

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or
right margins as vertical lines.

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,
STATE OF CALIFORNIA, AMENDING SECTIONS 18.08.040, 18.16.030,
18.20.030, 18.64.030, AND 18.104.220 OF TITLE 18 (ZONING) OF THE NAPA
COUNTY CODE REGARDING THE DEFINITION OF AGRICULTURE**

WHEREAS, Napa County adopted a comprehensive update to the General Plan in 2008, which reaffirmed the County’s longstanding commitment to ensure that agriculture and related activities remains the primary land use in the unincorporated area; and

WHEREAS, in support of this commitment, the 2008 General Plan included Policy AG/LU-2 which stated that: “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing; and

WHEREAS, the existing definition of Agriculture as contained in Section 18.08.040 of the Napa County Code does not include references to agricultural production and processing; marketing, sales, and other accessory uses; and/or farmworker housing, as referenced in Policy AG/LU-2; and

WHEREAS, the definition of Agriculture contained in the 2008 General Plan has been the controlling definition of Agriculture from 2008 because the General Plan is the charter to which zoning must conform and not the other way around; and

WHEREAS, to implement Policy AG/LU-2, the 2008 General Plan incorporated Action Item AG/LU-2.1, which stated: Amend County Code to reflect the definition of “agriculture” as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16, and that marketing activities and other accessory uses remain incidental and subordinate to the main use; and

WHEREAS, the inclusion of non-winery agricultural processing facilities in the definition of Agriculture did not alter any requirements these facilities must satisfy in order to obtain a conditional use permit in the Agricultural Preserve and Agricultural Watershed zoning districts and such facilities remain subject to the provisions of Sections 18.16.030(B) and 18.20.030(C), respectively;

WHEREAS, the intent and purpose of Policy AG/LU-2 and Action Item AG/LU 2.1 were both reaffirmed by the Planning Commission and the Board of Supervisors during their review of agricultural protection measures in 2016; and

WHEREAS, the proposed amendment is consistent with the 2008 General Plan as adopted by Napa County, and is consistent with the Environmental Impact Report as certified by Napa County for the General Plan; therefore, pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with a Community Plan, General Plan, or Zoning), no additional environmental review is required and the Board has complied with the requirements of the California Environmental Quality Act; and

WHEREAS, prior to the consideration and adoption of this ordinance, the noticing requirements of County Code Section 18.136.040 were complied with.

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

SECTION 1. Section 18.08.040 (Agricultural) of Chapter 18.08 (Definitions) of the Napa County Code is amended to read in full as follows:

18.08.040 Agriculture.

“Agriculture” means the raising of crops or livestock and includes the following:

A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;

B. Grazing of livestock and feeding incidental thereto;

C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production, except as provided in subsection (F) of this section;

D. [Production and processing of agricultural products, including agricultural processing facilities, but only upon grant of a use permit pursuant to Section 18.124.010, issuance of a small winery certificate of exemption pursuant to subsection \(H\) of Section 18.16.020 and subsection \(I\) of Section 18.20.020, or legal existence as a winery prior to July 31, 1974;](#)

E. Marketing, sales, and other accessory uses that are related, incidental and subordinate to the main agricultural processing use, but only upon grant of a use permit pursuant to Section 18.124.010, issuance of a small winery certificate of exemption pursuant to subsection (H) of Section 18.16.020 and subsection (I) of Section 18.20.020, or legal existence as a winery prior to July 31, 1974;

F. Farmworker housing as defined in Section 18.08.294 and is also consistent with the California Employee Housing Act;

G. Sale of agricultural products grown, raised or produced on the premises;

~~E.H.~~ Farm management uses meeting all of the standards in subsections ~~(E.H)~~(1) through ~~(E.H)~~(6) of this section. Farm management shall mean the operation, maintenance and storage of farm machinery, equipment, vehicles and supplies used exclusively for agricultural cultivation and harvesting where all machinery, equipment, vehicles and supplies are leased or owned and operated by the farm manager whether that manager is an owner, tenant, or agricultural contractor, and regardless of whether properties managed are contiguous or under similar ownership, provided that at least seventy-five percent of the managed acres are within Napa County. Farm management shall not include manufacturing for sale or retail sales of any kind and shall not include businesses devoted to equipment storage, rental or repair rather than farming. Farm management shall not include the operation, maintenance or storage of equipment used for construction of structures, even if those structures are in support of agriculture;

1. Offices used for farm management shall meet the definition of accessory uses in Section 18.08.020;

2. Farm management activities established or expanded after June 30, 2006, alone or in combination with any wineries subject to Section 18.104.220 shall not occupy more than fifteen acres or twenty-five percent of the parcel size, whichever is less;

3. No single farm management building or structure newly constructed or expanded after June 30, 2006 shall exceed five thousand gross square feet. Multiple smaller buildings are permitted as long as they conform to the lot coverage standard in subsection ~~(H.E)~~(2) above;

4. Uncovered storage areas shall be screened from preexisting residences on adjacent parcels and from designated public roads defined in Chapter 18.106. Screening shall generally consist of evergreen landscape buffers;

5. Farm managers shall possess all applicable local, state and federal permits and licenses;

6. All exterior lighting, including landscape lighting, for farm management uses shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations. Additionally, motion detection sensors must be incorporated to the greatest extent practical. No flood-lighting or sodium lighting of buildings is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction, two copies of a separate detailed lighting plan shall accompany building plans showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for department review and approval.

~~F.I.~~ Agriculture shall not include the raising and keeping of more than twenty-five roosters per acre, up to a maximum of one hundred roosters per legal parcel, except as may be permitted pursuant to Chapter 6.18.

SECTION 2. Section 18.16.030 (Uses permitted upon grant of a use permit) of Chapter 18.16 (AP Agricultural Preserve District) of the Napa County Code is amended to read in full as follows:

18.16.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all AP districts, but only upon grant of a use permit pursuant to Section 18.124.010:

A. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (M) of Section 18.16.020;

B. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;

C. Kennels and veterinary facilities;

D. Feed lots;

E. Noncommercial wind energy and conversion systems;

F. Wineries, as defined in Section 18.08.640;

G. The following uses in connection with a winery:

1. Crushing of grapes outside or within a structure,

2. On-site aboveground disposal of wastewater generated by the winery,

3. Aging, processing and storage of wine in bulk,

4. Bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,

5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:

a. Office and laboratory uses,

b. Marketing of wine as defined in Section 18.08.370,

c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;

H. The following uses, when accessory to a winery:

1. Tours and tastings, as defined in Section 18.08.620,

2. Display, but not sale, of art,

3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,

4. Sale of wine-related products,

5. Child day care centers limited to caring for children of employees of the winery;

I. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;

J. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;

K. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility;

L. Farm management uses not meeting one or more of the standards contained in subsections (HE)(2), (HE)(3), and (HE)(4) of Section 18.08.040.

SECTION 3. Section 18.20.030 (Uses permitted upon grant of a use permit) of Chapter 18.20 (AW Agricultural Watershed District) of the Napa County Code is amended to read in full as follows:

18.20.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all AW districts, but only upon grant of a use permit pursuant to Section 18.124.010:

A. Parks and rural recreation uses and facilities as defined in Chapter 18.08, conforming to the standards in Chapter 18.104;

B. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (R) of Section 18.20.020;

C. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;

D. Kennels, horse boarding and/or training stables, veterinary facilities, and wildlife rescue centers;

E. Feed lots;

F. Sanitary landfill sites;

G. Noncommercial wind energy and conversion systems;

H. Wineries, as defined in Section 18.08.640;

I. The following uses in connection with a winery:

1. Crushing of grapes outside or within a structure,

2. On-site, aboveground disposal of wastewater generated by the winery,

3. Aging, processing and storage of wine in bulk,

4. Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,

5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:

a. Office and laboratory uses,

b. Marketing of wine as defined in Section 18.08.370,

c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;

J. The following uses, when accessory to a winery:

1. Tours and tastings, as defined in Section 18.08.620,

2. Display, but not sale, of art,

3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,

4. Sale of wine-related products,

5. Child day care centers limited to caring for children of employees of the winery;

K. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;

L. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;

M. Campgrounds on public lands conforming to the standards in Chapter 18.104;

N. Hunting clubs (large) as defined in Chapter 18.08 and subject to the standards in Chapter 18.104;

O. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility; and

P. Farm management uses not meeting one or more of the standards contained in subsections (HE)(2), (HE)(3), and (HE)(4) of Section 18.08.040.

SECTION 4. Section 18.64.030 (Uses permitted upon grant of a use permit) of Chapter 18.64 (RC Residential Country District) of the Napa County Code is amended to read in full as follows:

18.64.030 Uses permitted upon grant of a use permit.

The following uses may be permitted in all RC districts but only upon grant of a use permit pursuant to Section 18.124.010:

A. Public kennels and veterinary facilities;

B. Parks and recreation uses and facilities, conforming to the standards in Chapter 18.104;

C. Private schools (institutional) subject to compliance with criteria specified in Section 18.104.160;

D. Telecommunication facilities, other than those allowed under subsection (L) of Section 18.64.020, that can, for demonstrated technical reasons acceptable to the director, only

be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district; and

E. Farm management uses not meeting one or more of the standards contained in subsections (EH)(2), (EH)(3), and (EH)(4) of Section 18.08.040.

SECTION 5. Section 18.104.220 (Wineries located in open space areas - Coverage) of Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.220 Wineries located in open space areas - Coverage.

The maximum coverage of new or expanded wineries shall be twenty-five percent of the existing parcel or fifteen acres, whichever is less. Coverage for the purposes of this measure shall be the aggregate paved or impervious ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms, paved areas and access roads to public or private roads or rights-of-way and aboveground sewage disposal systems.

Notwithstanding subsection (EH)(2) of Section 18.08.040, the calculation of coverage for wineries shall not include farm management uses.

SECTION 6. The Board further finds that pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the 2008 General Plan Update: Goals AG/LU – 2, 12, 13; and Action Item AG/LU-2.1.

SECTION 7. If any section, subsection, sentence, clause, phrase or word of this ordinance 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 Napa County Board of Supervisors 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 8. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 9. 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 Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on the _____ day of _____, 2016. The Planning Commission’s recommendation was considered by the Board of Supervisors and this Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors (“the Board”), State of California, held on the ___ day of _____, 2017, and passed at a regular meeting of the Board held on the ___ day of _____, 2017, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____

 ABSTAIN: SUPERVISORS _____

 ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the State of California

 ALFREDO PEDROZA, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: _____</p>
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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