



Legislation Text

File #: 23-0938, **Version:** 1

TO: Board of Supervisors
FROM: Sheryl Bratton, County Counsel
REPORT BY: Laura Anderson, Deputy County Counsel
SUBJECT: Adoption of Ordinance Amending Napa County Municipal Code

RECOMMENDATION

County Counsel requests adoption of an Ordinance amending the Napa County Code as follows:

1. Repeal Section 5.36.090 (Appeal Procedure for a License Issued or Denied by the Zoning Administrator After a Public Hearing) of Chapter 5.36 (Temporary Events) of Title 5 (Business Taxes, Licenses and Regulations);
2. Amend Section 18.10.020 (Duties-Specific Subjects) of Chapter 18.10 (Zoning Administrator) of Title 18 (Zoning); and
3. Amend Section 17.24.020 (Transmittal of Map to Recorder) of Chapter 17.24 (Filing Maps with Recorder) of Title 17 (Divisions).

EXECUTIVE SUMMARY

On May 16, 2023, the Board of Supervisors introduced an Ordinance repealing Section 5.36.090 (Appeal Procedure for a License Issued or Denied by the Zoning Administrator After a Public Hearing) and amending Sections 18.10.020 (Duties-Specific Subjects) and Section 17.24.020 (Transmittal of Map to Recorder) of the Napa County Code to correct minor inconsistencies in the code related to previous ordinance amendments. The Board unanimously passed a motion of intent to adopt the proposed Ordinance. This consent calendar item requests that the Board take final action adopting the Ordinance.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The minor amendments are necessary to correct inconsistencies within the Code that were inadvertent oversights related to previous Code amendments.
Is the general fund affected?	No

Consequences if not approved: If the amendments are not made, the inconsistencies will continue, which could lead to confusion and misinterpretation of the by staff and general public.

County Strategic Plan pillar addressed: Effective and Open Government

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. 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)].

BACKGROUND AND DISCUSSION

The Napa County Board of Supervisors recently adopted ordinances amending various sections of the Napa County Code. Staff recently discovered that as part of the ordinance amendments, related code amendments were inadvertently overlooked. The proposed ordinance corrects the minor oversights as summarized below and as specifically identified in the attached document.

County Code Chapter 2.88 - Appeals:

In December 2020 the Board adopted Ordinance No. 1465 updating the appeals ordinance, which eliminated the right to appeal ministerial decisions to the Board of Supervisors. However, staff discovered Section 5.36.090 pertaining to the appeal of ministerial Temporary Events was inadvertently omitted. To correct this omission, Section 5.36.090 has been deleted to be consistent with the amendments contained in Ordinance No. 1465.

County Code Chapter 18.10.020 - Zoning Administrator Duties:

In April 2022 the Board adopted Ordinance No. 1474 creating a streamlined process for small wineries to be processed with a micro-winery use permit through a public hearing before the Zoning Administrator rather than the Planning Commission. Because of the small scale of micro-winerries, these use permit applications often include a request for an exception to the Road and Street Standards. However, the Zoning Administrator's ability to hear and decide exceptions to the Road and Street Standards is currently limited to only exceptions related to single-family residences and other ministerial permits. Since the Zoning Administrator has been granted the authority to hear and decide micro-winery use permits and related ancillary matters, the Code has been amended to expressly allow the Zoning Administrator to hear exceptions to the Road and Street Standards when related to any other permit under the Zoning Administrator's authority.

County Code Title 17 - Subdivisions:

Section 17.24.020 of the Napa County Code requires the city clerk transmit parcel and final maps directly to the recorder. However, Section 17.24.020 inadvertently references the "county" clerk. The Code should be amended to reference the "city" clerk to make clear the requirements on the part of a given city to record documents related to parcel and final maps.

Attached for reference is the final version of the Ordinance.

Recommendation:

County Counsel and staff recommend adoption of the Ordinance.