



Agenda Date: 4/4/2006
Agenda Placement: 9A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director, 253-4805
SUBJECT: Zoning Code Amendment Regarding Farm Management

RECOMMENDATION

Director of Conservation, Development and Planning requests direction regarding the request to amend the Zoning Ordinance to define farm management companies as an agricultural use. (Supervisor Dodd)

EXECUTIVE SUMMARY

On March 7, 2006, Supervisor Dodd requested that staff of the Conservation, Development and Planning Department work with County Counsel to draft an ordinance that would permit farm management companies to locate within agricultural areas. Currently, Chapter 18 of the County Code (the "Zoning Code") permits farm management uses in commercial and industrial areas of the County, although many uses have long existed in agricultural areas. The proposed ordinance would modify the Zoning Code to permit existing uses to remain as legal uses in agricultural areas, and would permit similar new uses in these areas. Staff will present a summary of farm management companies currently located within agricultural areas and requests Board of Supervisor's direction regarding this proposal.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Supervisor Dodd has suggested amending the definition of "Agriculture" in Section 18.08.040 of the Zoning Code to include farm management, which could itself be defined as follows:

"Farm Management, whether performed by owner, tenant or agricultural contractor, includes the following:

1. 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;
2. Office uses accessory thereto;
3. Farm management does not include manufacturing for sale or retail sales of any kind, excluding sale of agricultural produces as listed in 18.08.040D."

Before developing a draft ordinance to affect this change in policy, conducting environmental review, and scheduling hearings at the Planning Commission and the Board of Supervisors, staff requires direction from the full Board on this issue. Also, if it is the Board's desire to consider this change in policy, staff would like direction regarding the general scope of "farm management" activities that should be addressed. Questions that may be raised in the course of the County's review and consideration of the draft ordinance include the following:

- | Does the Board wish to limit the maximum size of "farm management" uses or structures, or restrict the use of prime agricultural soils?
- | Does the Board wish "farm management" uses to be screened from view from public roads? Or from adjacent properties?

Also, legalizing the siting of "farm management" uses in agricultural areas by changing the Zoning Ordinance would not obviate the need for users of farm labor and pesticides to be appropriately licensed, or obviate the need for managers/companies to abide by Building and Fire Code provisions. Similarly, requirements regarding storm water runoff and hazardous materials would still have to be met. As a result:

- | Does the Board wish to institute a process that confirms required licenses and permits are obtained before users meet the definition of "farm management"?
- | Does the Board wish to institute a grace period during which "farm management" companies may submit plans to bring existing buildings up to the appropriate Building and Fire Code standards without incurring penalties?

Staff will provide a presentation regarding existing "farm management" uses at the hearing on April 4, 2006 to inform the Board's discussion. In brief, staff believes there are over 50 vineyard management companies of various sizes operating in the County, although there are probably many more property owners and companies who's activities could qualify as "farm management" either in whole or in part. The County's Agricultural Commissioner has indicated that there are approximately 44 entities operating with valid farm labor contract licenses (26 of which are located outside of the County), and approximately 68 entities operating with valid pest control licenses (10 of which are located outside of the County).

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey