

Town of Yountville

## Ordinance Number 24-529

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE  
AMENDING SECTIONS 17.48.040 AND 17.48.050 OF CHAPTER 17.48 OF TITLE 17  
OF THE YOUNTVILLE MUNICIPAL CODE TO REVISE TYPES OF USES  
REQUIRING A USE PERMIT TO OPERATE IN PUBLIC FACILITIES ZONE**

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**WHEREAS**, Government Code section 65850 authorizes the Town Council to amend zoning ordinances and Government Code sections 65853 through 65857 provide procedures therefor.

**WHEREAS**, Yountville Municipal Code (YMC) Chapter 17.184 authorizes the Town Council to approve amendments to the Zoning Ordinance whenever the public necessity, convenience, or general welfare require such amendment and contains procedures therefore.

**WHEREAS**, YMC section 17.184.020 authorizes amendments to the Zoning Ordinance to be initiated by the Planning Officer.

**WHEREAS**, the Town's Planning Officer/Director initiated amendments to the Zoning Ordinance which would revise YMC sections 17.48.040 and 17.48.050 governing the types of uses permitted to operate within in the Public Facilities Zoning District (the "PF Zone") with or without a use permit.

**WHEREAS**, the proposed Zoning Ordinance amendments would revise the types of uses required to obtain a use permit to operate in the PF Zone and provide that uses subject to a Town agreement are permitted within the PF Zone without a use permit.

**WHEREAS**, in accordance with Government Code sections 65854 and 65855 and YMC section 17.184.050, the Town's Zoning & Design Review Board (ZDRB) held a duly noticed public meeting on May 14, 2024, to discuss and receive evidence regarding the proposed Zoning Ordinance amendments.

**WHEREAS**, the ZDRB found the proposed Zoning Ordinance amendments would be consistent with the Town's General Plan and further the public interest, health, safety, convenience, and welfare of the Town, and recommended the Town Council approve the Zoning Ordinance amendments.

**WHEREAS**, the Town Council conducted a duly noticed public hearing on May 21, 2024, to receive comments and input from the public on the proposed Zoning Ordinance amendments and considered the effect of the proposed amendments in accordance with Government Code section 65863.6.

**Now, therefore, the Town Council of the Town of Yountville does ordain as follows:**

SECTION 1. RECITALS: The foregoing recitals are true and correct and incorporated into the findings herein.

SECTION 2. RECORD: The Record of Proceedings ("Record") upon which the Town Council bases its decision includes, but is not limited to: (1) the staff reports, Town files and records and other documents prepared for and/or submitted to the Town relating to the proposed Zoning Ordinance amendments, (2) the evidence, facts, findings and other determinations set forth in this Ordinance, (3) the Town of Yountville General Plan and its certified final EIR and the Yountville Municipal Code, (4) all designs, plans, studies, data and correspondence submitted to the Town in connection with the proposed Zoning Ordinance amendments, (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the Town relating to the proposed Zoning Ordinance amendments, and (6) all other matters of common knowledge to the Town Council including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town of Yountville and its surrounding areas.

SECTION 3. FINDINGS: The Town Council hereby makes the following findings as required by YMC Section 17.184.060 with respect to the Zoning Ordinance amendments at issue based on the evidence contained in the Record which is herein incorporated by reference:

*A. The proposed amendment would further the goals, objectives, policies and programs and is consistent with the intent of the General Plan;*

The proposed amendment is consistent with the goals, objectives, policies, and programs and the intent of the General Plan as the code amendments would allow more flexibility to regulate proposed uses in the PF- Public Facilities zoning district. The amendment would further General Plan Goal LU-8 ("Continue to maintain and improve all public facilities and services for residents") because the Town will be able to offer a wider variety of services to the community through a clearer and more streamlined approval process.

*B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town;*

The proposed amendment would benefit the public interest, health, safety, convenience, and welfare of the Town, as the proposed code amendment would provide for greater flexibility to regulate uses proposed in the PF-Public facilities zone. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town, as any new use authorized by agreement would still require individual approval by the Town Council.

*C. For amendments involving a zoning or land use map amendment, the site is physically suitable, including consideration of physical constraints, access,*

*compatibility with surrounding land uses, and provision of utilities, for the requested or potential land uses.*

The proposed amendments do not involve changing the zoning map or land use designation for any site. The proposed amendment is to provide for an agreement to be approved by the Town Council for other authorized uses not listed in the PF-Public Facilities zone as a permitted use with approval by the Town Council.

**SECTION 4. CODE AMENDMENT:** YMC section 17.48.040 is hereby repealed and replaced to read as follows (additions denoted with underlined text and deletions denoted with ~~struck through~~ text):

**17.48.040 Permitted uses.**

The following uses are permitted in the PF, Public Facilities, designation:

- A. All public facilities operated by the Town of Yountville, the County of Napa, the State of California, the government of the United States, the Napa Valley Unified School District for educational and support functions, any other public district;
- B. Quasi-public services;
- C. Emergency shelters as regulated by Chapter 17.172 of this title; and
- D. Any other use authorized by an agreement approved by the Town Council, including but not limited to a development agreement under Chapter 17.216 of this title.

**SECTION 5. CODE AMENDMENT:** YMC section 17.48.050 is hereby repealed and replaced to read as follows (additions denoted with underlined text and deletions denoted with ~~struck through~~ text):

**7.48.050 Uses requiring a use permit.**

The following new and expanded uses shall require a use permit as regulated by Chapter 17.200 of this title and shall be subject to design review approval as regulated by Chapter 17.188 of this title:

- ~~A. Outdoor recreation;~~
- ~~B. Indoor recreation and fitness center;~~
- AG. Skilled nursing facility;
- BD. Congregate housing;
- ~~E. Day care center;~~

CF. Utility facilities;

DG. Rooftop uses, as regulated by Chapter 17.104 of this title; and

EH. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

SECTION 6. CEQA: The Town Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect and/or physical change on the environment. This Ordinance will not result in a significant foreseeable environmental impact or physical change in the environment.

SECTION 7. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 8. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 9. INCONSISTENT PROVISIONS: Any provision of the Yountville Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

SECTION 10. CERTIFICATION: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 21<sup>st</sup> day of May, 2024.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 21<sup>st</sup> day of May, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Margie Mohler, Mayor

ATTEST:

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Hilary Gaede, Acting Town Clerk

APPROVED AS TO FORM:

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Gary B. Bell, Town Attorney

I, Hilary Gaede, ACTING TOWN CLERK of the Town of Yountville, California, do hereby certify that the foregoing was regularly introduced and placed upon its first reading at a regular meeting of the Town Council on the 21<sup>st</sup> day of May, 2024. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the Town Council on the 4th day of June 2024.

by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Hilary Gaede, Acting Town Clerk