

**DRAFT SUMMARY**  
**OF STAFF RECOMMENDATIONS**

NOTE: These recommendations are preliminary. They have not been reviewed by PBES staff or Counsel and have not been vetted with the Board of Supervisors. Based on feedback from interested parties and internal review, these recommendations are subject to change.

APAC Recommendation No. 1:

Prepare guidelines for use by staff and decision-makers regarding the legal standards for the evaluation and consideration of variances, with an emphasis on avoiding the use of variances as a principal tool for achieving compliance with land use regulations.

APAC Recommendation No. 2:

Take no action with regards to Proposal X, as guidelines for infrastructure and site constraints are already addressed in the visitation comparison charts and locational criteria provided in Planning Commission Recommendation No. 13.

APAC Recommendation No. 3:

Take no action with regards to the definition of Agriculture, re-confirming the existing definition as provided in Policy AG/LU-2 of the currently adopted General Plan. Complete General Plan Action Item AG/LU-2.1 that would amend the County Code to make it consistent with Policy AG/LU-2, to: (1) ensure that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16; and (2) that marketing activities and other accessory uses remain incidental and subordinate to the main use.

APAC Recommendation No. 4:

Prepare a plan to implement a phased, self-certification compliance program.

The first phase would require all wineries to report their production and grape sourcing data to the County. [An ordinance to require production and grape sourcing would be considered late in 2016; would be implemented in 2017, and the first reports would be due in 2018. During this phase, staff would review the existing methodology for calculating wine production for consistency with the ATTB \(Alcohol, Tobacco, Tax and Trade Bureau\) definition, as well as current types of winery operations. Staff would also work with County Counsel to prepare a series of papers explaining the legal guidelines by which existing vested rights are determined.](#)

The second phase would involve [an opportunity for wineries to come in for a voluntary review of their all-use permits](#) to: (1) consolidate and streamline existing use permit conditions of approval; (2) determine and specify existing vested rights; (3) clarify the scope of activities addressed; and/or (4) consider alternative effective measures of tasting and marketing visitation. [The reviews would not involve any change to legally established vesting or permitted rights. Depending on the volume of such requests and the extent of the Planning Division workload, outside planning and legal consultants may be needed to implement this second phase. The current practice of the wine audit would continue through the first and second phases.](#)

The third phase would transition to a practice of strict code enforcement whereby violators would be required to immediately comply with [all](#) applicable requirements.

APAC Recommendation No. 5:

Prepare an ordinance to limit the total development area of residential development within AP and AW zoned parcels. Take no action with regards to changing the existing development area of wineries. ~~Prepare an ordinance to require a Use Permit for farm management uses within agricultural zoning.~~

APAC Recommendation No. 6:

As a part of the guidelines referenced in Planning Commission No. 13, [staff reports shall include a calculation of the impermeable outdoor areas \(not located within an enclosed structure\) proposed for hospitality, and express that calculation as a percentage of the winery development area](#) ~~production facility proposed for outdoor hospitality within~~ each Use Permit or Major Modification winery application. [In addition, a site plan showing permeable areas designated for hospitality \(i.e., lawns, gardens, etc.\) shall be included as a part of the winery application, for the purpose of CEQA review.](#)

APAC Recommendation No. 7:

Take no action at this time with regards to the use of hold and haul facilities. Return to the Board of Supervisors in one year to: (1) further evaluate the feasibility of redirecting hold and haul waste to proper disposal site(s) located within Napa County; and (2) determine the compatibility of future hold and haul uses with the new Winery Discharge Waiver and Local Agency Management Plan (LAMP) requirements.

APAC Recommendation No. 8:

Prepare an ordinance to establish a process to streamline the consideration of use permits for those small wineries that meet all of the following criteria:

- Have structures that total less than 5,000 square feet in size, excluding caves;
- 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;
- Produce 30,000 gallons of wine 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, with one additional wine auction event of up to 100 attendees; and
- Hold no temporary events.

APAC Recommendation No. 9:

As a part of any ordinance that implements one or more APAC recommendations, include a statement of policy in the Findings which states that wineries that were legally established prior to adoption of the Winery Definition Ordinance (WDO) are an integral part of the Napa Valley economy. The Board of Supervisors recognizes the legal existence of such wineries and permits their continued right to operate within the conditions of their approved use permits; provided, however that expansion above and beyond that allowed by the approved use permit would only

be permitted upon securing a modification to the use permit in accordance with the zoning ordinance. [The Board further declares that the conforming structures and uses of legally established wineries are rights that cannot be rescinded, revoked, or traded away without due process.](#)

APAC Recommendation No. 10:

Establish a working schedule for implementation of actions identified in the Napa County General Plan. Develop a Code Compliance Policies and Procedures Manual to ensure that all current regulations are enforced fairly and consistently, for consideration by the Board of Supervisors. Prepare an updated Checklist for Development Projects to ensure consistency in application material requests. Complete the direction provided by the Board of Supervisors at the joint special hearing on March 10, including: adoption of the Climate Action Plan; adoption of the revised Circulation Element of the General Plan; and continuing discussions among County, City, and Town staff to coordinate on regional land use, water, and transportation issues.

APAC Recommendation No. 11:

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 incorporated areas for the purposes of capturing more complete and comprehensive data regarding industry-wide issues.

APAC Recommendation No. 12:

Take no action regarding the net loss of vineyards, confirming the County's historic and continuing practice of allowing the incidental removal and replacement of vineyards as a part of winery operations.

Planning Commission Recommendation No. 13:

Prepare guidelines to include comparison and locational criteria information in staff reports for consideration by decision-makers of winery use permits.

Planning Commission Recommendation No. 14:

Provide an annual report to the Planning Commission on prior year winery activity that includes the following information:

- a. Total [aggregate](#) permitted and actual wine production;
- b. Total wine grape acreage and [aggregate](#) production;
- c. Total [aggregate](#) amount of wine crushed within Napa County, [aggregate](#) amount of grapes imported into Napa, and [aggregate](#) amount of grapes exported out of the County;
- d. Total production, tasting room visitation, marketing visitation, and variances permitted by the County;
- e. Gross and net loss of vineyards and farmland;
- f. Average and median visitation numbers for groups of wineries based on production levels.
- g. Number of temporary event permits issued, and number of visitors allowed.