COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

USE PERMIT VERY MINOR/MINOR MODIFICATION

APPLICATION PACKET

1. Use Permit Minor Modification Completeness Checklist
2. Application Form
3. Statement of Request
4. Use Permit Minor Modification Procedures
5. Indemnification Agreement
6. Plan Requirements
7. Adjoining Property Owner's List Requirements
8. Sample Graphics
9. Code Reference

MINOR MODIFICATION OF USE PERMIT
APPLICATION COMPLETENESS CHECKLIST

1. ___ Application Form

2. ___ Statement of Request

3. ___ To-Scale Plot Plan (including one clear black-line reduction on 8½" by 11" paper)

4. ___ To-Scale Floor Plan (including one clear black-line reduction on 8½" by 11" paper)

5. ___ To-Scale Building Elevations (including one black-line 8½" by 11" reduction for each elevation provided)

6. ___ **SIGNED** Indemnification Agreement, by the property owner of record

7. ___ Title Insurance Co. Certified List of All Property Owners within **1000** feet of the Subject Parcel Specifying Name, Address, and Parcel Number

8. ___ Assessor's Pages Used in Compiling Property Owners List

9. ___ Check for $_____ Payable to Napa County (*please call for current fees*)

10. ___ Additional Information that may be required by the Director

___ _____

___ _____

___ _____

A Tradition of Stewardship
A Commitment to Service

FILE #_____

COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

VERY MINOR/MINOR MODIFICATION APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____

TYPE OF APPLICATION: _____ Date Published: _____

REQUEST: _____ Date Complete: _____

_____

_____

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

PROJECT NAME: _____

Assessor's Parcel #: _____ Existing Parcel Size: _____

Site Address/Location:_____
No. Street City State Zip

Property Owner's Name: _____

Mailing Address:_____
No. Street City State Zip

Telephone #:(____)_____-_____ Fax #: (____)_____-_____ E-Mail: _____

Applicant's Name:_____

Mailing Address:_____
No. Street City State Zip

Telephone #:(____)_____-_____ Fax #: (____)_____-_____ E-Mail: _____

Status of Applicant's Interest in Property:_____

Representative Name: _____

Mailing Address: _____
No. Street City State Zip

Telephone # (____) _____ Fax #: (____) _____E-Mail: _____

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

_____ _____
Signature of Property Owner Date Signature of Applicant Date

_____ _____
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING AND ENVIRONMENTAL SERVICES

Application Fee $_____ Receipt No. _____ Received by: _____Date: _____

MODIFICATION OF USE PERMIT APPLICATION

PROCEDURES

A Use Permit is required prior to construction of buildings, additions to buildings or operation of certain uses in certain zoning districts.

Pursuant to Section 18.124.130 of the County Zoning Ordinance, a **very minor** or **minor modification** of an approved Use Permit in regard to project design or permit conditions which do not affect the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation for the project, may be submitted to the Zoning Administrator for approval, without a public hearing.

A **very minor or minor modification** cannot be considered or approved if the result of the requested minor modification would result in any structure being increased more than ten percent in size based on the size approved under the original use permit, except to the extent necessary to enclose equipment whose permanent installation outdoors was approved by the original use permit.

IF THE DEPARTMENT DETERMINES THAT YOUR REQUEST WOULD NOT BE CONSIDERED A **VERY MINOR/MINOR MODIFICATION**, THEN YOUR REQUEST MUST BE PROCESSED IN THE SAME MANNER AND IN COMPLIANCE WITH THE PROCEDURES FOR A **USE PERMIT**, INCLUDING COMPLETION OF APPROPRIATE ADDITIONAL FORMS AND PAYMENT OF APPLICABLE PERMIT FEES. YOU WILL BE NOTIFIED PROMPTLY.

1. To request a very minor/minor modification of an approved Use Permit, the applicant must submit a written Statement of Request which must include, but not limited to, the following information:

    a. The project/applicant's name, address and telephone number
    b. A detailed narrative of the Modification request
    c. The project name, Assessor's Parcel Number and Use Permit Number of the approved project to be modified. Attach copies of applicable **approved** and **proposed** plot plans, floor plans, and elevation plans

2. The Planning Division will review the materials submitted to make sure that the request can be considered as a very minor/minor modification. Each item submitted will be reviewed for accuracy and completeness.

3. All applications accepted for processing will be referred to applicable County Departments, Divisions and public agencies for review, recommendation, and conditions.

4. An assessment of the project's potential impact(s) on the environment will be conducted. If the project is determined to affect the intensity or environmental impact of or substantially alter or delete any environmental mitigation measure for the original project, this modification request cannot be considered for approval as a minor modification.

5. If the Planning Division determines, based on that assessment, that the project is exempt from further environmental review, the project will be scheduled for a hearing before the Zoning Administrator.

6. At the close of the hearing, the Zoning Administrator will take formal action to approve, conditionally approve, or deny the modification request, or refer the matter to the Planning Commission for further consideration.

APPEALS

The modification is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Applicant	Property Owner (if other than Applicant)
Date	Project Identification

REQUIREMENTS FOR REQUESTS TO MODIFY APPROVED PLANS

PLOT PLAN REQUIREMENTS

If a modification of the plot plan is being requested, one (1) copy of the **original** plot plan and four (4) copies of the **modified** plot plan, drawn to scale, should be submitted showing the following information:

a) Property lines of the subject parcel.

b) Name of property owners and assessor's parcel numbers.

c) Location and names of all streets and rights-of-way serving the parcel(s).

d) Topography in sufficient detail to properly assess the relationship of the proposed project and/or use to the contour of the land.

e) Location of any drainage courses, ponds or reservoirs on or adjoining the parcel(s).

f) Location and setbacks of existing and proposed property improvements (structures, waste disposal systems, wells, access roads and parking, etc.) from the property line(s) of the subject parcel.

g) North arrow, graphic map scale, date plan prepared, and applicant's name.

FLOOR PLAN REQUIREMENT

If modification of the floor plan is requested, one (1) copy of the **original** floor plan and four (4) copies of the **modified** floor plan, drawn to scale, should be submitted showing the following information:

a) Name of property owner and assessor's parcel numbers.

b) Dimensions and area of all rooms.

c) Use of each room within each structure.

d) Location of emergency exits.

e) Graphic map scale, date of plan preparation, and applicant's name.

BUILDING ELEVATION REQUIREMENTS

If modification of the elevation is requested, one copy of the **original** approved elevation and four (4) copies of the **revised** elevations of any proposed new buildings or building additions shall be submitted. All sides of buildings shall be shown. The plans shall be drawn to scale and indicate building heights and materials, as well as any roof top features including air conditioning units, vents, chimneys, etc.

FOR ADDITIONAL OR DETAILED INFORMATION WRITE OR CALL:

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street Suite 210
Napa, CA 94559-3092
(707) 253-4417

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **1000 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information.

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½"by11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by Planning, Building, and Environmental Services.

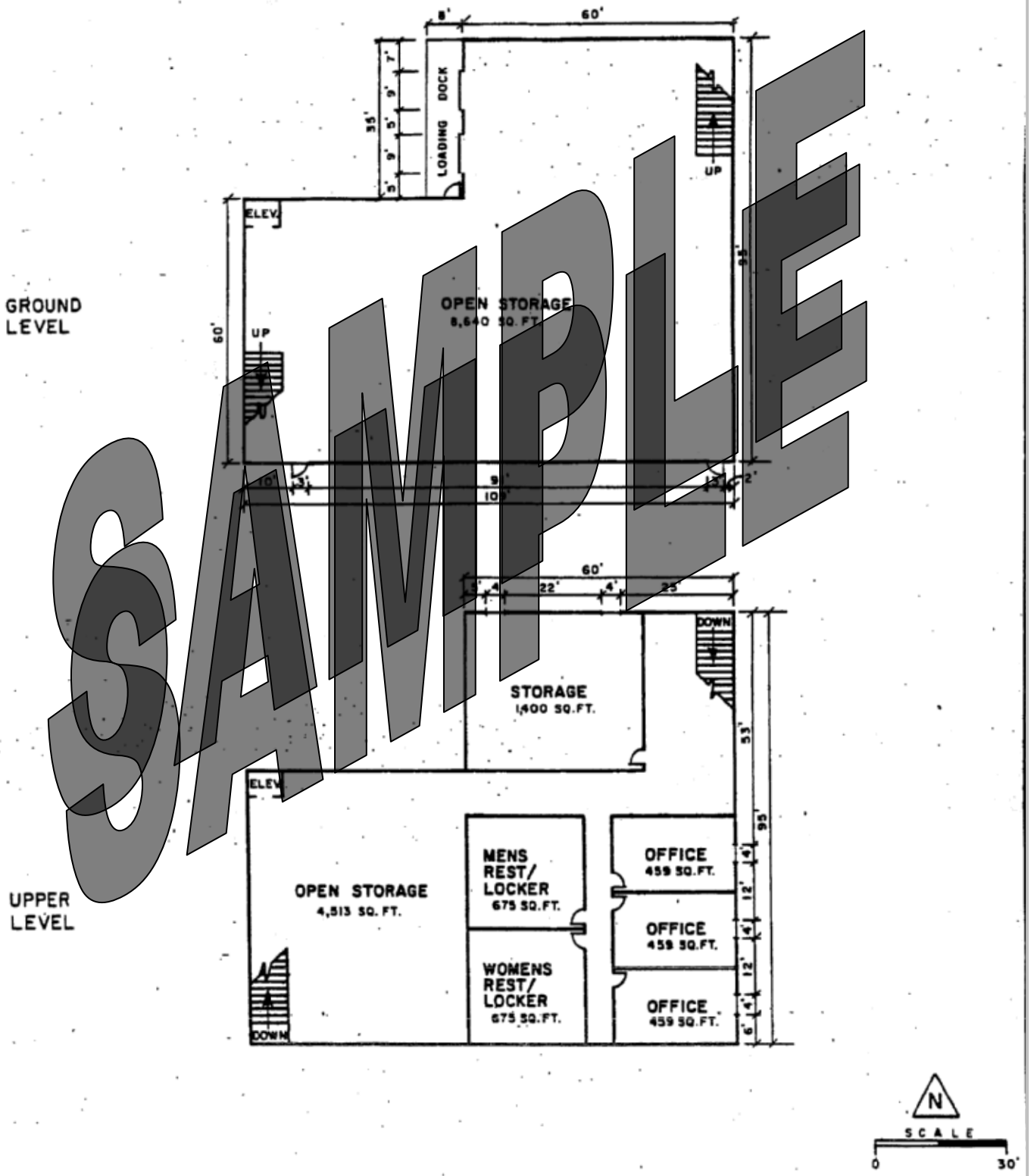
2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you should have any questions, please contact Planning, Building, and Environmental Services at 707/253-4417.

ASSESSOR PARCEL No. _____

FILE No. _____ DATE OF DRAWING: _____

PROPOSED WAREHOUSE



SAMPLE

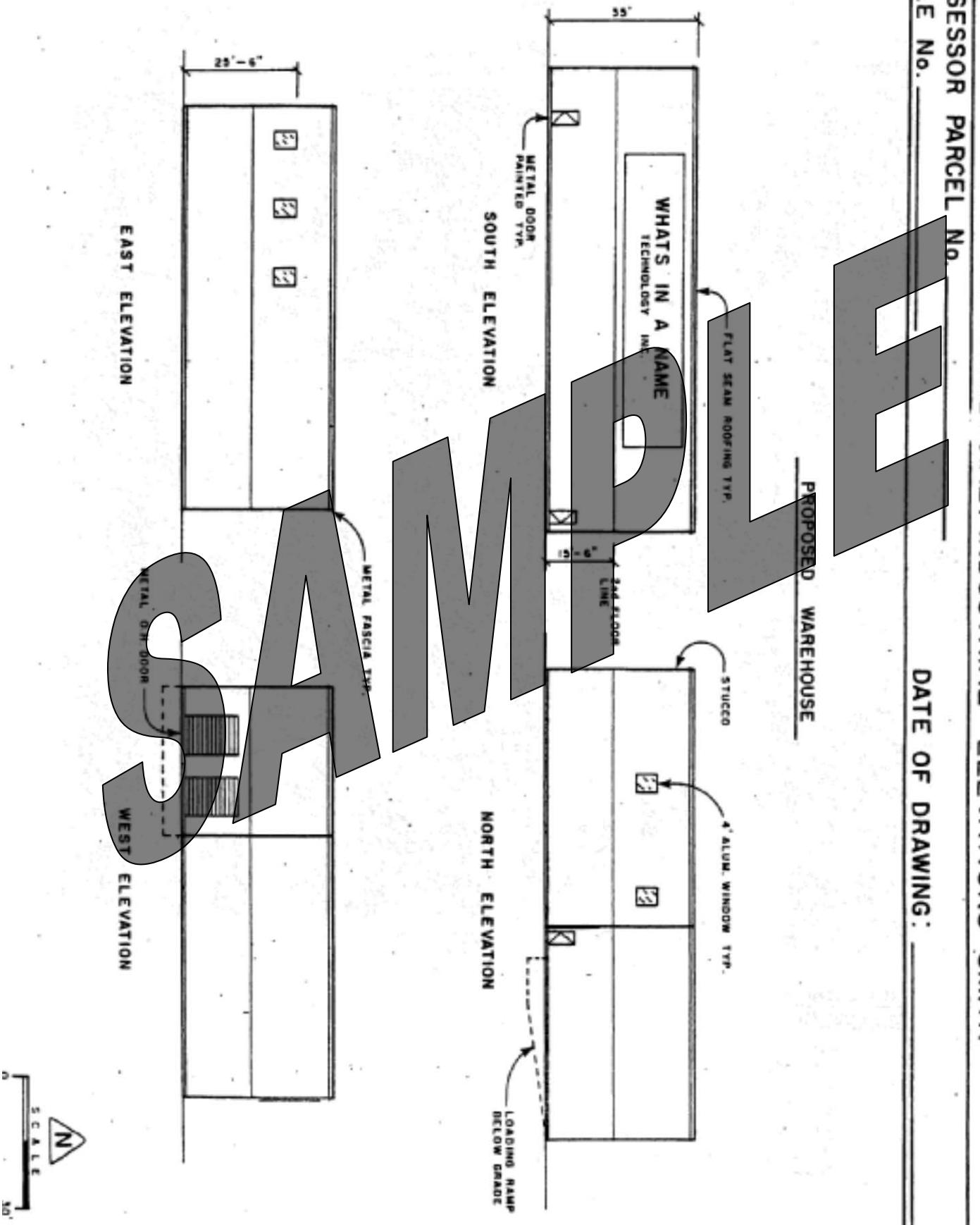
tang

EXAMPLE: COMMERCIAL/INDUSTRIAL ELEVATIONS-SMITH

ASSESSOR PARCEL No. _____

FILE No. _____

DATE OF DRAWING: _____



SAMPLE

18.124.130 - Use permit modifications—Procedure—Size limitation.

A. Except as otherwise provided in subsection (B) of this section, modifications to an approved use permit shall be processed in the same manner and in compliance with the procedures set forth herein for use permits and appeals, including notice and the payment of applicable permit application fees.

B. Upon receipt of a written request from the holder of a use permit, the zoning administrator may approve minor non-controversial modifications to approved use permits after giving notice of intent to approve or deny, but without a public hearing in regard to project design or permit conditions which do not affect the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project. Consistent with the foregoing, the zoning administrator may approve changes in location and/or size of approved structures or portions thereof, provided that, the zoning administrator shall not consider or approve a minor modification if the result of the approval of the requested minor modification would result in any structure or the aggregate of all approved structures being increased more than twenty-five percent in size or one story in height based on the size allowed under the approved use permit. Equipment enclosures whose permanent installation outdoors was approved by use permit are not subject to this size limitation.

1. Notice of intent to approve or deny, for purposes of this subsection, shall include a general explanation of the matter to be considered, a general description, in text or by diagram, of the location of the subject real property, and a statement that the zoning administrator intends to approve or deny the requested modification on a certain date not less than ten calendar days after the date of mailing of the notice unless a member of the public requests a public hearing prior to that date.

2. Notice of intent, for purposes of this subsection, shall be mailed or delivered as follows:

   a. To the owner of the subject real property or the owner's duly authorized agent and to the project applicant if she/he is neither the owner of the property nor the owner's duly authorized agent; and

   b. To all owners of real property, including businesses, corporations or other public or private entities, as shown on the latest equalized assessment roll within three hundred feet of the real property that is the subject of the proposed zoning change. In lieu of utilizing the assessment roll, the records of the county assessor or tax collector which contain more recent information than the assessment roll may be used.

3. If any member of the public requests a public hearing during the comment period, then the zoning administrator will provide public notice in accordance with Section 18.136.040 and conduct a public hearing.

C. Upon receipt of a written request from the holder of a use permit, the director may administratively approve very minor, non-controversial modifications to approved use permits without public notice, including, the following:

1. Additions of covers over previously approved pads;

2. Small (less than ten percent) changes in square footage or building footprint;

3. Realignment of internal circulation roads;

4. An extension of use permit expiration time not to exceed one year beyond the then-operative date of use permit expiration as established in conformance with this chapter, provided that the director shall not approve more than three such extensions of any one use permit or use permit modification approval; and

5. Similar items at the discretion of the director.

(Ord. 1206 § 37, 2002: Ord. 1104 § 41, 1996; Ord. 1082 § 12, 1995; Ord. 1009 § 10, 1992; Ord. 981 § 54, 1991: Ord. 979 § 5, 1991: Ord. 944 § 3, 1990: Ord. 916 § 7, 1989: Ord. 826 § 6, 1986; prior code § 12809)

(Ord. No. 1370, § 49, 3-20-2012)

Editor's note—

Ord. No. 1370, § 49, adopted March 20, 2012, amended § 18.124.130 title to read as herein set out. Former § 18.124.130 title pertained to use permit and small winery exempt modifications—procedure—size limitation.