

**ORDINANCE NO. 1242**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTIONS  
18.08.460, 18.120.010(A) AND 18.120.010(B) OF THE NAPA COUNTY  
CODE REGARDING PERSONAL USE AIRPORTS AND HELIPORTS,  
AND HELICOPTER LANDING SITES IN SUPPORT OF  
AGRICULTURAL PRODUCTION IN THE UNINCORPORATED  
PORTIONS OF NAPA COUNTY**

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

**SECTION 1.** Section 18.08.460 (Private airport) of Chapter 18.08 (Definitions)

of the Napa County Code is amended to read in full as follows:

**18.08.460 Personal use airport and heliport.**

“Personal use airport and heliport” means an airport or heliport limited to the noncommercial activities of an individual owner or family and occasional invited guests.

**SECTION 2.** Section 18.120.010 (Exceptions to use limitations) of Chapter

18.120 (Exceptions) of the Napa County Code is amended to read 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 5.36.010;
2. Category 2A, 2B, 3 and 4 temporary events as defined in Section 5.36.010 and conducted in accordance with a temporary event license obtained 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. Commercial excavation or extraction of natural materials including, without limitation, geothermal, oil and gas resources so long as a surface mining permit has been issued pursuant to the provisions of Chapter 16.12 for those operations involving surface mining;
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 landings solely in support of direct agricultural production activities such as aerial spraying and frost protection.

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 18.124.080.

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. Directional, identification, temporary off-site and agricultural signs;
3. A temporary trailer; and
4. An application for an extension of time for a previously issued administrative permit for a temporary trailer.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or word of this chapter 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 Board of Supervisors of the County of Napa 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 4.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

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

The foregoing ordinance was first introduced and read at a regular meeting of the Conservation Development and Planning Commission, held on the 5th day of May, 2004, and passed at a regular meeting of the Board of Supervisors of the County of Napa, State of

California, held on the 20th day of July, 2004, by the following vote:

AYES:	SUPERVISORS	WAGENKNECHT, DILLON, DODD, RIPPEY and LUCE
NOES:	SUPERVISORS	NONE
ABSTAIN:	SUPERVISORS	NONE
ABSENT:	SUPERVISORS	NONE

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**MARK LUCE, CHAIR**  
Napa County Board of Supervisors

**ATTEST:**  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

<p><b>Approved by the Napa County Board of Supervisors</b></p> <p>Date: July 20, 2004</p> <p>Processed by:</p> <p>_____ Deputy Clerk of the Board</p>
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<p><b>APPROVED AS TO FORM Office of County Counsel</b></p> <p>By: _____ Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p>
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