

Date: December 8, 2015

To: Board of Supervisors
From: John F. Dunbar, APAC Vice Chair
Re: APAC Final Recommendations

Thank you for inviting Chair Hall and me to testify about the Agricultural Protection Advisory Committee process and the final recommendations presented for your consideration.

I would like to reinforce a few points about the process that Ted described and to offer some additional context that is important to understanding how APAC crafted its final report and 12 recommendations.

Ted previously mentioned that the 17-member APAC met for more than 30 hours of public meetings held over six months. The 19-page final report was presented in August to the Planning Commission for its evaluation.

As stated in your staff report, nine of those recommendations are being forwarded to the Board of Supervisors without any changes. Three were revised and two were added by the Planning Commission.

It was unfortunate that the Planning Commission review was tainted by the recusal of two members due to an anonymous legal challenge to Commissioners' potential conflicts of interest. Despite that development, I do believe the remaining three Commissioners provided a balanced and unbiased analysis of the issues before them.

After all of this debate, some members of the public have spoken out for even more restrictions. Others feel the recommendations are fair and reasonable efforts to control ag land development. Still others have expressed opinion that the recommendations go too far to stifle an already heavily-regulated wine industry.

I suggest this is evidence that the APAC recommendations present the Board of Supervisors with a compromise list of actions that will help control future growth and impacts to land not just in the Agricultural Preserve and Ag Watershed, but throughout Napa County.

While I believe the total list of recommendations provides maximum value, I want to highlight a few that I believe carry the most potential for addressing people's concerns.

Annual self-certification, recommendation #4 in the APAC report, would require a principal officer of every winery to certify compliance with all use permit conditions, wine production levels and local grape source requirements.

This recommendation speaks directly to the concern that current rules are not being followed and violators simply have to ask for forgiveness with little risk of penalty. It would provide County staff with a tool for consistent enforcement and provides landowners clarity and fair implementation of development criteria.

Recommendation #5 in the report would limit the total development area for all parcels up to 40 acres to a cumulative total of 20% of a parcel, including new winery, residential and/or other permitted uses. For parcels larger than 40 acres, the maximum space would be capped at eight acres.

Currently, up to two-thirds of a parcel may qualify for development for these uses. This recommendation directly addresses the core goal of APAC's mission – agricultural land protection.

Establishing a small winery category, APAC's recommendation #8, would set limits on production, development area, visitation and events, and it would result in lower costs, reduced process time and streamlined approval for qualifying applications.

This would encourage small wineries with reduced environmental and neighborhood impacts on a significant number of open parcels that qualify for development and would relieve some of the burden on property owners, the Planning Commission and County staff caused by the current process.

By applying the proposed new production limits and permit restrictions to future development applications, tighter controls would be placed on thousands of parcels that qualify for winery, residential and other development under existing rules.

APAC did discuss on several occasions the appropriateness of applying recommendations to major modifications of existing permits, but the majority opinion was to apply any new restrictions to new permits only.

It's important to consider the context in which these, along with the complete list of recommendations, were drafted. The APAC process included extensive public input and involved a wide range of stakeholders. Votes and the resulting proposals resulted from this notably inclusive process.

APAC's task as defined by the Board of Supervisors focused on winery development, conditions of use and their impacts on agricultural land, but the committee recognized that other factors, including affordable housing, traffic and non-winery development, warrant robust review as well.

We identified sources of concern regarding protection of our agricultural land, and we offered remedies to many of them. The Board's work should not end simply receiving these proposals, with or without the Planning Commission's modifications and additions. Strategic implementation is a crucial, and complex, next step.

I believe we moved forward in significant ways through the APAC, setting equitable standards for the wine industry, protecting property rights and validating a need to remain good stewards of the land throughout Napa County.

I thank the Board of Supervisor, Planning Commission and County staff for the awareness and commitment to serving the people and interests of Napa County.

We look forward to answering your questions.