**MEMORANDUM**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | Napa County Planning Commission | From: | David Morrison, Director |
|  |  |  |  |
| Date: | September 30, 2015 | Re: | Schedule for Considering Recommendations from the Agricultural Protection Advisory Committee (APAC) |

**BOARD DIRECTION:**

When the APAC was formed, the Board of Supervisors provided extensive direction to the Committee on conducting its business, including schedule, topics, committee composition, and voting supermajority. On September 15, 2015, staff requested that the Board of Supervisors provide similar direction to the Planning Commission regarding their consideration of the recommendations from the APAC. The Board provided three directives to the Commission:

* + Develop draft policies that are supported by the specific action item recommendations;
  + Prioritize consideration of those recommendations that received unanimous or support by a supermajority of the APAC;
  + Forward recommendations to the Board of Supervisors as soon as possible, so that the Board can provide direction to staff to begin drafting implementation language; and
  + Focus on broad brushstrokes, instead of the details. The Board may have different priorities and direction, so it would not be an effective use of Commission time to extensively deliberate on items that have yet to receive Board support. Details can be worked out later, once the Board has provided the overall direction.

**SCHEDULE:**

Based on the Board of Supervisor’s direction, staff is recommending the following draft schedule:

**September 16, 2015**

Organization for the Commission’s consideration of the APAC recommendations:

* Disclosure of conflicts of interest
* Election of Officers, if applicable
* Presentation by Ted Hall, Chair, and John Dunbar, Vice-Chair, of APAC
* Acceptance of draft schedule
* Scope and format of policy recommendations

Items that received unanimous support from the APAC:

1. Avoid the use of variances as a principle tool for achieving compliance with land use regulations. Variances may be used only when there is specific evidence supporting all necessary findings.
2. Develop guidelines and benchmarks for consideration of future winery use permits based on the format of Proposal X.
3. Implement an annual self-certification reporting process, requiring a report to be submitted by the principal officer of each winery certifying the amount of wine produced, compliance with the 75% rule, as applicable, and compliance with all conditions of use permit approval. All data collected shall remain confidential to the extent allowed under the law.
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.
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.

Items that received supermajority support from the APAC:

1. 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.
* 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.
* 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
  + Summit of County, City, and Town officials to discuss joint efforts to address regional land use and transportation issues.

**September 30, 2015 (Special Meeting)**

Items that received supermajority support from the APAC:

1. Use the working definition of agriculture.
2. 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.
3. 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.
4. 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 in size excluding caves
* Involve either no cave excavation, or excavation sufficient to create more than 5,000 additional square feet with all of the excavated cave spoils to be used on site
* Produce 30,000 gallons or less per year
* Generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place
* 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
* Hold no temporary events

1. Limit the implementation of the recommended new requirements for winery use permits, including maximum winery development area, small winery use permit approval processes, and hold and haul restrictions to new use permit applications for wineries submitted after January 1, 2016
2. Adopt a rule that prohibits the net loss of vineyards as a part of new and/or amended winery use permits.

**October 7, 2015**

Items that did not receive supermajority support from the APAC:

1. Retain the existing 10-acre minimum parcel size for all new wineries.
2. Increase the minimum parcel size for new wineries to 40 acres in both the AP and AW zones.
3. Establish a small winery use permit for new facilities on parcels of 10 to 40 acres.
4. Require a minimum amount of estate grapes for all new and/or amended winery use permits.

**November 4, 2015**

Items that were not specifically considered by the APAC:

1. Should a majority of winery employees be engaged in vineyard and/or production operations?
2. Should temporary events be included as a part of winery use permits?
3. Should there be different development standards for AP and AW zoning?