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• vineyard management •

October 3, 2006

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NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Hillary Gitelman  
Napa County Conservation, Development and Planning Dept.  
1195 Third Street  
Napa, CA 94559

Re: Farm Management Zoning Ordinance #P06-01175-ORD

Dear Ms. Gitelman:

I am the president of Jack Neal & Son Vineyard Management ("JNS"), one of the oldest vineyard management companies in Napa County. I have long believed that farm management and other agricultural service business are fundamentally "agricultural uses" that should be permitted within the AP and AW zoning districts. If properly regulated, such agricultural support services are essential for Napa County vineyard owners. I therefore strongly support the proposal to amend the Napa County Code to include farm management uses within the definition of agricultural uses. My one concern is that the proposed amendments do not go far enough to ensure that existing farm management businesses are required to bring their facilities into compliance with applicable building and fire codes.

For many years, County zoning regulations have been construed as prohibiting farm management business in the AP and AW zoning districts. Like many other farm management companies, JNS previously operated within the Agricultural Preserve Zoning District. In 1994, the County Counsel notified us that our business constituted an "illegal" use. We therefore relocated to an industrial park in St. Helena. We are now one of the few farm management companies that do not operate within the AP zoning district. However, by relocating to a more distant and more expensive property, JNS has been placed at a competitive disadvantage to those farm managers who continue to operate in an AP and AW zones.

The vast majority of other farm management businesses did not relocate. Since their use, like ours, was deemed to be illegal by the County, they were unable to obtain permits for construction, expansion or renovation of their existing facilities. As a consequence, many of those facilities do not comply with current building and fire codes. Under the proposed amendments, new construction may be undertaken with permits and would therefore be required to comply with all current building standards. However, there is no mechanism for ensuring that existing structures are brought into compliance in a timely manner.

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I strongly encourage that a mechanism be instituted to confirm that all requisite licenses and permits are obtained and existing facilities are brought into code compliance *before* they are deemed to be legal and conforming "farm management" uses. One solution would be to require all farm managers to obtain a use permit. To ensure that existing buildings are promptly brought up to code, a time limit should be specified within which all farm management companies must submit plans to bring their buildings up to current building and fire code standards. To ensure compliance, there should be some monetary penalty for a failure to do so. Information as to the location of vineyard mangment business within the AP and Aw zones could easily be obtained from the Agricultural Commissioner who collects that information annually for purposes of issuing Pesticide Use Permits.

I believe that this procedure would partially address the concern raised by the Napa County Farm Bureau in its letter of September 15, 2006 with regard to enforcement of building and fire code compliance issues. However, without proactive enforcement efforts, many existing farm mangment business will continue to be operated out of substandard and potentially hazardous buildings.

Thank you for the opportunity to provide these comments.

Very truly yours,

A handwritten signature in dark ink, appearing to read "M. Neal", with a stylized flourish at the end.

Mark J. Neal  
President, Jack Neal & Son, Inc.

MN:sp