standards for subdivisions shall be county standards.~~

SECTION 31. Chapter 18.101 (:V Viewshed Protection Combination District) of the Napa

County Code shall be deleted in its entirety.

SECTION 32. Table 18.104.010 (Schedule of Zoning District Regulations) of Chapter 18.104

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

Table 18.104.010
SCHEDULE OF ZONING DISTRICT REGULATIONS

Zoning District	Minimum Lot Area		Minimum Lot Width (Feet)	Minimum Yard Feet			Maximum Main Building Coverage	Maximum Building Height
	(Acres)	(Square Feet)		Front	Side	Rear		
AP	40	—	—	20	20	20	—	35
AW	160	—	—	20	20	20	—	35
AV	—	—	—	—	—	—	—	—
GC	4E	—	—	40	5A	—A	—	35
CL	1E	—	—	—	—	—	—	35
CN	1	—	—	—	—	—	—	35
MC	— varies —		75	20	20	20	40%	35
I	—	20,000	100	20	20	20	35%	35
GI	—varies—		100	—varies—			35—50%D	35
IP	—varies—		125	—varies—		10	35%—50%D	35
PD	—	—	—	—	—	—	—	35
PL	10G	—	—	—varies—20		20	—	35
RS	—	8,000	60	20	6C	20	50%	35
RD	—	8,000	60	20	6C	20	40%	35
RM	—	8,000	60	20	6C	20	40%	35
RC	10	—	60	20	20	20	—	35
TP	160	—	—	—	—	—	—	35
FR	460	—	—	—	—	—	—	35
GR	460	—	—	—	—	—	—	35

- A. ~~Five feet shall be added to each side and rear yard for each story above the first story of any building.~~ (Reserved.)
- B. Plus two thousand square feet per unit.
- C. Three feet shall be added to each side yard for each story above the first story of any building. Minimum yard on the street side of a corner lot shall be ten feet.
- D. Up to fifty percent for certain uses.
- E. One-half acre if public water and sewer is available.
- F. Twenty thousand square feet if public water and sewer is available.
- G. In areas with general plan designations agricultural resource or agriculture, watershed and open space.

SECTION 33. Section 18.104.060 (Development plans) of Chapter 18.104 (Additional

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

18.104.060 Development plans.

A. A use permit approved for any use for which a development plan is required shall incorporate the approved development plan and shall provide that the use shall conform to both the use permit and the approved development plan.

B. Revisions of approved development plans shall be governed by the following rules:

1. Minor changes may be made prior to and during the construction of the project with the written consent of the director.

2. No major change may be made without approval by the commission of a revised use permit.

3. The director shall determine whether a proposed change is a minor change or a major change for purposes of this section.

C. Following approval of the development plan and the issuance of a use permit by the commission, three copies of the development plan, revised to indicate any required conditions of approval, shall be filed by the applicant with the department ~~and endorsed by the chairman of the commission to show that it has been approved by the commission. Such plans shall be checked for conformance with the development plan approved by the commission. Signed copies of the plan shall be distributed as follows upon approval: one copy shall be delivered to the office of the county clerk, one copy to the office of the county engineer, and the remaining copy shall be retained in the permanent files of the department.~~

SECTION 34. Section 18.104.080 (Guest cottage – Criteria for establishment) of Chapter

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

18.104.080 Guest cottage - Criteria for establishment.

When permitted by this title, a detached guest cottage may be developed upon issuance of a building permit if the following conditions are met:

A. The lot contains an existing, legal single-family dwelling unit;

B. The proposed building site complies with the requirements of Chapter 18.108 (Conservation Regulations) ~~is not located in an environmentally sensitive area unless the property owner submits information acceptable to the department showing that the proposed guest cottage would not result in or be subject to any significant environmental impacts;~~

C. The square footage of the living area of the guest cottage does not exceed the square footage of the living area of the main dwelling unit. However, in no event shall the living area of the guest cottage exceed one thousand square feet as measured from the inside of the exterior walls. The guest cottage shall be a separate stand-alone structure, within five hundred feet of the main or secondary residence. The planning director may waive the five hundred foot limit if the applicant presents substantial evidence that an environmental or agricultural constraint prevents meeting this requirement and/or if a greater distance is required to meet the standards of the department of environmental management relating to private water or sewer systems. The planning director may waive the requirement that the structure be stand alone if an alternative design (such as a single level to be built on top of an existing structure) provided by the applicant includes design features which

preclude future expansion of the structure beyond the allowable living area of the unit. Examples of such features include: 1) use of external staircases rather than internal staircases to access a second floor unit; 2) exclusion of common walls which could be penetrated to create additional living space; or 3) exclusion of attached areas that can be easily converted to additional living space (such as substantially enclosed porches). Guest cottages legally constructed prior to the date of adoption of the ordinance codified in this chapter which are attached to other structures are to be considered legally conforming and may expand up to the one thousand square foot limit;

D. Any construction shall conform to height, setback, lot coverage, site plan review, fees, charges and other zoning requirements applicable to residential construction in the zone in which the property is located;

E. County building code requirements which apply to single-family dwellings shall also apply to the guest cottage;

F. Approval by the county department of environmental health where either a private sewage or disposal system or private water system is to be used.

SECTION 35. Section 18.104.110 (Parcel design) of Chapter 18.104 (Additional Zoning

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

18.104.110 Parcel design.

A. Except as provided in subsection (E) of this section, no lot shall be created with less than four thousand square feet of buildable area after taking into account the restrictions imposed by this title.

B. Except as provided in subsection (D) or (E) of this section, for lots zoned Residential Single, ~~Residential Double, and~~ or Residential Multiple, the minimum depth of a residential lot shall be eighty feet, minimum frontage shall be forty feet, and minimum width at building setback line shall be sixty feet.

C. Except as provided in subsection (E) of this section, each proposed lot shall have at least one buildable site.

D. Except as provided in subsection (E) of this section, the average depth of a parcel ten acres or less in size shall not exceed three times its average width and the average depth of a parcel greater than ten acres in size shall not exceed five times its average width, except that the unbuildable portion of the parcel may be deducted from the width-to-depth ratio by the advisory agency that approved the tentative map if a portion of the depth of the parcel will not be buildable due to:

1. Unusual topography such as existence of steep slopes, floodway, soil instability or geologic hazards;

2. The existence of dedicated easements.

E. The requirements set forth in subsections (A) through (D) of this section shall not apply within the Planned Development zoning district or to the following lots:

1. Those parcels dedicated or offered for dedication to the county or some other public entity or reserved by recorded restrictions for flood control purposes, natural resource preservation, common open space or other similar purposes;

2. Parcels actively used for such purposes as landfills, mining operations, or other similar long-term uses which do not normally require a permanent on-site primary structure and which are subject to a discretionary permit issued by the county regulating such use.

F. Side lot lines shall be at approximately right angles or radial to the street centerline, except where terrain or other restrictions make such design impractical.

G. Lots less than two acres in size shall not have double street frontage unless the frontage and vehicular access from one of said streets is waived. This subsection is not intended to apply to corner lots.

H. All lots created by subdivision or parcel map, and all lots affected by lot line adjustment other than those which are less than the minimum parcel size required by the zoning district both before and after the lot line adjustment or which are the result of a lot line adjustment which complied with subsection (C)(4) of Section 17.46.040 shall, unless dedicated or offered for dedication or reserved by permanent recorded restrictions for flood control, natural resource preservation, common open space or other similar purposes, conform to the minimum lot area requirements of the general plan and zoning district in which the property is located. In determining whether a proposed lot having a gross area, as defined in Section 17.02.340, of less than forty acres conforms to such minimum area requirements, only the net area of the lot, as defined in Section 17.02.350, shall be considered.

I. No parcel shall be created in such a manner that the parcel is partly in the unincorporated area of the county and partly in a city or another county. Subject to Section 18.100.040, no parcel that is currently entirely within the unincorporated area of the county shall be adjusted in such a manner so that the reconfigured parcel is partly in the unincorporated area of the county and partly in a city or another county.

SECTION 36. Section 18.104.120 (Maximum building height) of Chapter 18.104 (Additional

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

18.104.120 Maximum building height.

A. Except as otherwise provided elsewhere in this chapter, Section 18.104.010 or subsections of this section, no structure other than a telecommunication tower shall exceed thirty-five feet in height when measured to the mid-point of the cord of the roof from existing grade ~~using the procedure outlined in Figures 4-4 and 4-5 of the Uniform Building Code.~~

B. Single-family residences shall not exceed three stories or thirty-five feet in height, whichever is less.

C. Towers, spires, cupolas and similar architectural features not including roof structures themselves, chimneys, antennae, aerials, water tanks, utility structures, mechanical features and other similar appurtenances necessarily and normally attached to a structure may be constructed to a height of not more than fifteen feet above the maximum building height in the zoning district, but any additional space created shall not be habitable, used for eating or sleeping purposes, or employed for any commercial or advertising use.

D. Freestanding towers, chimneys, antennae, aerials, and water tanks may extend to a maximum height of not more than fifteen feet above the maximum building height in the zoning district. No such structure shall contain habitable space nor be used for eating, sleeping, commercial, or advertising purposes.

E. Structures necessary for the excavation or processing of nonorganic materials of any nature may extend to a maximum height of one hundred feet above the average grade at the area covered by the foundation of the structure, provided:

1. A use permit ~~(Section 18.124.010)~~ and a surface mining permit ~~(Section 16.12.090)~~ are obtained;

2. The commission determines as part of the permit procedure that the height of the structure will not adversely affect the public health, safety and welfare. The commission shall consider the visual impact of the structure upon surrounding properties.

SECTION 37. Section 18.104.180 (Second unit attached to or detached from an existing dwelling) of Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

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

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

1. The lot is a legal lot as defined by Section 18.08.340 of this title;
 2. The lot is zoned RS, RC, or AW;
 3. The lot contains only one existing, legal single-family dwelling except when an applicant is applying for a permit to build a main dwelling unit and a second unit at the same time;
 4. ~~(Reserved) The applicant for the building permit shall be the owner occupant of the existing dwelling;~~
 5. The second unit shall conform to all height, setback, lot coverage, parking and other zoning requirements applicable to a primary (main) dwelling in the zone in which the property is located, except that a detached second unit shall be a separate, stand alone structure. The planning director may waive the requirement that the structure be stand alone if an alternative design (such as a single level to be built on top of an existing structure) provided by the applicant includes design features which preclude future expansion of the structure beyond the allowable living area of the unit. Examples of such features include: 1) use of external staircases rather than internal staircases to access a second floor unit; 2) exclusion of common walls which could be penetrated to create additional living space; or 3) exclusion of attached areas that can be easily converted to additional living space (such as substantially enclosed porches). Second units legally constructed prior to the date of adoption of this ordinance which are attached to other structures are to be considered legally conforming and may expand up to the one thousand two hundred square foot limit;
 6. All site plan review requirements, permit and mitigation fees and other charges applicable to primary (main) dwellings in the zone in which the property is located shall apply to the second unit;
 7. County building code requirements which apply to single-family dwellings shall also apply to the second unit;
 8. Approval by the county department of environmental management has been obtained where either a private or individual sewage disposal system or private or individual water system is to be used;
 9. If an individual sewage disposal system is proposed, a separate system serving the second dwelling unit shall be installed unless otherwise approved by the director of environmental management;
 10. The lot meets the following area requirements:
 - a. RS: eight thousand square feet minimum, ~~exclusive of area devoted to required yards or setbacks.~~ The lot proposed for a second unit must also meet the minimum lot area requirements of the department of environmental management in regard to water and sewer requirements,
 - b. RC and AW zoned properties meeting the minimum lot area requirements of the department of environmental management in regard to water and sewer requirements.
 11. Second units may be separately metered and shall include separate shut-off valves for all utilities.
- B. The following additional requirements shall apply to all second units attached to an

existing legal single-family dwelling:

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

2. The total area of floor space of an attached second unit shall not exceed twelve hundred square feet as measured from the inside of the exterior walls.

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

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

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

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

SECTION 38. Section 18.104.270 (Fences) of Chapter 18.104 (Additional Zoning District

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

18.104.270 Fences.

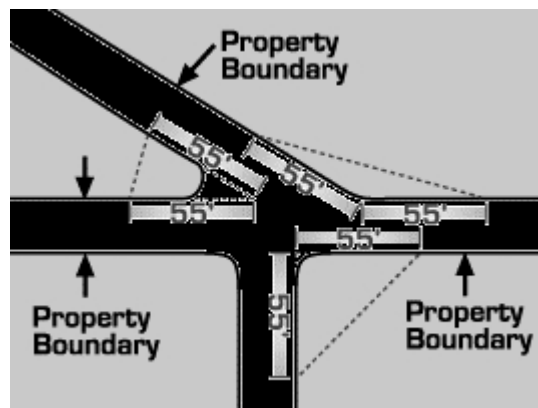
A. Fence height standards for all districts, except as specified in subsections (C) and (D) below, are as follows:

1. Fences up to a height of four feet are permitted in the designated front yard setback, except that see-through deer fencing up to eight feet is permitted to support agricultural uses. Fences up to eight feet in height are permitted in side and rear yard setbacks. Fences that exceed a height of six feet in a side or rear yard setback area shall be see-through in nature (e.g., deer or other wire fencing, lattice, or chain link) above the six foot level, unless a ~~special~~ fence use permit is granted pursuant to subsection (A)(2) below.

2. A ~~special~~ fence permit consistent with the requirements of subsection (C) of Section 18.126.060 may be granted by the director to modify the requirements of this section of the ordinance, provided that a need can be demonstrated, due to the unique nature of the parcel or surrounding environment, for the proposed fence design.

3. See-through fences outside of the combined road and yard setbacks may be up to twelve feet in height (this sub-section is to provide for agricultural fences, and special purpose uses, such as, but not limited to, tennis courts).

4. At intersections and driveway entrances, solid fence height in all districts shall not exceed forty-two inches in height within a fifty-five foot corner vision triangle as shown in the diagram below.



B. No structure (i.e., a fence requiring a building permit) shall be located within the road setback unless a ~~special~~ fence permit is obtained per subsection (A)(2) above.

C. In any CN, CL, MC, ~~GC~~, and IP districts, all fencing must be specified by use permit or site plan approval, except fences associated with agricultural uses shall be in accordance with subsection (A) above.

D. In any GI or I district, fencing shall be permitted in required yards as necessary to provide effective screening and security for permitted uses. All fencing shall be specified by use permit or site plan approval, except fences associated with agricultural uses shall be in accordance with subsection (A) above.

E. For the purposes of this section, fence heights shall be measured from natural grade that exists prior to fence construction.

SECTION 39. Section 18.104.275 (Entry Structures) of Chapter 18.104 (Additional Zoning

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

18.104.275 Entry structures.

An entry structure is differentiated from a gate in that an entry structure is greater than six feet tall or contains supports greater than sixty-four inches around. The director may issue a building permit for one entry structure in connection with the primary vehicular entry to the property if it meets all the following standards:

A. No portion of the entry structure may be constructed within the public road right-of-way unless encroachment permit is approved by the department of public works. No portion of the entry structure may be constructed within a public or private road setback unless a ~~special~~ fence permit is obtained pursuant to subsection (A)(2) of Section 18.104.270.

B. No part of an entry structure may exceed sixteen feet six inches in height.

C. (Reserved).

D. No newly constructed entry structure shall encroach upon the applicable "visibility requirements for typical intersections and driveways" of the department of public works.

E. Open gates, and vehicles waiting for gates to open, may not physically obstruct any public road or private road used by the public. No entry structure shall be designed which causes a vehicle to back into the road way if the entry structure is closed. The turnaround area associated with an entry structure shall not include any part of a public right-of-way.

F. Signs integral to an entry structure (e.g., lettering (other than a street number) built into a stone wall or driveway arch) shall also comply with the standards of Chapter 18.116 of this code (except for height), and shall be specifically identified as part of a use permit or sign permit.

G. Within required yards and setbacks, other than the setback for wineries specified in Section 18.104.230, any solid portion of an entry structure that exceeds forty-two inches in height may be approved only if the director makes all of the following findings:

1. The appearance of any solid portions above forty-two inches high would be compatible with the scenic corridor of candidate scenic highways or routes designated by the Napa County general plan;
2. The architectural design of the entry structure as a whole would be improved by such height; and
3. Each element of height that exceeds seventy-two inches (six feet) is harmonious with the balance of the structure.

SECTION 40. Section 18.104.280 (Miscellaneous improvements in yards) of Chapter 18.104

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

18.104.280 Miscellaneous improvements in yards.

In addition to the structures and improvements permitted in yards pursuant to Sections 18.104.260 and 18.104.270, the following improvements may be made in required yards:

- A. Water wells and sewage disposal systems if approved by the director of environmental management;
- B. Decks ~~and~~, patios, parking pads, and/or driveways structurally supported entirely by earth at no higher than natural grade;
- C. Storage sheds less than one hundred twenty square feet in size if building permits are not required, but only if located in rear and side yards;
- D. Swimming pools, spas, trellises, arbors and gazebos, but only if located in rear and side yards and more than five feet away from any property line;
- E. (Reserved) ~~Private driveways that do not provide necessary access to any other lot; and~~
- F. Ramps for access by handicapped persons from grade to a raised ground floor structural entry.

SECTION 41. Section 18.108.040 (Exceptions) of Chapter 18.108 (Conservation Regulations)

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

18.108.040 Exceptions.

Upon application by the landowner or leaseholder of a site, an exception in the form of a use permit may be granted to any of the requirements of this chapter other than subsection (B) of Section 18.108.060 ~~(B)~~ if, after a public hearing, findings can be made that:

- A. For structural/road development projects, all of the following are true:
 1. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading;
 2. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:
 - a. Multiple-floor levels which follow existing, natural slopes,

- b. Foundation types such as poles, piles, or stepping levels which minimize cut and fill and the need for retaining walls,
- c. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it;
- 3. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;
- 4. Adequate fire safety measures have been incorporated into the design of the proposed development;
- 5. Disturbance to streams and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project, ~~and setbacks shall be retained as specified in Section 18.108.025;~~
- 6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps;
- 7. An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.
- B. For agricultural projects and agricultural roads (as defined by Napa County department of public works), all of the following are true:
 - 1. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the soil conservation service for the soil type, topography and climatic conditions in which the project is located;
 - 2. An erosion control plan has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee;
 - 3. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained;
 - 4. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

SECTION 42. Section 18.108.080 (Agricultural erosion control plans - Requirements and authorization to prepare - Field modifications) of Chapter 18.108 (Conservation Regulations) of the Napa County Code is amended to read in full as follows:

18.108.080 Agricultural erosion control plans—Requirements and authorization to prepare—Field modifications.

- A. Submission of Plan. Five sets of each erosion control plan shall be submitted to the director or designee. The plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed.
- B. Contents. The erosion control plan shall contain the information and be prepared in accordance with the format in Resolution No. 94-19, which is incorporated herein by reference.
- C. Conformance With Guidelines. To the extent relevant to the activity proposed, the erosion control plan shall substantially conform to the guidelines contained in the excerpts from the Hillside Vineyard Unit Redwood Empire Target Area Manual (Soil Conservation Service/Napa County Resource Conservation District, 1985) and the most current Manual of Standards for Erosion

and Sediment Control Measures (published by the Association of Bay Area Governments), which are incorporated herein by reference.

D. Persons Authorized to Prepare Plans. The erosion control plan shall be prepared only by the following persons:

1. (Reserved).

2. Agricultural Projects.

a. Vineyard replant projects-erosion control plans shall be prepared by one of the following:

i. Erosion control plans prepared by any of the following persons are subject to review by the county and/or county's consultant:

(A) A certified professional soil erosion and sediment control specialist (CPSESCS), or a soil conservation service employee working under the direction of a CPSESCS;

(B) A licensed civil engineer;

(C) A registered professional forester (RPF);

(D) A licensed landscape architect;

(E) A certified engineering geologist;

(F) A licensed architect; or

(G) The property owner or owner's designee, provided that the plan is reviewed and approved in writing by the Napa County Resource Conservation District (RCD) prior to submittal to the Napa County conservation, development and planning department.

ii. Any persons on a pre-qualified list of consultants made available by the county with no technical review of plan by the county or county's consultant.

b. All other agricultural development projects-erosion control plans shall be prepared by one or more of the persons designated in subsection (D)(2)(a)(i) of this section, all subject to review by the county and/or county's consultant.

E. Field Modifications. Subsequent to approval/confirmation of the erosion control plan, the director or designee or in the case where subsection (D)(2)(a)(ii) of this section is used, then the consultant may require field adjustments to the plan to address site-specific issues or field conditions which arose after the commencement of the activity. Such field modifications shall be confirmed in writing by the director or designee or in the case where subsection (D)(2)(a)(ii) of this section is used by the consultant (with a copy to the director) and when so confirmed shall be deemed to be incorporated into the approved plan.

F. Field Modifications. Subsequent to approval/confirmation of the erosion control plan, the permittee may request a field adjustment to the plan to address site-specific issues or field conditions which arose after the commencement of the activity. The permittee shall be responsible to contact the director or designee or in the case where subsection (D)(2)(a)(ii) of this section is used, the consultant, within twenty-four hours of the changed field condition. Changes, as deemed appropriate by the director or designee, or in the case where subsection (D)(2)(a)(ii) of this section is used, the consultant, shall be confirmed in writing and deemed incorporated into the approved plan.

G. No permit for activities conducted pursuant to this chapter shall be issued by the director until the erosion control plan required by this section has been approved by the director or designee, unless the erosion control plan was prepared according to subsection (D)(2)(a)(ii) of this section where no approval is required.

SECTION 43. Section 18.112.120 (Building permit - Conditions for issuance) of Chapter

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

18.112.120 Building permit - Conditions for issuance.

Prior to issuance of a building permit, the public works and planning departments shall review the application in light of the road setback requirements set forth in this chapter. No building permit shall be cleared for issuance for a project which would not comply with the road setbacks as specified herein unless a variance, road setback exemption, or a ~~special~~ fence permit where applicable, is first obtained.

SECTION 44. Section 18.116.020 (Signs allowed without a permit) of Chapter 18.116 (Signs)

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

18.116.020 Signs allowed without a permit.

The following signs shall be allowed without a permit on any lot in any zone:

- A. One sign, not exceeding one square foot in sign area, attached to and parallel to the front wall of a building and containing the name, address and occupation of the occupant;
- B. One temporary, unlighted real estate sign not exceeding six square feet in sign area advertising the sale, rental or lease of the lot or building on which the sign is located so long as the lot or building on which the sign is located is offered for sale, rental or lease;



Figure 18.116.020(B): Example of Real Estate Sign

- C. One temporary construction sign not exceeding six square feet in sign area identifying the architect, engineer, contractor or builder associated with the construction project on the lot on which the sign is located, so long as permitted construction is occurring on the lot;



Figure 18.116.020(C): Example of Temporary Construction Sign

D. Political signs not exceeding an aggregate area of one hundred twenty-eight square feet in sign area per parcel provided such signs are not located within any public right-of-way. The maximum aggregate area applies to the total signage allowed per parcel; it does not apply per candidate or issue. All sides of a multi-sided sign will be included in the aggregate area calculations. No political sign shall be displayed earlier than ninety days prior to the election in which the candidate or ballot measure will be voted on. All political signs shall be removed within ten days thereafter, except that a sign on behalf of a candidate who is successful in a primary election may be retained for the general election. Removal of political signs shall be the responsibility of the property owner;

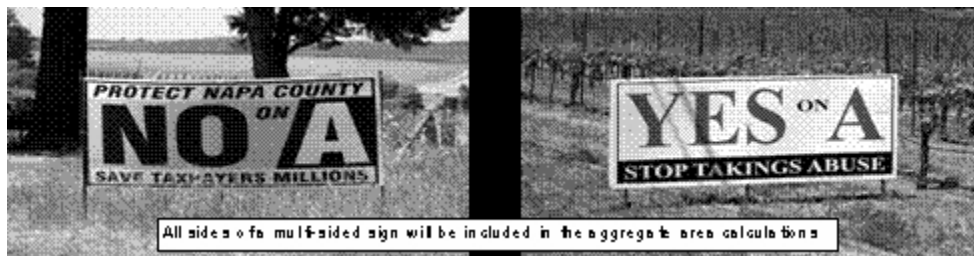


Figure 18.116.020(D): Examples of Political Signs

E. Changes in the copy of signs consistent with and permitted pursuant to this section, including, but not limited to signs approved by a use permit or by a comprehensive sign plan;

F. Physical maintenance of signs consistent with and permitted pursuant to this section, including, but not limited to signs approved by a use permit or by a comprehensive sign plan, provided that such maintenance shall not materially alter the physical features of such signs; and

G. One sign, not exceeding three square feet in sign area, for the purpose of providing contact information for agricultural parcels that are not otherwise identified (e.g., vineyards, grazing areas not associated with other signage).

1. The sign shall be single-faced, shall use letters no greater than two and one-half inches in height, and shall employ white reflective ~~orized~~ copy on a solid blue background. No logos or other advertising type copy is permitted.

2. The highest point of the directional sign, whether supported by post or attached to a fence or similar structure, shall generally lie at the normal vehicular line of site, and in any event may not exceed six feet above the centerline of any adjacent vehicular right-of-way.

3. The sign shall be located outside of the public right-of-way.

4. The sign shall contain only the following standard wording:

Name of Vineyard

—For info call—

- Name of Vineyard Management Company (if different from line 1 above)
Telephone number
H. Exempt signs as provided for in Section 18.116.120 of this code.

SECTION 45. Section 18.116.055 (Directional signs) of Chapter 18.116 (Signs) of the Napa

County Code is amended to read in full as follows:

18.116.055 Directional signs.

Permitted directional signs shall comply with the following standards:

- A. Size and dimension: Directional signs may not exceed a copyboard height of one foot nor a length of three feet. Signs shall be single-faced unless a need for double-facing is demonstrated.
B. Height: The total height of a directional sign, including the post or standard upon which a directional sign is placed, shall generally lie below the normal vehicular line of sight to the horizon, and may not exceed six feet above the centerline of any adjacent vehicular right-of-way.

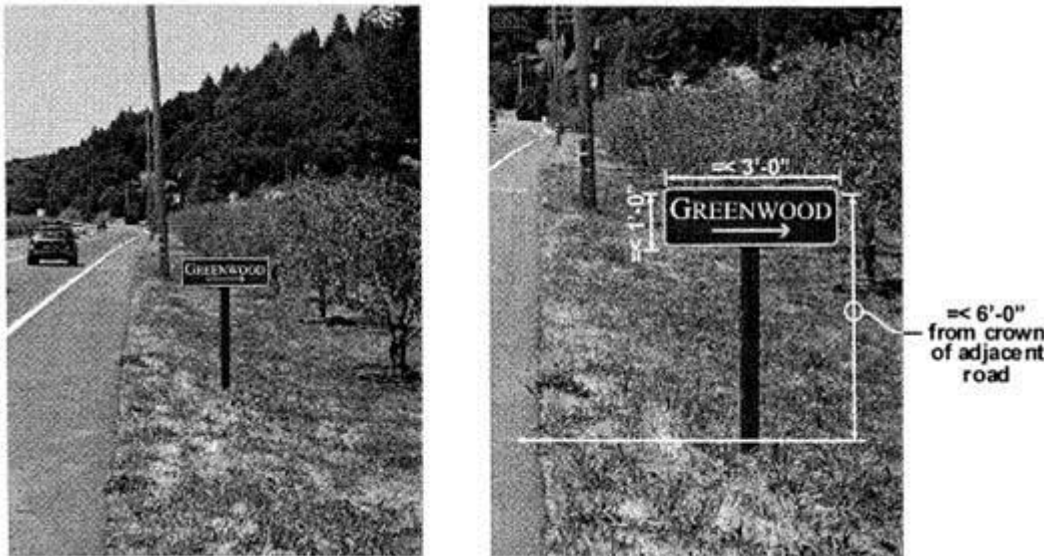


Figure 18.116.055: Examples of Directional Signs (Also see 18.116.030(A))

- C. Color: Directional signs shall employ white reflective ~~reflectorized~~ copy on a solid blue background.
D. Copy: Lettering may employ any font, upper or lower case, and shall not exceed four inches in height for any letter. One arrow is permitted per sign face. One logo or other symbol per sign face, not exceeding four inches in diameter, may be permitted.
E. Location: Directional signs may be located on site or within a public right-of-way.

SECTION 46. Section 18.120.010 (Exceptions to use limitations) of Chapter 18.120

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

18.120.010 Exceptions to use limitations.

A. The following uses, in addition to those hereinbefore set forth, shall be allowed without a use permit in any zoning district:

1. Category 1 and 1A temporary events, as defined in Section 5.36.015;
2. Category 2A, 2B, 3, 4, and 5 and Subsequent Category 2A, 2B, 3, 4 and 5 temporary events as defined in Section 5.36.015 and conducted in accordance with Chapter 5.36; and special events as defined in Section 10.24.010 and conducted in accordance with a special events permit obtained in accordance with Chapter 10.24;
3. Surface mining as defined in Chapter 16.12 ~~Commercial excavation or extraction of natural materials including, without limitation, geothermal, oil and gas resources~~ so long as a surface mining permit has been issued as prescribed by that chapter ~~pursuant to the provisions of Chapter 16.12 for those operations involving surface mining;~~
4. Distribution lines installed to convey gas and/or electricity locally to individual services or to another such line;
5. Cable television lines, and telephone lines other than long distance cables;
6. Cultivation of gardens;
7. Temporary sheds for the retail sale of agricultural products lawfully produced on the premises;
8. Hand-held, vehicular, or other portable transmitters or transceivers, including, but not limited to cellular phones, CB radios, emergency services radio, and other similar devices;
9. Helicopter emergency use facility landing sites; and
10. Helicopter landings solely in support of direct agricultural production activities such as aerial spraying and frost protection.

B. The following uses may be permitted in any zoning district (or where restricted to certain zoning districts, in accordance with such restrictions) upon the grant of a use permit in each case:

1. (Reserved);
2. Personal use airports and heliports, and emergency medical services landing sites, provided, that such use permit is not effective unless and until any required permits, licenses, or other approvals from other federal, state, and local agencies (including the airport land use commission) have been obtained;
3. Commercial excavation or extraction of natural materials including, without limitation, geothermal, oil and gas resources;
4. Timber harvesting;
5. Sanitation treatment plants and oxidation ponds;
6. Electric transmission lines designed to carry large blocks of electric energy at a voltage of thirty-three kv or above from generating stations, between points of interchange, between transmission substations, to distribution stations or to large individual customers;
7. Gas transmission lines installed for the purpose of transmitting gas from a source or sources of supply to one or more distribution centers or to one or more large volume customers or to interconnect sources of supply;
8. Other public utility uses including, without limitation, warehouses, storage yards, gas holders, substations, electric generating plants, reservoirs, storage tanks, pumping stations and communication equipment buildings;
9. Other public and quasi-public uses not included elsewhere in this section other than telecommunication facilities;
10. Other provisions of this section to the contrary notwithstanding, the undergrounding of any electric, gas or telephone line shall require a use permit except:

- a. Where the entire length of the line to be underground is covered by an encroachment permit, or
- b. The entire length of the line to be undergrounded lies between a distribution line on a street and an individual service connection;
- 11. Churches;
- 12. Cemeteries;
- 13. Child day care center in existing structures developed for public assembly (i.e., churches, meeting halls, public and private schools) and in existing nonconforming commercial buildings;
- 14. Temporary real estate offices for the sale of properties developed pursuant to a development plan for the site;
- 15. Provided that the property to be developed is located within a railroad right-of-way in existence as of January 1, 1988, and notwithstanding any other provision of this code, tourist and excursion transportation facilities may be permitted, subject to the issuance of a conditional use permit pursuant to Sections 18.124.010 through 18.124.080; and
- 16. Hot air balloon launching sites so long as the approving agency can make all of the findings contained in Section 18.104.400.
- C. Minimum lot area regulations applicable to any zoning district may be waived by the commission in connection with issuance by it of a use permit for any use set forth in subsections (B)(7) and (8) of this section.
- D. The following uses shall be allowed in any zoning district upon issuance of an administrative permit in accordance with Chapter 18.126;
 - 1. A home occupation; provided, however, that notwithstanding Section 18.08.310, a bed and breakfast shall not be considered a home occupation;
 - 2. Signs allowed without permits per Section 18.116.020 and signs allowed upon grant of an administrative permit per Section 18.116.030;
 - 3. A temporary trailer;
 - 4. An application for an extension of time for a previously issued administrative permit for a temporary trailer; and
 - 5. Hot air balloon launching sites involving fifty or fewer days of launches or attempted launches at the same site per year and in accordance with the standards contained in subsection (O) of Section 18.126.060.

SECTION 47. Section 18.124.020 (Application) of Chapter 18.124 (Use Permits) of the Napa

County Code is amended to read in full as follows:

18.124.020 Application.

Application for a use permit shall be made to the commission in writing on a form prescribed by the ~~commission~~ director and shall be accompanied by plans, elevations and other appropriate information, graphic depictions, necessary to show details of the proposed use.

SECTION 48. Section 18.124.080 (Automatic expiration of use permits) of Chapter 18.124

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

18.124.080 Automatic expiration of use permits.

A. Subject to Sections 18.124.090 and 18.124.091 of this chapter, unless one or more of the following conditions occur, a use permit shall, without further action by any county officer or body, expire and become void two years after the date the approving officer or body orders the use permit issued or, if an appeal is taken to the board of supervisors, two years after the date the decision of the board on appeal becomes final; ~~and there shall be no further extensions of time~~; provided, however, that if a shorter or longer time period is included in the conditions of approval of the use permit, that time period shall control ~~and there shall be no further extensions of time~~ (for purposes of this chapter this date shall hereafter be referred to as the "use permit expiration date"):

1. Substantial evidence exists that the use permit has been used. Substantial evidence of use may be demonstrated by any of the following:

a. Securing a building permit, wastewater or sewage disposal permit, or other construction permit for the project and having commenced construction pursuant to such permit prior to the use permit expiration date; provided, however, that if the total development envisioned by the use permit requires the construction of one or more foundations or the construction of a wastewater or sewage disposal system, bridge, cave or similar improvement, the holder of the use permit shall be deemed to have commenced construction only by having constructed, pursuant to a lawful permit, the entire foundation for one of those improvements, or having constructed the wastewater or sewage disposal system, prior to the use permit expiration date.

b. In the case of projects requiring regional, state or federal approvals subsequent to the issuance of the use permit before construction may commence, by a showing that sufficient funds have been expended (or liabilities incurred) in the process of securing those approvals in an amount that is equivalent to the cost of constructing any foundation, wastewater or sewage disposal system, bridge, or similar improvement required by the use permit.

c. By showing that, subsequent to the issuance of the use permit and prior to the use permit expiration date, sufficient funds have been expended (or liabilities incurred) in preparing the site for construction that is equivalent to the cost of constructing any foundation, wastewater or sewage disposal system, bridge, cave or similar improvement required by the use permit.

For purposes of this subsection, grading or expenses directly related to grading activities shall not be considered as evidence that the use permit has been used, the commencement of construction or the preparation of a site for construction. ~~;~~ ~~or~~

~~2d.~~ In cases where a building permit, wastewater or sewage permit, or any other construction permit other than a grading permit is not required, the permit is used by actually commencing the activity authorized by the use permit, after compliance with all use permit conditions, prior to the use permit expiration date.

2. The commission grants an extension of time consistent with the requirements of subsection (A) of Section 18.124.130.

3. The director grants an extension of time consistent with the requirements of subsection (C) of Section 18.124.130.

4. An extension of time was granted by the director through the very minor modification process pursuant to subsection (C) of Section 18.124.130 between April 1, 2009 and December 1, 2011.

B. If a use permit is granted in which some of the development activities permitted require the issuance of a building permit, wastewater or sewage permit, or other construction permit other than a grading permit, and some require only administrative approval, the portions of the use permit requiring the issuance of a building permit, wastewater or sewage permit, or other construction permit shall not be deemed to have been used, and are subject to the automatic expiration provisions of this section, unless compliance with subsection (A)(~~12~~)(d) of this section has occurred prior to the expiration date.

SECTION 49. Section 18.124.130 (Use permit and small winery exempt modifications-

Procedure-Size limitation) of Chapter 18.124 (Use Permits) of the Napa County Code is amended to read in full as follows:

18.124.130 Use permit ~~and small winery exempt~~ modifications-Procedure-Size limitation.

A. Except as otherwise provided in subsection (B) of this section, modifications to an approved ~~small winery exemption certificate and to an existing~~ use permit shall be processed in the same manner and in compliance with the procedures set forth herein for use permits and appeals, including notice and the payment of applicable permit application fees.

B. Upon receipt of a written request from the holder of a ~~small winery exemption certificate or a~~ use permit, the zoning administrator may approve minor, non-controversial modifications to ~~the exemption certificate or~~ approved use permits after giving with public notice of intent to approve or deny, but without a public hearing in regard to project design or permit conditions which do not affect the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project. ~~If any member of the public requests a public hearing during the comment period, then the zoning administrator will properly notice and conduct a hearing.~~ Consistent with the foregoing, tThe zoning administrator may approve changes in location and/or size of approved structures or portions thereof, provided that, so long as the total square footage of the structures is less than or equal to the total square footage approved as part of the use permit or the small winery exemption certificate. ~~However,~~ the zoning administrator shall not consider or approve a minor modification if the result of the approval of the requested minor modification would result in any structure or the aggregate of all approved structures, ~~except for an approved relocation as described in this paragraph,~~ being increased more than twenty-five percent in size or one story in height based on the size approved-allowed under the ~~original exemption certificate or approved~~ use permit. Equipment enclosures whose permanent installation outdoors was approved by ~~the original exemption certificate or~~ use permit are not subject to this size limitation.

1. Notice of intent to approve or deny, for purposes of this subsection, shall include a general explanation of the matter to be considered, a general description, in text or by diagram, of the location of the subject real property, and a statement that the zoning administrator intends to approve or deny the requested modification on a certain date not less than ten calendar days after the date of mailing of the notice unless a member of the public requests a public hearing prior to that date.

2. Notice of intent, for purposes of this subsection, shall be mailed or delivered as follows:

a. To the owner of the subject real property or the owner's duly authorized agent and to the project applicant if she/he is neither the owner of the property nor the owner's duly authorized agent; and

b. To all owners of real property, including businesses, corporations or other public or private entities, as shown on the latest equalized assessment roll within three hundred feet of the real property that is the subject of the proposed zoning change. In lieu of utilizing the assessment roll, the records of the county assessor or tax collector which contain more recent information than the assessment roll may be used.

3. If any member of the public requests a public hearing during the comment period, then the zoning administrator will provide public notice in accordance with Section 18.136.040 and conduct a public hearing.

C. Upon receipt of a written request from the holder of a ~~small winery exemption certificate or a~~ use permit, the director may administratively approve very minor, ~~requests for changes~~

non-controversial modifications to approved use permits without public notice, including, ~~but not limited to~~, the following:

1. Additions of covers over previously approved pads;
2. Small (less than ten percent) changes in square footage or building footprint;
3. Realignment of internal circulation roads; and
4. An extension of use permit expiration time not to exceed one year beyond the then-operative date of use permit expiration as established in conformance with this chapter, provided that the director shall not approve more than three such extensions of any one use permit or use permit modification approval; and
5. Similar items at the discretion of the director.

SECTION 50. Section 18.126.030 (Issuance) of Chapter 18.126 (Administrative Permits) of the Napa County Code is amended to read in full as follows:

18.126.030 Issuance.

Subject to the provisions of this chapter, an administrative permit may be issued by the director for any of the following:

- A. A temporary event;
- B. A home occupation;
- C. An entry structure;
- D. Directional, identification, temporary off-site and/or agricultural signs, and comprehensive sign plans;
- E. A temporary trailer;
- F. Very minor modifications to use permits as described in subsections (C)(1) through (5) of Sections 18.124.130(C)(1) through (4); and/or
- G. Hot air balloon launching sites involving fifty or fewer days of launches or attempted launches at the same site per year. For purposes of this chapter, anytime the permittee stages or sets up balloon equipment in anticipation of a launch at the same site, the site shall be deemed used and it shall count towards the maximum fifty launching days allowed per year regardless of whether an actual launch occurs;
- H. The raising and keeping of more than twenty-five roosters per acre or more than one hundred roosters per legal parcel; and/or;
- I. Small wind energy systems pursuant to the requirements of Chapter 18.117 of this Code.

SECTION 51. Section 18.126.060 (Permit - Issuance prerequisites) of Chapter 18.126 (Administrative Permits) of the Napa County Code is amended to read in full as follows:

18.126.060 Permit—Issuance prerequisites.

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

- A. An administrative permit for a temporary event shall not be issued unless the application complies with Chapter 5.36 and the standards set forth in the Temporary Events Manual.
- B. An administrative permit for a home occupation shall not be issued unless the application complies with the standards contained in Section 18.104.090.

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

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

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

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

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

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

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

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

J. An administrative permit for a medical or caregiver trailer shall not be issued unless the application complies with the following standards:

1. The property owner or occupant of the property has provided written documentation from a licensed physician indicating the property owner's or occupant's need for twenty-four-hour, in-home medical care;
2. The trailer meets applicable county department of environmental management requirements for sewer and water; and
3. The trailer meets applicable county setback requirements.

K. An administrative permit for an office trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted for the property upon which the trailer will be located and a building permit for the office is either in process for issuance or has been issued;
2. The trailer will be used during the daytime for business purposes only and no overnight lodging will occur;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
4. The trailer meets applicable county setback requirements.

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

1. A use permit has been granted and a building permit (if required) is either in process for issuance or has been issued for the property upon which the trailer will be located;
2. There is a need for security on-site because the property is located in an isolated area or there is a risk of theft, vandalism, burglary, or unauthorized entry upon the property;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
4. The trailer meets applicable county setback requirements.

M. Except as provided in Section 18.104.295, a permit for a farm labor trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted for the property upon which the trailer will be located;
 2. A building permit for a permanent structure is either in process for issuance or has been issued;
 3. There is a demonstrated need for a temporary trailer to be onsite prior to completion of construction of the permanent structure;
 4. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 5. The trailer meets applicable county setback requirements.
- N. An extension of time for an administrative permit for any temporary trailer shall not be issued unless the director determines that the original findings identified in Section 18.126.060 have not changed.
- O. A permit for hot air balloon launchings shall not be issued unless the application complies with the following standards:
1. The proposed launch site is located more than five hundred feet from any off-site residence or if the launch site is proposed within five hundred feet of any off-site residence, the permittee has submitted written consent to the planning department from the property owners or residents of any off-site residences within five hundred feet stating that they have no objection to the proposed launch site;
 2. The permittee has submitted a signed statement which acknowledges that the permittee: (a) has read the county's adopted code of conduct; (b) agrees that all users of the launch site will be bound by the county's adopted code of conduct; and (c) certifies that all activities within the last year at any other sites operated by the permittee have complied with the county's adopted code of conduct;
 3. The permittee has provided written authorization from either the property owner where the launch site is proposed or the property owner's authorized agent together with a statement from the property owner or the property owner's authorized agent confirming that balloon launchings will not interfere or conflict with any existing or planned agricultural uses on the property;
 4. The site is proposed for use only between the hours of five-thirty a.m. and nine-thirty a.m.;
 5. The permittee has provided the planning department with a certificate of insurance naming the county and the property owner as additional insureds on the personal injury/property damage insurance in an amount acceptable to the county's risk manager which is consistent with the county's corporation yard license requirements currently existing or as amended;
 6. The permittee has provided a list of intended landing areas that are both reasonable given the launch location and prevailing winds and permitted or allowed;
 7. The permittee and each balloon operator utilizing the permittee's launch site agree to conduct their operations so as to remain in good standing with the county. For purposes of this section, "in good standing with the county" means that within the last twelve-month period, the county has not received more than three verified complaints or a number of verified complaints equivalent to three percent of the total number of launches, whichever is greater. All complaints must be: (a) submitted on a form provided by the planning department for verification; and (b) submitted by a property owner or resident who has certified that the permittee or a balloon operator using the launch site has landed on the property owner's or resident's property without permission; and
 8. Notice of the tentative approval of a hot air balloon launching site pursuant to this chapter shall be given by the director of planning in accordance with subsection (B)(4) of Section 18.136.040. All notices under this section shall inform the persons notified of their right to appeal the decision under Section 18.126.060, including the time within which any such appeal must be filed.
- P. An administrative permit for agriculture association signs and American viticulture area signs shall not be issued unless the application complies with the standards contained in subsection (F) of Section 18.116.030.

Q. An administrative permit for the raising and keeping of more than twenty-five roosters per acre or more than one hundred roosters per legal parcel shall not be issued unless the application complies with the following standards:

1. A description of the real property where the roosters will be kept and identification and consent of the owner of the property.

2. There are no zoning or building code violations on the property, and there have been none in the twelve months preceding submittal of the application.

3. An inspection has been conducted by a representative of the county agricultural commissioner—sealer's office, who has reported that any roosters currently being kept on the property are being kept and raised in humane and sanitary conditions.

4. Neither the applicant or property owner has, within the preceding five years, been convicted of a violation of Penal Code Sections 597, 597b, 597i, or 597j.

5. The application shall list the number of roosters to be kept, maintained or harbored. A site plan must be submitted identifying the locations and number of coops and cages. Coops and cages shall not conflict with any building code and setback requirements, unless they otherwise would qualify as a legal nonconformity under subsections (A), (B) and (C) of Section 18.132.030.

6. Coops and cages shall be maintained in a clean and sanitary condition.

R. An administrative permit for off-site sign(s) identifying a hospital with emergency room facilities shall not be issued unless the application and proposed signage complies with the standards contained in subsection (H) of Section 18.116.030.

SECTION 52. Section 18.128.010 (Granting) of Chapter 18.128 (Variances) of the Napa

County Code is amended to read in full as follows:

18.128.010 Granting.

A variance from the terms of the zoning district regulations may be granted by the [zoning administrator or by the commission](#), subject to the provisions of this chapter. [The zoning administrator may hear variances from the terms of this title, excepting therefrom variances from the terms of the Conservation Regulations as set forth in Chapter 18.108 and variances associated with use permits, parcel maps and other approvals requiring action by the commission. Subject to the provisions of this chapter and to the limitations of state law, the commission may hear any variance from the terms of this title.](#)

SECTION 53. Section 18.128.020 (Application) of Chapter 18.128 (Variances) of the Napa

County Code is amended to read in full as follows:

18.128.020 Application.

Application for a variance shall be made in writing on a form prescribed by the ~~commission~~[director](#), and shall be accompanied by plans, elevations and other appropriate information, including graphic depictions necessary to show the grounds for the granting of a variance.

SECTION 54. Section 18.128.040 (Application - Public hearing) of Chapter 18.128

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

18.128.040 Application—Public hearing.

The zoning administrator or the commission shall hold a public hearing on each application for a variance. Notice of the hearing shall be given in accordance with Section 18.136.040. The public hearing shall be conducted in conformity with procedures established by the designated decision maker ~~commission~~. The applicant shall bear the burden of proof in establishing facts supporting the applicant's ~~his~~-eligibility for grant of variance. Any party may appear in person or be represented by an ~~his~~-attorney or agent.

SECTION 55. Section 18.128.060 (Findings prior to issuance) of Chapter 18.128 (Variances)

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

18.128.060 Findings prior to issuance.

A. Before issuing a variance, the zoning administrator or the commission shall make the following written findings:

1. That the procedural requirements set forth in this chapter have been met;
2. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;
4. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa~~;~~
5. That, in the case of groundwater basins identified as "groundwater deficient areas" under Section 13.15.010, grant of the variance would not require a new water system or improvement, or utilize an existing water system or improvement causing significant adverse effects, either individually or cumulatively, on said groundwater basins in Napa County, unless that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code~~;~~
6. That, in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin or area which does not overlay an identified groundwater basin~~;~~
7. In the case of a development or improvement with a reasonably foreseeable connection to a public water supply as defined in 13.15.010, regardless of the number of parcels served, grant of the variance would not require a new water system or utilize an existing water system necessitating a groundwater permit pursuant to Chapter 13.15. This finding shall not be required if the applicant presents substantial evidence demonstrating that grant of the variance for such development or improvement would not have a significant adverse effect on the underlying groundwater basin; or if that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code.

B. If the proposed variance is for the purpose of permitting the creation of one or more parcels that will be less than the minimum parcel size established by subsection (A) of Section 18.104.010, the commission shall approve the requested variance only if it makes the following additional written findings:

1. The parcel(s) proposed to be created will be less than the minimum size established by the underlying zoning district regulations;
 2. The parcels proposed to be created result from a parcel being bisected by a county road as a result of a county-initiated realignment of an existing public road; and
 3. The primary purpose of that realignment is to correct or eliminate a documented hazardous condition.
- C. Except as provided in subsection (B), variances of the minimum parcel size are not permitted.

SECTION 56. Section 18.132.030 (Conditions for continuance) of Chapter 18.132 (Legal nonconformities) of the Napa County Code is amended to read in full as follows:

18.132.030 Conditions for continuance.

A legal nonconformity may continue notwithstanding any other provisions of this title and may be repaired, maintained, restored, rebuilt following destruction regardless of the extent of the destruction, rehabilitated, remodeled, redesigned or rearranged as long as all of the following conditions are observed:

A. The repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement does not enlarge, increase or extend the area of land occupied by the legal nonconformity or cubic content of any structures involved or the square footage of any structure other than a primary residence: does not relocate the legal nonconformity from the location it occupied on the date it first became a legal nonconformity; does not result in the construction of any additional structures, other than those otherwise permitted by the code, on the parcel or parcels occupied by the legal nonconformity; and does not increase the degree of the nonconformity as to volume of business or production, hours of operation, volume of traffic generated, or volume of waste produced or natural resources consumed. Notwithstanding the above, minor expansions of structures as determined by the director may be allowed for (i) accessory storage use added after November 1, 2008 and constituting no more than five hundred square feet of surface area cumulatively, and only for those legal nonconforming parcels in existence on July 1, 1993 which were used primarily for restaurant operations, ~~and~~ (ii) uses solely to meet the minimum requirements of the Americans with Disabilities Act (ADA) requirements (such as adding access ramps or ADA compliant restroom facilities), and (iii) minor relocations of structures may occur where such movement decreases the nonconformity in questions (such as moving a structure further outside of a required setback).

B. The legal nonconformity has not been determined by the director, the board of supervisors, the district attorney, or any other governmental official authorized by law to do so, to be conducted in such a manner as to constitute a public nuisance as defined in Penal Code Section 370 or any future amendment thereof;

C. A certificate of the present extent of the legal nonconformity is obtained in accordance with Section 18.132.050 prior to application for any building or other permits required in connection with the repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement of the legal nonconformity;

D. The legal nonconformity has not lost its legal nonconforming status through abandonment as defined in Section 18.132.040.

SECTION 57. Section 18.132.050 (Certificate of present extent of legal nonconformity—

Application—Procedure) of Chapter 18.132 (Legal nonconformities) of the Napa County Code is amended to read in full as follows:

18.132.050 Certificate of present extent of legal nonconformity—Application—Procedure.

A. The owner of a legal nonconformity:

1. At any time may apply for a certificate determining the present extent of the legal nonconformity; or

2. Upon notification by the director in the event of a dispute over voluntary abandonment, entitlement to issuance of a building or other permit, or intensity and/or scope of the nonconformity, shall apply for a certificate determining the present extent of the legal nonconformity.

B. Such application shall be filed with the department in the form prescribed by the department, and shall be accompanied by that fee adopted by resolution of the board of supervisors.

C. In the capacity as zoning administrator, the director shall hold a public hearing to determine the present extent of the legal nonconformity. Such hearing shall be held in accordance with the procedures set forth in Section 18.124.040. ~~For residential projects, the public hearing may be waived and the director is authorized to render an administrative decision if, after providing notice of the intended decision and right to request a public hearing to property owners within three hundred feet of the project parcel, the director finds that no member of the public has requested said hearing, and that no additional information is required to render a decision.~~ The owner shall have the burden of proof to establish the original legal nonconforming status of the use, structure or combination thereof; the extent of any repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement which has occurred which conforms to the standards set forth in Section 18.132.030; and the extent of any voluntary abandonment of the legal nonconformity since originally established.

1. For residential projects, the public hearing may be waived and the director is authorized to render an administrative decision if, after providing notice of the intended decision and right to request a public hearing to property owners within three hundred feet of the project parcel, the director finds that no member of the public has requested said hearing, and that no additional information is required to render a decision.

2. For residential projects, where the sole question raised is the existence of a residential structure within required yards, road setbacks, or stream setbacks, the director is authorized to render an administrative decision without notice or public hearing if the director finds that no additional information is required to render a decision.

D. At the conclusion of the hearing, the zoning administrator shall determine the present extent of the legal nonconformity and issue a certificate setting forth such determination.

E. The determination of the zoning administrator may be appealed to the board of supervisors in accordance with the procedures set forth in Chapter 2.88.

F. Within thirty calendar days of issuance of the certificate or, in the event of appeal, within thirty calendar days of the final decision of the board of supervisors on appeal, the zoning administrator shall file a true and correct copy of the certificate with the Napa County assessor.

G. The procedure set forth in this section shall also be used to determine the present extent of those certain winery and winery-related uses permitted without a use permit pursuant to subsection (G) of Section 18.16.020 or subsection (H) of Section 18.20.020. For purposes of such determination, all references in this section to "legal nonconformity" shall be replaced by the term "uses permitted pursuant to subsection (G) of Section 18.16.020 or subsection (H) of Section 18.20.020."

SECTION 58. CEQA Determination: The Board finds that portions of this Ordinance are Categorically Exempt from CEQA pursuant to Class 5, Minor Alterations in Land Use Limitations, *CEQA Guidelines Section 15305* and General Rule, *CEQA Guidelines Section 15061(b)(3)*, and other portions are Statutorily Exempt from CEQA (Ordinances Regarding Second Units in a Single-Family or Multifamily Residential Zone, *CEQA Guidelines Section 15282(h)*). See Background Memorandum presented along with this Ordinance.

SECTION 59. 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-1, AG/LU-2, AG/LU-19, AG/LU-34, AG/LU-35, AG/LU-45, AG/LU-48, AG/LU-50, AG/LU-107, CC-3, CON-27, and H-2g (2009 General Plan Housing Element Update).

SECTION 60. 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 61. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 62. 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 February, 2012, 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 _____,
2012, by the following vote:

AYES:	SUPERVISORS	_____

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

KEITH CALDWELL, Chairman
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>

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