

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE PEOPLE OF NAPA COUNTY ENACTING AN ORDINANCE, AMENDING SECTION 18.120.010 (EXCEPTIONS TO USE LIMITATIONS) OF THE NAPA COUNTY CODE TO PROHIBIT PERSONAL USE AIRPORTS AND HELIPORTS AND TO LIMIT SITES FOR HELICOPTER LANDINGS IN SUPPORT OF DIRECT AGRICULTURAL PRODUCTION ACTIVITIES SUCH AS AERIAL SPRAYING AND FROST PROTECTION.

The people of the County of Napa ordain as follows:

Section 1. Purpose.

The people find that any proliferation of personal use airports or heliports would be inconsistent with and detrimental to the rural, agricultural and peaceful character of Napa County. This Ordinance is intended to prohibit any new personal use airports or heliports. Also, the Ordinance makes no changes to existing law that permits the landing of aircraft and helicopters for emergency uses. Finally, the Ordinance clarifies the limited circumstances under which helicopters may take-off and land in the County for agricultural purposes.

Section 2. Title 18, Chapter 18.120, Section 18.120.010 of the Napa County Code is hereby amended to read 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, and 5 and Subsequent Category 2A, 2B, 3, 4 and 5 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 ~~solely in support of direct agricultural production activities such as aerial spraying and frost protection 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.

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. ~~Personal use airports and heliports,~~ and 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. Other public utility uses including, without limitation, warehouses, storage yards, gas holders, substations, electric generating plants, reservoirs, storage tanks, pumping stations and communication equipment buildings;
9. Other public and 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 subsections (B)(7) and (8) 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 3. Conflicting Law. If this initiative measure and another measure addressing personal use airports and heliports appear on the same ballot, and a majority of the voters vote in favor of both measures but this measure receives more votes than the other measure, this measure alone shall become valid, binding, and adopted in its entirety, and the other measure shall be null and void in its entirety.

Section 4. Amendment. This ordinance may not be repealed or amended except by a vote of the people.

Section 5. Effective Date. This ordinance shall be considered as adopted upon the date the vote is declared by the board of supervisors, and shall go into effect 10 days after that date.

The foregoing ordinance was passed by a vote of the people of Napa County, on _____, 2018 by the following vote:

AYES: _____

NOES: _____

The vote on this ordinance was declared by the Board of Supervisors on _____, 2018.

BRAD WAGENKNECHT

Chair, Napa County Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors

By:_____