

Town of Yountville
Ordinance Number 23-521

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE AMENDING YOUNTVILLE MUNICIPAL CODE SECTIONS 17.12.010 AND 17.236.010 TO PROHIBIT GAS OR FUELING STATIONS WITHIN THE TOWN; DEFINING TERMS FOR THAT PURPOSE; AND FINDING THE AMENDMENTS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Town places a high value on environmental protection and the Town's General Plan identifies goals, policies, and programs to conserve, protect and improve natural resources and to reduce greenhouse gas ("GHG") emissions;

WHEREAS, on September 20, 2016, the Town adopted a Climate Action Plan that establishes actions the Town's government and community can take to reduce emissions to 20 percent below 2010 levels by the year 2020;

WHEREAS, on September 8, 2016, Governor Brown signed Senate Bill 32, requiring a statewide reduction in GHG emissions of 40% below 1990 levels by 2030;

WHEREAS, on January 26, 2018, Governor Brown issued Executive Order B-48-18, calling for an acceleration in the number of zero-emission vehicles (ZEVs) in California (targeting 5 million ZEVs by 2030) and investing \$2.5 billion to increase the availability of electric vehicle charging stations and other ZEV infrastructure;

WHEREAS, on September 10, 2018, Governor Brown issued, and Governor Newsom has since affirmed, Executive Order B-55-18, calling for the State of California to achieve carbon neutrality no later than 2045;

WHEREAS, on September 23, 2020, Governor Newsom issued Executive Order N-79-20 setting 2035 as the year when all new passenger cars and trucks sold in California must be zero emission;

WHEREAS, on August 5, 2021, President Biden signed Executive Order 14037 (Strengthening American Leadership in Clean Cars and Trucks), setting a goal that 50% of all new passenger cars and light trucks sold in the United States be ZEVs by the year 2030; and

WHEREAS, the transportation sector accounts for 47% of all GHG emissions generated within Yountville according to Napa County's Regional 2019 Community Greenhouse Gas Inventory; and

WHEREAS, on March 15, 2022, the Town issued a proclamation declaring a climate emergency and a goal of net zero climate pollution; and

WHEREAS, on the June 20, 2023, Town Council meeting, the Council heard a presentation from the Napa Schools for Climate Action promoting climate education and legislation within the community. At that meeting, the Town Council directed staff to come back with an amendment to prohibit gas or fueling stations; and

WHEREAS, on August 8, 2023, the Zoning and Design Review Board (ZDRB) considered the proposed amendments and adopted Resolution No. 23-001 recommending the Town Council approve the proposed amendments; and

WHEREAS, the proposed Zoning Ordinance text amendments would reinforce, and be consistent with, existing Town policies and General Plan; and

WHEREAS, notice for the public hearing on the proposed amendments to the Zoning Ordinance was provided in compliance with Government Code sections 65090 and 65091;

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 are 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 ordinance, (2) the evidence, facts, findings and other determinations set forth in this resolution, (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 ordinance (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the Town, 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.

The location and custodian of the records is the Town of Yountville Planning and Building Department at 6550 Yount St, Yountville, CA 94599.

SECTION 3. CODE AMENDMENT: Section 17.12.010 of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

A. **Allowable Use.** The use of land shall be restricted as set forth in the applicable zoning district regulations and as summarized in Table 17.12-1, Use Table. Uses identified in the table as "P", or permitted, are allowable when operated and maintained in compliance with all requirements of Title 17. Uses identified as "UP" shall require issuance of a use permit as regulated by Chapter 17.200, Use Permits, prior to being established or operated. Uses identified as "AP" shall require issuance

of an administrative use permit as regulated by Chapter 17.196, Administrative Use Permits.

B. Uses Not Listed. If a use is not identified as permitted or allowed in the applicable zoning district regulations, as summarized in Table 17.12-1 of this chapter, it is prohibited unless a finding is made by the Town Council or the Planning Officer that the use is similar in kind to listed uses. In such instance, the use shall be subject to the “P”, “UP” or “AP” designation of the similar use identified.

C. Expressly Prohibited. The following uses are expressly prohibited:

1. Short-term rental unit, and
2. Uses prohibited by State or Federal law.
3. Gas stations or fueling stations, as defined by Chapter 17.236; provided, however, that a gas station or fueling station lawfully operating in existence before November 2, 2023 shall be considered a legal nonconforming use and may be continued, subject to the nonconforming use provisions set forth in Chapter 17.232.

D. Master Development Plans and Development Agreements. In the case of a site subject to an approved Master Development Plan or development agreement, the land use requirements of the Master Development Plan or development agreement shall apply.

E. Multiple Uses on a Single Site. Where a proposed project includes multiple land uses, each shall be considered separately and must comply with the use restrictions in the applicable zoning district.

F. Permit Requirements. Any land use permit or other approval required by Title 17 or the Yountville Municipal Code shall be obtained before the proposed use is constructed, otherwise established or put into operation.

G. Development Standards. The use of land or new construction shall comply with all applicable requirements of this Zoning Ordinance. In the case of a site subject to an approved Master Development Plan or development agreement, the land use requirements of the Master Development Plan or development agreement shall be those applicable.

H. Conditions of Approval. The use of land and/or structures shall comply with any applicable conditions imposed by any previously granted land use permit or other approval.

SECTION 4. CODE AMENDMENT: Section 17.236.010 of Title 17 of the Yountville Municipal Code is hereby amended to add the following definition:

"Gas station" or "fueling station" means a retail business selling, storing and/or dispensing gasoline, diesel, or any other fossil fuel-based motor vehicle fuels.

SECTION 5. ZONING AMENDMENT FINDINGS: The Town Council hereby makes the following findings as required by YMC Section 17.184.060 with respect to the Zoning Ordinance amendment at issue based on the evidence contained in the Record which is herein incorporated by reference:

1. The proposed amendment(s) would further the goals, objectives, policies and programs and is consistent with the intent of the General Plan;

Yountville has existing policies, plans, programs, resources, and institutions that are already in place to adapt climate change and reduce potential impacts. The proposed Ordinance is consistent with the General Plan objectives, policies, and implementation programs of the Safety Element. The Safety Element includes section 9.5 - Climate Change Adaption and Resilience. Adaptive capacity is the current ability of a community to address the potential impacts of climate change.

General Plan Goal SH-1: Maintain high levels of public safety and emergency preparedness and SH-1.11 Climate Change Adaption and Resiliency to prepare for and respond.

Additionally, the proposed ordinance amendment is consistent with the Open Space- and- Conservation element of the General Plan. Section 8.9 of the General Plan addresses Greenhouse Gas Emissions. The Town recognizes its vital role in the mitigation of greenhouse gas emissions and adapting to climate change.

In 2016, the Town adopted a Climate Action Plan that established further actions the Town and community could take to reduce emissions. The Climate Action Plan includes: (a) emergency efficiency and renewable energy actions to reduce fossil fuel energy use in the operation of buildings and facilities, (b) transportation actions to encourage walking, bicycling, and the use of public transportation and electric vehicles, (c) waste reduction, reuse, and recycling actions to divert or eliminate materials from landfill, (d) water and waste water actions to conserve potable water and improve the methane recapture program at the Town's waste water treatment plant, and (e) actions to sequester greenhouse gas emissions in trees and in natural systems.

The adoption of an Ordinance that prohibits gas stations or fueling stations helps to further the Town's General Plan goals of addressing potential impacts of climate change as well as further the Town's Climate Action Plan.

2. The proposed amendment(s) would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town;

The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town because the Town seeks to preserve and enhance the environmental setting, unique characteristics, and aesthetic quality of the Town of Yountville.

3. 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 to prohibit new fueling stations/gas station land use in the Town of Yountville is desirable, and because the proposed amendment is consistent with the General Plan and the Climate Action Plan.

SECTION 6. CEQA: The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. To the extent this Zoning Ordinance amendment is a project subject to the requirements of CEQA, it is categorically exempt pursuant to CEQA Guidelines sections 15301 (operation of existing public or private structures involving no expansion of existing or former use); 15307 (actions by regulatory agencies for protection of natural resources); and 15308 (actions by regulatory agencies for protection of the environment); based on the following:

Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. The proposed Zoning Ordinance text amendments at issue herein prohibit new gas stations in all zoning districts. As a result of the amendments, there will be no construction and operation of new gas stations, thereby avoiding any direct or indirect physical change in the environment resulting from such activities and preserving the status quo.

CEQA Guidelines section 15301 exempts projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures or facilities, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. The amendments at issue herein prohibit the construction of new gas or fueling stations and is meant to preserve the status quo of existing gas stations, with no expansion of existing use.

CEQA Guidelines Section 15307 exempts projects undertaken by regulatory agencies, such as the Town of Yountville, to assure the maintenance, restoration, or enhancement of a natural resource(s) where the regulatory process involves procedures for protection of the environment. The amendments at issue herein represent an action of the Town, consistent with the policies of the Town's General Plan, to maintain and protect natural resources. Specifically, the amendments prohibit new gas stations so as to reduce greenhouse gas emissions resulting from the burning of gasoline, diesel, and other fossil fuels and the ensuing impacts of climate change including, but not limited to increasing temperatures, changing weather patterns, drought conditions, and rising sea levels, all of which have a negative impact on the condition of natural resources. The amendments likewise minimize the potential for future groundwater, surface water, and/or soil contamination due to fuel spills and/or leaking underground tanks, and air pollutant emissions resulting from new gas stations.

CEQA Guidelines Section 15308 exempts projects undertaken by regulatory agencies, such as the Town of Yountville, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Zoning Ordinance text amendments at issue herein represent an action of the Town, consistent with the policies of the Town's General Plan, to protect the environment. Specifically, the amendments prohibit new gas stations so as to reduce greenhouse gas emissions resulting from the burning of gasoline, diesel, and other fossil fuels and the ensuing impacts of climate change including, but not limited to increasing temperatures, changing weather patterns, drought conditions, and rising sea levels, all of which have a negative impact on the environment. The amendments likewise minimize the potential for future groundwater, surface water, and/or soil contamination due to fuel spills and/or leaking underground tanks, and air pollutant emissions resulting from new gas stations.

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 and be enforced within thirty (30) days from and after the date of its adoption by the Town Council at a second reading and shall be posted and published in accordance with the California Government Code.

SECTION 9. INCONSISTENT PROVISIONS. Any provision of the Yountville Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent such inconsistencies exist, 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 September day of 19, 2023.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 3rd day of October 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Margie Mohler, Mayor

ATTEST:

Eddy Gonzales, Town Clerk

APPROVED AS TO FORM:

Gary B. Bell, Town Attorney

I, Eddy Gomez, 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 19th day of September 2023. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the Town Council on the 3rd day of October 2023.

by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eddy Gomez, Town Clerk