



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/9/2017

Agenda Placement: 6GG

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Minh Tran - County Counsel
County Counsel

REPORT BY: Susan Ingalls, Paralegal - 259-8152

SUBJECT: Agricultural Definition Ordinance

RECOMMENDATION

Second reading and adoption of an ordinance 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.

ENVIRONMENTAL DETERMINATION: The proposed amendment is consistent with the 2008 General Plan as adopted by the Napa County Board of Supervisors, and is consistent with the Environmental Impact Report as certified by the Board for the General Plan. Therefore, pursuant to 14 California Code of Regulations (State California Environmental Quality Act (CEQA) Guidelines), Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), no additional environmental review is required and CEQA is not applicable.

EXECUTIVE SUMMARY

The purpose and intent of the proposed ordinance amendments are to conform the definition of agriculture in the County Code with the definition adopted in the 2008 General Plan. Specifically, the ordinance would include three additional categories within the definition of agriculture: (1) production and processing of agricultural products; (2) marketing, sales, and other accessory uses that are related, incidental, and subordinate to the main agricultural use; and (3) farmworker housing. The General Plan recognized that these uses are important to the historic and ongoing relationship between the making and marketing of wine, tourism, and the value of Napa County agriculture; support the County's goal of providing affordable housing; and are essential to preserve the future economic viability of agriculture.

The proposed ordinance would implement Action Item AG/LU-2.1 of the 2008 General Plan, which calls for amendment of the County Code to reflect the definition of agriculture as set forth in the General Plan. The County-initiated text amendment would implement this Action Item by amending Title 18 of the County Zoning Code. The Board discussed the item initially on March 21, 2017 and requested additional information be included in the discussion held at the first reading on April 4, 2017.

On April 4, 2017, the Board conducted a public hearing and introduced the ordinance, read the title, waived reading the balance of the ordinance and declared its intention to adopt the ordinance at the next regularly scheduled hearing or as soon thereafter as possible. The ordinance is now before the Board for formal adoption.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The proposed amendment is consistent with the 2008 General Plan as adopted by the Napa County Board of Supervisors, and is consistent with the Environmental Impact Report as certified by the Board for the General Plan. Therefore, pursuant to 14 California Code of Regulations (State California Environmental Quality Act (CEQA) Guidelines), Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), no additional environmental review is required and CEQA is not applicable.

BACKGROUND AND DISCUSSION

On April 4, 2017, the Board conducted a public hearing and introduced the ordinance, read the title, waived reading the balance of the ordinance and declared its intention to adopt the ordinance at the next regularly scheduled hearing or as soon thereafter as possible. The ordinance is now before the Board for formal adoption.

April 4, 2017 Original Staff Report:

HISTORY

The following table summarizes the history of the definition of agriculture in the County Code and in the General Plan.

Year	Definition of Agriculture in County Zoning Code	Definition of Agriculture in County General Plan
1955	Definition of agriculture adopted, separated into light, semi-heavy, and heavy agriculture.	
1968	Adoption of the Agricultural Preserve	
1975		Adoption of Land Use Element
1976	Single definition of agriculture adopted	
1983		Adoption of General Plan, including policy regarding processing of agricultural products
1990	Adoption of Winery Definition Ordinance (WDO)	

2006	Farm management uses added to the definition of agriculture	
2008		Adoption of General Plan, including policy defining agriculture
2010	Limit on the number of roosters added to the definition of agriculture	
	WDO amended to clarify the definitions of "marketing" and "tours and tastings"	
2013	Definition of agriculture revised to reference new code section on roosters	
2015	APAC recommended expanding definition of agriculture to include lists of permitted and accessory uses	
	Planning Commission recommended amending Policy AG/LU-2 to reflect the definition of agriculture in the zoning code	
2016	Board of Supervisors directed staff to implement Policy AG/LU-2 as written	
	Planning Commission recommended draft language, as presented to the Board of Supervisors	
2017	Board of Supervisors directed staff to revise the draft language, to emphasize the conditional and subordinate status of marketing and tasting	

More recently, the definition of agriculture has been reviewed and discussed extensively. In all, 25 public meetings have been held over the past two years. During a majority of those meetings, the public provided comment on the definition of agriculture, it was discussed and debated in public hearings as a part of the recommendations of the APAC and Planning Commission, and direction has previously been provided in public hearings by the Board of Supervisors. This reflects the deliberate, thoughtful, and thorough process that has informed and led to the development of the current recommendation. A brief summary of the meetings is provided below:

Agricultural Protection Advisory Committee Meetings

- | April 13, 2015 - Orientation
- | April 27, 2015 - Minimum parcel size, net vineyard loss, estate grapes
- | May 11, 2015 - Minimum parcel size, net vineyard loss, estate grapes
- | May 26, 2015 - Minimum parcel size, net vineyard loss, estate grapes
- | June 8, 2015 - Minimum parcel size, net vineyard loss, estate grapes
- | June 22, 2015 - Definition of agriculture
- | July 13, 2015 - Marketing, compliance, and variances
- | July 27, 2015 - Compliance and variances
- | August 10, 2015 - Definition of agriculture
- | August 24, 2015 - Final recommendations

Planning Commission Meetings

- | March 10, 2015 - Joint meeting with Board of Supervisors on agricultural preservation
- | September 2, 2015 - Staff presentation of APAC recommendations
- | September 16, 2015 - Presentation by APAC Chair and Vice-Chair
- | September 30, 2015 - Discussion of definition of agriculture and other items
- | October 6, 2015 - Discussion of other APAC items
- | November 4, 2015 - Final recommendations on APAC
- | September 21, 2016 - Recommendation on definition of agriculture

Board of Supervisors Meetings

- | March 10, 2015 - Joint meeting with the Planning Commission on agricultural preservation
- | March 24, 2015 - Appointment of APAC
- | September 15, 2015 - Provided direction to Planning Commission regarding APAC recommendations
- | December 8, 2015 - Provided tentative direction on definition of agriculture and other Planning Commissions recommendations
- | January 5, 2016 - Provided additional direction on definition of agriculture and other Planning Commissions recommendations
- | March 1, 2016 - Provided final direction on agricultural protection measures
- | March 21, 2017 - Discussed definition of agriculture
- | April 4, 2017 - Considered revised definition of agriculture and declared its intention to adopt the ordinance

COMMENTS

Staff received more than 70 verbal and written public comments from 21 individuals/organizations, submitted prior to or during the March 21, 2017 hearing on this matter. Two of the commenters were in support of the proposed action, with the other 19 opposed. After reviewing all of the comments, staff does not recommend any changes or revisions to the draft ordinance

CURRENT DRAFT ORDINANCE

The proposed ordinance amendment would implement Action Item AG/LU-2.1 as adopted in the General Plan. As directed by the Board of Supervisors on March 21, 2017, it would modify Section 18.08.040 of the County Code to make the following changes to the list of activities that would be included in the definition of agriculture:

- | Add subsection D, to include farmworker housing, consistent with the California Employee Housing Act;
- | Add subsection H, which lists those agricultural uses which are subject to the grant of a use permit, unless the use was previously issued a small winery certificate of exemption, or was of legal existence as a winery prior to July 31, 1974. Subsection H includes two subordinate items:
 - a. Production and processing of agricultural products, including agricultural processing facilities; and
 - b. Marketing, sales, and other accessory uses that are related, incidental, and subordinate to the main agricultural processing use.

Since the above revisions result in the renumbering of paragraphs within Section 18.08.040, the proposed ordinance also makes several corrected references to the renumbered paragraphs in Sections 18.08.040 G; 18.08.040 H; 18.08.040 I; 18.16.030 L; 18.20.303P; 18.64.030 E; and 18.104.220.

County Counsel recommends adoption of the Ordinance.

SUPPORTING DOCUMENTS

A . Final Ordinance

CEO Recommendation: Approve

Reviewed By: Helene Franchi