

Agricultural protection ideas going to supervisors

November 4, 2015 • [BARRY EBERLING BEBERLING@NAPANNEWS.COM](mailto:BARRY_EBERLING@NAPANNEWS.COM)

Napa County's latest quest to balance winery success and farmland protection will go to the Board of Supervisors on Dec. 8 for what could be a resolution.

Except for some possible editing, the Planning Commission on Wednesday finished its five-meeting look at the topic. The commission for the most part endorsed the recommendations of the county Agricultural Protection Advisory Committee (APAC).

That means supervisors will discuss setting a new limit for how much farmland on rural parcels can be paved over, creating a fast-track for proposed small wineries applications and in most instances prohibiting winery wastewater hold-and-haul for future wineries.

How fast any of these and other ideas might become reality remains to be seen. APAC recommended that new laws apply to new winery applications filed after Jan. 1, 2016, but that seems unlikely.

New ordinances and policies couldn't be enacted until late summer or autumn of 2016, Planning, Building and Environmental Services Director David Morrison told the Planning Commission. A more appropriate date to start any new rules might be January 2017.

Planning commissioners suggested some recommendations might be able to move forward faster than others. They talked about the desire for speed in some instances, but also the desire for caution in others.

“My experience has been the quicker we move on something, the greater the chances there could be unintended consequences,” Planning Commission Terry Scott said.

Plus, there is the unknown of what the Board of Supervisors will do with the APAC — and now the Planning Commission — recommendations. It can make whatever changes it wants.

“I just want to caution everybody not to expect the board to be a rubber stamp for the Planning Commission and APAC,” Morrison told the group.

Commissioners agreed with most of the APAC recommendations at previous meetings. A key issue that arose Wednesday was how existing wineries would fit in among a new winery rules world.

APAC recommended that existing wineries not be subject to the new rules. But Morrison said that, while existing wineries would remain legal and conforming uses, the new rules would apply to expansions they might seek. He reached that conclusion after consulting with county attorneys.

Attorney Richard Mendelson spoke on behalf of Napa Valley Vintners. He sketched the potential scenario of an existing winery applying to the county to increase wine production.

County planners might agree, but require the winery to remove a portion of its outdoor hospitality area to meet new limits.

“That, to my mind, is being held hostage,” he said. “Nobody wants to be in that situation.”

Peter McCrea of Napa Valley Vintners also talked about the vested rights of existing wineries.

“Those rights are real and they’re legal,” he told commissioners. “The devil is in the detail of writing the implementation This is a big issue.”

Commissioner Anne Cottrell addressed the matter.

“My view of what can be accomplished here is not any kind of undermining of vested rights,” Cottrell said. “Those are things that wineries have had in place, that have been legally recognized. I don’t think we accomplish anything here by trying to undermine those.”

She also talked about cumulative impacts in Napa Valley from traffic and other factors. Solutions will have the most effect if applied as broadly as is legal, feasible and equitable.

With that, the commission supported staff’s recommendation to apply any new rules to new wineries and proposed major modifications at existing wineries, but not to undermine existing, legal rights at wineries.

The winery growth discussion spun out of a March 10 growth summit held by the Board of Supervisors and

Planning Commission. That summit addressed issues ranging from traffic congestion to watershed protection to farmland protection to tourism to the fear in some quarters that wineries are becoming event centers.

County supervisors took several steps after the summit, including forming APAC. They appointed wine, agricultural, environmental, business representatives and neighborhood groups.

APAC met 10 times for a total of 31 hours over four months to tackle various questions assigned to it by the Board of Supervisors. The group's recommendations went to the Planning Commission and are now poised to go to the body that started the process – the Board of Supervisors.

Agricultural protection recommendations

Here is a sampling of Planning Commission and Agricultural Protection Advisory Committee recommendations:

-- No more than 20 percent of agricultural parcels up to 40 acres can be developed for wineries, residences and other uses. No more than eight acres can be developed for parcels greater than 40 acres.

-- All rural wineries must submit annual reports and data showing they are complying with their use permits. Any winery out of compliance must immediately come into compliance.

-- Variances are not a principal tool to allow proposed wineries to comply with land use regulations.

-- Have a fast track for proposed, small wineries that meet certain criteria.

- New wineries cannot store and haul out waste water and related liquid products except on a temporary basis.
- Napa County should hold a summit of city and county officials to discuss efforts to address regional land use and transportation issues.