

APAC Recommendations to Planning Commission

Scope of APAC: The Board of Supervisors appointed the 17-member Agricultural Protection Advisory Committee (APAC) and tasked them with considering the following topics:

- Minimum parcel size for new wineries
- Minimum percentage of grapes used in the winery to be grown on-site ("estate grapes")
- Requiring that new or expanded wineries result in no net loss of vineyards
- Requiring that a majority of employees be directly engaged in vineyard or production operations
- Limiting the amount of variance allowed for setbacks on new wineries
- Requiring that wineries include the number of temporary events in their use permit approval as part of marketing and tasting room visitation
- Requiring different development standards for wineries located in the Agricultural Preserve (AP) and Agricultural Watershed (AW) zoning districts

Proposed Schedule (Summary) for Planning Commission's Review of APAC's Recommendations, scheduled to be formally received from APAC on Wednesday September 16, 2015.

<u>Date</u>	<u>Topic</u>	<u>Timing</u>
16-Sep Receive Final Recommendation from APAC Chair. APAC Recommendations 1-2	<ul style="list-style-type: none"> • High level actions recommended • Definition of Agriculture 	Day
7-Oct APAC Recommendations 3-8	<p>Nature of Approvals</p> <ul style="list-style-type: none"> • Net loss of vineyards • Variances • Coverage • Hold and Haul • Accessory use area • Effective date of recommendations 	Evening
21-Oct APAC Recommendation 9-10	<p>Compliance</p> <ul style="list-style-type: none"> • Compliance review process • Small winery exemption 	Day
4-Nov APAC Recommendation 11	<p>Proposal X Framework</p> <ul style="list-style-type: none"> • Line level population of Proposal X 	Evening

18-Nov APAC Recommendation 11	Proposal X Framework/Final Recommendation <ul style="list-style-type: none"> • Line level population of Proposal X (cont.) • Final Recommendation for Supervisors 	Day
24-Nov	Presentation to Board of Supervisors	

Proposed Schedule (Detail) for Planning Commission's Review of APAC's Recommendations, scheduled to be formally received from APAC on Wednesday September 16, 2015.

Session 1 – September 16, 2015:

- 1) Receive formal presentation of APAC recommendations from Chair Ted Hall.
- 2) Discuss and receive public comment regarding APAC's recommendation to refer to the following **definition of agriculture** when considering policies or applications related to wineries:

Agriculture is the raising of crops, trees, and livestock; the production and processing of agricultural products; farm management activities; farm worker housing; and related accessory uses. Agricultural processing includes crushing; wastewater disposal; aging, processing; bottling, storage, and shipping of bulk wine; office and laboratories; retail sales of wine; marketing activities for the education and development of consumers and members of the wine trade regarding wine produced by the winery; and limited non-commercial food service. Accessory uses must be related, subordinate and incidental to the main use. They must also be reasonably compatible with and cannot change the character of the primary agricultural uses.

Permitted Uses that are compatible with agriculture include dwellings and guest cottages; small care homes; minor communications facilities; kennels and veterinary offices; non-commercial energy systems; limited recreational uses; campgrounds and related lodging; sanitary landfills; levee repair and maintenance; and agricultural processing facilities (other than wineries).

Uses accessory to a winery include tours and tastings; retail sale of wine-related items; display of art or items of historical, ecological, or viticultural significance; child care centers; and temporary events.

- 3) Discuss and receive public comment regarding APAC's recommendation to implement the following **high level actions**:
 - a. Implement the land use policies identified in the Napa County General Plan update.
 - b. Enforce all current regulations fairly and consistently.
 - c. Deny any unrealistic use permit applications and modifications that are depending on the excessive use of variances.
 - d. Consistently follow existing procedures.
 - e. Discontinue creative efforts to justify projects on non-conforming parcels; and
 - f. Be consistent in the interpretation, application and enforcement of all use permits

APAC encourages and supports the County to complete each of the other items it identified at the special March 10 meeting:

- a. Complete the County Climate Action Plan.
- b. Revise the Circulation Element of the General Plan.
- c. Hold a summit of County and city officials to discuss joint efforts to address regional land use and transportation issues.

Session 2 — October 7, 2015:

- 1) Discuss and receive public comment regarding APAC's recommendation to not **prohibit the net loss of vineyards** as part of any nuanced/or amended winery use permit application.
- 2) Discuss and receive public comment regarding APAC's recommendation that **variances** are not a principal tool for achieving compliance with land use regulations, and should be approved only when there is specific evidence supporting all of the necessary findings.
- 3) Discuss and receive public comment regarding APAC's recommendation for parcels up to 40 acres in the AP and AW zones, no more than a **cumulative total of 20% of any parcel may be developed for winery, residential and/or other permitted uses**. The total development area for parcels larger than 40 acres would be capped at a fixed eight (8) acres maximum.
- 4) Discuss and receive public comment regarding APAC's recommendation that the **"Hold and Haul" of waste water and related liquid products** be prohibited for wineries on all AP or AW zoned parcels, except in either an emergency or on a temporary basis not to exceed one year from use permit approval.
- 5) Discuss and receive public comment regarding APAC's recommendation to direct staff to recommend modifications to County Code to **include outdoor visitation and Type 3 caves in the calculation the accessory use area** for new wineries.
- 6) Discuss and receive public comment regarding APAC's

recommendation that the maximum winery development area, small winery exemption, and hold and haul restrictions **apply only to applications for new winery use permits submitted after January 1, 2016.**

Session 3 – October 21, 2015:

- 1) Discuss and receive public comment regarding APAC's recommendation for **improved compliance review process** for wineries by implementing the following:
 - a. Reporting must be submitted annually, by all wineries that have use permit approval within the unincorporated area
 - b. The principal officer of each winery shall sign a document certifying the amount of wine produced, compliance with the 75% rule, as applicable, and compliance with all conditions of approval
 - c. Copies of ATTB and CDFR forms shall be provided to the County to verify the above information
 - d. All data collected shall remain confidential to the extent allowed under the law
 - e. Enforcement and compliance review fees shall be adopted to support the cost of the expanded compliance review
 - f. Subject to applicable law, the County shall prepare a formula for calculating civil penalties associated with violating wineries
 - g. A more in-depth compliance review will be held if the winery is exceeding their annual production limit, or is in violation of the 75% rule. In-depth compliance reviews will also be held to investigate complaints received from the public
 - h. If it is determined that a violation has occurred, the winery must immediately comply with the conditions of its use permit. An application to modify the use permit to correct the violation may not be submitted for one year
 - i. Staff will provide an annual report to the Planning Commission regarding the number of wineries found to be in violation during the previous year, and a summary of production, crush, and 75% compliance aggregate data

- 2) Discuss and receive public comment regarding APAC's recommendation that new winery applications that meet the following **standards of the small winery exemption** in the adopted Napa County CEQA Guidelines should be fast tracked to the Zoning Administrator.
 - a. Less than 5,000 square feet in size excluding caves
 - b. Will 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
 - c. Will produce 30,000 gallons or less per year
 - d. Will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place

- e. Will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance
- f. Will hold no temporary events

Session 4 & 5 – November 4, 2015 & November 18, 2015

- 1) Discuss and receive public comment regarding APAC’s recommendation to utilize the **Proposal X Framework** to lend definition to appropriate AP & AW zoning benchmarks by parcel size:

	AP			AW			
	10 – 20 Acres	20-40 Acres	40+ Acres	10-20 Acres	20 – 40 Acres	40-80 Acres	
Review Authority							
Production Capacity							
Total Development (Winery, Residential, etc.)							
Maximum Area							
Maximum Hospitality Area (Incl. Open Space and Type 3 Cases)							
Tasting Room Visitors							
Food Service							
Marketing Event Visitors							
Hours of Operation							
Temporary Events							
Retail Products							
Hold and Haul							

- 2) Finalize recommendations to the Board of Supervisors

Scope of Planning Commission: The Board of Supervisors tasked the Planning Commission them with considering the following topics:

1. Art as signage
2. Outdoor visitation (APAC addressed)
3. Visitation matrix (or other concepts for evaluating visitation/marketing)
4. Consider APAC recommendations

TADDEI VINEYARDS

Oakville ♠ Napa Valley

August 30, 2015

Napa County Planning Commission
1195 Third Street, Suite 210
Napa, CA 94559

Planning Commission Mtg.

SEP 02 2015

Agenda Item # 9A

Re: Agricultural Protection Advisory
Committee's Recommendations.

Dear Chair Phillips and
Members of the Commission:

I would like to express my support for the recommendations made to you by the Agricultural Protection Advisory Committee (APAC). Our family has been farming in the Napa Valley since the 1930s. Since that time, the Valley has undergone many changes.

Over just the past few years there has been a significant increase in the number of applications for large wineries, accompanied by requests for multiple variances in an attempt to squeeze large buildings onto small parcels in order to achieve "compliance" with land use regulations. These types of projects take farmland land out of production and emphasize the wineries as the primary focus of the use of the land.

The most important of the recommendations made by the APAC is that variances should not be the principal means used to gain project approval in spite of well reasoned and long standing land use policies and regulations. It goes on to suggest that variances should only be approved when there is specific evidence to support all the necessary findings. This is a point that the APAC members agreed on unanimously. The APAC was clear that variances, and the subjectivity of their approval by the County has eroded our landscapes and communities. Setting clear regulations and enforcing them consistently will encourage wineries and other uses to be appropriately sized for their respective parcels. There are probably some cases where the granting of a variance might be appropriate. However, that decision should be made on clear and factual evidence to support the findings required to be made in the grant of a variance, and not merely at an applicant's request.

"FARMING IN THE NAPA VALLEY SINCE 1933"

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The other recommendations made by the APAC are also key to preserving agriculture in the Napa Valley, namely:

✓ Limiting the amount of developable land on each parcel to 20% in the Ag Preserve and Ag Watershed would ensure that the majority of acreage would remain available for farming, ranching, and open space.

✓ Prohibiting new wineries from using the so-called "Hold and Haul" method for wastewater disposal would help to ensure that comprehensive wastewater would be an integral part of all new winery permits. Disposing of wastewater properly on site ensures that wineries would not create more wastewater than they can dispose of; thus again helping keep wineries appropriately sized to their respective parcels.

✓ Implementing the APAC's "Proposal Z," the annual self reporting by wineries would assure that the principal officers of each winery will become and remain familiar with the parameters of their respective use permits, and remain compliant. Businesses that maintain compliance will not only be in good standing with the County, but will likely incur less clamor from their neighbors and the community.

Lastly, the APAC's "Proposal AA," supported by the Napa Valley Vintners and the Napa Valley Grapegrowers, requests that County Officials use the tools they already have to help preserve agriculture. It strongly urges the County to stick to policies set out in the General Plan Update, and asks for consistency in the interpretation, application, and enforcement of all regulations and use permit conditions. Proposal AA again touches on the over use of variances, asking for officials to deny unrealistic use permit applications and modifications that attempt to justify projects on non-conforming parcels.

The APAC was given a large task in addressing the many issues that are currently facing us in the Napa Valley. With preserving agriculture as their main focus, they were able to make several recommendations that will help sustain growth while ensuring that the beauty and benefits of our agricultural economy will endure and thrive.

As a farmer in the Valley I would encourage you to recommend to the Board of Supervisors that it adopt and enact the APAC's recommendations. Thank you for your time

Very truly yours,



KARA TADDEI

Gallina, Charlene

From: McDowell, John
Sent: Tuesday, September 01, 2015 4:33 PM
To: Frost, Melissa
Cc: Anderson, Laura; Gallina, Charlene; Morrison, David
Subject: FW: Letter for the Planning Commission Regarding APCA Recommendations
Attachments: APAC Planning Commission Letter.pdf

Correspondence on APAC item for tomorrow.

From: Kara Taddei [<mailto:ktaddeivineyards@gmail.com>]
Sent: Tuesday, September 01, 2015 3:53 PM
To: McDowell, John
Subject: Letter for the Planning Commission Regarding APCA Recommendations

Hello Mr. McDowell-

I hope all is well with you. I wrote a letter to the planning commission to show my support for the recommendations that were approved by the APAC board. Can you please distribute the attached letter to the members of the Planning Commission? Please let me know if you have any questions or need more information on anything. Thank you very much for your help Mr. McDowell and I hope you have a great rest of the day.
Kara Taddei

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Kara Taddei
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Oakville, CA 94562

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SEP 02 2015

Agenda Item # 3.A

David Morrison
Director

MEMORANDUM

To: Napa County Planning Commission	From: John McDowell Deputy Planning Director
Date: September 2, 2015	Re: Proposed Schedule to Consider APAC Recommendations

<u>Date</u>	<u>Topic</u>	<u>Timing</u>
September 16 th	Definition of Agriculture Net loss of Vineyards APAC Recommendations 1-2	1:30 p.m.
September 30 th	Variances Lot Coverage Accessory Use Areas Small Winery Exemptions Hold and Haul APAC Recommendations 3-5	9:00 a.m.
October 7 th	Compliance Review Process Effective Date of Recommendations APAC Recommendations 6-8	1:30 p.m.
October 14 st	Proposal X Framework Line Level Population of Proposal X APAC Recommendations 9-11	6:00 p.m.
10/21 October 28 th (Cancel if On Schedule at October 14 th)	Complete Unfinished Business	6:00 p.m.
November 4 th	Complete Unfinished Business Finalize Recommendation to BOS	1:30 p.m.
November 24 th	Presentation to BOS	

Gallina, Charlene

From: Morrison, David
Sent: Monday, August 31, 2015 11:40 AM
To: 'Heather Phillips'; Matt Pope; 'Mike Basayne'; 'Terry Scott'; 'Anne Cottrell'
Cc: McDowell, John; Gallina, Charlene; Frost, Melissa; Anderson, Laura
Subject: FW: APAC on 9/2 Planning Commission Agenca

Planning Commission Mtg.

The following correspondence has been received with regards to Item 8A on the Agenda.

SEP 02 2015

Agenda Item # 8A

From: evekahn@sbcglobal.net [mailto:evekahn@sbcglobal.net]
Sent: Sunday, August 30, 2015 10:42 AM
To: Ted Hall; Morrison, David
Subject: APAC on 9/2 Planning Commission Agenca

I respectfully request that agenda item 8A be postponed until Sept 16th without taking public comment.

I knew that our recommendations were going to the PC but thought either one, or both of you mentioned that it would not be discussed until the 16th. The report we discussed on the 24th was more extensive - including issues on items we discussed (most had votes, a few never had time for voting).

From my perspective, the public should have the full report before this item is discussed -not fair to them or the PCs to get this in piecemeal fashion.

Many thanks, Eve

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