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To:	Board of Supervisors	From:	Trevor Hawkes, Supervising Planner
Date:	May 20, 2024	Re:	Change Memo for Item 13A; Attachment E (Foster Road Zoning District Comparison) & Proposed changes to Napa County Code section 18.60.120 (Compliance with Mitigation Measures)

Attachment E

Attachment E of item 13A was intended to contain a comparison table of land uses between the existing Agricultural Watershed: Urban Reserve zoning district and the proposed Residential Multiple: Urban Reserve zoning district for the Foster Road rezoning site. The attachment was inadvertently uploaded with the comparison table for the Spanish Flat site, which is also contained in attachment D. Please see the revised Attachment E – Foster Road Zoning District Comparison, included with this memo, which contains the correct comparison table.

Napa County Code Section 18.60.120 – Compliance with mitigation measures

The proposed ordinance includes a newly proposed section of Title 18; section 18.60.120 (Compliance with mitigation measures). This section is intended to require that future multiple-family development comply with the adopted mitigation measures of the Final Environmental Impact Report for Napa County's Sixth Cycle Housing Element Update.

The proposed ordinance in Attachment A should have included an additional mitigation measure, which staff identifies in the below text.

18.60.120 – Compliance with mitigation measures

Multiple-family or single room occupancy development shall fully comply with mitigation measures AIR-1, AIR-2, AIR-3, BIO-1, BIO-2, BIO-3, CUL-1, CUL-2, CUL-3, GEO-1, GHG-1, NOI-2, TRA-1, UTL-1 and UTL-2 identified in the Final Environmental Impact Report of the Napa County 2023 Housing Element Update dated January 24, 2023 and as set forth in Resolution No. 2023-18 of the Board of Supervisors.

If a motion is made intending to adopt the proposed ordinance, Staff recommends that the Board direct Staff to include this change in the final draft.

Attachment E

Foster Road Zoning District Comparison

Foster Road Zoning District Comparison

Existing	Proposed (Includes zoning code modifications to by-right and Use Permit land uses)
Zoning Districts	
AW:UR – Agricultural Watershed Urban Reserve Combination District	RM:UR – Residential Multiple Urban Reserve Combination District
Uses allowed “by right”	
18.20.020 & 18.100.020	18.60.020 & 18.100.020
-	Multiple-family dwelling units and single room occupancy units providing 20 percent of their total dwelling units at an affordable sales price or affordable rent to low income households;
Permitted uses	
Agriculture	-
One single-family dwelling unit per legal lot	One single-family dwelling unit per legal lot;
A second unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;	A second unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
Residential care facilities (small)	Residential care facilities (small)
Family day care homes (small)	Family day care homes (small)
Family day care homes (large), subject to Section 18.104.070;	Family day care homes (large), subject to Section 18.104.070;
One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;	-
Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;	-
Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this chapter, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the	-

ordinance codified in this chapter, in conformance with the applicable certificate of exemption, Section 18.08.600, and any resolution adopted pursuant thereto;	
Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this chapter shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;	-
Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;	-
Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140;	Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her designee has issued a site plan approval pursuant to Chapter 18.140;
Hunting clubs (small) as defined in Chapter 18.08;	-
Overnight lodging in public parks or in structures, at the density and intensity of use (number of units) lawfully developed for such purpose prior to October 13, 1977, provided that such use has a currently-valid certificate of the extent of legal nonconformity pursuant to Section 18.132.050;	-
Any recreational vehicle park or campground and their accessory and related uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided that no expansion of uses or structures beyond those which were specifically authorized by a use permit or modification of a use permit issued prior to May 10, 1996, shall be permitted except as may be authorized by a subsequent permit issued pursuant to this title;	-
Floating dock which complies with all of the following:	-

1.Is accessory to a residential or agricultural use otherwise permitted by this chapter without a use permit, 2.Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and 3.In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;	
Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;	-
Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and	Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable.
Quasi-private recreation uses and facilities, as defined in Section 18.08.494, conforming to the standards in Section 18.104.350, and provided that they do not adversely impact adjacent agriculture.	-
Grading and paving contractors, including offices, equipment storage and repair, and materials storage, so long as the following conditions are met: 1.The grading and paving business has been conducted in the same location since July 1, 1968 or earlier; 2.The number of buildings used for the grading and paving business, and the total square footage of the building used for the grading and paving business, does not exceed that in existence as of January 1, 2015; 3.The days and hours of operation of the grading and paving business do not exceed the average of the years 2013 through 2015; 4.The grading and paving business is located within one mile of the city limits of an incorporated city;	-

5.The grading and paving business is located on a parcel no smaller than five acres and no larger than ten acres; 6.Uncovered storage areas shall be screened from pre-existing residences on adjacent parcels. Screening shall generally consist of evergreen landscape buffers and fences; 7.All exterior lighting, including landscape lighting, shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations.	
Uses allowed upon grant of a Use Permit	
18.20.030 & 18.100.020	18.60.030 & 18.100.020
-	Multiple-family dwellings and single room occupancy units providing at least 15 percent, but less than 20 percent, of their total dwelling units at an affordable sales price or affordable rent to low income households;
Parks and rural recreation uses and facilities as defined in Chapter 18.08, conforming to the standards in Chapter 18.104;	Outdoor parks and recreation facilities compatible with agriculture and residences;
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;	-
Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;	-
Kennels, horse boarding and/or training stables, veterinary facilities, and wildlife rescue centers;	-
Feed lots;	-
Sanitary landfill sites;	-
Noncommercial wind energy and conversion systems;	-
Wineries, as defined in Section 18.08.640;	-
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;	
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;	-
-	Residential care facilities (medium) subject to Section 18.104.170.
-	Residential care facilities (large) subject to Section 18.104.170;
-	Child day care centers; and
Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;	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 multiple (RM), residential country (RC), or planned development (PD) zoning district.
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;	-
Campgrounds on public lands conforming to the standards in Chapter 18.104;	-

Hunting clubs (large) as defined in Chapter 18.08 and subject to the standards in Chapter 18.104;	-
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;	-
Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040.	-