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Agenda Date: 9/21/2016

Agenda Placement: 9C

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** David Morrison, Director, Planning, Building & Environmental Servi - (707) 253-4805

**SUBJECT:** Ordinance Amending Napa County Code Section 18.08.040 Regarding the Definition of Agriculture

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### RECOMMENDATION

#### **AGRICULTURE DEFINITION ORDINANCE /COUNTY OF NAPA / P16-00344-ORD**

**CEQA Status:** The proposed amendment is consistent with the 2008 General Plan as adopted by Napa County, and is consistent with the Environmental Impact Report (EIR) as certified by Napa County 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.

**Request:** Consideration and recommendation for adoption of a County sponsored ordinance to conform the definition of agriculture in the Napa County Code with the definition of agriculture adopted in the 2008 Napa County General Plan (See Attachment A).

**Title of Ordinance:** 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.

**Staff Recommendation:** Recommend that the Board of Supervisors find that the proposed project falls within the scope of the General Plan Program EIR and adopt the proposed ordinance.

**Staff Contact:** David Morrison, Director, at (707-253-4805 or [david.morrison@countyofnapa.org](mailto:david.morrison@countyofnapa.org))

### EXECUTIVE SUMMARY

**Proposed Actions:**

That the Planning Commission recommend that the Board of Supervisors:

1. Find that the proposed project is consistent with the 2008 Napa County General Plan and the Program Environmental Impact Report as certified by Napa County for the General Plan, and that no additional environmental review is required under the California Environmental Quality Act; and
2. Adopt the proposed ordinance.

**Discussion:**

The purpose and intent of the proposed ordinance is 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 tourism, the making and marketing of wine, 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 one of the action items in the 2008 General Plan. Agricultural Preservation Action Item AG/LU-2.1 calls on the County to amend 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 Chapter 18.08 of the County Zoning Code.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

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 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**

The adopted 2008 Napa County General Plan includes Policy AG/LU-2, which states:

"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.

This policy is implemented by Agricultural Preservation Action Item AG/LU-2.1 which states:

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.

To date, this ordinance amendment has not yet occurred. However, the question of how agriculture should be defined was raised during meetings of the ad hoc Agricultural Protection Advisory Committee (APAC) during their deliberations in 2015. APAC ultimately recommended to the Planning Commission that agriculture be defined in a manner consistent with the General Plan and the Winery Definition Ordinance. The Commission, in turn, recommended to the Board of Supervisors that Policy AG/LU-2 be amended to include language indicating that marketing activities and other accessory uses be incidental, subordinate, and related to the main use. Following consideration of the recommendations from both APAC and the Planning Commission, the Board of Supervisors directed staff to implement Action Item AG/LU-2.1 as adopted.

The proposed ordinance amendment (Attachment A) would implement Action Item AG/LU-2.1. It modified Section 18.08.040 of the Napa County Code (Definition of Agriculture) to make the following changes:

- | Add sub-section D, to include the production and processing of agricultural products, including agricultural processing facilities notwithstanding requirements for obtaining a conditional use permit;
- | Add sub-section E, to include marketing, sales, and other accessory uses that are related, incidental and subordinate to the main agricultural processing use, notwithstanding requirements for obtaining a conditional use permit; and
- | Add sub-section F, to include farmworker housing.

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.H; 18.08.040.I; 18.16.030.L; 18.20.030.P; 18.64.030.E; and 18.104.220.

A red-line and strike-out version of the proposed ordinance has been provided in Attachment B.

### **SUPPORTING DOCUMENTS**

A . Attachment A - Agricultural Definition Ordinance

B . Attachment B - Agricultural Definition Ordinance (red-line version)

Napa County Planning Commission: Approve

Reviewed By: John McDowell