

GENERAL GOVERNMENT COMMITTEE

LAND USE

BACKGROUND:

Napa County has been characterized as a unique and fragile geophysical environment possessing special conditions of soil, water and climate favoring the raising and production of quality agricultural crops and produce. "Napa County's 513,000 acres of land and water consist mostly of mountain ridges and narrow valleys stretching across the County on a northerly-southerly axis."* Scarcely one third is level enough for conventional development. For these reasons "Napa County still retains much of its rural character and agricultural productivity."

In 1954-55, Napa County adopted the Napa County General Plan. The establishment of the Napa Valley Agricultural Preserve in 1968 was a bold and visionary step toward permanent preservation of Napa Valley soil for agricultural use. At a time when agricultural land in the seven-county Bay Area was being displaced at the rate of 24,000 acres per year, the Ag

*Unless otherwise noted, all quotes are from the Napa County General Plan.

Preserve placed 25,000 acres of valley floor agricultural land under protective agricultural zoning. The Ag Preserve served to halt urban sprawl, and created the promise that valley soil would forever serve agricultural purposes and preserve the rural character and quality of Valley life. In 1973-75 the land use, conservation and open space elements of the General Plan were adopted, and they were revised in 1982-83.

As required by State laws, the General Plan defines and delineates the management of Napa County's physical resources. The plan is "in a sense a constitution for the county's future," ... "a program for the protection and development of the unincorporated area of Napa County" . . . "a guide which enables citizens to anticipate the County's reaction to individual development programs or projects." And "While the plan is flexible it is nevertheless legally binding; development proposals such as land subdivisions and use permits must, by State law, be considered in the light of its contents." Subordinate ordinances and regulations must conform to and support the General Plan.

The essence of the General Plan is to: "ensure the long term protection and integrity of those areas identified in the General Plan as agricultural, open-space and undevelopable . . . (as well as to) stimulate the development of those areas in the General Plan for residential, commercial, and industrial (uses)." In short, the intent of the Plan is to: "PRESERVE AGRICULTURE, and CONCENTRATE URBAN USES IN EXISTING URBAN AREAS."

In its intent to preserve agriculture, the General Plan is explicit, repetitive, and direct regarding the distinction and separation between agricultural and urban functions and use.

Webster's Dictionary defines agriculture as "the science and art of farming; tillage; the cultivation of the ground for the purpose of producing vegetables, and fruits; the art of preparing the soil, saving and planting seeds, caring for the plants and harvesting the crops. In a broad sense the word includes gardening, or horticulture, and also the raising of livestock."

The Napa County General Plan defines that: "AGRICULTURE WILL BE CONSIDERED THE PRODUCTION OF FOOD AND FIBER, THE GROWING OF CROPS, PRODUCE AND FEED AND THE RAISING OF LIVESTOCK AND ANIMALS."

The Plan defines Urbanizing to include "the subdivision, use or development of any parcel of land that is not needed for the agricultural use of that parcel," for "THE IMPACTS OF URBANIZATION ARE FOR ALL PRACTICAL PURPOSES IRREVERSIBLE. PRODUCTIVE FARMLAND AND URBANIZATION ARE NOT COMPATIBLE."

FINDING:

In recent years there has been an increase in the number of commercial, promotional, cultural, and entertainment activities occurring in wineries and other facilities located on agriculturally zoned land outside of city limits. These activities include concerts, cooking classes, art shows, benefits, and non-agricultural meetings and seminars. These activities are urban uses and by definition are not needed for the "production of food and fiber, the growing of crops, produce and feed and the raising of livestock and animals."

The increase in these urban activities underscores the growth of wineries and other facilities as cultural and community centers, and raises

questions as to their urbanizing influence when they are located outside of cities and towns or industrial parks. The movement of people from populated urban areas to less populated rural areas opposes the major intent of the Plan and creates problems of traffic, sanitation, and other services, and requires solutions associated with the urban environment.

The occurrence of these activities is a threat to the permanent preservation of agricultural soil and are illegal as defined by the current Napa County General Plan.

The Board of Supervisors, Planning Commission, Conservation, Development and Planning Department, and the County Counsel's Office have not consistently coordinated their efforts to prevent the occurrence of activities on Ag zoned land which violate the General Plan.

The Board of Supervisors, Planning Commission, Conservation, Development and Planning Department, and County Counsel's Office are legally bound to uphold and enforce conformance with the General Plan.

RECOMMENDATION:

In order to protect, in fact, its unique and fragile agricultural soil and watershed resource, the Napa County Board of Supervisors, the Napa County Planning Commission, the Conservation, Development and Planning Department, and the Napa County Counsel's Office must:

1. Support and enforce the intent, content and specific goals of the General Plan.
2. Confine urban uses to urban areas.
3. Direct an examination of existing ordinances and use permit procedures.

4. Repeal or amend ordinances which do not conform to and support the General Plan.
5. Cooperate to ensure inter-department review of land use recommendations prior to Board of Supervisors' approval.

FINDING:

The Webster's Dictionary definition of a winery is "a place where wine is made."

The current process of redefining a winery is the third time in the 1980's that the issue of "what is a winery" has been raised. By General Plan definition, wineries are an industrial use. They are allowed on agriculturally zoned land as agricultural processing facilities. The current Napa County zoning ordinance definition of a winery states:

"Winery"

"Winery" means a building or portion thereof used for the crushing of grapes, the fermenting and processing of grape juice, or the aging, processing and storage of wines. It may include on-site disposal of winery waste generated on the site, bottling of wine, the warehousing and shipping of wine, plus related office and laboratory activities as accessory uses. Retail and wholesale activities conducted within the winery shall be limited to wines produced on the site or wines produced by the winery at other locations. Sec. 12047. (Ord. 629, 3-11-80)

The proliferation of non-conforming and accessory uses, and the participation of the Board of Supervisors, the Planning Commission, and the Conservation and Planning Department in the current further redefinition of a winery appears to accede to the very commercial and urbanizing pressures the County General Plan has committed to avoid and keep separate from agriculturally zoned land.

The danger is that each redefinition allows a new level of commer-

cial, cultural, or promotional activity occurring on Agricultural Preserve or Agricultural Watershed land which in turn establishes precedent and legal foundation for expanding future non-agricultural uses.

The allowance of an industrial use on agricultural land has created urbanizing influences not confined to urban areas. The containment of urban uses in urban areas depends upon strict government enforcement as well as private industry cooperation and willingness to support the General Plan.

Failure to enforce the General Plan can only lead to the erosion and ultimate demise of the Ag Preserve because the uniqueness and international reputation of the Napa Valley will continue to invite development and activities conducive to further blurring of the agricultural/industrial and urban separations.

RECOMMENDATION:

In order for Napa County to maintain an Agricultural Preserve, the continuing process of redefining a winery based upon non-conforming accessory uses should cease.

Further, the Board of Supervisors, Planning Commission, and the Conservation, Development and Planning Department should consider the placement of future primary and secondary industrial and commercial uses in the County's industrial or commercial zoned developments.

FINDING:

_____ "The General Plan is a policy document for the entire community and it may only be amended in the public interest." "The Plan should only be amended when the ...County, with the support of a broad consensus, determines a change is necessary." (State of California General Plan Guidelines, 1987, p. 63)

RECOMMENDATION:

In the absence of the demonstration of such a broad consensus for a change in the General Plan, the County should not accommodate continuing requests for non-conforming uses on agriculturally zoned land.

1987-88 GRAND JURY
GENERAL GOVERNMENT COMMITTEE

Jack Jensen DDS William Blanchfield
Jack Jensen, DDS, Chairman William Blanchfield

David C. Dunlap Hope Lugo
David Dunlap Hope Lugo

Elissa Miller Barbara M. Pacey
Elissa Miller Barbara M. Pacey

Angela Pieper Ron Rhyno
Angela Pieper Ron Rhyno

GENERAL GOVERNMENT

LAND USE

MINORITY REPORT

BACKGROUND

This minority report is made to augment the committee's report on land use. It is offered as an alternative which should be considered because of the age of the General Plan's Land Use Element and the controversy surrounding it.

FINDING:

The Land Use Element of the General Plan has not been changed substantially since 1972. Applications for amendments to the General Plan occurring more than twice a year indicate basic changes are needed in its content. Sixteen such amendments are pending at this time in Napa County. This vacillation by the County creates uncertainty for applicants and can be very costly.

"The State Office of Planning and Research in its General Plan guidelines (1987 edition) and most communities in California recommend a five year review process. The intent of the Napa County General Plan is to limit major reviews to every 10 years. In today's rapidly changing

society, this will likely lead to numerous requests for individual amendments which may prove difficult to handle on a piecemeal basis."

(p. 114 Zucker Report July 1987)

RECOMMENDATION:

Rather than continuing the practice of numerous amendments which the County has allowed and cognizant of the fact that many inconsistencies in the General Plan and Zoning Ordinance exist, the Committee minority report strongly recommends that the County undertake a comprehensive revision of the General Plan. This process should begin immediately and a full time consultant should be hired to expedite the review. Public meetings in all areas of the County would give citizens the opportunity to voice their opinions as to present values, attitudes and goals. After the required public hearings at the Commission and the Board levels a new General Plan would be adopted by majority resolution. This would be the "constitution" that would govern the County for the next five to ten years.

FINDING:

"There are inconsistencies between the General Plan and Zoning Ordinances both of which are in need of updating." (p. 22 Zucker Report July 1987)

RECOMMENDATION:

If Napa County chooses to continue allowing urban uses on agriculture lands then changes need to be made in the General Plan so that all similar applications are treated equally.

If Napa County determines to uphold the General Plan as adopted in 1973-75 and revised in 1982-83 then commercial (urban related) activities should, henceforth, be denied. Ordinances which do not conform to the General Plan should be repealed or amended.



Angela Pieper