**BOARD OF SUPERVISOR ADOPTED**

**AGRICULTURAL PROTECTION ADVISORY COMMITTEE (APAC) RECOMMENDATIONS**

**STATUS UPDATE**

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|  | **Board of Supervisors’ Approved Direction** | **Deliverables** | **Status/Timeline** |
| **1** | Prepare guidelines for use by staff and decision-makers regarding the legal standards for the evaluation and consideration of variances, with an emphasis on avoiding the use of variances as a principal tool for achieving compliance with land use regulations. | Prepare guidelines prepared by staff regarding the evaluation and consideration of variances. | **COMPLETED.**  Guidelines were drafted by County Counsel and distributed to staff and the Planning Commission in 2015. |
| **2** | Take no action with regards to Proposal X, as guidelines for infrastructure and site constraints are already addressed in the visitation comparison charts and locational criteria provided in Planning Commission Recommendation No. 13. | None | **NO ACTION REQUIRED** |
| **3** | Take no action with regards to the definition of Agriculture, re-confirming the existing definition as provided in Policy AG/LU-2 of the currently adopted General Plan. Complete General Plan Action Item AG/LU-2.1 that would amend the County Code to make it consistent with Policy AG/LU-2, to: (1) ensure that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16; and (2) that marketing activities and other accessory uses remain incidental and subordinate to the main use. | Prepare a draft County Code Amendment to conform the definition of agriculture to General Plan policy. | **COMPLETED**  Board of Supervisors adopted the ordinance on May 9, 2017. |
| **4** | Prepare a plan to implement a phased, self-certification compliance program.  The first phase would require all wineries to report their production and grape sourcing data to the County. An ordinance to require production and grape sourcing would be considered late in 2016; would be implemented in 2017, and the first reports would be due in 2018. During this phase, staff would review the existing methodology for calculating wine production for consistency with the ATTB (Alcohol, Tobacco, Tax and Trade Bureau) definition, as well as current types of winery operations. Staff would also work with County Counsel to prepare a series of papers explaining the legal guidelines by which existing vested rights are determined. The second phase would involve an opportunity for wineries to come in for a voluntary review of their use permit to: (1) consolidate and streamline existing use permit conditions of approval; (2) determine and specify existing vested rights; (3) clarify the scope of activities addressed; and/or (4) consider alternative effective measures of tasting and marketing visitation. The reviews would not involve any change to legally established vesting or permitted rights. Depending on the volume of such requests and the extent of the Planning Division workload, outside planning and legal consultants may be needed to implement this second phase. The current practice of the wine audit would continue through the first and second phases. | Prepare a draft County Code Amendment to revise the Code Compliance process and procedures. | **COMPLETED**  The Board adopted a resolution on November 13, 2018, that established a deadline for landowners to come into compliance, provided a status determination process, and penalties for violators who did not comply prior to the deadline.  **IN PROCESS**  A draft ordinance to require all wineries to provide annual production reporting is being prepared and will be presented to the Board for consideration in summer of 2020. |
| **5** | Prepare an ordinance to limit the total development area of residential development within AP and AW zoned parcels. Take no action with regards to changing the existing development area of wineries. | Prepare a draft County Code Amendment to establish a maximum development area for new residential uses in agriculturally zoned land. | **IN PROCESS**  Draft ordinance is tentatively scheduled for a consideration by the Planning Commission in summer of 2020. |
| **6** | As a part of the guidelines referenced in Planning Commission No. 13, staff reports shall include a calculation of the impermeable outdoor areas (not located within an enclosed structure) proposed for hospitality, and express that calculation as a percentage of the production facility for each Use Permit or Major Modification winery application. In addition, a site plan showing permeable areas designated for hospitality (i.e., lawns, gardens, etc.) shall be included as a part of the winery application, for the purpose of CEQA review. | Prepare guidelines regarding the calculation of outdoor impermeable areas proposed for hospitality. | **NOT STARTED**  Included as one of the topics for discussion in the April 21, 2020, joint meeting between the Board of Supervisors and the Planning Commission |
| **7** | Take no action at this time with regards to the use of hold and haul facilities. Return to the Board of Supervisors in one year to: (1) further evaluate the feasibility of redirecting hold and haul waste to proper disposal site(s) located within Napa County; and (2) determine the compatibility of future hold and haul uses with the new Winery Discharge Waiver and Local Agency Management Plan (LAMP) requirements. | None. | **NOT STARTED**  Neither the Winery Discharge Waiver and LAMP have been finalized by the State. Included as one of the topics for discussion in the April 21, 2020, joint meeting between the Board of Supervisors and the Planning Commission |
| **8** | Prepare an ordinance to establish a process to streamline the consideration of use permits for those small wineries that meet all of the following criteria:   * Have structures that total less than 5,000 square feet in size, excluding caves; * Involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet, with all of the excavated cave spoils to be used on site; * Produce 30,000 gallons of wine or less per year; * Generate less than 40 vehicle trips per day and 5 peak hour trips, except on those days when marketing events are taking place; * Hold no more than 10 marketing events per year, each with no more than 30 attendees, with one additional wine auction event of up to 100 attendees; and * Hold no temporary events. | Prepare a draft County Code Amendment to create a Small Winery Use Permit streamlining process. | **COMPLETED**  Board of Supervisors adopted the ordinance on February 4, 2020. |
| **9** | As a part of any ordinance that implements one or more APAC recommendations, include a statement of policy in the Findings which states that wineries that were legally established prior to adoption of [the effective date of the ordinance] are an integral part of the Napa Valley economy. The Board of Supervisors recognizes the legal existence of such wineries and their need to operate as legal conforming uses, and permits their continued right to operate within the conditions of their approved use permits or certificates of exemption or, in the case of wineries established prior to 1974, at the level which legally existed as of July 31, 1974; provided, however that expansion above and beyond that allowed by the approved use permit or certificate of exemption or, in the case of pre-1974 wineries, the level that existed as of July 31, 1974, would only be permitted upon securing a use permit or modification to the use permit in accordance with the zoning ordinance. The Board further declares that the conforming structures and uses of legally established wineries are rights that cannot be rescinded in whole or in part except in the case of the revocation, suspension, or modification of the use permit under County Code Section 18.124.120 or any other applicable law that authorizes the County to revoke, suspend, or modify an existing entitlement. | Ensure that the accepted language is included in the Ordinances referred to in Measures 3, 4, 5, and 8. | **ONGOING**  Equivalent language was included in the Ag Definition Ordinance adopted by the Board. Equivalent findings will be included in other ordinances as they are considered. |
| **10** | Establish a working schedule for implementation of actions identified in the Napa County General Plan. Develop a Code Compliance Policies and Procedures Manual to ensure that all current regulations are enforced fairly and consistently, for consideration by the Board of Supervisors. Prepare an updated Checklist for Development Projects to ensure consistency in application material requests. Complete the direction provided by the Board of Supervisors at the joint special hearing on March 10, including: adoption of the Climate Action Plan; adoption of the revised Circulation Element of the General Plan; and continuing discussions among County, City, and Town staff to coordinate on regional land use, water, and transportation issues. | Review the working schedule for General Plan action item implementation.  Recommend Code Compliance Manual  Recommend the draft Climate Action Plan.  Recommend the revised Circulation Element of the County General Plan.  Discussions with cities to coordinate on regional land use, water, and transportation | **COMPLETED**  This item was presented to the Board of Supervisors on March 19, 2019, and is presented annually to the Planning Commission.  **COMPLETED**  Board of Supervisors adopted the Code Compliance Manual on February 7, 2017.  **IN PROCESS**  The revised Climate Action Plan is currently in public review and comment. The Notice of Preparation for the EIR is also in process.  **COMPLETED**  The Circulation Element was adopted by the Board of Supervisors on February 5, 2019.  **ONGOING**  The City and County Planning Directors continue to meet quarterly with Napa Valley Transportation Authority and Association of Bay Area Governments. The Napa Sub-region Housing Allocation Committee will begin meeting in February. The Climate Action Committee began meeting in December of 2019. |
| **11** | Share the County’s production reporting methodology with the five other Napa County jurisdictions and encourage annual winery data collection from wineries located in the incorporated areas for the purposes of capturing more complete and comprehensive data regarding industry-wide issues. | Discussions with cities. | **NOT STARTED**  Once the annual winery production reporting process has been adopted, staff will work with the cities and town to coordinate data collection. |
| **12** | Take no action regarding the net loss of vineyards, confirming the County’s historic and continuing practice of allowing the incidental removal and replacement of vineyards as a part of winery operations. | None. | **NO ACTION REQUIRED.** |
| **13** | Prepare guidelines to include comparison and locational criteria information in staff reports for consideration by decision-makers of winery use permits. | Prepare guidelines regarding winery comparison tables and locational criteria. | **COMPLETED**  Planning Commission provided direction to staff on September 16, 2015, to include tables comparing proposed visitation of similar wineries within the same area and within the same range of production, as well as a table showing standard site-specific operational and locational information. |
| **14** | Provide an annual report to the Planning Commission on prior year winery activity that includes the following information:   * Total aggregate permitted and actual wine production; * Total wine grape acreage and aggregate production; * Total aggregate amount of wine crushed within Napa County, aggregate amount of grapes imported into Napa, and aggregate amount of grapes exported out of the County; * Total production, tasting room visitation, marketing visitation, and variances permitted by the County; * Gross and net loss of vineyards and farmland; * Average and median visitation numbers for groups of wineries based on production levels. * Number of temporary event permits issued, and number of visitors allowed. | Prepare a format for annual report on winery activity. | **NOT STARTED**  This information is provided to the Board, Commission, and public on an intermittent basis, as data becomes available, but has not yet been aggregated into a single update. |