

PC 9-30-15

Gallina, Charlene

From: McDowell, John
Sent: Tuesday, September 29, 2015 5:48 PM
To: Frost, Melissa
Cc: Anderson, Laura; Gallina, Charlene; Morrison, David
Subject: FW: Planning Commission Meeting 9/30 - Public Comment
Attachments: Planning Commission 2015-09-28.pdf

Off agenda communication

From: Lewis Chilton [mailto:lewischilton@yahoo.com]
Sent: Monday, September 28, 2015 12:12 PM
To: McDowell, John
Subject: Planning Commission Meeting 9/30 - Public Comment

Mr. McDowell:

Please accept the attached letter as part of the record for Public Comment at the 9/30/2015 meeting of the Napa County Planning Commission. I have attached a PDF of the letter and copied the text below in this email.

Regards,

Lewis Chilton

Dear Napa County Planning Commissioners:

First off, thank you for your work on behalf of the residents of Napa County by serving on the County Planning Commission. I like to refer to such posts as "prestigious volunteerism" – you spend an incredible amount of time and mental capacity on important issues with no pay. It is with that in mind that I am writing to comment on the commission's meeting scheduled for Wednesday, September 30.

I want to strongly encourage you to not adopt the agenda as presented and instead continue these discussions until after seeking written advice from the California FPPC. In my opinion, the integrity of the process begun by the APAC and final outcome of any recommendations passed by the Board of Supervisors has been damaged by the needless recusal of most members of the Planning Commission. By continuing these meetings using the "drawing straws method" instead of seeking FPPC guidance, the deliberations of the Planning Commission have effectively been rendered meaningless; implying that two of the remaining three members cannot impartially consider these issues. In effect, your time is being wasted.

During my time as a Councilmember for the Town of Yountville, I ran into multiple situations where a conflict of interest was of concern. Like you, I took that very seriously and at times did not participate. I did learn an early lesson that I ask you to consider. During one contentious issue in Town early in my tenure, we had an internal discussion about whether I should participate in a key vote. Our Town Attorney laid out their concerns but ultimately said that it was my decision whether to participate. After conferring with others and studying the law, I decided it was legal and ethical to participate. On the eve of the vote, the Town Attorney circulated a memo to all staff and councilmembers alleging that I had a conflict of interest and that it was their opinion I should not participate. It forced me to recuse myself out of caution, as it would look unseemly to ignore the advice of our attorney. However, it was only then that I learned an official could ask for written advice from the FPPC and get a response in no more than 30 days. So I had a letter written and indeed the FPPC agreed that I had no conflict of interest. Looking back, it is one of my biggest regrets that I was unnecessarily forced into not casting a vote on an issue important to me. I honestly did not understand the options available to me and how easy it was to resolve such an issue.

After that situation, I proactively insisted that staff alert me to any issue that may have the potential for a conflict under the law. Well in advance of the issue coming to the Council, our (new) Town Attorney would write a letter to the FPPC explaining the situation and asking for guidance. I was able to participate in numerous votes that without that such written guidance I would have likely not have done so out of an abundance of caution.

In your situation based on my experience and knowledge of the process, I very much believe that four Planning Commissioners would have no issue participating in the APAC discussion and more than likely all five would be allowed to participate. A single cowardly letter referencing one precedent from several decades ago should not be allowed to taint the reputations of so many people.

The issues before you now are the most important issues you will face while on the Planning Commission. These issues deal with essence and future direction of Napa County. On top of that, these issues will not be seriously discussed again anytime in the near future. It's simply how politics works –everyone will say “We had a committee comprised of dozens of people look at this issue, the Planning Commission looked at it, the Board looked at it – we've been there and there's nothing else to say.”

To be very honest, county staff made a huge blunder. The conflict issue could have been seen a mile away and considering the APAC met for a year, individual letters to the FPPC could have been written and submitted long ago. Such an error should not be brushed aside as somehow unforeseeable but instead should be fixed. **It only takes 30 days!** The idea that this issue – the future of Napa County's agricultural lands – is so urgent that it cannot wait 30 days is beyond belief. (As an aside, I note that Napa Pipe has been going on for 8 years.)

In closing, you have the power and the political support to correct this error. Without being overly dramatic, I believe you owe it to the members of the APAC and the residents of Napa County to be sure this multi-year process is not allowed to be derailed by the craven action of a faceless, yellow-bellied hypocrite or the error of staff. The only five people who determine what is on the Planning Commission agenda are you -- the Planning Commissioners (hence agenda item #3). Please use your power to continue this discussion for a mere 30 days and get this process back on track with written FPPC guidance.

Respectfully,

Lewis Chilton
6498 Washington Street
Yountville, California 94599

cc: all members of the Napa County Planning Commission; John McDowell, Deputy Planning Director

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9-30-15
PC

9/30/15


Some Thoughts on Ag

Dan Mufson
September 29, 2015

Napa County 2015 7

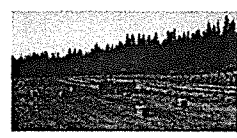
What is Ag?
Are we Protecting it?

Napa County 2015 8




Napa Agriculture
Napa County Code Section 16.04.000 - Agriculture "Agriculture" means the raising of crops or livestock, and includes the following:

Napa County 2015 9



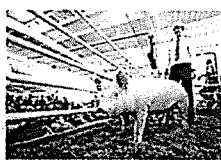
Ag Is:
A. Raising and raising trees, or nuts, or fruits, berries, vegetables, poultry, wool, hair, grain or similar kind of crop and 100% cash.

Napa County 2015 10




Ag Is:
B. Raising of livestock and keeping associated records;

Napa County 2015 11



Ag Is:
C. Animal husbandry, including, in that order, the raising and raising of cattle, swine, horses, goats, and rabbits and parts of the products thereof in raising or subsection B) (2) of this section.


Napa County 2015 12



Ag Is:
D. Sale of agricultural products grown, raised or produced on the premises.

Napa County 2015 13

Ag Preserve



Napa County 2015 14


The Evolution of "Ag" Preservation

- 1968 Established Ag Preserve
- 1990 Winery Definition Ordinance (WDO)
- 2008 General Plan: "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses.
- 2010 WDO: Marketing of wine 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.

Napa County 2015 15

We All Say We Want to Protect Ag



What "Ag" are We Protecting?



Year 2013 11

Wine/Food Pairing


Wine & Food Pairing: How to Pair Food & Wine

Year 2013 12

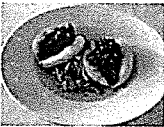

3-Course Meal Ag

- Complete your Napa Valley experience with a private lunch at our picturesque Stage Line property in the Estate Lounge. Enjoy a three-course meal expertly paired with our highly coveted wines crafted by Winemaker Jeff Owens. After lunch, take an educational walking tour of our organically farmed, sustainable estate featuring 40 acres of CECCO-certified vineyard and our Gold LEED certified winery nestled into the hillsides of the famed Stage Line Ranch.
- "Elevated Lunch" - \$60/person
- "Wineyard View Lunch" - \$165/person



Year 2013 13

Restaurant or Winery?

Year 2013 14


Ag Weddings

Ag Weddings

Countless of us are looking for an exciting, fun and different way to celebrate our special day. At Stage Line, we offer a unique experience for couples to celebrate their special day in a beautiful setting. Our venue has a lot of unique features that make it a perfect choice for couples looking for a unique wedding venue. Our venue is a beautiful, historic building that has been converted into a modern wedding venue. Our venue is a beautiful, historic building that has been converted into a modern wedding venue. Our venue is a beautiful, historic building that has been converted into a modern wedding venue.


Year 2013 15

Ag "Secret Cinema"




Year 2013 16

Concert & Dinner Ag




Year 2013 17

Circus Ag



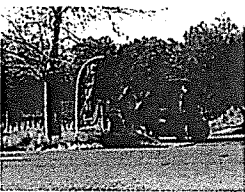
Year 2013 18

Rent A Room Ag



Year 2013 19

Car Sales Ag



Napa County 2012 22

Ag

- Castles
- Concerts
- Holiday Parties
- Movies
- Puppies and Pinot
- Rehearsal Dinners
- Yoga
- ...

Napa County 2012 21

Ag Apocalypse

"The apocalyptic vision of wine communities is what is being debated. Taken to an endpoint, we all can lose what makes wine country worth visiting, and instead end up with unabated winery development, uncontrolled wine production, deforestation of the hillsides and open space to accommodate new vineyards, more hotels, more events, more expensive restaurants, fewer local serving businesses, traffic, noise pollution, ... and the list goes on."

Rob Williams, SW On Wine, Aug 14, 2013

Napa County 2012 23

We Recommend Ag is:

- *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 may be permitted and must remain related, subordinate, and incidental to the main use.*

Napa County 2012 24

Predictable Regulatory Environment

- **Goal AG/LU6: Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community and needs of the environment.**

Napa County 2012 25

Our True Wealth

"We recognize that building more, doing more and earning more will not make Napa County a better place...Our true wealth is the people of our community."

Napa County Proclamation, "Compassionate Napa," June 9, 2015

Napa County 2012 26

- *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 may be permitted and must remain related, subordinate, and incidental to the main use.*

Napa County 2012 27

Napa County 2012 28

Frost, Melissa

Subject: FW:

From: Heather Phillips [mailto:heather@vinehillranch.com]

Sent: Monday, September 28, 2015 1:41 PM

To: McDowell, John

Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: PamTom <keceljackson@hotmail.com>

Date: September 28, 2015 at 7:13:30 AM PDT

To: Brad Wagenknecht <bwagenknecht@co.napa.ca.us>, napacommissioner@yahoo.com,
heather@vinehillranch.com

The original definition of agriculture was altered in 2008 to include the wording "...related marketing, sales and other accessory uses". In other words, marketing events are now considered equal to the farmer and his tractor? This was not brought to my attention!

Please change the wording back to its original intent! I quite frankly cannot believe this! Please do your best to preserve the precious soils of our Napa Valley, and take the word "marketing" out of the definition of Agriculture.

Thomas and Pamela Jackson
1049 Stonebridge Dr
Napa

Sent from my Verizon Wireless 4G LTE smartphone

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Frost, Melissa

Subject: FW: Support of APAC Recommendation #3: Use the Working Definition of Agriculture

From: steven@thereservegroup.com [mailto:steven@thereservegroup.com]

Sent: Monday, September 28, 2015 9:20 AM

To: Morrison, David; McDowell, John; Wagenknecht, Brad; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith

Subject: Support of APAC Recommendation #3: Use the Working Definition of Agriculture

Dear Planning Commissioners and Board of Supervisors:

I'm writing to express my strong support of the APAC Recommendation #3, to "Use the working definition of agriculture (see Appendix)."

In the APAC's arguments in favor of the definition, they say

"Education of the wine experience is enhanced when it's accompanied by food, or music, or art. People expect more sophistication to wine tasting when they come to Napa. We shouldn't punish the wine industry for being creative when it comes to presenting their product."

As a resident, I'm writing because I value the quality of life within Napa County and because I am also a strong supporter of the Arts. This Valley was founded on and has embodied the spirit of excellence in agriculture, winemaking and stewardship of the land which has always been integrated with an appreciation of how all of the various arts (culinary, visual, music) are inseparable from this.

The original intent to preserve Napa Valley's agriculture was to prevent the tearing out of agricultural land for residential development and to maintain farming's feasibility. Our spirit of excellence in farming and winemaking, with the integration of the arts as inseparable from them, is exactly what will allow agriculture to not only be sustainable, but to flourish.

Napa County has already adopted the "Community Cultural Plan" with one of the Vision Statements being: "1) Public Policy – Integrated public funding and policies that promote, support and sustain the arts in Napa County".

Considering this and the heritage of the arts being a natural part of farming, winemaking and marketing wine, the adoption of the APAC Recommendation #3 is a common sense act.

Thank you very much for your consideration and service.

Sincerely,

Steven Rea

cc: David Morrison, Napa County Planning Director
All Napa County Planning Commissioners
All Napa County Board of Supervisors

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Frost, Melissa

Subject: FW: SUPPORT OF APAC RECOMMENDATION #3

From: Omar Pena [<mailto:ofp21@yahoo.com>]

Sent: Saturday, September 26, 2015 12:15 PM

To: McDowell, John

Cc: Morrison, David; Wagenknecht, Brad; <heather@vinehillranch.com>; <tkscottco@aol.com>; <anne.cottrell@lucene.com>; <napacommissioner@yahoo.com>; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith

Subject: SUPPORT OF APAC RECOMMENDATION #3

Dear Planning Commissioners and Board of Supervisors:

I'm writing to express my gratitude to the Agricultural Protection Advisory Committee (APAC) and, in particular, to convey my strong support for Recommendation #3, to "Use the working definition of agriculture (see Appendix)."

In the APAC's arguments in favor of the definition, they say "Education of the wine experience is enhanced when it's accompanied by food, or music, or art. People expect more sophistication to wine tasting when they come to Napa. We shouldn't punish the wine industry for being creative when it comes to presenting their product."

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Thank you very much for your consideration and service.

Sincerely,

Omar Peña

cc: David Morrison, Napa County Planning Director
All Napa County Planning Commissioners
All Napa County Board of Supervisors

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Frost, Melissa

Subject: FW: Support of APAC Recommendation #3

From: Kelly Konis [mailto:kelly@visitnapavalley.com]

Sent: Friday, September 25, 2015 10:18 AM

To: Morrison, David; McDowell, John; Wagenknecht, Brad; heather@vinehillranch.com; tkscottco@aol.com; anne.cottrell@lucene.com; napacommissioner@yahoo.com; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith

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Considering this and the heritage of the arts being a natural part of farming, winemaking and marketing wine, the adoption of the APAC Recommendation #3 is a common sense act.

Thank you very much for your consideration and service.

Sincerely,

Kelly Konis

cc: David Morrison, Napa County Planning Director
All Napa County Planning Commissioners
All Napa County Board of Supervisors

Kelly Konis | Visit Napa Valley
VP of Marketing & Communications

1001 Second Street, Suite 330 Napa, CA 94559

Direct: (707) 260-0090 | Main: (707) 226-5813

Email: kelly@visitnapavalley.com

[FACEBOOK](#) | [TWITTER](#) | [INSTAGRAM](#) | [PINTEREST](#) | [BLOG](#)



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Frost, Melissa

Subject: FW: SUPPORT OF APAC RECOMMENDATION #3 – USE THE WORKING DEFINITION OF AGRICULTURE

From: Kim Powers [mailto:kim.powers@winetrain.com]

Sent: Friday, September 25, 2015 8:48 AM

To: Morrison, David; McDowell, John; heather@vinehillranch.com; napacommissioner@yahoo.com; anne.cottrell@lucene.com; tkscottco@aol.com; Wagenknecht, Brad; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith

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Thank you very much for your consideration and service.

Sincerely,

Kim Powers

cc: David Morrison, Napa County Planning Director

All Napa County Planning Commissioners
All Napa County Board of Supervisors

Kim Powers
Content Coordinator

Napa Valley Wine Train, Inc.
1275 McKinstry Street
Napa, CA 94559
Ph: 707-251-5205
Fax: 707-253-9264

Our Social Side

Facebook: www.facebook.com/WineTrain

Twitter: [@winetrain](https://twitter.com/winetrain) or [@KimberlyRose356](https://twitter.com/KimberlyRose356)

Youtube: <http://www.youtube.com/winetraindotcom>

Pinterest www.pinterest.com/winetrain

Instagram: [@WineTrain](https://www.instagram.com/WineTrain) or [@KimberlyRose356](https://www.instagram.com/KimberlyRose356)

Thank You for Saving a Piece of Railroad History

Three Napa Valley icons have come together to create an unmatched Napa Valley experience for both locals and visitors alike. The [Napa Valley Wine Train](#), Charles Krug Winery, Napa Valley's first winery, and eclectic Raymond Vineyards are partnering for a revamped [Ambassador Winery Tour](#), where guests enjoy a day full of playful and educational tasting and touring. Now offered every lunch train year round, come join us for your complete Napa Valley experience.

Call (800) 427-4124 or visit winetrain.com for details or reservations.

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Frost, Melissa

Subject: FW: SUPPORT OF APAC RECOMMENDATION #3

From: Hugo Corro [<mailto:HCorro@thepositiveplace.org>]

Sent: Friday, September 25, 2015 12:09 PM

To: Morrison, David; McDowell, John; heather@vinehillranch.com; napacommissioner@yahoo.com; anne.cottrell@lucene.com; tkscottco@aol.com; Wagenknecht, Brad; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith

Subject: SUPPORT OF APAC RECOMMENDATION #3

SUBJECT: SUPPORT OF APAC RECOMMENDATION #3 –
USE THE WORKING DEFINITION OF AGRICULTURE

Dear Planning Commissioners and Board of Supervisors:

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Considering this and the heritage of the arts being a natural part of farming, winemaking and marketing wine, the adoption of the APAC Recommendation #3 is a common sense act.

Thank you very much for your consideration and service.

Sincerely,

Hugo Corro

Program Director

Boys and Girls Clubs of Napa Valley

Board Member

Arts Council Napa Valley

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Frost, Melissa

Subject: FW: Letter of Support for APAC Recommendation #3
Attachments: WDO_LetterOFSupport_20150925.pdf

From: Olivia Everett [<mailto:olivia@artscouncilnv.org>]

Sent: Friday, September 25, 2015 4:54 PM

To: Wagenknecht, Brad; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith; Jeri Gill; tkscottco@aol.com; anne.cottrell@lucene.com; napacommissioner@yahoo.com; heather@vinehillranch.com; McDowell, John; Morrison, David

Cc: Colette Schow

Subject: Letter of Support for APAC Recommendation #3

Dear Supervisors, Commissioners, and Planning Staff,

I am writing you today, on behalf of our board of directors, to communicate our agency's support for the Agricultural Protection Advisory Committee's recommendation on the definition of "agriculture" and its accessory uses in the Winery Definition Ordinance. We also wish to express our gratitude to APAC for their service as we recognize this is a difficult subject to navigate, as what will be decided will impact the future of our community and this land. You may have already seen individual letters of support from personal addresses of our directors, as they also wished to personally communicate their support as residents and community leaders.

We at Arts Council Napa Valley greatly value the protection of our environment, agricultural industry, and rural identity of Napa County, however we also believe that arts are integral to the experience of our wines as well as the shared culture of our community. For this reason, we support Recommendation #3, to "Use the working definition of agriculture (see Appendix)". To continue with this definition honors a legacy of partnering the arts with agriculture to enrich our appreciation of where nature and humanity meet, a benefit not only our visitors but primarily our local community.

In the APAC's arguments in favor of the definition, they say:

"Education of the wine experience is enhanced when it's accompanied by food, or music, or art. People expect more sophistication to wine tasting when they come to Napa. We shouldn't punish the wine industry for being creative when it comes to presenting their product."

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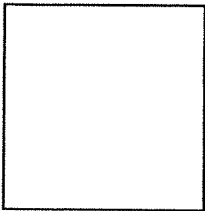
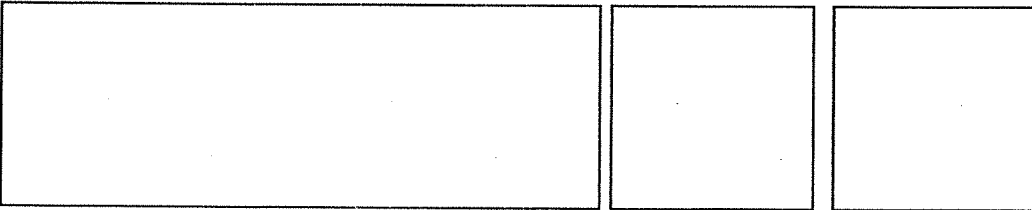
Considering this and the heritage of the arts being a natural part of farming, winemaking and marketing wine, the adoption of the APAC Recommendation #3 is in line with the values and goals of our community.

As this conversation continues, we hope that we may be of service in informing and navigating future discussions on land use and the arts. We will continue to stay tuned and are available for any questions you may have.

Thank you very much for your consideration and service.

Olivia Everett
Arts Council Napa Valley
President & CEO

[Faint, illegible text]



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Frost, Melissa

Subject: FW: SUPPORT OF APAC RECOMMENDATION #3 - USE THE WORKING DEFINITION OF AGRICULTURE

From: Judd Wallenbrock [<mailto:jcwallenbrock@gmail.com>]

Sent: Friday, September 25, 2015 1:21 PM

To: Morrison, David; McDowell, John; Wagenknecht, Brad; heather@vinehillranch.com; tkscottco@aol.com; anne.cottrell@lucene.com; napacommissioner@yahoo.com; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith

Subject: SUPPORT OF APAC RECOMMENDATION #3 - USE THE WORKING DEFINITION OF AGRICULTURE

Dear Planning Commissioners and Board of Supervisors:

I'm writing to express my gratitude to the Agricultural Protection Advisory Committee (APAC) and, in particular, to convey my strong support for Recommendation #3, to "Use the working definition of agriculture."

In the APAC's arguments in favor of the definition, they say:

"Education of the wine experience is enhanced when it's accompanied by food, or music, or art. People expect more sophistication to wine tasting when they come to Napa. We shouldn't punish the wine industry for being creative when it comes to presenting their product."

As a resident, I'm writing because I value the quality of life within Napa County and because I am also a strong supporter of the arts. This Valley was founded on and has embodied the spirit of excellence in agriculture, winemaking and stewardship of the land which has always been integrated with an appreciation of how all of the various arts (culinary, visual, music, etc.) are inseparable from this. Robert Mondavi once said, "Even more importantly, it's wine, food and the arts. Incorporating those three enhances the quality of life."

The original intent to preserve Napa Valley's agriculture was to prevent the tearing out of agricultural land for residential development and to maintain farming's feasibility. Our spirit of excellence in farming and winemaking, with the integration of the arts as inseparable from them, is exactly what will allow agriculture to not only be sustainable, but to flourish.

Napa County has already adopted the "Community Cultural Plan" with one of the Vision Statements being: "1) Public Policy – Integrated public funding and policies that promote, support and sustain the arts in Napa County".

Considering this and the heritage of the arts being a natural part of farming, winemaking and marketing wine, the adoption of the APAC Recommendation #3 is a common sense act.

Thank you very much for your consideration and service.

Sincerely,

Judd Wallenbrock

cc: David Morrison, Napa County Planning Director
All Napa County Planning Commissioners
All Napa County Board of Supervisors

Judd Wallenbrock

Established 1957

707.486.6724

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Frost, Melissa

Subject: FW: SUPPORT OF APAC RECOMMENDATION #3

From: Angela Hoxsey [<mailto:angelahoxsey@gmail.com>]

Sent: Thursday, September 24, 2015 8:42 PM

To: Morrison, David; McDowell, John; Wagenknecht, Brad; heather@vinehillranch.com; tkscottco@aol.com; anne.cottrell@lucene.com; napacommissioner@yahoo.com; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith

Subject: SUPPORT OF APAC RECOMMENDATION #3

Dear Planning Commissioners and Board of Supervisors:

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Thank you very much for your consideration and service.

Sincerely,

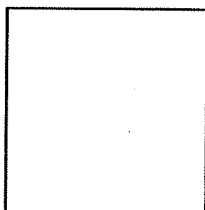
Angela Hoxsey

cc: David Morrison, Napa County Planning Director
All Napa County Planning Commissioners
All Napa County Board of Supervisors

ANGELA HOXSEY
707-738-4346
WWW.HOUSEINORDER.COM

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Frost, Melissa

Subject: FW: APAC

From: Shelly Hanan [mailto:shellhananphoto@gmail.com]

Sent: Thursday, September 24, 2015 4:49 PM

To: McDowell, John

Subject: APAC

**SUBJECT: SUPPORT OF APAC RECOMMENDATION #3 –
USE THE WORKING DEFINITION OF AGRICULTURE**

Dear Planning Commissioners and Board of Supervisors:

I'm writing to express my gratitude to the Agricultural Protection Advisory Committee (APAC) and, in particular, to convey my strong support for Recommendation #3, to "Use the working definition of agriculture (see Appendix)."

In the APAC's arguments in favor of the definition, they say

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Considering this and the heritage of the arts being a natural part of farming, winemaking and marketing wine, the adoption of the APAC Recommendation #3 is a common sense act.

Thank you very much for your consideration and service.

Sincerely,

Shelly Hanan

cc: David Morrison, Napa County Planning Director
All Napa County Planning Commissioners
All Napa County Board of Supervisors

--
Shell Hanan Photo
(707) 688-9500
www.shellhananphoto.com

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Frost, Melissa

Subject: FW: A letter to the Planning Commissioners for the 9/30/15 meeting

From: Chris Benz [<mailto:christinabbenz@gmail.com>]

Sent: Tuesday, September 29, 2015 8:09 AM

To: Frost, Melissa; heather@vinehillranch.com; napacommissioner@yahoo.com; anne.cottrell@lucene.com; tkscottco@aol.com; jeri@sustainablenapacounty.org

Subject: A letter to the Planning Commissioners for the 9/30/15 meeting

To the Planning Commissioners:

I had the pleasure of serving on the Agricultural Protection Advisory Committee, but I am not in agreement with the definition of agriculture that was adopted by the committee.

The proposed definition states that "Agricultural processing includes...marketing activities for the education and development of consumers and members of the wine trade..."

I have worked in wine production my entire career and can attest that "processing" is very different from "marketing". Marketing activities more correctly belong under "Uses accessory to a winery" which includes "tours and tastings". Marketing activities often include tours and tastings and should be categorized with those activities.

When a motion was proposed to the committee to include "marketing events" and food service as **accessory uses** instead of as part of the definition of agricultural processing, it received 7 votes in favor. This was not enough to pass with a super majority, but does indicate that there was not overwhelming support for the proposed definition.

The danger in adopting a definition of processing that includes marketing events is that our right-to-farm ordinance could be used to guarantee "right-to-party" for the benefit of one and the disturbance of many. Please consult with your legal adviser to determine if this would be the case if the proposed definition is adopted.

Thank you for your attention to this matter,
Christina Benz



NAPA COUNTY FARM BUREAU

811 Jefferson Street Napa, California 94559 Telephone 707-224-5403 Fax 707-224-7836

September 28, 2015

Napa County Planning Commission
1195 Third St.
Napa, CA 94559

RE: APAC Recommendation #3: Working definition of agriculture

Dear Commissioners,

On behalf of the 775 members of Napa County Farm Bureau, we offer the following comments on the consolidated working definition of agriculture, as reviewed by the Agricultural Protection Advisory Committee (APAC). County staff provided this recrafted definition in an attempt to provide APAC members with a concise summary of multiple references to the definition of agriculture in various public policy documents.

In the interest of the integrity of Napa County's definition of agriculture, Farm Bureau offers the enclosed recommended revisions and clarifications to the APAC recommended definition. The APAC working definition of agriculture lacks clarity on the different permitted uses within Ag Preserve and Ag Watershed zoning districts. It also inaccurately blends ag production, ag processing and accessory uses within the definition, which could lead to confusion or needed clarifications of the right-to-farm policy.

For decades Napa County has adhered to the core principle of the Winery Definition Ordinance (WDO) that Napa's agricultural lands are irreplaceable and that a limited amount of wine marketing activities and other accessory uses are permitted on agricultural parcels to support the agricultural use; **but they must remain incidental and subordinate to support the main agricultural use.**

Farm Bureau's revisions to the working definition of agriculture reflect the fundamental essence of agriculture as the science or practice of farming, the core principle of the Winery Definition Ordinance and clarifies agricultural processing and accessory uses.

For your deliberations, we include these pertinent excerpts of the Winery Definition Ordinance # 947 (emphasis added by NCFB):

SECTION 1. Findings of fact

(c) The unique combination of geography, climate, micro-climates, and soils makes possible the production of excellent quality wine grapes.

(d) The preservation of agricultural land requires a reliable market to justify the investment required to acquire, develop and maintain vineyards capable of producing high quality fruit.

(e) Napa County is one of the smallest counties in California and within the County areas suitable for quality vineyards are limited and irreplaceable. Any project that directly or indirectly results in the removal of existing or potential vineyard land from use depletes the inventory of such land forever.

(f) The cumulative effect of such projects is far greater than the sum of individual projects. The interspersing of non-agricultural structures and activities throughout agricultural areas in excess of what already exists will result in a significant increase in the problems and costs of maintaining vineyards and discourage the continued use of the land for agricultural purposes.

SECTION 6. Statement of Legislative Intent

(b) 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.

SECTION 7. Additional Findings Relating to General Plan Consistency.

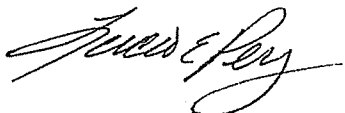
The Board expressly finds that marketing of wine as defined in this ordinance as well as those uses identified in Section 12202 (f) through (h) and Section 12232(h) through (j) are activities that are not only necessary to retain agriculture as a major source of income and employment in Napa County,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

Our colleagues at California Farm Bureau Federation also offer the info below on state and federal definitions of agriculture to provide guidance on your deliberations:

Provisions of state and federal law offer support for a definition of "agriculture" that is focused on the productive activities of farming, and is not overly inclusive of accessory operations. For example, the state's Right-to-Farm Statute, defines agricultural activities fairly narrowly, focusing on cultivation of farm commodities and the raising of livestock, along with incidental or conjunctive activities. (See Civil Code § 3482.5(e).) Another definition, found in the California Seed Law, similarly focuses on agricultural production in defining "farm". (See Food & Ag Code § 52262.) Similarly, provisions of federal regulation define "farm" in relation to the growing and harvesting of crops, or the raising of animals, or both. (See, e.g., 21 C.F.R. § 1.227(b)(3).) In general, we believe a survey of state and federal law offers a narrower interpretation of "agriculture" and "farming" than the proposed changes to Napa's ordinance which are before you.

APAC spent considerable time in developing recommendations to guide a sustainable level of winery growth in Napa County. But much work remains to achieve a viable balance of agricultural land protection and a reasonable amount of commercial winery uses to support our agricultural production. Farm Bureau remains supportive of the community's concerns to protect agriculture and the rural quality of life and we remain engaged in conversations to develop better guidelines and parameters for future winery permits.

Sincerely,

A handwritten signature in black ink, appearing to read "Cio Perez", written in a cursive style.

Cio Perez
NCFB Land Use Committee Chairperson

Enclosure

NCFB REVISED APAC WORKING DEFINITION OF AGRICULTURE

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 may be permitted and must remain related, subordinate, and incidental to the main use.

Agricultural processing includes crushing; wastewater disposal; aging, processing; bottling, storage, and shipping of bulk wine; office and laboratories.

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

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.~~

Clean version:

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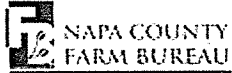
Frost, Melissa

Subject: FW: NCFB Comment letter on definition of ag
Attachments: NCFB Ag Def APAC 9.28.pdf

From: Sandy Elles [mailto:selles@napafarmbureau.org]
Sent: Tuesday, September 29, 2015 1:53 PM
To: heather@vinehillranch.com; 'Anne Cottrell'; Terry Scott; Morrison, David; Gallina, Charlene
Subject: NCFB Comment letter on definition of ag

Hi All,
Attached please find a comment letter from NCFB on the definition of ag. We will be at the Planning Commission meeting tomorrow and look forward to the discussion.
Thank you!
Sandy

Sandy Elles
Executive Director
Napa County Farm Bureau
811 Jefferson St., Napa, CA 94559
(707) 224-5403 x103 | (707) 235-6135 cell



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9-30-15
PC

September 30, 2015

Mr. David Morrison
Director of Planning, Engineering & Environmental Services
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

RE: COMMENTS ON APAC RECOMMENDATIONS

Dear David:

Although I have not been able to attend many of the meetings of the APAC, I have reviewed staff reports and minutes and have a few comments. First, it is always a sacrifice to public duty when members of the public give of their time and energy to serve on a committee and prepare recommendations. I think we all appreciate the good intentions and efforts from members of the APAC. It goes without saying that the staff has made a Herculean effort to prepare materials and guide this effort to completion.

Having reviewed my files on this matter and having considered my experience with preparing winery use permits over the past 25+ years, I can offer the following suggestions that I believe will strength the objectives of the County.

- (1) The WDO is working pretty well after 25 years. Any ordinance as important as the WDO is to this County can benefit from reexamination periodically. The WDO actually works quite well. Of course, we can always improve as time passes and new issues arise.
- (2) We have new tools to assist the County in evaluating winery applications, ones that were designed to address key concerns. The Groundwater Ordinance and analysis guidelines, in combination with the Cumulative Traffic Analysis address two of the key issues facing Napa County: protection of groundwater resources and traffic congestion. There should be a standard scope of work for traffic studies in the same fashion this exists for the groundwater analysis. Sonoma County does this and it is an extremely valuable tool for showing a common denominator, while additional information can be requested upon application.
- (3) There are additional tools that could assist our decision-making and Code enforcement. Thank you for making the visitation and marketing plan numbers available to the general public on the County's Web site. Consultants have been asking for this information for almost a decade. It can help us with our clients as they outline the program for marketing and selling their wine. It also gives us a

good place to begin in proposing a project that is in context with other similarly sized wineries.

- (4) Orientation for winery marketing staff will go a long way towards insuring compliance where visitation/marketing numbers are concerned. To date, the focus has been on winery owners for insuring compliance. While any property owner is ultimately responsible for complying with the conditions of a use permit, it has always seemed to me unfortunate that the winery staff is not more familiar with the use permit and its regulations about types of events and numbers of visitors. After all, the staff is typically the “boots on the ground” where marketing programs go. The marketing manager designs the business plan and the staff implements it. How can the winery be fully compliant if those doing the work are not even aware of the rules and parameters? I recently had a winery project approved over in Sonoma County and we offered a voluntary condition whereby the winery would have an orientation program for all new employees involved with tours/tastings and marketing or public relations/advertising. The intent of this program was that marketing programs would be designed to be compliant with use permit conditions at the outset. In the case of the Sonoma County winery, the County planners decided to make this a standard condition for future winery permits. And my client offered that he would be one of the first to take the orientation!
- (5) Variances are an important planning tool, but they should be carefully considered and approval should be judicious. The intent of the road setbacks in the County’s WDO was to prevent the appearance of a solid wall of (winery) development along public roads. Even with the variances granted in the past 25 years, one can see that this intent has not been broached. But when you have as many applications for variances as there are, the problem is usually an ineffective ordinance. Plainly stated, the setbacks of 600 ft. and 300 ft. (the latter for any public or private road serving more than one parcel) are excessive. They have created a “variance factory.” Indeed, the 300-ft. setback is so onerous that one need only read it to see its absurdity. There is not even an intent statement associated with the 300-ft. setback, which is required by State law. Variances are sometimes clearly justified based on the criteria set forth by the State for findings. In other cases, a variance (especially one to an excessive ordinance) represents a project where environmental degradation might be incurred with the setback. But we should use these tools judiciously.
- (6) The lack of guidelines for winery visitation has resulted in much inconsistency in how different applications were treated. Hopefully, we will see more scrutiny of project proposals that do not fit the definition of agriculture with wineries as an accessory use, ones that have the horse before the cart, if you will. And I would hope we will see a more consistent application of our regulations and guidelines than we have seen in the past. As it is, the situation sometimes seems a chameleon on a plaid rug. Applicants and their consultants want to know what the rules are, and the reasons behind them; then we can educate our clients

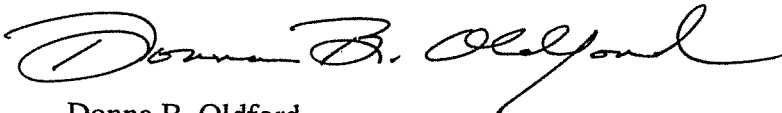
accordingly and bring well considered projects before the Commission. Without this consistency, an applicant can be swayed by what level of visitation the last winery received rather than what fits within the context of other wineries of the same general size.

- (7) The staff, consultants, the Commission, and the general public would all benefit from application materials being available more than three to four days before a hearing. It can be challenging for all of the above to review information received only days before a hearing, much less to prepare for the hearing and have meetings with Planning Commission members on-site. I suggest that the County should release the staff report and conditions of approval at the same time the CEQA document is released for the public review. This not only allows all parties more time to digest what the project is about, it also provides a more thorough description of the project. We wait long enough to get to hearing and just a few weeks more would be worth the wait if we have a more carefully considered set of documents, time to review and ask questions or make corrections, and more time to arrange important site visits with members of the Commission.

SUMMARY

Thank you for this opportunity to comment on what has been a long and arduous process for you and your staff, as well as the Commission. I trust that we will emerge from this endeavor with a clearer understanding of the planning process and some ways that we can improve what we get as a result of it.

Sincerely,



Donna B. Oldford
Plans4Wine

9-30-15
PC

Planning Commission meeting, September 30, 2015

Good morning Commissioners.

Mary Ann Moffit, 7323 St. Helena Highway.

Along with other members of Save Yountville Hill, I'm glad to see the Commission is focusing its first full discussion of APAC recommendations on the definition of agriculture.

I think we all know why this discussion taken on such importance.

The definition before you was created by staff specifically for APAC and is a summary that combines elements of multiple other definitions taken from the General Plan, the WDO, and County Code.

In its 2008 revision, the General Plan expanded the accepted definition of "Agriculture" to include "the production and processing of agricultural products, and related marketing, sales and other accessory uses." This revision incorporated subordinate and accessory activities as an integral part of ag; it is these elements that were carried forward to APAC and now to you.

However, per County Code, wineries may be permitted in AP and AW zones. Upon the granting of a Use Permit, wineries may engage in typical winery operations such as processing fruit, and the storage and bottling of wine. Wineries may also be permitted offices and laboratories, retail sales, and marketing of wine as subordinate operations, as well as accessory tours & tasting, artistic and similar displays, and sales of wine-related products.

The key words in that code language are that wineries **may** be permitted retail sales and marketing of wine as **SUBORDINATE OPERATIONS**, and tours & tastings as **ACCESSORY** uses.

Incorporating non-agricultural elements into the definition of agriculture grants rights to the types of development of ag land that are in direct contravention to Policy AG/LU-1, that states "Agriculture and related activities are the primary land uses in Napa County." The public has

repeatedly upheld traditional agricultural activities on ag land and has repeatedly rejected non-ag developments as contrary to the desire to preserve the rural, agricultural nature of the Valley.

We are not seeking to eliminate the approval of wineries. We are simply asking that agriculture be defined as agriculture, and that clearly non-agricultural activities remain as permitted, subordinate, and accessory uses. They may be permitted, but they are not agriculture.

As such, we ask the Planning Commission reject the rapidly-drawn working definition of Agriculture that was approved in a rushed, and frankly somewhat confused vote of APAC, and to substitute the definition provided by the Farm Bureau - when you make your recommendations to the Board of Supervisors. The Farm Bureau's wording relies on the historical and semantically correct definition of agriculture.

Our agricultural lands should be focused on the production of crops. Other non-ag activities can – and undoubtedly will – continue to be reviewed and approved by this group, as they should be. But we should not twist the definition of Agriculture to achieve these ends.

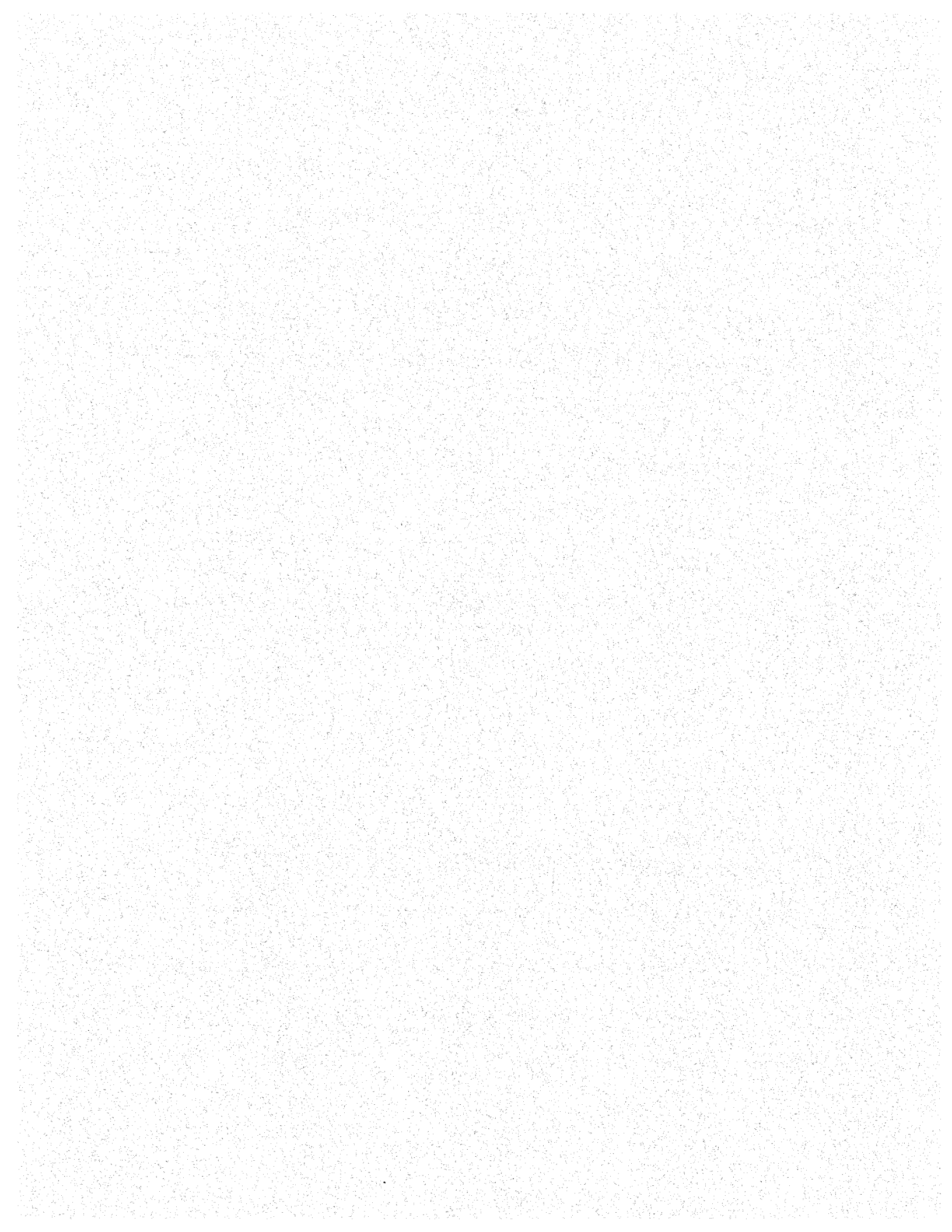
Thank you.

Sept 30
2015
PC

Geoff Ellsworth
geoffellsworth@yahoo.com

PLEASE TAKE A MOMENT TO CONSIDER HOW CHANGING THE MEANING OF THE WORD AGRICULTURE CHANGES THE ENTIRE MEANING AND CONCEPT OF WHAT IT IS WE ARE PRESERVING AND OF WHAT IS THE NAPA COUNTY AGRICULTURAL PRESERVE. CHANGING THE MEANING OF THE WORD AGRICULTURE LEAVES AN OPEN DOOR TO INTENSIFIED COMMERCIAL USE AND PAIVING OVER OF OUR PRECIOUS FARMING AND GROWING LANDS.

THE NAPA COUNTY AGRICULTURAL PRESERVE AND THE MEANING OF THE WORD "AGRICULTURE" BELONG TO ALL THE CITIZENS OF THE COUNTY AND ARE THE BEDROCK UPON WHICH WE HAVE BUILT OUR COMMUNITIES AND ARE THE FOUNDATION OF OUR ZONING AND PROPERTY INVESTMENT. I BELIEVE IT IS FUNDAMENTALLY UNFAIR FOR IT TO HAVE BEEN CHANGED WITHOUT COMMUNITY OR VOTER CONSENSUS.





PC 9-30-15

Planning Commission
County of Napa
1195 Third Street
Napa, CA 94559

RE: APAC Consolidated Definition of Agricultural

Dear Commissioners:

I agree that the County has various definitions of agriculture and we are long overdue for consolidation/consistency. But I do not agree that APAC's recommendation is what should be used.

Shame on us for not catching some of the flaws in the policies changed during the 2008 General Plan update that are the basis for APAC's proposed definition.

Policies such as AG/LU-2 where the definition of Ag includes anything & everything that can happen on an Ag parcel (I call this zoning – not a definition). There is no distinction or separation of what's allowable 'by right' vs 'by permit'.

Or Policy AG/LU-15, The Right to Farm, aimed at protecting the right of agricultural operations to commence or continue their practices. Traditionally, this is viewed as protecting the sights, smells, and sounds of planting, irrigation, harvesting, bottling, frost & pest protection, and delivery to storage/market (consistent with accepted customs and standards). But when the right to farm includes 'other activities' as provided in AG/LU-2 we have unintended consequences. Are sights, smells & sounds of marketing events also protected?

I strongly support the amended definition submitted by the Napa County Farm Bureau. No content has been removed. And the resulting definition returns agriculture to its simplest and purest form:

Agriculture is the raising of crops, trees and livestock.

Thanks and regards,

Eve Kahn, Chair
Get a Grip on Growth
PO Box 805
Napa, CA 94559

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 may be permitted and must remain related, subordinate, and incidental to the main use.

Agricultural processing includes crushing, wastewater disposal, aging, bottling, storage, and shipping of bulk wine, office and laboratories.

A WINERY

Uses accessory to a winery include retail sales of wine, tours and tastings, marketing activities..., limited non-commercial food service....

Accessory uses must be related, subordinate, and incidental to the main use. They must be reasonably compatible with and cannot change the character of the primary agricultural uses.

Frost, Melissa

Subject: FW: APAC recommendations
Attachments: Letter to County PC re Defn of Ag.docx

From: Eve Kahn [<mailto:evekahn@sbcglobal.net>]
Sent: Tuesday, September 29, 2015 5:33 PM
To: heather@vinehillranch.com; ann.cottrell@lucene.com; tkscottco@aol.com
Cc: Frost, Melissa
Subject: APAC recommendations

Attached is a letter I am submitting in regard to the definition of Ag. See you all tomorrow. Many thanks, Eve

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DEFINITION OF AGRICULTURE:

Staff provides the following background for the Committee's information and consideration.

Napa County General Plan:

The General Plan includes the following relevant policies:

Policy AG/LU-2:

"Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Action Item AG/LU-2.1:

Amend County Code to reflect the definition of "agriculture" as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16, and that marketing activities and other accessory uses remain incidental and subordinate to the main use.

Policy AG/LU-13:

The 1990 Winery Definition Ordinance recognized certain pre-existing wineries and winery uses as well as new wineries. For wineries approved after the effective date of that ordinance, agricultural processing includes tours and tastings by appointment only, retail sales of wine produced by or for the winery partially or totally from Napa County grapes, retail sale of wine-related items, activities for the education and development of consumers and members of the wine trade with respect to wine produced by or at the winery, and limited non-commercial food service. The later activity may include wine/food pairings. All tours and tastings, retail sales, marketing activities, and noncommercial food service must be accessory to the principal use of the facility as an agricultural processing facility. Nothing in this policy shall alter the definition of "agriculture" set forth in Policy AG/LU-2.

Policy AG/LU-15:

The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a "right to farm"), even though established urban uses in the general area may foster complaints against those agricultural practices. The "right to farm" shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2, above. The existence of this "Right to Farm" policy shall be indicated on all parcel maps approved for locations in or adjacent to designated agricultural areas and shall be a required disclosure to buyers of property in Napa County.

Napa County Code:

The County Code includes the following relevant ordinances:

Section 18.08.020 - Accessory use:

"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. Structures constituting an accessory use that are related to a winery are further limited to the extent provided by Section 18.104.200.

Section 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.

Section 18.08.370 - Marketing of wine:

"Marketing of wine" means any activity of a winery which is conducted at the 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 pursuant to Chapters 18.16 and 18.20. Marketing of wine may include cultural and social 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 of wine 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.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are 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. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan.

Section 18.08.620 - Tours and tastings:

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited 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 winery functions as a café or restaurant.

Section 18.08.640 – Winery:

"Winery" means an agricultural processing facility used for:

- A. The fermenting and processing of grape juice into wine; or
- B. The refermenting of still wine into sparkling wine.

Temporary Event Manual

Temporary event(s) are defined as:

A festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration of competition of creative athletic form to which the public is invited or admitted with or without the payment of an admission charge. They include but are not limited to, music,

dance, theatre, speech, athletics, or any other visual, audio, or tactile arts or combination thereof, including incidental retail sales of the products of such activities, as long as such sales are not advertised off-site.

Interpretative Guidance for 2010 County Code Amendment:

Cultural and social events that are unrelated to (customer) education and development are explicitly not permitted, while cultural and social events that are directly related to (customer) education and development have always been allowed. Business events are similar to cultural and social events, in that they are only permitted as part of "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of an approved marketing plan that in its totality is "clearly incidental, related and subordinate to the primary operation of the winery as a production facility."

To ensure that the intensity of winery activities is appropriately scaled, the County considers the remoteness of the location and the amount of wine to be produced at a facility when reviewing use permit proposals, and endeavors to ensure a direct relationship between access constraints and on-site marketing and visitation programs.

Definition of Agriculture, as recommended by the APAC on June 22, 2015, by a 12-4 vote:

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.

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- (c) groundwater use is not increased.
 5. Vineyard replants: Replantings or other modifications to existing vineyards under a Track I Erosion Control Plan process when:
 - (a) the footprint of the area to be replanted is within the footprint of the vineyard on June 16, 1993 or as on an approved erosion control plan;
 - (b) the amount of sediment delivered from the site as calculated by a qualified professional is not increased; **AND**
 - (c) groundwater use is not increased.
 6. Tentative map revisions: Revisions to approved maps that do not involve the relocation of either building sites or access roads.
 7. Approved oil, gas, and geothermal wells: Revisions that do not involve disturbance of previously undisturbed areas.
 8. Existing mining operations: Temporary cessation thereof.

Class 3: New Construction or Conversion of Small Structures [State CEQA Guidelines §15303]

9. Farmworker housing: Construction and operation thereof where not permitted by right.
10. Construction and operation of small wineries, other agricultural processing facilities, and farm management uses that:
 - (a) are 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;
 - (b) will produce 30,000 gallons or less per year;
 - (c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place;
 - (d) 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; **AND**
 - (e) will hold no temporary events.
- 10.5 Construction and operation of small public/emergency service facilities, including sheriff's communication towers and power generators and buildings of less than 5,000 feet on less than 30% slopes involving less than 2,000 cubic yards of grading/excavation.
11. Wells: Installation and/or operation thereof pursuant to a groundwater permit when the amount of groundwater proposed to be used in total on the parcel is less than or equal to the amount of groundwater historically used (i.e., during the last 3 years).

Class 4: Minor Alterations to Land [State CEQA Guidelines §15304]

12. New vineyards: Installation and operation of new vineyards that would:
 - (a) disturb less than 5½ acres of land and have an average slope of 15% or less;
 - (b) are located in a drainage 5½% or less of which is known to have been converted to vineyard since 1993;
 - (c) do not increase overall groundwater use on the parcel, if the parcel is within a

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- Discontinue creative efforts to justify projects on non-conforming parcels.

Policies:

AG/LU-46: All existing and legally established nonconforming uses shall be allowed to continue to operate and to use existing buildings and/or facilities provided they are not determined to be a public nuisance or voluntarily abandoned as defined by the zoning ordinance. Legal nonconforming buildings and facilities may be rehabilitated or rearranged, as long as there is no increase in the intensity of use.

Analysis:

The above policy refers to legal non-conforming uses, not legal non-conforming parcels.

The analogy is relevant in that it supports the principle that legal non-conforming uses may be modified, so long as they are not intensified. A General Plan policy would be appropriate to establish a similar principle with regards to new projects on legal non-conforming parcels, to provide guidance concerning variances. For instance, where there are existing buildings within a setback, they may be included in a winery application, but their use may not be intensified.

Melissa Kennedy

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PROPOSAL X:

| | AP | | | AW | | | |
|---------------------------------|---------------|-------------|-----------|-------------|---------------|-------------|-----------|
| | 10 – 20 Acres | 20-40 Acres | 40+ Acres | 10-20 Acres | 20 – 40 Acres | 40-80 Acres | 80+ Acres |
| Review Authority | | | | | | | |
| Production Capacity | | | | | | | |
| Winery Development Maximum Area | | | | | | | |
| Maximum Hospitality Area | | | | | | | |
| Tasting Room Visitors | | | | | | | |
| Food Service | | | | | | | |
| Marketing Event Visitors | | | | | | | |
| Hours of Operation | | | | | | | |
| Temporary Events | | | | | | | |
| Retail Products | | | | | | | |
| Hold and Haul | | | | | | | |

PROPOSAL Z:

- Reporting must be submitted annually, by all wineries that have use permit approval within the unincorporated area;
- 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;
- Copies of ATTB and CDFA forms shall be provided to the County to verify the above information;
- All data collected shall remain confidential to the extent allowed under the law;
- Enforcement and compliance review fees shall be adopted to support the cost of the expanded compliance review;
- Subject to applicable law, the County shall prepare a formula for calculating civil penalties associated with violating wineries;
- 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;
- If it is determined that a violation has occurred, then 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;
- 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.

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| Post – WDO Wineries | | | | | | | | | | | | |
|---------------------|----------|-------------|-----------|-------------------------|---------------------|------------|-------------------------------|--------------------------------|--------------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Winery Name | Location | Parcel Size | Cave Size | Building Square Footage | Number of Employees | Production | Tasting Room Visitors (Daily) | Tasting Room Visitors (Weekly) | Tasting Room Visitors (Annual) | Marketing Event Visitors (Annual) | Number of Marketing Events (Annual) | Total Visitation (Annual) |
| Araujo | Valley | 162 | 9,700 | 8,703 | 13 | 20,000 | 18 | 126 | 6,552 | 573 | 15 | 7,125 |
| Arroyo | Valley | 23 | 0 | 9,586 | 2 | 20,000 | 13 | 90 | 4,700 | 280 | 2 | 4,980 |
| Baldacci | Valley | 29 | 9,240 | 576 | 0 | 20,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barnett | Hillside | 40 | 3,276 | 1,800 | 2 | 20,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Candlestick | Hillside | 40 | 0 | 3,018 | 2 | 20,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cook | Hillside | 26 | 0 | 2,789 | 4 | 20,000 | 0 | 34 | 1,747 | 0 | 0 | 1,747 |
| Dalla Valle | Hillside | 27 | 0 | 2,849 | 3 | 20,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dana Estates | Valley | 27 | 19,000 | 8,886 | 4 | 20,000 | 6 | 20 | 1,040 | 240 | 4 | 1,280 |
| Delectus | Valley | 11 | 0 | 5,340 | 1 | 20,000 | 20 | 140 | 7,280 | 0 | 0 | 7,280 |
| Dom. Montreaux | Valley | 32 | 0 | 7,956 | 2 | 20,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dunn | Hillside | 39 | 6,000 | 2,050 | 5 | 20,000 | 0 | 5 | 260 | 0 | 0 | 260 |
| Dutch Henry | Hillside | 9 | 4,500 | 2,600 | 13 | 20,000 | 10 | 50 | 2,600 | 0 | 0 | 2,600 |
| Fleury | Valley | 10 | 0 | 4,230 | 0 | 20,000 | 0 | 0 | 1,800 | 0 | 0 | 1,800 |
| La Jota | Hillside | 7 | 5,700 | 5,000 | 1 | 20,000 | 0 | 4 | 208 | 0 | 0 | 208 |
| Mt. Veeder | Hillside | 20 | 0 | 3,300 | 0 | 20,000 | 0 | 2 | 104 | 0 | 0 | 104 |
| O'Brien | Valley | 27 | 0 | 4,200 | 2 | 20,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pina | Hillside | 23 | 0 | 3,000 | 2 | 20,000 | 0 | 30 | 1,560 | 0 | 0 | 1,560 |
| Pope Valley | Hillside | 36 | 0 | 4,836 | 4 | 20,000 | 0 | 20 | 1,040 | 0 | 0 | 1,040 |
| Quixote | Valley | 42 | 0 | 8,050 | 4 | 20,000 | 10 | 70 | 3,640 | 0 | 0 | 3,640 |
| Razi | Valley | 15 | 0 | 4,600 | 0 | 20,000 | 15 | 50 | 2,600 | 0 | 0 | 2,600 |
| Screaming Eagle | Valley | 73 | 16,000 | 22,333 | 5 | 20,000 | 5 | 15 | 780 | 0 | 0 | 780 |
| Sears | Hillside | 65 | 3,600 | 4,765 | 2 | 20,000 | 0 | 2 | 104 | 0 | 0 | 104 |
| Seavey | Hillside | 143 | 0 | 12,085 | 2 | 20,000 | 15 | 6 | 312 | 50 | 1 | 362 |
| Signorello | Valley | 57 | 0 | 2,320 | 4 | 20,000 | 20 | 120 | 6,240 | 240 | 12 | 6,480 |
| Sodaro | Hillside | 21 | 0 | 4,900 | 2 | 20,000 | 0 | 0 | 0 | 148 | 13 | 148 |
| The Terraces | Hillside | 21 | 0 | 1,964 | 2 | 20,000 | 2 | 10 | 520 | 0 | 0 | 520 |
| Theorem | Hillside | 41 | 0 | 23,925 | 5 | 20,000 | 15 | 105 | 5,460 | 220 | 4 | 5,680 |
| Tres Sabores | Hillside | 25 | 780 | 2,150 | 1 | 20,000 | 4 | 4 | 208 | 0 | 0 | 208 |

| | | | | | | | | | | | | |
|--------------|----------|----|-------|-------|---|--------|----|-----|-------|----|---|-------|
| Villa Helena | Valley | 4 | 0 | 5,012 | 1 | 20,000 | 15 | 20 | 1,040 | 70 | 2 | 1,110 |
| Vermuth | Hillside | 7 | 0 | 775 | 0 | 20,000 | 30 | 100 | 5,200 | 0 | 0 | 5,200 |
| Whitford | Hillside | 43 | 1,414 | 4,291 | 2 | 20,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Median | Hillside | 27 | 0 | 4,291 | 2 | 20,000 | 0 | 10 | 780 | 0 | 0 | 780 |
| Average | Hillside | 37 | 2,555 | 5,738 | 3 | 20,000 | 6 | 33 | 1,774 | 59 | 2 | 1,833 |

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| Pre-WDO Wineries | | | | | | | | | | | | |
|------------------|----------|-------------|-----------|-------------------------|---------------------|------------|-------------------------------|--------------------------------|--------------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Winery Name | Location | Parcel Size | Cave Size | Building Square Footage | Number of Employees | Production | Tasting Room Visitors (Daily) | Tasting Room Visitors (Weekly) | Tasting Room Visitors (Annual) | Marketing Event Visitors (Annual) | Number of Marketing Events (Annual) | Total Visitation (Annual) |
| Abreu Howell | Hillside | 34 | 13,200 | 5,144 | 3 | 20,000 | 0 | 12 | 624 | 170 | 7 | 794 |
| AdamsVS | Hillside | 68 | 6,000 | 14,509 | 10 | 20,000 | 32 | 150 | 7,800 | 521 | 11 | 8,321 |
| Amici | Hillside | 12 | 0 | 5,000 | 1 | 20,000 | 25 | 5 | 260 | 100 | 6 | 360 |
| Bravante | Hillside | 20 | 2,300 | 8,100 | 3 | 20,000 | 4 | 20 | 1,040 | 220 | 8 | 1,260 |
| Broman | Hillside | 11 | 4,375 | 3,648 | 3 | 20,000 | 2 | 10 | 520 | 195 | 10 | 715 |
| Carver Sutro | Hillside | 86 | 6,700 | 3,265 | 3 | 20,000 | 20 | 120 | 6,240 | 370 | 10 | 6,610 |
| Chateau 15 | Hillside | 12 | 11,338 | 2,828 | 4 | 20,000 | 4 | 36 | 1,872 | 460 | 14 | 2,332 |
| Chow | Valle | 10 | 0 | 17,063 | 9 | 20,000 | 20 | 100 | 5,200 | 1,595 | 38 | 6,795 |
| Clark Claudon | Hillside | 67 | 4,100 | 6,277 | 3 | 20,000 | 4 | 8 | 416 | 220 | 7 | 636 |
| Colgin | Hillside | 125 | 0 | 18,686 | 4 | 20,000 | 10 | 25 | 1,300 | 175 | 5 | 1,475 |
| Corison | Valley | 10 | 0 | 9,480 | 3 | 20,000 | 25 | 10 | 520 | 106 | 8 | 626 |
| Envy | Valley | 19 | 0 | 7,242 | 3 | 20,000 | 8 | 56 | 2,912 | 1,460 | 26 | 4,372 |
| Foley Johnson | Valley | 40 | 0 | 20,616 | 5 | 20,000 | 50 | 350 | 18,200 | 1,700 | 56 | 19,900 |
| Gandona | Hillside | 115 | 4,716 | 4,205 | 2 | 20,000 | 6 | 18 | 936 | 125 | 6 | 1,061 |
| Gargiuolo | Hillside | 11 | 0 | 4,420 | 2 | 20,000 | 10 | 70 | 3,640 | 480 | 12 | 4,120 |
| HDV | Valley | 18 | 0 | 5,100 | 2 | 20,000 | 10 | 25 | 1,300 | 210 | 7 | 1,510 |
| Howell at Moon | Hillside | 20 | 0 | 2,495 | 3 | 20,000 | 4 | 10 | 520 | 170 | 7 | 690 |
| Jericho Canyon | Hillside | 131 | 4,100 | 7,160 | 2 | 20,000 | 10 | 15 | 780 | 120 | 4 | 900 |
| Kapcsandy | Valley | 19 | 0 | 11,820 | 2 | 20,000 | 6 | 36 | 1,872 | 1,020 | 27 | 2,892 |
| Lodestone | Hillside | 42 | 6,550 | 8,752 | 10 | 20,000 | 35 | 245 | 12,740 | 390 | 8 | 13,130 |
| Mansfield | Hillside | 2 | 0 | 15,688 | 2 | 20,000 | 20 | 120 | 6,240 | 624 | 19 | 6,864 |
| Marciano | Hillside | 56 | 0 | 10,675 | 3 | 20,000 | 15 | 75 | 3,900 | 375 | 7 | 4,275 |
| Martin | Valley | 12 | 0 | 5,420 | 1 | 20,000 | 25 | 25 | 1,300 | 312 | 16 | 1,612 |
| Merus | Hillside | 53 | 6,947 | 4,580 | 4 | 20,000 | 25 | 125 | 6,500 | 130 | 10 | 6,630 |
| Morlet | Hillside | 10 | 5,000 | 4,121 | 6 | 20,000 | 12 | 25 | 1,300 | 185 | 8 | 1,485 |
| Perata | Valley | 48 | 0 | 4,780 | 2 | 20,000 | 20 | 50 | 2,600 | 320 | 14 | 2,920 |
| Relic | Hillside | 10 | 2,458 | 8,641 | 4 | 20,000 | 20 | 120 | 6,240 | 518 | 11 | 6,758 |

| | | | | | | | | | | | | |
|--------------|----------|-----|-------|--------|---|--------|----|-----|-------|-----|----|-------|
| Reynolds | Hillside | 13 | 0 | 7,800 | 2 | 20,000 | 10 | 70 | 3,640 | 100 | 3 | 3,740 |
| Schweiger | Hillside | 45 | 0 | 15,664 | 1 | 20,000 | 8 | 48 | 2,496 | 125 | 3 | 2,621 |
| Vineyardist | Hillside | 40 | 7,500 | 5,700 | 2 | 20,000 | 15 | 20 | 1,040 | 300 | 10 | 1,340 |
| V Madrone | Hillside | 8 | 0 | 6,461 | 3 | 20,000 | 20 | 90 | 4,680 | 570 | 12 | 5,250 |
| Venge | Valley | 12 | 9,000 | 19,298 | 3 | 20,000 | 20 | 140 | 7,280 | 180 | 8 | 7,460 |
| Violet | Valley | 14 | 0 | 5,666 | 2 | 20,000 | 10 | 12 | 624 | 560 | 14 | 1,184 |
| WH Smith | Hillside | 42 | 4,730 | 798 | 2 | 20,000 | 0 | 0 | 0 | 148 | 13 | 148 |
| William Cole | Hillside | 6 | 4,000 | 5,040 | 2 | 20,000 | 5 | 10 | 520 | 185 | 8 | 705 |
| Young | Hillside | 100 | 0 | 8,384 | 1 | 20,000 | 1 | 2 | 104 | 0 | 0 | 104 |
| Median | Hillside | 20 | 0 | 7,160 | 3 | 20,000 | 10 | 48 | 1,872 | 220 | 10 | 2,332 |
| Average | Hillside | 37 | 2,784 | 7,960 | 3 | 20,000 | 14 | 61 | 3,166 | 390 | 12 | 3,557 |

EVE KAHN

Planning Commission Mtg.

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Agenda Item # 6A

APAC

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.

Farm Bureau

**Agriculture is the raising of
crops, trees and livestock.**

The production and processing of agricultural products, farm management activities, farmworker housing and accessory uses may be permitted and must remain related, subordinate, and incidental to the main use.

