

**SUGGESTED GENERAL PLAN POLICIES FOR
PLANNING COMMISSION RECOMMENDATIONS**

This language has been drafted by staff and has not been previously reviewed by the APAC, the Planning Commission, or by the public. It is included to provide the Board of Supervisors with an initial point for consideration and discussion, but is not intended to be a work product that is fully developed and ready for formal adoption.

1. **Recommendation:**

Avoid the use of variances as a principal tool for achieving compliance with land use regulations. Variances may be used only when there is specific evidence supporting all necessary findings.

Suggested Policy:

Zoning variances should be limited in nature and infrequently relied upon, consistent with their intent to provide property owners with relief due to unusual circumstances. Variances should not be used to achieve compliance with land use regulations, and/or to grant privileges that are not available to other landowners in the same zone.

2. **Recommendation:**

Amend Policy AG/LU-2 to include the language from Action Item LU-2.1:

Suggested Policy:

“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. Marketing activities and other accessory uses shall remain incidental, subordinate, and related to the main use. Agriculture also includes farm management businesses and farm worker housing.

3. Develop guidelines and benchmarks for consideration of future winery use permits based on the format of Proposal X.

Suggested Policy:

Zoning standards for wineries should be designed to address the constraints of diverse parcel characteristics, as well as the different environs reflected in the AP and AW zones.

4. Prohibit hold and haul of wastewater and related liquid by-products on all AP and AW zoned parcels for new wineries except during winery development, not to exceed one year from certificate of occupancy, or in an emergency situation.

Suggested Policy:

Design development in rural areas consistent with the existing constraints of the subject property, including but not limited to avoidance of steep slopes, protection of sensitive habitat, preservation of riparian areas, minimal visual impact, water use based on the available groundwater supply, and wastewater volumes that can be treated on-site.

5. Recommendation:

Limit the total development area, for parcels up to 40 acres in the AP and AW zones, to no more than a cumulative total of 20% of a parcel, including new winery, residential and/or permitted uses. The total development area for parcels larger than 40 acres would be capped at a fixed eight (8) acres maximum.

Suggested Policy:

Minimize the total area of new rural development to protect farmland, open space, and the visual aesthetic of the agricultural landscape that defines the Napa Valley.

6. Recommendation:

Adopt a rule that would not prohibit the net loss of vineyards as a part of new and/or amended winery use permits.

Suggested Policy:

Protect the ability of land owners to remove existing vineyards to ensure continued agricultural efficiency, while minimizing vineyard losses associated with new development to the extent feasible.

7. Recommendation:

Implement the recommended new requirements for winery use permits so that they become effective no later than January 1, 2017. Prioritize requirements to be implemented as soon as possible. Review new winery requirements to ensure that they do not affect existing permitted and legally conforming property rights.

Suggested Policy:

Ensure that new zoning ordinances are fair and equitable in their effect on businesses, by protecting the property rights associated with existing legally conforming uses and entitlements, while creating a level playing field for future winery development.

8. Recommendation:

Deny any unrealistic use permit applications and modifications that are depending on the excessive use of variances.

Suggested Policy:

See Recommendation No. 1 above.

9. Recommendation:

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

Suggested Policy:

See Recommendation No. 4 above.