

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, REPEALING 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) AND AMENDING SECTION 18.10.020 (DUTIES -SPECIFIC SUBJECTS) OF CHAPTER 18.10 (ZONING ADMINISTRATOR) OF TITLE 18 (ZONING) AND SECTION 17.24.020 (TRANSMITTAL OF MAP TO RECORDER) OF CHAPTER 17.24 (FILING MAPS WITH RECORDER) OF TITLE 17 (SUBDIVISIONS) OF THE NAPA COUNTY MUNICIPAL CODE**

**WHEREAS**, on or about December 15, 2020, the Napa County Board of Supervisors adopted Ordinance No. 1465 updating the County's Appeals Ordinance (County Code Chapter 2.88); and

**WHEREAS**, in connection with the update to the Appeals Ordinance, the Board eliminated the right to appeal ministerial decisions to the Board of Supervisors; and

**WHEREAS**, staff discovered that as part of the Appeals Ordinance update and related code amendments repealing the right to appeal ministerial decisions, Section 5.36.090 regarding appeals of ministerial temporary events permits was inadvertently missed; and

**WHEREAS**, the Board desires to correct this inadvertent oversight and repeal Section 5.36.090; and

**WHEREAS**, on or about April 5, 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; and

**WHEREAS**, because of the small scale of micro-wineries these use permit applications often include a request for an exception to the Napa County Roads and Street Standards; and

**WHEREAS**, 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; and

**WHEREAS**, since the Zoning Administrator has been granted the authority to hear and decide micro-winery use permits and related ancillary matters, the Board desires to amend the County Code 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 purview including micro-winery use permits; and

**WHEREAS**, the Board desire to change an incorrect reference in County Code Title 17 (Subdivisions) from “county clerk” to “city clerk;” and

**WHEREAS**, prior to adoption of this ordinance, the County complied with applicable noticing requirements

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

**SECTION 1.** Section 05.36.90 (Appeal procedure for a license issued or denied by the zoning administrator after a public hearing) of Chapter 5.36 (Temporary Events) of the Napa County Code is amended to read in full as follows:

**05.36.090 (Reserved.)**

**SECTION 2.** 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 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. Multiple-family dwelling units;
  - 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. No application for a new micro-winery use permit or modification of a micro-winery use permit, whether minor or major, shall be considered beginning three years after May 5, 2022 (the effective date of this Ordinance), unless the provisions in this code pertaining to micro-wineries are extended, re-adopted or amended by the board of supervisors. Applications that are accepted by the Director as complete prior to the deadline shall be allowed to complete their processing. In the event that the provisions in this code pertaining to micro-wineries are not extended, re-adopted or amended by the board of supervisors, use permits for micro-wineries that have been issued under these provisions shall remain valid unless allowed to expire pursuant to Section 18.124.080 or revoked pursuant to 18.124.120;
  - 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 20,000 gallons or less of wine production;
    - b. Generates no more than 40 Average Daily Trips (ADT) (20 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 40 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 10,000 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 11 marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed 24 ADT (12 daily round trips) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed 40 ADT (20 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 40 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 3 temporary events as defined in Section 5.36.015 if a hearing is requested, and Category 4 temporary events as defined in Section 5.36.015 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 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 3.** Section 17.24.020 (Filing maps with recorder) of Chapter 17.24

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

**17.24.020 Transmittal of map to recorder.**

- A. Within fifteen days of approval of a parcel or final map by a city, and if the parcel or final map is not subject to Section 66493 of the Government Code, the city clerk shall transmit the final or parcel map directly to the recorder. If, however, the final or parcel map is subject to Section 66493, the final or parcel map shall be filed with the clerk of the board together with all certificates or statements and the security required by Section 66493. When all certificates or

statements and security have been so filed, the clerk of the board shall so certify and within ten days transmit the final or parcel map to the recorder.

**SECTION 4.** 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 5.** This Ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 6.** 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 and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 16<sup>th</sup> day of May, 2023, and

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

passed at a regular meeting of the Napa County Board of Supervisors, State of California,  
held on the 6<sup>th</sup> day of June, 2023, by the following vote:

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

NAPA COUNTY, a political subdivision of the  
State of California

\_\_\_\_\_  
BELIA RAMOS, Chair of the  
Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Laura J. Anderson (e-sign)</u> County Counsel</p> <p>By: <u>/s/ Meredith Trueblood</u> Code Services</p> <p>Date: May 17, 2023</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</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  
NEHA HOSKINS, CLERK OF THE BOARD