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Agenda Date: 2/1/2012

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: Chris Cahill, Planner - 707.253.4847

SUBJECT: 2012 Omnibus Zoning Code Update Ordinance, County-Initiated Zoning Code Text Amendment No. P11-00215-ORD

RECOMMENDATION

2012 OMNIBUS ZONING CODE UPDATE ORDINANCE, COUNTY-INITIATED ZONING CODE TEXT AMENDMENT No. P11-00215-ORD

CEQA Status: Categorically Exempt - Class 5, Minor Alterations in Land Use Limitations, *CEQA Guidelines Section 15305* and General Rule, *CEQA Guidelines Section 15061(b)(3)*. **Statutorily Exempt** - Ordinances Regarding Second Units in a Single-Family or Multifamily Residential Zone, *CEQA Guidelines Section 15282(h)*. **Request:** County-sponsored ordinance to correct and otherwise update Title 18 (Zoning) of the Napa County Code in order to delete archaic zoning districts, update internal references, and improve consistency with the General Plan and the existing administrative policy of the Department of Conservation, Development, and Planning. The proposed text amendments would apply to unincorporated areas countywide.

Ordinance Title: 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).

Staff Recommendation: That the Planning Commission conduct a public hearing and recommend to the Board of Supervisors that they find this project categorically and statutorily exempt from CEQA and that they adopt the proposed ordinance.

Staff Contact: Chris Cahill, 253-4847 or chris.cahill@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Recommends that the Board of Supervisors find the proposed ordinance categorically and statutorily exempt from CEQA: and
2. Recommends Board of Supervisors adoption of the proposed ordinance, finding that it is consistent with the Napa County General Plan.

Discussion:

Since at least 2007, the Planning Department has maintained a binder in which staff members are directed to note errors and inconsistencies they find in the Zoning Code as they stumble across them. These errors can be as pedestrian as Code sections which cite out to State or County regulations which no longer exist or they can be as thorny as Code sections which seem to contradict long-standing and widely-accepted County land use policies and procedures. The 2012 Omnibus Zoning Code Update Ordinance, which is before the Planning Commission for review and recommendation up to the Board of Supervisors, is an attempt to address a great many of these identified errors in one fell swoop.

With very few exceptions, the Omnibus Ordinance would not alter the existing policy or practice of the Planning Department. In fact, the great bulk of the Ordinance is nonsubstantive, which is to say that it adds commas where commas were missing, deletes zoning districts which don't actually exist (and in many cases never existed) on the Napa County Zoning Map, and other similar changes. The attached background document (Attachment A to this staff report) summarizes these nonsubstantive changes and the "track changes" version of the proposed Ordinance, which is attached as Attachment B, calls out every minor change for those readers who are inclined to be detail oriented.

The more substantive changes proposed in the 2012 Zoning Omnibus are likewise summarized in the attached Background document. In even briefer form, they include:

- Allowing "home occupations" in buildings other than primary single family residences (for instance, in second units).
- Allowing "wildlife rescue centers" in the AW zoning district, subject to a use permit.
- Requiring that variances to the Conservation Regulations be heard by the Planning Commission and not by the Zoning Administrator.
- Allowing "agriculture" as a permitted use within the PD zoning district, provided that it occurs on a lot which is at least one acre in size.
- Allowing nonconforming "farm management" uses in the RC zoning district, subject to a use permit.
- Clarifying that all second units, whether attached or detached, are subject to a 1,200 square foot area

limitation.

- Disallowing political signs which are located within the public right-of-way.
- Specifically allowing use permit "extensions of time" and clarifying the process by which those extensions should be reviewed and approved.
- Creating a streamlined approval process for certain kinds of residential certificates of legal nonconformity (such as CLNs for houses located in side yard setbacks).

As with any Omnibus-type ordinance, the 2012 Zoning Omnibus is designed to be modular. If the Planning Commission objects to any of the proposed changes they will be dropped from the ordinance, allowing the rest of the "bus" to proceed to the Board of Supervisors for their approval without need for a second hearing before the Planning Commission. Staff recommends that the Planning Commission find the Ordinance exempt from CEQA and that you forward it to the Board of Supervisors for their adoption with a recommendation for approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

CEQA Status: Categorically Exempt - Class 5, Minor Alterations in Land Use Limitations, *CEQA Guidelines Section 15305* and General Rule, *CEQA Guidelines Section 15061(b)(3)*. **Statutorily Exempt** - Ordinances Regarding Second Units in a Single-Family or Multifamily Residential Zone, *CEQA Guidelines Section 15282(h)*. Please see Exhibit A for staff's more detailed analysis.

BACKGROUND AND DISCUSSION

Please see Exhibit A (attached).

SUPPORTING DOCUMENTS

A . Background

B . Proposed 2012 Omnibus Zoning Code Update Ordinance (Changes Tracked)

Napa County Planning Commission: Approve

Reviewed By: John McDowell