ATTACHMENT C

History of the Definition of Agriculture in County Code

1955 – First County Code Adopted

The first Napa County Code was created with the adoption of Ordinance No. 186 by the Board of Supervisors on January 25th, 1955. The purposes listed in the Code include elements of the land use vision that continues to guide County decisions today, including protecting agriculture, managing growth, maintaining rural character, and promoting economic stability.

It is also interesting to note that even more than 60 years ago, there was specific mention of the need to recognize normal accessory uses conducted in conjunction with agriculture. An accessory use was defined in 1955 much as it is now: “A use or building incidental or subordinate to the principal use or building located upon the same lot.”

Sec. 1.02 Said Zoning Plan is adopted to promote and protect the public health, safety, peace, morals, convenience, and general welfare, and for the accomplishment thereof is adopted, among other purposes for the following more specified purposes, and in accordance with specified findings and policies.

(a) To assist in providing a definite plan of development for the County and to guide, control, and regulate the future growth of the County in accordance with said Plan.

(b) To protect the established character and the social and economic stability of agriculture, residential, commercial, industrial, and other areas within the County, and to assure the orderly and beneficial development of such areas.

(c) The Board of Supervisors finds that agriculture is a major industry of the County and that for the protection of agriculture and in order to prevent further encroachment upon it by incompatible uses of property and for the general welfare of the County as a whole, there are hereby created zone classifications within which agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. Therefore, the provisions of this section shall be liberally interpreted insofar as they apply to agricultural pursuits and services and shall not be deemed or construed to permit interference with any normal accessory use conducted in conjunction therewith. It is the intention of this section to prevent developers from using lands in an agricultural zone as potential urban subdivision property or for subdivision purposes; to provide maximum protection to existing and future agricultural enterprisers from restrictions; and to in every way encourage the highest and best use of the lands so classified for agricultural purposes, including the necessary residential, recreational, educational, public utilities and other similar uses necessary and incidental thereto.

However, unlike today, the first zoning ordinance did not limit agriculture to a single definition. It included multiple definitions for agriculture, and divided farming activities into “light,” “semi-heavy,” and “heavy” agriculture. The verbatim text is provided below:

Sec. 4.045 “Light Agriculture”:
(a) Farms devoted to the hatching, raising, butchering or marketing on a small scale of chickens, turkeys, or other fowl or poultry and eggs, rabbits, frogs, mink, chinchilla or other small animal farms of a similar nature, provided that no more than one hundred (100) turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five (5) acres.

(b) Nurseries, greenhouses, orchards, aviaries, apiaries, or the raising of field crops, trees and tree crops, berry or bush crops, or vegetable, flower or herb gardening on a commercial scale.

(c) The grazing of cattle, horses, sheep, goats, hogs or other farm stock or animals on a commercial scale, including the supplementary feeding thereof. On parcels of less than three (3) acres, not more than five (5) such animals per acre shall be kept or maintained. On parcels of more than five (5) but less than ten (10) acres, not more than ten (10) animals per acre shall be kept or maintained. On parcels ten (10) acre or more, not more than twenty (20) such animals per acre shall be kept or maintained. For the grazing of sheep or goats the permissible number of animals per acre may be multiplied by three (3). In no event shall there be any limit to the permissible number of sheep which may be grazed per acre where such grazing operation is conducted on fields for the purpose of cleaning up unharvested crops and further where such grazing operation is not conducted for more than four (4) weeks in any six (6) month period. The provisions of this paragraph do not apply where any such animals are kept or maintained solely for the domestic use of the owner or occupant of a parcel of land and further, such provisions shall apply only to mature breeding stock, maintenance stock and similar farm stock, but shall apply to the off-spring thereof where such off-spring are being kept, fed and maintained solely for sale, marketing, or slaughtering at the earliest practical age or time, nor shall it apply to 4-H, Future Farmers, or similar projects.

(d) Farms or establishments for the selective or experimental breeding of cattle, horses, sheep, goats, hogs and other farm stock or animals and the raising and/or training of such animals and stock under the same conditions and provisions as set forth in paragraph (c) of this section.

(e) Community auction and sales yards.

(f) A temporary or permanent stand for the display and sale of the products of any permitted use, produced upon the premises upon which stand is located or upon lands owned or leased by the owner or occupant of such premises.

Sec. 4.046 “Semi-Heavy Agriculture”:

(a) Any use defined under Light Agriculture without limitation as to number of animals.

(b) Grazing, feed yards, sales yards, commercial and riding academies.

(c) Hog ranches.

(d) Menageries, sheep and goat raising, animal hospitals, commercial dog kennels and dog breeding establishments and dairies.
(e) Fruit and vegetable packing and processing plants and similar uses.

(f) Any accessory agricultural purpose.

Sec. 4.047 “Heavy Agriculture”:

(a) Garbage-fed hogs in commercial quantities.

(b) Commercial slaughter-houses.

The two primary agricultural zones in 1955 were: (1) the A-1 (Agriculture) district, which was applied in the valley and foothill areas, where intensive agriculture was predominant; and (2) the AWR (Agriculture Watershed Recreation) district, which was applied to the mountains and hilly watershed areas of the county, where light agriculture and grazing were predominant. The A-1 zone allowed semi-heavy agricultural uses (and by reference, light agriculture) without any discretionary approval. Although not specified, wineries would not have required a Use Permit at that time. Wineries were specifically listed as requiring a Use Permit in the AWR zone.

1968 – Establishment of the Agricultural Preserve

The landmark ordinance establishing the AP (Agricultural Preserve) district continued the zoning practice established earlier in 1955. Section P.O2 described uses permitted (no discretionary review required) in all AP districts, including the following:

   e. Facilities for the processing of agricultural products including but not limited to wineries, dairies, dehydrators, fruit and vegetable packing plants, and those uses similar to the foregoing.
   f. Sale of agricultural products grown, raised or produced on the premises.
   j. Accessory and incidental uses compatible with and necessary to the operation of the above uses.

It should be noted that farm labor housing required a Use Permit under the 1968 ordinance.

1976 – Zoning Code is Amended to be Consistent with the General Plan

The County Code was substantially revised in 1976, to bring it into conformance with the newly adopted General Plan. This was the first comprehensive overhaul of the zoning ordinance in more than 20 years. Despite the many changes, some things remained the same. In the purpose of the ordinance, the Board of Supervisors reinforced many of the themes from 1955, including:

   • To promote health, safety, and the general welfare;
   • To provide open space for the preservation and managed production of natural resources and outdoor recreation;
   • To prevent the overcrowding of land;
   • To avoid undue concentration of population;
   • To assure that urban development be limited to locations in existing urban areas where adequate utilities and services can be provided; and
   • To conserve and protect the natural environment, including fish and wildlife habitat.

One of the many changes that did occur was regarding the definition of agriculture. The three levels of intensity previously described were replaced with a single unified definition.
Sec. 12019 “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;

(d) Sale of agricultural products grown, raised or produced on the premises.

At that time, the AP (Agricultural Preserve), AP-E (Agricultural Preserve – Extensive), and AP-I (Agricultural Preserve – Intensive) zones were also established. The AP zone was applied to the valley and foothill areas. The AP-E zone was applied to grazing areas which did not contain Class I, II, or III soils. The AP-I zone was for areas where intensive agriculture was already predominant.

Wineries were specifically listed as requiring a Use Permit in all three zones. Accessory uses were defined as: “Uses allowed without a use permit or uses permitted upon grant of a use permit shall include any accessory use.”

1990 – Adoption of the Winery Definition Ordinance (WDO)

The adoption of the WDO significantly changed how wineries were defined, allowed, and regulated within the County. The intent of the ordinance made clear that agriculture is the foundation of Napa County’s land use policy, and that wineries, marketing, sales, tours and tastings are necessary to support agriculture.

It is the intent of this Board, as expressed in the current general plan, to protect agriculture and open space as the primary land use in Napa County. Therefore, the language of this ordinance is to be interpreted to achieve that goal. Commercial, industrial, and residential uses shall be confined to appropriate areas as set forth in the Napa County General Plan. The conversion or use of agricultural land for non-agricultural purposes and the depletion of open space land shall be prohibited except to the extent expressly permitted by the Napa County General Plan and any ordinance adopted to implement the General Plan.

The Board expressly finds that marketing of wine as defined in this ordinance as well as those uses identified in Section 12202(f) through (h) and Section 12232(h) through (j) are activities that are not only necessary to retain agriculture as a major source of income and employment in Napa County, but also will ensure the continued agricultural viability of existing and future Napa Valley vineyards.

The ordinance also expanded the definition of “Accessory Use” to read as follows:

“Accessory Use” shall mean any use subordinate to the main use and customarily a part thereof. An accessory use must be clearly incidental, related and subordinate to the main use, reasonably compatible with the other principal uses in the zoning district and with the intent of the zoning district, and cannot change the character of the main use. Unless
provided otherwise in this Title, accessory uses may be conducted in the primary structure or in structures other than the primary structure. Where the zoning regulations applicable to a zoning district specifically identify the accessory uses which are permitted in conjunction with a primary use in that zoning district, no other accessory uses in conjunction with the primary use will be permitted in that zoning district. Accessory structures relating to specific uses are further limited to the extent provided by Section 12421.

Definitions of “Tours and Tastings” and “Marketing of Wine” were added to the Code with this ordinance.

Winerys were first required to obtain a Use Permit in 1976. The WDO built upon that requirement and created tiers of wineries entitlements that are still in use today.

**2006 – Addition of Farm Management to the Definition of Agriculture**

The County Code was changed in 2006 to include farm management uses.

**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;
D. Sale of agricultural products grown, raised or produced on the premises;
E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(6) below. 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 subparagraph (E)(2) above;
4. Uncovered storage areas shall be screened from pre-existing 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.

2010- Amendment of the Winery Definition Ordinance, and Addition of Roosters to the Definition of Agriculture

The Winery Definition Ordinance was amended to clarify the definitions of “marketing” and “tours and tastings.” The recitals of Ordinance No. 1340 once again reinforce the perspective that sales and marketing are essential to agriculture:

Whereas, the existence of wineries within the Agricultural Preserve and Agricultural Watershed zoning districts is a conditional use granted to wineries because the creation, selling and marketing of wine is a necessary and essential adjunct to the agricultural activity of growing grapes, and thereby ensures the long term viability and sustainability of agriculture in Napa County; and

In that same year, the definition of agriculture was also revised, to specify the number of roosters considered to be consistent with agriculture:

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. Sale of agricultural products grown, raised or produced on the premises;
E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(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 (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 floodlighting 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. Agriculture shall not include the raising and keeping of more than twenty-five mature roosters per acre, up to a maximum of one hundred mature roosters per legal parcel, unless an administrative permit has been obtained pursuant to Chapter 18.126. For purposes of this subsection, “mature rooster” means a rooster one year old or older.

2013 – Revision of the Section on Roosters in the Definition of Agriculture

The definition of agriculture was revised again, regarding roosters, to reference the recently created Chapter 6.18 of the County Code.

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. Sale of agricultural products grown, raised or produced on the premises;
E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(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 (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. 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.