

STAFF REPORT



DATE: January 14, 2014

TO: Mayor and City Council

FROM: Greg Desmond, Interim Planning Director

Item: ~~13~~ 14

RE: Adoption of Zoning Ordinance Text Amendments to Municipal Code Title 17 Zoning, Chapter 17.180: Small Winery Ordinance; and Chapter 17.20 Twenty-acre Agricultural (A-20) District (CEQA Exemption Section 15061 (b)(5))

BACKGROUND

The Council introduced this item at their meeting on December 10, 2013. At that meeting the council made minor revisions and directed staff to present this item at the January 14, 2014 meeting for adoption.

The revisions made at the December 10, 2013 meeting were as follows:

1. Add the following sentence to Section 17.180.010:

The City Council shall review this chapter within one year of its effective date.

2. Add the following to Section 17.180.080 (L):

The A-20 Winery owner shall keep on file with the city of St Helena and shall notify neighbors within 300' of an A-20 Winery parcel, the name and contact information of a local person who shall be responsible for responding to questions or concerns regarding operation of the A-20 Winery. The local contact person shall be available 24 hours a day to accept phone calls and respond physically to the A-20 Winery within 30 minutes when a Marketing Event is occurring.

3. Add the following to Section 17.180.080 (M):

Visual impacts associated with A-20 Winery uses and/or development shall be mitigated through the use of vegetative screening, increased setbacks and/or other measures.

4. Add the term "Tours and Tastings" wherever the term "Marketing Events" is used.

5. Add the term "under one ownership" in conjunction with the term "contiguous parcels".

6. Move the third sentence in the second paragraph of Section 17.180.010 to Section 17.180.040.

CEQA

Staff finds that the amendments are exempt from the requirements of CEQA as provided by Section 15061 (b) (3).

NEXT STEPS

Adopt the zoning ordinance text amendments.

ATTACHMENTS

Chapter 17.180: A-20 Wineries Amendments

Chapter 17.20: A-20 Twenty-Acre Agricultural District Amendments

CHAPTER 17.180: A-20 WINERIES

- Section 17.180.010. Purpose**
- Section 17.180.020. Definitions**
- Section 17.181.030. Applicability**
- Section 17.182.040. Use Permit Required**
- Section 17.183.050. Design Review Required**
- Section 17.184.060. Pre-Prohibition Wineries**
- Section 17.185.070. Uses Prohibited**
- Section 17.186.080. Development and Use Standards**
- Section 17.187.090. Application Requirements**
- Section 17.188.100. On-Premise Events and Sales**
- Section 17.189.110. Inspections, Fees and Licenses**

Amendment Notes:

Purple underlined text is new language proposed at the 121013 meeting.

Section 17.180.010. Purpose

An A-20 Winery is a winery on 5 acres or greater pursuant to Chapter 17.180.

The intention of the A-20 Winery regulations is to promote and implement the policies of the General Plan which aim to preserve agricultural land uses within the City of St. Helena. The establishment of A-20 Wineries on A-20 zoned property supports continuing agricultural use of the land and promotion of the wine industry within the city limits.

Allowing the development of A-20 Wineries on agricultural parcels 5.0 acres or larger is intended to support the establishment of smaller, locally-owned and operated wineries. The size of the winery is determined by Section 17.180.080 of this A-20 Winery Ordinance.

From time to time, the City Council of St. Helena shall have the right to evaluate the cumulative impacts of A-20 Wineries on the city of St. Helena and determine the effectiveness of this 17.180 A-20 Winery Ordinance.

Section 17.180.020. Definitions

Accessory Use means 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.

Agricultural Parcel is any parcel with the A-20: Twenty Acre Agriculture designation.

Contiguous Parcel is defined as any parcel whose property lines adjoin the parcel upon which the A-20 Winery is located, and any parcel that is immediately adjacent to or across any public or private street, excluding Highway 29, from that parcel upon which the winery is located.

Marketing Event is defined as any activity of an A-20 Winery that is conducted at the A-20 Winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis. Marketing Events must be events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing Events may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Marketing Events must be directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. A Marketing Plan shall explain the frequency and nature of each Marketing Event that will occur at the A-20 Winery. Marketing Plans in their totality must remain clearly incidental, related and subordinate to the primary operation of the winery as a production facility. During the use permit approval process, careful consideration shall be given to the intent of the Marketing Event, the proportion of the Marketing Event's non-wine-related content, and the intensity of the overall Marketing Plan.

Pre-Prohibition Winery (Ghost winery) is defined as a building that was used as a winery prior to Prohibition but has since been abandoned from use as a winery. For purposes of this Section, Prohibition took effect on January 16, 1920.

Premises is defined as the parcel on which the A-20 Winery is located.

Produced is defined as any aspect of the winemaking process.

Tours and Tastings are tours of the A-20 Winery and/or tastings of wine produced at the A-20 Winery. Tours and Tastings are limited to persons who have made prior appointments for Tours or Tastings. Tours and Tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the A-20 Winery functions as a café or restaurant.

Winery is defined as an agricultural processing facility used for the fermenting and processing of grape juice into wine, and the re-fermenting of still wine into sparkling wine.

Section 17.180.030. Applicability

A-20 Wineries shall only be permitted as defined herein and as specifically allowed within the regulations pertaining to the established A-20: Twenty-Acre Agriculture District. The re-establishment of Pre-prohibition Wineries may be permitted within any district, except the W: Winery zoning district, in compliance with the regulations of Section 27.284.

The re-establishment of pre-prohibition wineries in the W: Winery zoning district shall comply with the W: Winery district regulations in Article II, Division 3.

Section 17.180.040. Use Permit Required

A winery specific use permit application shall be submitted to the City of St. Helena Planning Department and a conditional use permit, if granted according to the process described in Chapter 17.180 of the St Helena Municipal Code, shall be required prior to the establishment of an A-20 Winery in any agricultural district.

Specific conditions, related to the winery, that will be considered when the applicant applies for their conditional use permit, will include but are not limited to: if the winery is located in reasonable proximity to a major roadway or highway; if the winery demonstrates that there are no potentially significant environmental impacts; and/or if the other land uses in proximity to the winery parcel are other than agricultural.

Section 17.180.050. Design Review Required

Pursuant to Chapter 17.164 all signs, new structures or buildings, or exterior revisions or modifications of any existing structures or buildings for both permitted and conditional uses shall require design review.

Section 17.180.060. Uses Permitted Upon Grant of Use Permit.

The following uses may be permitted at the A-20 Winery, but only upon grant of a use permit pursuant to Section 17.180.040:

- (a) Crushing of grapes outside or within a structure.
- (b) On-Site disposal of waste water generated by the A-20 Winery.
- (c) Aging, processing, and storage of wine in bulk.

- (d) Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity.
- (e) Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - i. Office and laboratory use.
 - ii. As defined in Section 17.180.020 and pursuant to Section 17.180.100, Marketing Events.
 - iii. Retail sale of wine fermented or refermented and bottled at the A-20 Winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of Section 17.180.080(d) regulating the source of grapes.
- (f) The following uses, when accessory to a A-20 Winery:
 - i. Tours and Tastings as defined in Section 17.180.020.
 - ii. Display, but not sale, of art.
 - iii. Display, but not sale, of items of historical, enological or viticultural significance to the wine industry.
 - iv. Child day centers limited to caring for children of employees at the A-20 Winery.

Section 17.180.070. Pre-Prohibition Wineries

- (a) The re-establishment of a pre-prohibition winery may be permitted with approval of a use permit and design review.
- (b) The following findings must be made in order to approve a use permit for the re-establishment of a pre-prohibition winery:
 - 1. There is substantial evidence proving that the subject structure was used as a winery building prior to January 16, 1920.
 - 2. A qualified architectural historian verifies that more than 25% of the exterior of the original historic structure remains standing.
- (c) The appearance of the renovated building must be consistent with the original appearance of the building, as documented by photographs or as recommended by a qualified architectural historian.
- (d) Pre-prohibition winery status may allow modification of regulations of the underlying zoning district to preserve the historic nature of the structure.

- (e) Pre-prohibition wineries shall not be automatically entitled to the prior annual production capacity, or type or intensity of prior social or marketing activities. Pre-prohibition winery operations must be consistent with all A-20 Winery regulations contained in sections 27.285 through 27.290.
- (f) Conditions of approval for a use permit to re-establish a pre-prohibition winery shall provide for the continued preservation of the historic nature of the structure through rezoning to include an HP: Historic Preservation overlay or other means deemed suitable.
- (g) Construction must comply with the California Uniform Building Code and/or the State Historic Building Code, as amended and adopted by the City of St. Helena.

Section 17.180.080. Development and Use Standards

- (a) A-20 Wineries shall be allowed only on parcels of five (5.0) acres or greater in size.
- (b) The development of A-20 Wineries shall be consistent with the development standards outlined in Chapter 17.20.060 A-20: Twenty-Acre Agriculture, except that more restrictive and/or additional standards may be applied depending on the size, scale and location of the A-20 Winery and if it is determined that the winery building or operations will have a negative impact upon other properties in the vicinity.
- (c) Only one A-20 Winery is permitted per parcel.
- (d) A minimum of 50% of the grape source utilized for the wine produced, sold, and offered for tasting at the A-20 Winery shall be grown on the Premises or the Contiguous Parcel(s) under one ownership with modifications only approved through the use permit process and a minimum of 85% of the grape source utilized for the wine produced, sold, and offered for tasting at the A-20 Winery shall be grown in Napa County. During the use permit process, the A-20 Winery's maximum production limit shall be established. Existing A-20 wineries may request modifications to the grape sourcing rule stated herein for hardships and extenuating circumstances.
- (e) Pursuant to Municipal Code Section 13.104.100(f), no municipal water may be utilized for the A-20 Winery operations or vineyard irrigation.
- (f) All employees and A-20 Winery visitors shall be required to park on-site. The number of on-site parking spaces shall be determined during the use permit process depending on the size, scale, and location of the A-20 Winery.
- (g) Accessory uses, buildings and structures. The maximum square footage of structures used for accessory uses that are related to an A-20 Winery shall not exceed forty percent (40%) of the area of the production facility. "Production facility" for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage,

shipping, receiving, laboratory, equipment storage and maintenance facilities, but shall not include wastewater treatment or disposal areas which cannot be used for agricultural purposes.

- (h) Development area. The development area of a winery shall be contiguous to and shall not exceed one hundred percent of the winery area calculated according to subsection (i) of this section which is existing as of the date of adoption of the ordinance codified in this section.
- (i) The winery area shall be the aggregate paved or impervious or semipermeable ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees.
- (j) Winery Coverage Area. The maximum coverage of new or expanded wineries shall be twenty-five percent of the premises or ten acres, whichever is less. Coverage for the purposes of this measure shall be the aggregate paved or impervious ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms, paved areas and access roads to public or private roads or rights-of-way and above ground sewage disposal systems.
- (k) The City of St. Helena promotes “green building” design, and encourages Napa Green Certified Winery building practices, and the adoption of the Napa Green Certified Land Program. In designing the A-20 Winery, applicants should also consider the winery’s Greenhouse Gas (GHG) emissions.
- (l) The A-20 Winery owner shall keep on file with the city of St Helena and shall notify neighbors within 300’ of an A-20 Winery parcel, the name and contact information of a local person who shall be responsible for responding to questions or concerns regarding operation of the A-20 Winery. The local contact person shall be available 24 hours a day to accept phone calls and respond physically to the A-20 Winery within 30 minutes when a Marketing Event is occurring.
- (m) Visual impacts associated with A-20 Winery uses and/or development shall be mitigated through the use of vegetative screening, increased setbacks and/or other measures.

Section 17.180.090. Application Requirements

- (a) A well water analysis is required to determine if any wells on the property have adequate capacity to support the estimated future water use. If not, the applicant must submit a copy of an approved well expansion plan prior to issuance of a building permit and the expanded well must be installed prior to issuance of a Certificate of Occupancy.

- (b) Application for an A-20 Winery use permit shall include a Phase I Water Availability Analysis (WAA-1). The report shall describe all current and estimated future water use on the parcel, including residential, A-20 Winery, and irrigation uses. The WAA-1 shall be reviewed by the City Engineer, and if it is determined that water use is likely to exceed one acre foot of water per acre of land per year, the applicant shall be required to complete a Phase II Water Availability Analysis (WAA-2) to determine the impact of the proposed water use upon neighboring monitoring wells. If, through the WAA-2, it is determined that the proposed project will have a significant impact on neighboring wells the applicant will be required to mitigate that impact by revising the project. This mitigation plan is a Phase III Water Availability Analysis (WAA-3). Mitigation could include scaling back the size of the winery or phasing the vineyard development. All phases of a Water Availability Analysis shall be prepared or conducted by a licensed civil engineer or hydrologist on forms prescribed by the City or with methodology approved by the City Engineer.
- (c) A grading and drainage plan shall be submitted for review and approval with the use permit application.
- (d) A traffic analysis, completed by a licensed traffic engineer, shall be submitted with the use permit application. The analysis should define the projected Average Daily Trips that will be generated by the A-20 Winery traffic, and should include a determination as to whether the estimated increase in traffic will result in a significant adverse impact on the streets and intersections in the vicinity of the project site.
- (e) The use of mobile bottling lines shall be reviewed during the use permit process to determine impact upon residential uses in the vicinity of the property. If the use of mobile bottling lines is to be allowed, the size and parking of trucks, frequency of use and hours of operations shall be subject to limitations established in the use permit process.
- (f) Disposal of pomace and wastewater shall be reviewed during the use permit process. Wastewater treatment and disposal shall occur on the Premises or shall be distributed through the municipal wastewater system. A-20 Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property line.
- (g) The construction of caves shall require use permit review. Use Permit applications for caves shall include information pertaining to disposal of spoils.

Section 17.180.100. On-Premise Events and Sales.

- (a) The establishment of on-premise wine sales shall be determined through the use permit process.
- (b) The hours of sales shall be by appointment only as reviewed during the use permit process.

- (c) An A-20 Winery may be permitted to host Marketing Events as well as Tours and Tastings. During the use permit process careful consideration shall be given to the intent of the Marketing Event, the proportion of the Marketing Event's non-wine-related content, the intensity of the overall Marketing Plan as well as the volume, timing and other details specific to Tours and Tastings.
- (d) In considering the number of Marketing Events and Tours and Tasting appointments that an A-20 Winery is permitted to host, the Planning Commission shall consider, among other aspects, the following factors during the use permit process: the A-20 Winery's proximity to adjacent residences, the amount of traffic that may be generated by the Marketing Events and Tours and Tastings, the noise level, particularly amplified music, that may be generated by the Marketing Event and Tours and Tastings that would unreasonably impact adjacent residents, and the amount of dust that may be created by the Marketing Event and Tours and Tastings. No use permit shall authorize Marketing Events or Tours and Tastings unless the Planning Commission finds that the proposed Marketing Events and Tours and Tastings, as mitigated by the use permit, will have no significant impact on neighboring parcels.
- (e) Facilities for assembly, sales or entertaining including, but not limited to, retail sales rooms, visitor centers, event rooms, kitchens or food service facilities accessory to the A-20 Winery shall be permitted to implement the winery's Marketing Plan.

Section 17.180.110. Inspections, Fees, and Penalties.

- (a) A business license is required prior to the commencement of operation of an A-20 Winery.
- (b) The City of St. Helena, shall inspect and audit A-20 Wineries as often as necessary to ensure compliance with this Article and use permit conditions. An inspection and audit fee, which shall be paid for by the A-20 Winery, shall be set by Council resolution.
- (c) With the use permit approval of the A-20 Winery, the Planning Commission may require that the winery provide a compliance report to the Planning Commission one year after the use permit has been issued to discuss how the A-20 Winery is functioning under the use permit conditions of approval.
- (d) Failure to comply with any of the provisions of this chapter or a use permit issued to an A-20 Winery pursuant to this chapter shall be a misdemeanor and shall be subject to the enforcement and penalties for misdemeanor violations set forth in Section 17.20.010 of this code, as well as all available means of enforcement and penalties for the A-20 Winery's use permit violation pursuant to Chapter 17.04 of this code, including without limitation the revocation of the A-20 Winery use permit. Each right and remedy of the City provided for in this code or now or hereafter existing at law or

in equity, by statute or otherwise, shall be cumulative and shall not preclude the City from exercising any other rights or remedies provided for in this code or now or hereafter existing at law or in equity, by statute or otherwise.

CHAPTER 17.20 TWENTY-ACRE AGRICULTURE (A-20) DISTRICT

- Section 17.20.010. Purpose.**
Section 17.20.020. Permitted uses.
Section 17.20.030. Conditional uses.
Section 17.20.040. Design Review required.
Section 17.20.050. Accessory uses, buildings and structures.
Section 17.20.060. Development standards.
Section 17.20.070. Other uses, standards and requirements.

Amendment Notes:

[Blue underlined text is new language proposed prior to the 102213 meeting](#)

Section 17.20.010. Purpose.

The twenty-acre agriculture district (A-20) provides for agricultural and residential uses. With the exception of those hillside areas designated woodlands and watershed, and wineries designated winery, all lands outside the urban limit line are designated A-20 regardless of their size or use. The purpose of the A-20 district is to promote and implement the policies of the general plan to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This district restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the city expands. (Prior code § 27.20)

Sec.17.20.020. Permitted uses.

The following are the permitted uses in the A-20 district:

- A. One single-family dwelling per parcel in existence on October 1, 1993 consistent with the development standards and density regulations of the agriculture general plan land use designation;
- B. Cultivated agriculture including, but not limited to farming, pasturage, horticulture, floriculture and viticulture; retail sales area in excess of two hundred (200) square feet regulated by use permit;
- C. Animal husbandry and livestock farming; provided, that not more than one horse, one mule, one cow, one steer or similar large animal shall be kept for each one-half acre of area;
- D. One second unit, as defined in Section 17.04.160, and consistent with the provisions of 17.116.030.

- E. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of 17.116.010.
- F. Other similar uses found consistent with the general plan and the A-20 district pursuant to Chapter 17.08. (Prior code § 27.21)

Sec. 17.20.030. Conditional uses.

The following uses require approval of a use permit as regulated by Chapter 17.168. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the A-20 district:

- A. More than one single-family dwelling per parcel in existence on October 1, 1993; provided that the density and development standards of the A-20 District shall be observed;
- B. An accessory building or structure with toilet plumbing and/or cooking facilities, and consistent with the provision of Section 17.116.030.
- C. Buildings for agriculture-related uses on existing or proposed parcels;
- D. Facilities for the processing of agricultural products primarily produced on the premises; excluding large wineries;
- E. Hog farms, dairies, commercial poultry farms and egg ranches;
- F. Roadside stands which exceed two hundred (200) square feet in floor area and/or the sale of agricultural products not produced on the premises;
- G. Kennels, veterinarian hospitals and clinics, public and private stables, riding academies; commercial and agricultural nurseries;
- H. Farm labor housing for transient labor or agricultural employees in excess of the density limitations of the district;
- I. Other similar uses found consistent with the general plan and the A-20 district pursuant to Chapter 17.08;
- J. Flag lot development subject to the provisions of Chapter 17.112. (Prior code § 27.22)
- K. [A-20 Wineries pursuant to the provisions of Chapter 17.180.](#)
- * Farm labor supply employee housing as defined by the state of California, Department of Housing and Community Development.

Sec. 17.20.040 Design Review required.

Pursuant to Chapter 17.164 all subdivisions, signs, new structures or buildings, or exterior revisions (not including change in exterior color) of any existing structures or buildings for both permitted and conditional uses shall require design review.

Sec. 17.20.050 Accessory uses, buildings, and structures.

The following are the accessory uses, buildings, and structures permitted in the A-20 district:

- A. Garages, carports, workshops, pool houses, gazebos, patio covers, and other accessory buildings or structures without plumbing or cooking facilities.
- B. Home occupations subject to the provisions of Chapter 17.116;
- C. Roadside stands, not to exceed two hundred (200) square feet in floor area, for the sale of agricultural products produced on site;
- D. Signs subject to the provisions of Chapter 17.148;
- E. Swimming pools when located at least five feet from the property boundary and are fenced in a fashion to protect children in compliance with the Uniform Building Code;
- F. Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional uses pursuant to Chapter 17.08. (Prior code § 27.23)

Sec. 17.20.060. Development standards.

The following requirements shall be observed in the A-20 district, except as otherwise provided in this title:

- A. Parcel Size.
 - 1. The minimum parcel size for new lots created after October 1, 1993 is twenty (20) acres.
 - 2. Parcels created as a result of lot line adjustments may be less than twenty (20) acres, provided the number of parcels existing prior to the lot line adjustment does not increase.
 - 3. As set forth in Section 17.20.060, the density allowed on a legal parcel ten (10) acres or larger existing on October 1, 1993 shall be limited to one dwelling unit

per five acres. The density allowed shall be determined on the basis of parcels existing on October 1, 1993; parcels created after October 1, 1993 shall not be further subdivided unless consistent with density based on the parcel(s) in existence on October 1, 1993. The units allowed in excess of one unit shall be located on parcels of no greater than one-half acre each in compliance with the policies of the agriculture land use designation of the general plan. One of the permitted residential units shall be located on the remainder parcel devoted to agricultural uses and/or a deed restriction shall be placed on the remainder parcel which precludes additional residential use unless consistent with the general plan.

B. Standards for Lots Less Than Two Acres in Area. Development regulations and floor area ratio shall be the same as those for the LR:1A: low density residential one acre minimum zoning district (Chapter 17.36).

C. Standards for Lots Two Acres or Greater in Area:

Maximum nonagricultural coverage	1 acre ¹
Floor area ratio (F.A.R.)	Not regulated
Front setback	50 feet ²
Side setback	50 feet ²
Rear yard	20 feet
Side yard	20 feet
Height of buildings/structures	30 feet

¹ Nonagricultural coverage: No more than one acre of any one parcel shall be removed from active agricultural use. "Active agricultural use" means animal husbandry, crop, tree farming, wine production and viticulture. All structures, driveways (except for a sixteen (16) foot wide driveway no greater than two-thirds the length of the parcel), parking, patios, lawn or other nonagricultural uses shall be limited to the one acre maximum per parcel.

² Measured from the centerline of abutting streets. (Ord. 00-5 § 2: prior code § 27.24)

Sec. 17.20.070. Other uses, standards and requirements.

A. Special Yards and Distances Between Buildings. Barns, stables, chicken houses and similar accessory buildings shall not be less than fifty (50) feet from a street, nor less than forty (40) feet from any dwelling on an adjacent parcel or R district boundary line.

B. General Plan. General plan policy 2.6.61 limits residential development on properties existing at the time of adoption of the general plan (October 1, 1993) which are designated agriculture and are outside of the urban limit line in accordance with the following criteria:

1. Maximum density of one unit for every five acres of base parcel area;
 2. New parcels created after October 1, 1993. Parcels created for new development shall not exceed one-half acre in area unless consistent with policy 2.6.62;
 3. For a legal parcel existing on October 1, 1993 the total area for new residential developments shall not exceed a ratio of one-half acre per unit allowed. To determine the area of the parcel which can be used for residential development, the maximum number of units allowed shall be multiplied by one-half acre per unit. After determining the area of the parcel which can be used for residential development, any number of units below the maximum permitted may be located within that area;
 4. Existing unit(s) on the base parcel shall be included when determining compliance with the criteria establishing the permitted number of parcels;
 5. New parcels shall be contiguous and accessible from existing streets;
 6. New parcels shall be located so that they minimize the impact on the agricultural viability of the base parcel and adjoining properties;
 7. Adequate provision of utilities shall be considered prior to approval of creation of new parcels and/or building sites.
- C. Outside Urban Limit Line. In areas outside the urban limit line, new parcels can be created to separate residential development that existed prior to the adoption of the 1993 general plan from remaining agricultural lands. The area of the new parcel on which the existing residential development is located may exceed one-half acre, provided the area does not include existing agricultural land except land which is restricted to agricultural use. The area of the new parcel on which the existing residential development is located and the number of units existing within the area of the new parcel(s) shall be counted against the development potential of the base parcel as set forth in guiding policy 2.6.61. Neither the area (one-half acre per unit) nor the number of units (one unit per five acres) shall be exceeded, except as provided for residential development which existed prior to the adoption of the general plan.
- D. Right to Farm. Property owners within this A-20 district shall recognize that there exists a right to farm properties within the district and in the vicinity of the district. There is a good faith expectation that no complaints will occur regarding legal normal agricultural activities on properties in the district or in the vicinity of the district. Such activities may include day or night disbursement of chemicals, and creation of dust, noise, or fumes. (Prior code § 27.25)