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# **NAPA COUNTY**

## **RECOMMENDATIONS OF THE AGRICULTURAL PROTECTION ADVISORY COMMITTEE (APAC) AND THE PLANNING COMMISSION**

December 8, 2015



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# VARIANCES

1. 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.



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# DEVELOPMENT STANDARDS

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



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# CODE COMPLIANCE (1/ 4)

3. Implement an annual code compliance process, including the following:
  - 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;



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# CODE COMPLIANCE (2/ 4)

- Copies of A TTB 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;



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# CODE COMPLIANCE (3/ 4)

- 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;



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# CODE COMPLIANCE (4/ 4 )

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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# HOLD AND HAUL

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.





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# COORDINATED REPORTING

5. Share the County's production reporting methodology with the five other Napa County jurisdictions and encourage annual winery data collection from wineries located in the unincorporated area for the purposes of capturing more complete data.



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# MAXIMUM DEVELOPMENT AREA

6. 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.



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# A CCESSORY USES AREA

7. Modify the County Code to include outdoor hospitality areas and Type 3 caves in the total area used to determine the maximum square footage for accessory uses for new wineries in the AP and AW zones.



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# SMALL WINERY PROCESS (1/ 4)

8. Establish a process for the approval of use permits for small wineries as defined in Napa County's Local Procedures for implementing California Environmental Quality Act (CEQA):
  - Include less than 5,000 square feet of enclosed building space;
  - Involve no more than 5,000 square feet of cave excavation, with all of the excavated cave spoils to be used on site;



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# SMALL WINERY PROCESS (2/ 4)

- Produce 30,000 gallons of wine or less per year;
- Generate less than 40 passenger vehicle (or equivalent) trips per day, except on those days when marketing events are taking place, or host no more than 15 tasting room visitors per day;
- Hold no more than 10 marketing events per year, each with no more than 30 attendees, as well as one Auction Napa Valley event with no more than 100 attendees;



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# SMALL WINERY PROCESS (3/ 4)

- Produce at least 75 percent of wine production from grapes grown on site (“estate grapes”), unless the farm has experienced a catastrophic event;
- The use permit may not be modified for at least 5 years after initial approval by the County, to discourage speculation and/ or a piece meal project, to the extent allowed by law; and



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# SMALL WINERY PROCESS (4/ 4)

If any of the above criteria are exceeded in either the initial application or future modifications, the request may not be considered categorically exempt and will be heard by the Planning Commission as the decision making body.



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# FUTURE ACTIONS (1/ 3)

9. Strongly encourage elected and appointed of the County, and their staffs, to take the following actions:
  - Implement the land use policies identified in the Napa County General Plan update
  - Enforce all current regulations fairly and consistently.
  - Deny any unrealistic use permit applications and modifications that are depending on the excessive use of variances.





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# FUTURE ACTIONS (2/ 3)

- Consistently follow existing procedures.
- Discontinue creative efforts to justify projects on non-conforming parcels.
- Be consistent in the interpretation, application and enforcement of all use permits.



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# FUTURE ACTIONS (3/ 3)

Complete items the County Board of Supervisors and Planning Commission identified at the joint special hearing on March 10, including:

- County Climate Action Plan;
- Circulation Element of the General Plan; and
- Summit of County, City, and Town officials to discuss joint efforts to address regional land use and transportation issues.



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# NET LOSS OF VINEYARDS

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



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# REGULATION IMPLEMENTATION

11. 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.



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# DEFINITION OF AGRICULTURE

12. Amend Policy A G/ LU-2 as follows:  
“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.



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# COMMISSION STAFF REPORTS

13. Include the following information in staff reports regarding winery use permits for consideration by the Commission in decision-making:
  - a. Comparison with wineries that have similar production as the proposed project;
  - b. Comparison with wineries within one mile of the project site; and
  - c. Site-specific criteria.



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# ANNUAL REPORT (1/ 2)

14. Provide an annual report to the Planning Commission on prior year winery activity that includes the following information:
  - Total permitted and actual wine production;
  - Total wine grape acreage and production;
  - Total amount of wine crushed within Napa County, amount of grapes imported into Napa, and amount of grapes exported out of the County;



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# ANNUAL REPORT (1/ 2)

- Total production, tasting room visitation, marketing visitation, and variances permitted by the County;
- Gross and net loss of vineyards and farmland;
- Average and median visitation numbers for groups of wineries based on production levels;
- Number of temporary event permits issued, and number of visitors allowed.