

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

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, REPEALING CHAPTERS 15.60 (AFFORDABLE HOUSING) AND CHAPTER 18.107 (RESIDENTIAL DENSITY BONUS AND INCENTIVES) OF THE NAPA COUNTY CODE AND ADDING CHAPTER 18.107 (AFFORDABLE HOUSING AND INCENTIVES) TO IMPLEMENT THE 2009 HOUSING ELEMENT UPDATE OF THE NAPA COUNTY GENERAL PLAN AND MAKING VARIOUS ADDITIONAL TECHNICAL CHANGES**

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

**SECTION 1.** Chapter 15.60 of the Napa County Code is hereby repealed.

**SECTION 2.** Chapter 18.107 of the Napa County Code is hereby repealed.

**SECTION 3.** Chapter 18.107 of the Napa County Code is hereby adopted to read in full as follows:

**Chapter 18.107  
AFFORDABLE HOUSING AND INCENTIVES**

**Sections:**

- 18.107.010 Purpose.**
- 18.107.020 Housing fund—Established.**
- 18.107.030 Housing fund—Administration.**
- 18.107.040 Housing fund—Use of funds.**
- 18.107.050 Nonresidential developments—Housing fees and exemptions.**
- 18.107.060 Nonresidential developments—Housing fee requirement.**
- 18.107.070 Nonresidential developments—Application and fee setting procedures.**
- 18.107.080 Residential projects—Basic inclusionary requirement.**
- 18.107.090 Residential projects—Housing fees.**
- 18.107.100 Residential projects—Equivalency proposals permitted.**
- 18.107.110 Residential projects—Rental permitted if consistent with Costa-Hawkins Act.**
- 18.107.120 Residential projects—County incentives.**
- 18.107.130 Residential projects—Application and review procedures.**
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- 18.107.150 State incentives for affordable housing—Density bonus.**
- 18.107.160 State incentives for affordable housing—State-defined incentives.**
- 18.107.170 State incentives for affordable housing—Application procedures.**
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- 18.107.190 General—No conflict with state law.**

- 18.107.200      General—Refunds.**
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- 18.107.230      General—Definitions.**

**18.107.010    Purpose.**

This Chapter is intended to produce affordable housing, to provide incentives for the production of affordable housing, and to achieve the following additional goals:

A.    **2008 General Plan Update and 2009 Housing Element Update:** To implement the goals, objectives, policies, and programs of the county's 2008 General Plan Update and 2009 Housing Element Update related to affordable housing and the affordable housing fund established pursuant to section 18.107.020.

B.    **Development Impacts:** To mitigate the impacts of market rate residential development and nonresidential development on the need for affordable housing in Napa County through the imposition of affordable housing requirements as included in this Ordinance.

C.    **Compliance with State Law:** To comply with the provisions of Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the California Government Code, which mandate the adoption of a county ordinance specifying how compliance with that Chapter will be implemented.

**18.107.020    Housing fund—Established.**

A.    There is established in Napa County an affordable housing fund (the “housing fund”) for the purpose of receiving and disbursing certain monies to address the housing needs of extremely low, very low, low, and moderate income households. Separate accounts within such housing fund may be created from time to time to avoid commingling if required by law or as deemed appropriate to further the purposes of the housing fund.

B.    The board of supervisors may, at its sole discretion, establish by resolution an affordable housing fund board which shall be advisory to the board and to the housing director. The specific functions of the housing board shall be as prescribed by the board of supervisors.

C.    All housing fees collected pursuant to this Chapter 18.107 shall be deposited into the housing fund.

**18.107.030    Housing fund—Administration.**

A.    The housing fund shall be administered by the housing director, who shall have the authority to implement the purposes of the housing fund consistent with this Chapter, and to prescribe procedures for said purposes, subject to approval by the board.

B.    The housing director shall develop criteria for use of housing fund monies, which shall be subject to board approval. The criteria shall ensure that housing fund monies are used to assist the county in meeting its affordable housing goals, to implement the policies, objectives, and programs set forth in the housing element of the Napa County general plan, as they may be modified from time to time, and to mitigate the impact of new nonresidential development and residential projects on the need for affordable housing in the county.

C.    Concurrently with the development of the county budget, the housing director shall annually present a report to the board that includes a description of monies deposited into the housing fund and their source, the activities undertaken with the housing fund during the reporting period, the relation of housing fund expenditures to housing element policies, objectives, and programs and to criteria

adopted pursuant to subsection (B) above, and recommendations for future expenditures of monies from the housing fund to implement the housing element and ensure that housing fund expenditures remain reasonably related to the source of any housing fees deposited into the housing fund. The housing director shall also report on housing fund activities as part of the annual report required by Government Code Section 65400.

**18.107.040 Housing fund--Use of funds.**

A. Monies deposited in the housing fund, along with any interest earnings on such monies, shall be used to increase, improve, and preserve the supply of housing and shelter serving Napa County's workforce and affordable to moderate, low, very low, and extremely low income households , including payment of those reasonable administrative costs described in subsection (B) below. Monies deposited in the housing fund may be utilized for, but are not limited to, the following purposes: new construction of affordable units; acquisition of land for the development of affordable housing; conversion of market rate units to affordable units; preservation of existing affordable units; rehabilitation of affordable units at risk of loss; promotion of affordable workforce housing such that Napa County workers can find suitable housing near their place of employment; subsidies for operating costs, including operating costs of emergency shelters, transitional housing, and farm worker housing, to maintain the existing supply of affordable units and shelters or to provide additional affordable units and shelters, where such shelters serve the County's workforce; subsidies for affordable housing in Affordable Housing (:AH) Combination Districts as further described in Chapter 18.82; provision of infrastructure, utilities, and other improvements so long as they are necessary for the construction of affordable units; and housing support services, such as fair housing services. Monies deposited in the housing fund may be used within incorporated cities located in Napa County consistent with the criteria established pursuant to section 18.107.030(B). Deed restrictions shall be recorded against parcels receiving housing funds and shall be effective for a minimum of forty years with respect to each affordable unit.

B. Monies deposited in the housing fund may be used to cover reasonable administrative expenses not reimbursed through processing fees, including but not limited to reasonable staff, consultant, and legal expenses related to: 1. the establishment and/or administration of the housing fund; 2. the provision of housing fund assistance; and 3. the monitoring of compliance with conditions of such housing fund assistance. Monies may also be used to cover reasonable expenses for calculating, collecting, and accounting for fees paid into the housing fund. No portion of the housing fund may be diverted to other purposes by way of loan or otherwise.

C. Expenditures by the housing director from the housing fund shall be controlled, authorized and paid in accordance with general county budgetary policies. Execution of contracts related to the use or administration of housing fund monies shall be in accordance with standard board policy.

**18.107.050 Nonresidential developments – Housing fees and exemptions.**

A. Housing fees for nonresidential developments shall be established by resolution of the board of supervisors. Such fees shall not exceed the cost of mitigating the impact of nonresidential developments on the need for affordable housing in the county. The fees shall be established per gross square foot of nonresidential space and shall be based on at least the following nonresidential land use categories: office, retail, warehouse, industrial, and hotel. The board may also from time to time adopt by resolution a standardized list showing the specific uses within each nonresidential land use category and showing uses exempt from payment of housing fees.

B. The board may periodically review the housing fees for nonresidential developments and adjust the housing fees by resolution. The housing fees shall be reviewed and, if appropriate, revised, at

the time of each housing element update. The housing director and planning director shall jointly prepare a recommendation to the board for such fee revision.

C. The following nonresidential developments are exempt from the payment of housing fees pursuant to this Chapter:

1. That portion of any nonresidential development located on property owned or leased by the county, the state of California, the United States of America, or any of its agencies, with the exception of such property not used exclusively for public purposes; or

2. Any nonresidential development to the extent it has received a vested right to proceed without a housing fee pursuant to state law or is subject to a development agreement effective prior to July 1, 2009; or

3. Any nonresidential development operated by a nonprofit organization to provide food storage, meal service and/or temporary shelter to the homeless; or

4. Any nonresidential development involving no more than one total employee; or

5. Any nonresidential development otherwise determined to be exempt pursuant to board resolution.

**18.107.060 Nonresidential developments---Housing fee requirement.**

A. No building permit shall be issued for any nonresidential development not otherwise exempt pursuant to section 18.107.050(C) until a housing fee is paid to the county. Where a building permit is not required, no discretionary county permit shall be issued for any nonresidential development not otherwise exempt pursuant to section 18.107.050(C) until a housing fee is paid to the county. Payment of the housing fee shall be made a condition of approval of each discretionary permit approved for a nonresidential development unless the project is exempt pursuant to section 18.107.050(C).

B. The housing fee for nonresidential developments that include additions, new construction of gross square feet of nonresidential space, or the conversion of a residential use to a nonresidential use shall be calculated as follows:

$$\text{Housing fee} = (\text{gross square feet of new nonresidential space}) \times (\text{applicable fee by type of use})$$

The housing fee for the conversion of one nonresidential use to another nonresidential use shall be calculated as follows:

$$\text{Housing fee} = (\text{housing fee for new use}) - (\text{housing fee for prior use}) \text{ [not less than zero]}$$

If the nonresidential development is in whole or part a replacement for nonresidential square footage demolished within one year prior to the filing of the application for the nonresidential development, the housing fee shall be calculated as follows:

$$\text{Housing fee} = (\text{housing fee for addition or new construction of gross square feet}) - (\text{housing fee for gross square feet demolished}) \text{ [not less than zero]}$$

C. As an alternative to payment of the housing fee set forth in subsection (A) above, an applicant for a nonresidential development may submit a request to mitigate the affordable housing

impacts of such development through the construction of affordable units, either on-site or off-site, through the dedication of land, or through other means. The planning commission may approve or conditionally approve such an alternative if the planning commission determines, based on substantial evidence, that such alternative compliance will provide as much or more affordable housing at the same or lower income levels, is consistent with the county general plan and housing element, and will otherwise provide greater public benefit than would payment of the housing fee. Any affordable units constructed on-site or off-site shall comply with the provisions contained in sections 18.107.110 through 18.107.140, as applicable.

**18.107.070 Nonresidential developments---Application and fee setting procedures.**

A. An application for a building permit (or for a discretionary county permit if no building permit is required), for a nonresidential development shall not be deemed complete unless the application contains either: (1) a request for exemption pursuant to section 18.107.050(C) or an equivalency proposal as permitted by section 18.107.060(C), along with supporting information, or (2) all of the following: (a) a statement of the number of gross square feet contained in any addition, new construction of gross square feet, conversion of a residential use to a nonresidential use, or conversion of one nonresidential use to another nonresidential use, together with documentation sufficient to support the statement; (b) the intended use or uses for the nonresidential development by gross square feet; and (c) the gross square feet of any prior nonresidential use or any demolished nonresidential use. The amount of the housing fee shall be based upon the fee schedule in effect at the time of issuance of the permit for the nonresidential development.

B. The planning director, with the concurrence of the housing director, shall determine the appropriate nonresidential land use category, shall calculate the amount of the housing fee based upon the adopted fee schedule, and shall so inform the building official or designee, who shall collect the required fee and deposit it into the housing fund. In the case of large, mixed-use nonresidential developments involving the simultaneous construction of different structures and/or different nonresidential uses, the planning director may utilize the fee schedule to create one mixed fee per square foot to be collected for all building permits in the project. In that case, the mixed fee shall be designed to approximate the revenue which would have been collected had the fee schedule been applied to each individual use in the project.

C. The land use category for a nonresidential development shall be determined by the planning director based on an individualized determination only if:

1. the adopted fee schedule so specifies; or
2. the planning director determines that insufficient generalized information is available to permit a determination that the use falls within one of the specified use categories.

Any application for a nonresidential project where an individualized fee determination is required pursuant to this Section shall be accompanied by information sufficient to enable the planning director to make a determination of employee density. The planning director's determination of employee density shall be based on: data concerning anticipated employee density for the project submitted by the applicant; employment surveys or other research on similar uses submitted by the applicant or independently researched by the planning director; or any other data or information the planning director determines relevant. Based on the evidence submitted, the planning director shall determine the most similar use category, or shall establish a mixed fee, as appropriate.

D. An applicant may appeal the planning director's fee determination to the board of supervisors according to the provisions of Chapter 2.88 of the Napa County Code.

**18.107.080 Residential projects—Basic inclusionary requirement.**

A. To mitigate the impacts of market rate residential projects on the need for affordable housing in Napa County, a portion of all new dwelling units in a residential ownership project shall be made available at an affordable sales price to moderate income households whose annual household income does not exceed one hundred twenty percent of median income, as follows:

*Single-family detached—20%*  
*Attached single-family and common interest projects—17%*

B. For residential rental projects, housing fees shall be paid as specified in section 18.107.090 to mitigate the project's impact on the need for affordable housing in the county, unless an equivalency proposal is approved pursuant to section 18.107.100 or rental is approved pursuant to section 18.107.110.

C. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Affordable units shall be dispersed throughout the residential project, or, subject to the approval of the planning director, may be clustered within the residential project when this furthers affordable housing opportunities.

D. Any target units that qualify a project for a density bonus pursuant to Government Code Section 65915 and section 18.107.150 must be provided *in addition to* the affordable units required by this Section and do not meet the affordable housing requirements contained in this Section.

E. The following residential projects are exempt from the affordable housing requirements in this section 18.107.080 and in section 18.107.090:

1. Farmworker housing units of 1200 square feet or less; or
2. Any residential project that is deed-restricted to be affordable to extremely low, very low, low income, or moderate income households, and which meets the requirements of section 18.107.140; or
3. Any residential project located on a Specified Priority Housing Development Site, as defined in section 18.82.020, and developed in conformance with the :AH Combination District standards included in the 2009 Housing Element Update and Chapter 18.82; or
4. Any density bonus units, as required by Government Code Section 65915.

**18.107.090 Residential projects—Housing fees.**

A. Housing fees for residential projects shall be established by resolution of the board of supervisors. Such fees shall not exceed the cost of mitigating the impact of market rate residential projects on the need for affordable housing in the county. The fees shall be established per gross square foot of residential floor area for the market rate units in a residential development.

B. The board may periodically review the housing fees for residential projects and adjust the housing fees by resolution. The housing fees shall be reviewed and, if appropriate, revised at the time of each housing element update. The housing director and planning director shall jointly prepare a recommendation to the board for such fee revision.

C. An applicant for any residential ownership project with four or fewer dwelling units may elect to either build one affordable unit or pay a housing fee for each dwelling unit.

D. Housing fees shall be paid for residential projects in the following circumstances:

1. For any residential rental project, a housing fee shall be paid upon issuance of a building permit for each dwelling unit in the residential rental project, unless an equivalency

proposal is approved pursuant to section 18.107.100 or rental is approved pursuant to section 18.107.110.

2. For any residential ownership project with four or fewer dwelling units where the applicant has elected to pay housing fees, a housing fee shall be paid upon issuance of a building permit for each dwelling unit in the residential ownership project.

3. For any residential ownership project with five or more dwelling units where the calculations in subsection 18.107.080(A) above result in a fractional dwelling unit, a housing fee shall be paid upon issuance of each building permit for those “extra” market rate dwelling units for which an affordable unit was not constructed (based on the floor area of each such “extra” market rate unit), unless the applicant elects to construct an additional affordable unit on-site, or performs an equivalent action approved pursuant to section 18.107.100.

E. The amount of any housing fee payable under this Section shall be based upon the fee schedule in effect at the time of issuance of the building permit for the dwelling unit to which the fee relates. The planning director, with the concurrence of the housing director, shall calculate the amount of any housing fee based upon the adopted fee schedule, and shall so inform the building official or designee, who shall collect the required fee and deposit it into the housing fund. The applicant may appeal the planning director’s fee determination to the board of supervisors according to the provisions of Chapter 2.88 of the Napa County Code.

**18.107.100 Residential projects—Equivalency proposals permitted.**

As an alternative to the construction of on-site affordable units required by section 18.107.080, or to the payment of housing fees pursuant to section 18.107.090, an applicant for a residential project may submit a request to mitigate the affordable housing impacts of such project through the construction of affordable units off-site, through the dedication of land for affordable housing, or through other means. The planning commission may approve or conditionally approve such an alternative if the planning commission determines, based on substantial evidence, that such alternative compliance will provide as much or more affordable housing at the same or lower income levels, is consistent with the county general plan and housing element, and will otherwise provide greater public benefit than would provision of the affordable housing on-site.

**18.107.110 Residential projects—Rental permitted if consistent with Costa-Hawkins Act.**

A. As an alternative to providing affordable ownership units on-site as required by section 18.107.080, or paying housing fees pursuant to section 18.107.090, an applicant may propose to provide twelve percent of the dwelling units in the residential project as rental dwelling units affordable to low income households. To ensure compliance with the Costa-Hawkins Act (Chapter 2.7 of Title 5 of Part 4 of Division 3 of the Civil Code), the county may only approve such a proposal if the applicant agrees in a rent regulatory agreement with the county to limit rents in consideration for a direct financial contribution or a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

B. The rent regulatory agreement with the county shall include provisions for sale of affordable units and relocation benefits for tenants of the affordable units if the owner of the residential project later determines to offer any affordable units in the residential project for sale. If dwelling units in the residential project are sold, the applicant shall provide as many ownership affordable units at an affordable sales price as required by section 18.107.080. At the time of sale, resale restrictions, deeds of trust and/or other documents acceptable to the planning director shall be recorded against the affordable ownership dwelling units for a minimum term of forty years, as required by section 18.107.140.

C. For each rental affordable unit provided pursuant to this Section, the owner may be required to pay to the county an annual monitoring fee for the term of required affordability that does not exceed the county's costs to monitor the affordable unit, if such a fee is adopted by resolution of the board of supervisors.

**18.107.120 Residential projects—County incentives.**

A. Residential projects that include the construction of affordable units in conformance with sections 18.107.080, 18.107.100, or 18.107.110 are eligible for the following county incentives:

1. Application fees for building permits shall be waived for the affordable units.
2. Subject to the approval of the planning director, the square footage of the affordable units and interior features in affordable units need not be the same as those in market rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing.
3. In a residential project which contains single-family detached homes, affordable units may be attached dwelling units.
4. The county shall expedite permit processing.

B. If an applicant requests a state density bonus or state incentives pursuant to sections 18.107.150 or 18.107.160, the incentives listed in this Section may be provided only if each is individually requested as a state incentive pursuant to section 18.107.160.

C. Each of these incentives is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

**18.107.130 Residential projects—Application and review procedures.**

A. An application for building permit (or for a discretionary county permit if no building permit is required) for a residential project shall include an affordable housing plan if the residential project includes on-site affordable housing required by section 18.107.080, an equivalency proposal as permitted by section 18.107.100, or a rental proposal as permitted by section 18.107.110. The affordable housing plan shall include a site plan depicting the number and location of all affordable units, phasing of affordable units in relation to market rate units, and such other information as may be required by the planning director.

B. Any affordable housing plan shall be considered by, and acted upon, by the approval body with authority to approve the residential project. Before approving the affordable housing plan, the approval body shall find that the affordable housing plan conforms to the requirements of this Chapter 18.107. The planning commission may approve an equivalency proposal pursuant to section 18.107.100 or rental pursuant to section 18.107.110 if the affordable housing plan conforms to the requirements of this Chapter. An applicant may appeal decisions made by the planning commission pursuant to this Section 18.107.130(B) to the board of supervisors according to the provisions of Chapter 2.88 of the Napa County Code.

C. If an affordable housing plan is approved, applicants shall enter into an affordable housing or rent regulatory agreement with the county, in a form acceptable to the planning director and county counsel. Such agreements shall be legally binding agreements between the applicant and the county to ensure that the requirements of this Chapter are satisfied. The executed agreements shall be recorded against the residential project prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the residential project. The agreements shall be binding on all future owners and successors in interest.

D. Unless otherwise permitted pursuant to the terms of a recorded affordable housing or rent regulatory agreement, all required affordable units shall be constructed prior to or concurrently with the construction of market rate units. No temporary or permanent certificate of occupancy for any new market rate unit in a residential project shall be issued until permanent certificates of occupancy have been issued for the affordable units required by 18.107.080 or the applicant has satisfactorily performed one of the equivalent actions set forth in sections 18.107.90 through 18.107.110. Release of utilities shall not be authorized for any residential project until notification is received from the planning director that all requirements of this Chapter have been met.

**18.107.140 Residential projects—Continued affordability**

A. Prior to the issuance of certificates of occupancy for affordable units, rent regulatory agreements, resale restrictions, deeds of trust, and/or other documents, as appropriate, all of which must be acceptable to the housing director and county counsel and consistent with the requirements of this Chapter, shall be recorded against parcels having such affordable units and shall ensure that each affordable unit remains affordable to the same income level for a minimum of forty years. Any rent regulatory agreement shall include the applicant's agreement to limit rents in consideration for a direct financial contribution or a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

B. At the time of resale of any owner-occupied affordable unit, resale restrictions, deeds of trust and/or other documents acceptable to the housing director shall be recorded against such affordable unit for a new minimum term of forty years.

C. No household shall be permitted to occupy an affordable unit, or to purchase an affordable unit for owner-occupancy, unless the county or its designee has approved the household's eligibility. If the county or its designee maintains a list of eligible households, households selected to occupy affordable units shall be selected first from that list to the extent provided in the affordable housing agreement, rent regulatory agreement, or resale restrictions.

D. For each owner-occupied affordable unit provided pursuant to this Chapter, the owner may be required to pay to the county an administrative transfer fee to defray the costs to the county of any change of ownership during the term of required affordability, if such a fee is adopted by resolution of the board of supervisors.

**18.107.150 State incentives for affordable housing—Density bonus.**

This Section describes those density bonuses provided pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. These density bonuses shall be provided, at the request of an applicant, when that applicant provides target units *in addition to* the affordable units required by section 18.107.080 and otherwise complies with the requirements of this Chapter.

A. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of twenty percent if the applicant seeks and agrees to construct any of the following:

1. At least ten percent of the total dwelling units of the residential project as target units affordable to low income households at an affordable rent or affordable sales price; or
2. At least five percent of the total dwelling units of the residential project as target units affordable to very low income households at an affordable rent or affordable sales price; or
3. A senior citizen residential project.

B. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of five percent if the applicant seeks and agrees to provide all of the following:

1. At least ten percent of the total dwelling units of the residential project as target units for sale to moderate income households at an affordable sales price; and
2. The residential project is a common interest development as defined by Civil Code Section 1351; and
3. All of the dwelling units in the residential project are offered to the public for purchase.

C. The density bonus for which the residential project is eligible shall increase if the percentage of very low income, low income, or moderate income target units exceeds the base percentages established in subsections (A) and (B) above, as follows:

1. For each one percent increase above five percent in the percentage of target units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of thirty-five percent.
2. For each one percent increase above ten percent in the percentage of target units affordable to low income households, the density bonus shall be increased by 1.5 percent, up to a maximum of thirty-five percent.
3. For a residential project that is a qualified common interest development pursuant to subsection (B) above, for each one percent increase above five percent in the percentage of target units for sale to moderate income households at an affordable sales price, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent.

The following table summarizes available state density bonuses:

**State Density Bonuses (California Government Code Section 65915)**

<i>Affordability Category</i>	<i>Minimum % Target units</i>	<i>Bonus Granted</i>	<i>Additional Bonus for Each 1% Increase in Target units</i>	<i>% Target units Required for Maximum 35% Bonus</i>
Very Low-Income	5%	20%	2.5%	11%
Low-Income	10%	20%	1.5%	20%
Moderate-Income(for-sale,common interest development only)	10%	5%	1%	40%
Senior Citizen Residential Project	100%	20%	--	--

D. Calculation of state density bonuses is subject to the following provisions:

1. The county provides a density bonus to residential projects that are located on Specified Priority Housing Development Sites (as defined in section 18.82.020) and developed in conformance with the :AH Combination District standards included in Chapter 18.82. Applicants for residential projects on Specified Priority Housing Development Sites may apply for a density bonus pursuant to Chapter 18.82 or pursuant to this Chapter 18.107, but not pursuant to both.
2. Each residential project is entitled to only one density bonus. Where a residential project qualifies for a state density bonus under more than one category as described in subsections (A) through (C) above, the category pursuant to which the density bonus shall be

granted shall be elected by the applicant, and density bonuses from more than one category may not be combined.

3. In determining the number of density bonus units to be granted pursuant to this Section, any fractions of dwelling units shall be rounded to the next whole number.

4. Density bonus units authorized by this Section shall not be included when determining the number of target units required to qualify for the density bonus. When calculating the required number of target units, any calculations resulting in fractional dwelling units shall be rounded to the next whole number.

5. The applicant may request a lesser density bonus than the residential project is entitled to, but no reduction will be permitted in the percentages of required target units pursuant to subsections (A) and (B) above. Regardless of the number of target units, no residential project shall be entitled to a density bonus of more than thirty-five percent.

E. Target units shall conform to the following standards:

1. Moderate income target units shall remain restricted and affordable to moderate income households for a period of forty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Very low and low income target units shall remain restricted and affordable to the designated group for a period of thirty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Except as set forth in this subsection (E), all target units shall conform with the provisions for continued affordability included in section 18.107.140.

2. Target units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Target units shall be dispersed throughout the residential project, or, subject to the approval of the planning director, may be clustered within the residential project when this furthers affordable housing opportunities.

F. Certain other types of development activities are specifically eligible for a density bonus:

1. A residential project may be eligible for a density bonus in return for land donation pursuant to the requirements set forth in Government Code Section 65915(g).

2. A residential project that contains a child care facility as defined by Government Code Section 65915(h) may be eligible for an additional density bonus or incentive pursuant to the requirements set forth in that Section.

3. Condominium conversions may be eligible for a density bonus or incentive pursuant to the requirements set forth in Government Code Section 65915.5.

### **18.107.160 State incentives for affordable housing – State-defined incentives.**

This Section includes provisions for providing incentives pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

A. An applicant may request incentives pursuant to this Section only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to section 18.107.150.

B. For the purposes of this Section 18.107.160, an incentive means the following:

1. A reduction of development standards or architectural design requirements which exceed the minimum applicable building standards approved by the State Building Standards Commission pursuant to Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including but not limited to setback, coverage, and/or parking requirements,

which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation.

2. Allowing mixed use development in conjunction with the proposed residential project, if nonresidential land uses will reduce the cost of the residential project and the nonresidential land uses are compatible with the residential project and existing or planned surrounding development.

3. Other regulatory incentives proposed by the applicant or the county which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation if required by county.

C. A residential project is eligible for incentives as follows:

1. One incentive for residential projects that include at least ten percent of the total dwelling units as target units affordable to low income households, at least five percent of the total dwelling units as target units affordable to very low income households, or at least ten percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.

2. Two incentives for residential projects that include at least twenty percent of the total dwelling units as target units affordable to low income households, at least ten percent of the total dwelling units as target units affordable to very low income households, or at least twenty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.

3. Three incentives for residential projects that include at least thirty percent of the total dwelling units as target units affordable to low income households, at least fifteen percent of the total dwelling units as target units affordable to very low income households, or at least thirty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.

The following table summarizes requirements for incentives:

**State Incentives (California Government Code Section 65915)**

<i>Affordability Category</i>	<i>% of Target units</i>		
Very low income	5%	10%	15%
Low income	10%	20%	30%
Moderate-income (for sale common interest development only)	10%	20%	30%
<b>Maximum Incentive(s)</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Notes:</b> (A) An incentive may be requested only if an application is also made for a density bonus. (B) Incentives may be selected from only one category (very low, low, or moderate). (C) No incentives are available for land donation or a senior citizen residential project (if not affordable). (D) Condominium conversions and day care centers may have one incentive or a density bonus at the county's option, but not both.			

D. The county provides incentives, including modified development standards and approval of residential projects without discretionary review, to residential projects that are located on Specified

Priority Housing Development Sites (as defined in section 18.82.020) and developed in conformance with the :AH Combination District standards included in Chapter 18.82. Each of the incentives provided in Chapter 18.82 is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Applicants for residential projects on Specified Priority Housing Development Sites may apply for incentives pursuant to Chapter 18.82 or pursuant to this Chapter 18.107, but not pursuant to both.

E. If a residential project is eligible for a density bonus pursuant to section 18.107.150, the applicant may request an on-site vehicular parking ratio, inclusive of handicapped and guest parking, pursuant to Government Code Section 65915(p), as follows:

1. Zero to one bedroom dwelling unit: one on-site parking space.
2. Two to three bedroom dwelling unit: two on-site parking spaces.
3. Four or more bedroom dwelling unit: 2.5 on-site parking spaces.

This request may be in addition to any incentives permitted by subsection (C). On-site parking may include tandem and uncovered parking, but not on-street parking.

F. An applicant may seek a waiver of any development standards that will physically preclude the construction of a residential project with the requested density bonus and incentives permitted by this Chapter. The applicant shall bear the burden of demonstrating that the development standards that are requested to be waived will have the effect of physically precluding the construction of the residential project with the density bonus and incentives.

G. Nothing in this Section requires the provision of direct financial incentives for the residential project, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The county, at its sole discretion, may choose to provide such direct financial incentives.

#### **18.107.170 State incentives for affordable housing—Application procedures.**

A. An applicant intending to request a state density bonus or any incentives, parking reductions, or waivers pursuant to section 18.107.150 or section 18.107.160 shall submit a preliminary application prior to the submittal of any formal application for approval of the residential project and shall schedule a pre-application conference with the planning director or designated staff. The preliminary application shall include the following information:

1. A brief description of the proposed residential project, including the total number of dwelling units, target units by proposed income level, density bonus units proposed, and any incentives, reduced parking, or waivers requested.
2. The zoning and general plan designations and assessors parcel number(s) of the residential project site.
3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s), and parking layout.
4. An explanation of why any requested incentives are necessary to provide the target units.

B. All requests for density bonuses, incentives, parking reductions, and/or waivers pursuant to section 18.107.150 or section 18.107.160 shall be submitted concurrently with the application for the first discretionary permit or other permit required for the residential project and shall be processed concurrently with such application. In accordance with State law, neither the granting of an incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

C. An applicant's request for any density bonuses, incentives, parking reductions, and/or waivers permitted by this Chapter shall include the following information:

1. A site plan depicting the number and location of all proposed market rate units, target units, and density bonus units, if any.
2. A calculation of the maximum number of dwelling units permitted by the county's zoning ordinance and general plan for the residential project, excluding any density bonus units.
3. The income level of the proposed target units.
4. A description of any requested incentives, waivers of development standards, or parking reductions.
5. The applicant shall demonstrate through the provision of a pro forma that any requested incentive results in identifiable, financially sufficient, and actual cost reductions to the residential project. The cost of reviewing any required pro forma data, including but not limited to the cost to the county of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall include all of the following items:
  - a. The actual cost reduction achieved through the incentive;
  - b. Evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices; and
  - c. Other information as may be requested by the planning director. The planning director may require that any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.
6. For any requested waiver of a development standard, the applicant shall provide evidence that the development standard for which the waiver is requested will have the effect of physically precluding the construction of the residential project with the density bonus and incentives requested.
7. If a mixed use building or project is proposed as an incentive pursuant to section 18.107.160, the applicant shall provide evidence that nonresidential land uses will reduce the cost of the residential project, and that the nonresidential land uses are compatible with the residential project and the existing or planned surrounding development, including planned development consistent with the general plan and Measure J.
8. If a density bonus is requested for a land donation, the applicant shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that each of the requirements included in Government Code Section 65915(g) can be met.
9. If a density bonus or incentive is requested for a child care facility, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915(h) can be met.
10. If a density bonus or incentive is requested for a condominium conversion, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915.5 can be met.

**18.107.180 State incentives for affordable housing—Review procedures.**

All requests for density bonuses, incentives, parking reductions, and/or waivers permitted by section 18.107.150 or section 18.107.160 shall be considered and acted upon by the approval body with authority to approve the residential project, with right of appeal to the board of supervisors, if applicable.

A. Before approving an application that includes a request for a density bonus, incentive, parking reduction and/or waiver pursuant to section 18.107.150 or section 18.107.160, the decision-making body shall make the following findings, as applicable:

1. A finding that the residential project is eligible for the density bonus and any incentives, parking reductions or waivers requested.

2. A finding that any requested incentive will result in identifiable, financially sufficient, and actual cost reductions based upon the financial analysis and documentation provided.

3. If the density bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

4. If the density bonus or incentive is based all or in part on the inclusion of a child care facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

5. If the incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

6. If a waiver is requested, a finding that the development standards for which the waiver is requested would have the effect of physically precluding the construction of the residential project with the density bonus and incentives permitted.

B. If the findings required by subsection (A) of this Section can be made, the decision-making body may deny an application for an incentive requested pursuant to section 18.107.160 only if it makes one of the following written findings, supported by substantial evidence:

1. That the incentive is not required to provide for affordable rents or affordable sales prices; or

2. That the incentive would have a specific, adverse impact upon public health or safety or the physical environment or on real property listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete; or

3. That the incentive is contrary to state or federal law.

C. If the findings required by subsection (A) of this Section can be made, the decision-making body may deny a request for a waiver only if it makes one of the following written findings, supported by substantial evidence:

1. That the waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete;; or

2. That the waiver would have an adverse impact on real property listed in the California Register of Historic Resources; or

3. That the waiver is contrary to state or federal law.

D. If the findings required by subsection (A) of this Section can be made, the decision-making body may deny an application for a density bonus or incentive that is based on the provision of child care

only if it makes a written finding, based on substantial evidence, that the county already has adequate child care facilities.

E. If any density bonus, incentive, parking reduction, or waiver is approved pursuant to section 18.107.150 or section 18.107.160 for a residential project, the applicant shall enter into an affordable housing agreement with the county, in a form acceptable to the planning director and county counsel. The affordable housing agreement shall be a legally binding agreement between the applicant and the county to ensure that the requirements of this Chapter are satisfied and may be combined with the affordable housing agreement required in section 18.107.130. The executed affordable housing agreement shall be recorded against the residential project prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the residential project. The affordable housing agreement shall be binding on all future owners and successors in interest.

F. Unless otherwise permitted pursuant to the terms of a recorded affordable housing agreement, all required target units shall be constructed prior to or concurrently with the construction of market rate units. No temporary or permanent certificate of occupancy for any new market rate unit in a residential project shall be issued until permanent certificates of occupancy have been issued for the required target units. Release of utilities shall not be authorized for any residential project until notification is received from the planning director that all requirements of this Chapter have been met.

**18.107.190 General—No conflict with state law**

If any section of this Chapter conflicts with Government Code Section 65915 or other applicable state law, state law shall supersede this Chapter.

**18.107.200 General—Refunds.**

Whenever a person or entity pays the housing fees established by this Chapter and thereafter fails to proceed with the development in a timely manner so that the privilege of doing so has elapsed, the county shall refund any fees paid by the person if the person or entity submits a written request for a refund to the planning director within ninety days of the date when the privilege of proceeding with the development elapsed.

**18.107.210 General—Enforcement.**

A. It shall be a misdemeanor for any person to sell or rent an affordable unit or target unit at a sales price or rent exceeding the maximum sales price or rent allowed by this Chapter, or to a household not qualified to purchase or rent an affordable unit or target unit pursuant to this Chapter.

B. The office of county counsel or the district attorney, as appropriate, shall be authorized to enforce the provisions of this Chapter and all affordable housing agreements, rent regulatory agreements, resale controls, and all other agreements placed on affordable units or target units hereunder, by civil action and any other proceeding or method permitted by law.

C. Failure of any official to fulfill the requirements of a provision of this Chapter shall not excuse any applicant from fulfilling the remaining requirements of this Chapter.

**18.107.220 General—Waiver.**

A. As part of an application for the first approval of a residential project or nonresidential development, an applicant may apply for a reduction, adjustment, or waiver of the requirements of this Chapter based upon a showing that applying the requirements of this Chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result. The applicant shall set forth in detail the factual and legal basis for the claim, including all supporting technical

documentation, and shall bear the burden of presenting the requisite evidence to demonstrate the alleged unconstitutional result. The county may assume each of the following when applicable:

1. The applicant will benefit from the incentives set forth in the county code; and
2. The applicant will be obligated to provide the most economical affordable units feasible in terms of financing, construction, design, location and tenure.

B. The approval authority, based upon legal advice provided by or at the behest of county counsel, may approve a reduction, adjustment, or waiver if the approval authority determines that applying the requirements of this Chapter would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property. The reduction, adjustment, or waiver shall be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, and based on legal analysis and the evidence. If a reduction, adjustment, or waiver is granted, any change in the residential project shall invalidate the reduction, adjustment, or waiver, and a new application shall be required for a reduction, adjustment, or waiver pursuant to this Section.

### **18.107.230 General—Definitions.**

Unless the context clearly requires otherwise, the definitions in this Section shall govern the provisions of this Chapter.

“Addition” means the addition of gross square feet to an existing structure.

“Affordable rent” means monthly rent, including utilities and all fees for housing services, that does not exceed:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: sixty percent of the median income for the county, multiplied by thirty percent and divided by twelve.

Affordable rent shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

“Affordable sales price” means the maximum purchase price that will be affordable to the specified household at the specified income level. The purchase price shall be considered affordable only if it is based on a reasonable down payment, and monthly housing payments (including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowners association dues, property maintenance and repairs, and a reasonable allowance for utilities), all as determined by the county, that are equal to or less than:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: seventy percent of the median income for the county, multiplied by thirty percent and divided by twelve.
3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty-five percent and divided by twelve.

Affordable sales price shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

“Affordable units” means those deed-restricted dwelling units which are required to be offered for sale at an affordable sales price to specified households pursuant to section 18.107.080 or which the applicant proposes to offer for rent at an affordable rent pursuant to section 18.107.110 or which the applicant constructs pursuant to an equivalency proposal approved pursuant to section 18.107.100.

“Annual household income” means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

“Density bonus” means a density increase over the otherwise allowable maximum residential density for a residential project.

“Density bonus units” means those dwelling units allowed pursuant to the provisions of this Chapter which exceed the maximum residential density for a residential project.

“Development standard” means a site or construction condition that applies to a residential project pursuant to any ordinance, general plan element, specific plan, or other county condition, law, policy, resolution, or regulation. A “site and construction condition” is a development regulation or law that specifies the physical development of a site and buildings on the site in a residential project.

“Discretionary permit” means any permit issued pursuant to Title 17 or Title 18 of this code which requires the exercise of judgment or deliberation from the decision-making body, including but not limited to, use permits, variances, site plan approval, general and specific plan amendments, zoning amendments, and the approval of tentative, final or parcel maps.

“Floor area” for a residential project is that area included within the surrounding walls of a dwelling unit as calculated by the building division in accordance with its standard practice. This area does not include garages, carports or common areas.

“Gross square feet” is the area included within the surrounding walls of a structure as calculated by the building division in accordance with its standard practice. This area does not include garages or carports. The gross square footage of any tank or wine crush pad or similar non-walled wine-related structure shall be included in the gross square feet of a nonresidential development.

“Housing board” means any affordable housing fund board established pursuant to section 18.107.020 as advisory to the board of supervisors.

“Housing director” means the county executive officer or the designee of such person.

“Housing fund” means the affordable housing fund for the county established pursuant to section 18.107.020 of this Chapter.

“Low income households” are those households whose income does not exceed the low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, section 6932 (or its successor provision) by the California Department of Housing and Community Development.

“Market rate units” means dwelling units in a residential project which are not affordable units or target units.

“Maximum residential density” means the maximum number of dwelling units permitted in a residential project by the county’s zoning ordinance and by the land use element of the county general plan on the date that the application for the residential project is deemed complete, excluding any density bonus. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of general plan, the land use element density shall prevail.

“Median income” means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

“Moderate income households” are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

“Nonresidential development” means any development in the county for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

“Residential project” means any development for which a discretionary permit or building permit is required that includes the creation of one or more additional dwelling units, an addition to a dwelling unit, conversion of nonresidential uses to dwelling units, or a condominium conversion.

“Residential ownership project” means any residential project that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes the conversion of apartments to condominiums.

“Residential rental project” means any residential project that creates residential dwelling units that cannot be sold individually.

“Senior citizen residential project” means a senior citizen housing development with at least thirty-five dwelling units as defined in Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to Civil Code Sections 798.76 or 799.5.

“Target unit” means a deed-restricted dwelling unit within a residential project which is reserved for sale or rent, at an affordable rent or affordable sales price, to very low, low, or moderate income households, and which qualifies the residential project for a state density bonus and incentives pursuant to section 18.107.150 and section 18.107.160. On-site affordable units required by section 18.107.080 shall not be counted as target units for the purpose of granting a state density bonus or state incentives.

“Very low income households” are those households whose income does not exceed the very low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

**SECTION 4.** The amendments set forth in this Ordinance implement programs within the 2009 Housing Element Update. An Environmental Impact Report, which contemplated the amendments set forth herein, was prepared as part of the 2009 Housing Element Update process that was certified by the Board of Supervisors on June 23, 2009. No substantial evidence, as required by the CEQA Guidelines, section 15162, has been submitted that would require preparation of a subsequent or supplemental EIR, based on the following:

- a. No substantial changes have been proposed in the Project.
- b. No evidence of changed circumstances, or new information of substantial importance to the Project, has been submitted into the record, nor has any substantial evidence been introduced into the record showing that changed circumstances or new information would result in new environmental

impacts, or substantially increase the severity of those already identified, nor is there substantial evidence in the record of new feasible mitigation measures or alternatives.

Further, state law mandates that the county shall adopt an ordinance that specifies how compliance with Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code will be implemented. The portions of this Ordinance that implement Chapter 4.3 are exempt from the California Environmental Quality Act pursuant to the “common sense exemption” (14 CCR 15061(b)(3)) because it can be seen with certainty that there is no possibility that the portions of the Ordinance implementing Chapter 4.3 may have a significant effect on the environment, in that its provisions for density bonuses and other incentives merely incorporate provisions of the existing county code (Chapter 18.82) and existing state law (Chapter 4.3 of Division 1 of Title 7 of the Government Code), which the county must comply with even if fails to adopt the Ordinance (Government Code Section 65915(a)).

**SECTION 5.** Pursuant to Chapter 4, Title 7, commencing with Section 65800, of the Government Code, this Ordinance specifically implements the following policies and programs included in the 2009 Housing Element Update: Policies H-2c, H-2e, H-2f, H-2h, H-4h, and H-5b; Objectives H-1b, H-2a, and H-3b; Programs H-1b, H-2a, H-2c, H-2d, H-2h, H-2l, H-3b, H-3c, H-3f, H-4b, and H-5b.

**SECTION 6.** 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 7.** This Ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 8.** 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 introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_

ABSTAIN: SUPERVISORS \_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_

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

ATTEST: GLADYS I. COIL  
Clerk of the Board of Supervisors

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

**APPROVED AS TO FORM**  
**Office of County Counsel**  
By:  
Deputy County Counsel  
By:  
County Code Services  
Date:

**APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS**  
Date: \_\_\_\_\_  
Processed by:  
\_\_\_\_\_  
Deputy Clerk of the Board

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

GLADYS I. COIL, CLERK OF THE BOARD