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Ordinance Amending Chapter 5.36 Temporary Events and Related Chapter 18 Zoning Code Provisions (Clean Version)

ORDINANCE NO. ____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING CHAPTER 5.36 (TEMPORARY
EVENTS) OF THE NAPA COUNTY CODE RELATING TO
APPLICATION, PROCESSING, AND NOTICING REQUIREMENTS FOR
TEMPORARY EVENTS IN NAPA COUNTY; SECTION 18.10.020
(DUTIES – SPECIFIC SUBJECTS) OF CHAPTER 18.10 (ZONING
ADMINISTRATOR) RELATING TO THE ZONING ADMINISTRATOR’S
DUTIES TO HEAR AND DECIDE TEMPORARY EVENT LICENSE
APPLICATIONS; AND SECTION 18.120.010 (EXCEPTION TO USE
LIMITATIONS) OF CHAPTER 18.120 (EXCEPTIONS) TO UPDATE THE
TEMPORARY EVENT CATEGORIES**

WHEREAS, on February 7, 2006, the Board of Supervisors adopted Ordinance No. 1272, amending Chapter 5.36 to the Napa County Code relating to the application, processing, and noticing for temporary events to review and license events occurring in the County; and

WHEREAS, the existing regulations governing temporary events have not been substantively updated since the ordinance was amended in 2006, and a comprehensive review identified the need to modernize the framework to reflect current practices and community expectations; and

WHEREAS, the Temporary Events Manual, containing the minimum standards table which must be complied with for issuance of a license, has also not been updated since the adoption of Resolution No. 06-30 in 2006 and does not adequately reflect current agency standards; and

WHEREAS, the Board of Supervisors adopted Resolution No. 2018-164 requesting amendments for the Board’s consideration, including increasing the minimum processing timeline to 90 days for temporary event applications and that an enforcement process similar to the procedures currently used under the Special Events on Public Roadways be created for temporary event license applications; and

WHEREAS, the Board of Supervisors wishes to revise Napa County Code Chapter 5.36 (Temporary Events), Chapter 18.10 (Zoning Administrator), and Chapter 18.120 (Exceptions) sections related to Temporary Events Licenses, and the Temporary Events Manual to increase the minimum processing timeline, consistent with Resolution No. 2018-164 and to revise the standards to ensure such events are conducted in a manner that reflects current standards which protect public health, safety, and welfare, while minimizing disruption to neighbors and public services; and

WHEREAS, on August 6, 2025, stakeholders including past temporary event license applicants, local event organizers, and other interested parties were notified by email that the draft ordinance and Temporary Event Manual were available for review and published to the Current Projects Explorer on the Napa County Planning, Building and Environmental Services website. Comments were solicited through August 20, 2025; and

WHEREAS, the substantive updates proposed were presented at two public workshops on August 12, 2025, and August 14, 2025, designed to gather input from residents, business owners, event organizers, and other interested parties; and

WHEREAS, the purpose of the amendments is to establish clear and consistent procedures for the licensing, regulation, and management of temporary events within the County's jurisdiction.

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

SECTION 1. Section 5.36.010 (Definitions.) of Chapter 5.36 (Temporary Events) of the Napa County Code is amended to read as in full as follows:

5.36.010 Definitions.

"Attended" means expected or invited to attend and/or participate in the temporary event for each day it is conducted, including all persons or entities who will provide services or goods during the event.

"Department" means the Napa County Planning, Building and Environmental Services Department.

"Director" means the director of the department.

"Event Series" means a group of related temporary events held under a unified theme or by one organizer, occurring on multiple dates and/or multiple parcels, within a defined time period not to exceed 30 days in the same calendar year, and operating under a single event application and approval.

"License" means a permit issued by the department to conduct an event under this chapter.

"Local public agency" means a public agency other than a federal agency or public agencies exempt from county zoning or building ordinances under Government Code Section 53090, et seq.

"Parcel" means the legal parcel or real property comprised solely of contiguous legal parcel(s) under common ownership.

"Election period" means the period between the date a candidate has completed their declaration of candidacy or a measure has qualified and the date six months following publication of the statement of vote for that office or measure.

"Prior to the event" means prior to the first date of the event.

"Temporary event" or "event" means any festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3 and 4 of Article 1 of the California Constitution, including, but not limited to, music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts or combination thereof, including incidental retail sales of the products of such activities, as long as such sales are not advertised off-site; which is held at any place other than a highway as defined in Section 10.24.010 of this code, a permanent building or installation constructed and primarily used for the purpose of conducting such activity or one similar thereto, property owned or leased by the state of California, or property owned or leased by a public school district for use as a public school site, and to which the public is invited or admitted with or without the payment of an admission charge.

"Temporary Events Manual" or "manual" means a manual maintained by the Planning, Building and Environmental Services Department as directed by the Board of Supervisors, which contains the minimum standards which must be complied with for issuance of a license to conduct an event under this chapter.

SECTION 2. Section 5.36.015 (Categories of events.) of Chapter 5.36 (Temporary Events) of the Napa County Code is amended to read as in full as follows:

5.36.015 Categories of events.

Any event held in the county must fall within one of the following categories:

- A. Category 1. An event which complies with the following:
 - 1. Will be attended by fifty or fewer persons per day;
 - 2. Has no amplified sound system other than a system completely enclosed within a building;
 - 3. Has no outdoor illumination beyond that which exists and is operated legally in connection with permanent buildings or installations on the premises; and
 - 4. Is proposed for no more than three consecutive days per event, with a separation of at least four days (if a three-day event) or five days (if a one- or two-day event) between the event and any other category of event held on the same parcel.
- B. Category 1A. An event which complies with the following:
 - 1. Will be conducted by, on behalf of or in opposition to a declared candidate for elective public office or a qualified measure as a fundraiser or rally for the campaign for or against such candidate or measure;
 - 2. Will be conducted only during the election period;
 - 3. Is proposed for no more than one day per event, with a separation of at least six days between the event and any other category of event held on the same parcel;
 - 4. Will result in no more than two Category 1A events occurring during the same election period on the same parcel; and
 - 5. Will be attended by three hundred or fewer persons per day.
- C. Category 1B. An event which is authorized by an approved use permit or has been recognized by a certificate of present extent of legal nonconformity (CLN) issued pursuant to this code.
- D. Category 2A. An event which meets all of the requirements for a Category 1 event in subsections (A)(1) through (4) of this section except that either: (1) an amplified sound system which is not completely enclosed by a building will be used; or (2) the event will occur on a parcel with a use permit or CLN but the event does not qualify as a Category 1B event because it is not authorized by the use permit or CLN. No more than six Category 2A events per calendar year shall occur on the same parcel.
- E. Category 2B. An event which complies with the following:
 - 1. Will be attended by more than fifty but no more than two hundred persons per day;
 - 2. Is proposed for no more than three consecutive days per event, with a separation of at least four days (if a three-day event) or five days (if a one- or two-day event) between the event and any other category of event; and
 - 3. Will result in no more than six Category 2B events per calendar year occurring on the same parcel.
- F. Category 3. An event which complies with the following:
 - 1. Will be attended by more than two hundred but no more than four hundred persons per day;
 - 2. Is proposed for no more than three consecutive days per event, with a separation of at least four days (if a three-day event) or five days (if a one- or two-day event) between the event and any other category of event; and
 - 3. Will result in no more than six Category 3 events per calendar year occurring on the same parcel.
- G. Category 4. An event which complies with the following:

1. Will be attended by more than four hundred persons per day but no more than seven hundred and fifty persons per day;
 2. Is proposed for no more than three consecutive days per event, with a separation of at least four days (if a three-day event) and five days (if a one- or two-day event) between the event and any other category of event; and
 3. Will result in no more than three Category 4 events per calendar year occurring on the same parcel.
- H. Category 5. An event which complies with the following:
1. Will be attended by more than seven hundred and fifty persons per day;
 2. Is proposed for no more than three consecutive days per event, with a separation of at least four days (if a three-day event) and five days (if a one- or two-day event) between the event and any other category of event; and
 3. Will result in no more than one Category 5 event per calendar year occurring on the same parcel.
 4. (Reserved.)
- I. Category 6. An event which complies with the following:
1. Is proposed as an Event Series, which will occur over a 30 day period in the same calendar year; and
 2. Will result in no more than one Category 6 event per calendar year occurring on the same parcels by the same event organizer.
- J. Subsequent Events. A category 2A, 2B, or 3 event for which the applicant, location, type and size of activity are substantially the same as an event of the same category licensed or otherwise authorized under this chapter which occurred no more than twenty-four months earlier. Subsequent events are not applicable to Category 4, 5, or 6 events.

SECTION 3. Section 5.36.020 (Permitted and prohibited events.) of Chapter 5.36

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

5.36.020 Permitted and prohibited events.

A. Categories 1, 1A, or 1B Events Permitted Without a License.

1. Any Category 1, 1A, or 1B or Subsequent Category 1, 1A, or 1B event may be lawfully advertised and conducted within the county without obtaining a license under this chapter.

2. (Reserved.)

a. (Reserved.)

b. (Reserved.)

c. (Reserved.)

B. License Required for Category 2A, 2B, 3, 4, 5, 6 or Subsequent Category 2A, 2B, or 3 Events. It is unlawful for any individual, partnership, association, limited liability company, local public agency, or corporation to operate, maintain, or conduct a Category 2A, 2B, 3, 4, 5, 6 or Subsequent Category 2A, 2B, or 3 event in the county without first

obtaining a license from the county to operate or conduct such event and comply with all of the conditions, standards, and requirements applicable under this chapter.

C. All Other Temporary Events Prohibited. It is unlawful for any individual, partnership, association, limited liability company, local public agency or corporation to operate, maintain, or conduct an event unless the event meets all of the criteria for a Category 1, 1A, 1B, 2A, 2B, 3, 4, 5, 6 or Subsequent Category 1, 1A, 1B, 2A, 2B, or 3 event as defined in Section 5.36.015 and is authorized in accordance with the requirements of this chapter.

SECTION 4. Section 5.36.030 (License—Application—Fee—Timing.) of Chapter 5.36

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

5.36.030 License – Application – Fee – Timing.

A. An application for a license to conduct a Category 2A, 2B, 3, 4, 5, 6 or Subsequent Category 2A, 2B, or 3 event shall be made in writing on a form prescribed by the Department and shall be accompanied by the fee established by the Board of Supervisors (Board). The application must be complete and all fees paid before the Department will begin to process the application.

B. An application for a license to conduct a Category 2A, 2B, or 3 event shall be submitted to the Department ninety (90) calendar days or more prior to the event.

C. An application for a license to conduct a Category 4 or 5 event shall be submitted to the Department one hundred and twenty (120) calendar days or more prior to the event.

D. An application for a license to conduct a Category 6 event shall be submitted to the Department one hundred and twenty (120) calendar days or more prior to the commencement of the first event activity and include information for all activities proposed to occur as part of the Event Series.

E. An application for a license to conduct a Subsequent Category 2A, 2B, or 3 event shall be submitted to the Department at least ninety (90) calendar days prior to the event. Subsequent events are not applicable to Category 4, 5, or 6 events.

F. Any application received after the deadlines established in Section 5.36.030 is a late application.

1. The Director shall not accept late applications unless the Director finds that:

a. The proposed event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application;

b. The imposition of the time limitations would place an unreasonable restriction on the expressive activity of the applicant; or

c. The nature of the proposed event is one that may reasonably be accommodated without undue or adverse impacts to County staffs' ability to process such an application.

2. When the Director finds one or more of the above conditions to exist, the Director may accept the application and process in accordance with this chapter, unless the application does not meet the criteria set forth in the Temporary Events Manual. Late

applications may be subject to a late application fee in addition to any regular fees established by resolution of the Board.

3. Applications for Category 4, 5, and 6 events received less than 100 days prior to the event shall not be accepted for filing or further processing under any circumstance.

SECTION 5. Section 5.36.040 (License—Investigation and Report.) of Chapter 5.36

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

5.36.040 License – Investigation and Report.

Upon receipt of a complete application and the required fee(s), the application shall be processed as follows:

A. Category 2A, 2B and Subsequent Category 2A, 2B event applications shall be reviewed by the Department for compliance with the minimum standards set forth in the manual. If complete and accurate information is provided (including, but not limited to, proof of a food service permit if required), and, based on that information, the minimum standards in the manual are met, the event shall be presumed to meet the standards and a license may be issued without any further review and without referral to the other county departments and agencies specified in the manual. Notice of the Director's decision to issue the license shall be given to the applicant, any other person who has made a written request for such notice and to those agencies referenced in subsection (F) of Section 5.36.050.

B. Category 2A and 2B and Subsequent Category 2A and 2B event applications whose compliance with the minimum standards in the manual cannot be determined by the Department shall be circulated along with a request for written comments to those departments and agencies specified in the manual.

C. All Category 3, 4, 5, and 6 event applications along with a request for written comments shall be circulated along with a request for written comments to those departments and agencies specified in the manual.

D. For Category 2A, 2B, or 3 events, or as otherwise provided in this chapter, the departments and agencies specified in the manual shall review the application for compliance with the standards in the manual and within thirty (30) calendar days shall report back to the Director in writing specifying on the basis of their respective expertise whether the proposed event meets the standards and, if not, what changes can be made to the event to ensure such compliance. Such reports shall also indicate whether the reporting party believes that such standards cannot be met even with reasonable changes in the proposal and on that basis recommends that the license be denied. If the recommendation is for denial, the report shall specify the particular aspects of the proposal which fail to comply with the standards set forth in the manual and cannot reasonably be conditioned to achieve compliance.

E. For Category 4, 5, or 6 events, the departments and agencies specified in the manual shall review the application for compliance with the standards in the manual and within forty-five (45) calendar days shall report back to the director in writing specifying on the basis of their respective expertise whether the proposed event meets the standards and, if not, what changes can be made to the event to ensure such compliance. Such reports shall also indicate whether the reporting party believes that such standards cannot be met even with reasonable changes in the proposal and on that basis recommends that the license be denied. If the recommendation is for

denial, the report shall specify the particular aspects of the proposal which fail to comply with the standards set forth in the manual and cannot reasonably be conditioned to achieve compliance.

F. Upon receipt of the reports and comments specified in subsection (D) and (E) of this section, the Director shall evaluate such reports and comments for compliance with state, federal and local laws and regulations, the requirements of this chapter, and the standards set forth in the manual. Based on this evaluation, the Director shall prepare a written recommendation as to whether a license should be granted and shall provide notice of the recommendation in accordance with Section 5.36.050. If the recommendation is for issuance, it shall specify any necessary modifications required. If the recommendation is for denial, it shall specify the reasons for such denial including those aspects of the proposal which fail to comply with the standards set forth in the manual and cannot be reasonably conditioned to so comply.

SECTION 6. Section 5.36.050 (License—Issuance – Required notice and determinations.) of Chapter 5.36 (Temporary Events) of the Napa County Code is amended to read as in full as follows:

5.36.050 License – Issuance – Required notice and determinations.

A. Action and Notice on an Application for a Category 4, 5, or 6 Event. If the application is for a Category 4, 5, or 6 event, the Director shall notify those persons specified in subsection (B)(4) of Section 18.136.040 of the recommendation for issuance of the license subject to any necessary modifications required or, if the recommendation is for denial, of the intention to deny the license and the reasons for such denial. The notice shall state that such issuance or denial will occur without further comment, report or public hearing unless, within ten days of the date of mailing of the notice, a written request for hearing is received by the Director. If such a request is received within this time period, the Department shall set a public hearing on the Department's recommendation before the Zoning Administrator. At least ten (10) calendar days prior to the hearing, notice of the hearing shall be given to those persons described in subsection (B)(4) of Section 18.136.040 and shall be published once in a newspaper of general circulation in the county. Any interested person may appear at the hearing and submit oral and written evidence regarding the application and recommendation. At the conclusion of the hearing, the Zoning Administrator shall immediately confirm, modify, or reverse the Department's recommendation consistent with state, federal, and local laws and the standards set forth in the manual, shall publicly announce its decision, and shall direct the Department to issue or deny the license upon proof of compliance with this chapter. If such request is not timely received, the Director shall issue or deny the license in accordance with the previous recommendation immediately following the end of the ten-day period. Such action shall be final and not subject to appeal to the Board.

B. (Reserved.)

C. (Reserved.)

D. Action and Notice on an Application for a Subsequent Category 2A, 2B, or 3 Event Involving a Prior Complaint. If the application is for a Subsequent Category 2A, 2B, or 3 event and the Department has received a complaint involving any event occurring on the same

parcel within the past twelve months, the application shall be processed in accordance with the procedures set forth for a requested hearing for a Category 4, 5, or 6 event and thereafter the license shall be approved or denied by the Zoning Administrator. The Zoning Administrator shall determine during the public hearing if Subsequent Category 2A, 2B, or 3 events shall also require a public hearing. The Director or Zoning Administrator may deny any subsequent Category 2A, 2B, or 3 Event if the event has prior complaints or documented violations.

E. (Reserved.)

F. Notice to Agencies. Upon issuance of a license for a Category 2A, 2B, 3, 4, 5, 6 or any Subsequent Category 2A, 2B, or 3 event, the Director shall immediately send written notice of the issuance, including a copy of the license, to all fire departments and law enforcement agencies having jurisdiction over or immediately adjacent to the location where the event will occur, the director of environmental management, the director of public works, the California Highway Patrol, the county's Emergency Medical Services Agency, the applicant, and to any person listed in subsection (B)(4) of Section 18.136.040 who has requested such notice.

SECTION 7. Section 5.36.060 (Supervision of activities—Display of license.) of

Chapter 5.36 (Temporary Events) of the Napa County Code is amended to read as in full as follows:

5.36.060 Supervision of activities—Display of license.

A. It shall not be the responsibility of the Director or any other county officer, employee or agent to supervise any of the activities conducted under the authority of a license. The applicant shall be responsible for supervising all such activities and ensuring compliance with all required conditions and accepts all risk and liability for same.

B. The license shall be displayed in close proximity to the primary entrance to the event site and be available for public inspection during all phases of the event, including setup and cleanup.

SECTION 8. Section 5.36.085 (Compliance with Temporary Events Manual.) of Chapter

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

5.36.085 Compliance with Temporary Events Manual.

The applicant shall comply with all of the standards, requirements and conditions contained in the manual during all phases of the event, including setup and cleanup.

SECTION 9. Section 5.36.100 (License - Revocation-Suspension.) of Chapter 5.36

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

5.36.100 License—Revocation—Suspension.

A. The Director shall have the right to revoke any issued license after written notice of the revocation hearing is personally served on the licensee or the authorized on-site supervisor or delivered to the licensee's business or residence address as noted in the application, for any of the following causes:

1. The licensee fails, neglects or refuses to comply with or meet any of the assurances or representations made in the license application;
2. The licensee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a license;
3. The licensee permits the event to be conducted in a disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug after being requested by any law enforcement official to arrange for the safe removal of such person from the premises;
4. The licensee violates or attempts to violate any law of the state of California or provision of this chapter, or any county ordinance; and/or
5. The licensee is determined to have made a false, misleading or fraudulent statement of material fact or material omission in the license application, or in any other document required pursuant to this chapter.

B. Any aggrieved person may appeal the Director's decision to revoke a temporary event license to the Board of Supervisors by submitting written notice thereof within four working days after the Director gives notice of his determination revoke such license. Upon receipt of a written notice of appeal, the Director shall cause the matter to be set for public hearing before the Board of Supervisors no later than the next regular meeting of the Board of Supervisors, at which time the Board shall hear a report from the Director and testimony from the aggrieved person and may receive additional written or oral evidence from any other person. At the conclusion of the hearing, the Board may sustain or overrule the determination of the Director. The decision of the Board shall be final. If the overruled determination of the Director was for denial of the permit, but the appeal could not be heard prior to time and date for the event requested in the application, the applicant shall have the right to reapply for a permit to hold the same event at the same location but at a different time and date, and the fee for such reapplication shall be waived. If the Department identifies any modifications to the event application, fees for additional review shall not be waived.

C. The county sheriff may suspend operation and close any event, upon giving the licensee or the authorized on-site supervisor written notice containing the reasons therefor, prior to the expiration of the license in the event of a riot, major disorder or serious breach of the peace when in the sheriff's opinion it becomes necessary to prevent injury to person or persons or damage to property. Such action shall be final and not subject to appeal to the Board.

SECTION 10. Section 18.10.020 (Duties – Specific subjects.) of Chapter 18.10 (Zoning Administrator) of the Napa County Code is amended to read as 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 sole discretion, the zoning administrator determines that the matter (1) is of a size, importance, or unique nature such that it is judged not to be a routine matter; (2) involves potentially significant environmental impacts; or (3) is such that the public interest

would be furthered by having a particular application heard and decided by the planning commission:

- A. Permits and modifications thereof for the following:
 - 1. Farmworker housing as defined by Section 18.08.294 of this code;
 - 2. Cottage food operations;
 - 3. Kennels and veterinary facilities;
 - 4. (Reserved);
 - 5. Following a public hearing noticed in accordance with Section 18.136.040, use permits for Micro-wineries as defined by Section 18.08.377 of this code;
 - 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. Following a public hearing noticed in accordance with Section 18.136.040, use permits for small wineries as defined by Section 18.08.600 of this code that were issued a certificate of exemption prior to February 22, 1990, recognizing the extent of existing legal entitlements or allowing the following uses provided the application meets all of the following qualifications:
 - a. Has an annual maximum of twenty thousand gallons or less of wine production;
 - b. Generates no more than forty Average Daily Trips (ADT) (twenty round trips) by tasting room visitors, all winery employees including seasonal employees, and deliveries to the winery. The use permit will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds forty ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Regulations, or adopted left-turn warrants required for all projects;
 - c. Has a maximum of ten thousand square feet of occupied space, including buildings, caves, and cut and cover caves, but excluding unenclosed space, such as covered crush pads;
 - d. Conducts a maximum of eleven marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed twenty-four ADT (twelve daily round trips) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed forty ADT (twenty daily round trips). The ADT for all winery uses, including deliveries, tours and tastings, and employees, on days when a marketing event occurs shall not exceed forty ADT; and
 - e. Following approval of a use permit under this subsection, no subsequent application for an increase in production of wine, tasting room visitation, or marketing events shall be considered within two years after approval;
 - 11. (Reserved);
 - 12. (Reserved);

- 13. Modifications of use permits under subsection (E) of Section 18.124.130;
- 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 revisions to acreage, but only after making the findings required by Section 17.50.070;
- F. (Reserved);
- G. Licenses for Category 4, 5, or 6 temporary events as defined in Section 5.36.015 if a hearing is requested;
- 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 to use permits as described in Section 18.124.130 (B) and modifications to winery use permits as described in Section 18.124.130(C)(1) through (7) of Section 18.124.130, after making the findings required by Section 18.124.130;
- N. Variances from the standards for mobile home parks in accordance with Section 15.40.310, or any successor amendment thereof;
- O. (Reserved); and
- P. Applications for exceptions to the county's adopted road and street standards in connection with all permits and modifications listed in subsection A through O above, a building permit clearance for a single-family residence or other ministerial permit clearance.

SECTION 11. Section 18.120.010 (Exceptions to use limitations.) of Chapter 18.120

(Exceptions) of the Napa County Code is amended to read as 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, 5 and 6 and Subsequent Category 2A, 2B, and 3 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 so long as a surface mining permit has been issued as prescribed by that chapter;
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 takeoffs and landings at locations other than public airports, in support of direct agricultural activities, but only if the takeoffs and landings comply with all of the following conditions: (a) they are solely in support of direct aerial agricultural activities and applications such as aerial spraying, aerial frost protection, or aerial mapping; (b) they do not transport persons other than those essential to the conduct of such aerial activities; and (c) they are unavoidable.

Within forty-eight hours of any takeoff or landing in support of direct agricultural activities as described herein, the helicopter operator shall submit to the director of the department a written report containing the helicopter's registration number; date, time, duration and aerial activity of the operation; the persons engaged in the conduct of such activity; and the reason why the takeoff or landing was unavoidable.

11. Accessory renewable energy systems which comply with the criteria set forth in Section 18.117.030.

12. Accessory emergency power generators supplying a total of not more than one hundred twenty-five percent of the calculated energy demand for all legally established onsite uses, and that comply with Chapter 8.16 (Noise), Chapter 18.108 (Conservation Regulations), and Chapter 18.104 (Additional Zoning District Regulations).

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. 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. (Reserved);
 9. 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 subsection (B)(7) 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 12. The Board of Supervisors finds that pursuant to the California Environmental Quality Act (CEQA), it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]

The issuance of a temporary event license under the County's ordinance is a ministerial action, further stated in Appendix A of Napa County's Local Procedures for Implementing the CEQA.

SECTION 13. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 14. This ordinance shall be effective starting January 1, 2026, to provide for a smooth transition for future events that must adhere to the revised regulations and minimum standards.

SECTION 15. A summary of this ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 23rd day of September 2025, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2025, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the State of California

 ANNE COTTRELL, Chair of the Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>McKayla McMahon</u> Deputy County Counsel By: <u>Brandon Aquilera</u> Code Services Date: <u>September 9, 2025</u>	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
 NEHA HOSKINS, CLERK OF THE BOARD