

**From:** Morrison, David David.Morrison@countyofnapa.org   
**Subject:** Draft Limited Winery Ordinance  
**Date:** July 5, 2017 at 11:50 AM  
**To:**



All,

Attached is the draft Limited Winery Ordinance. The intent of the draft ordinance is to streamline the planning permit process for small and/or family-owned winery businesses.

**Please provide any comments and/or concerns regarding the draft document to me by 4:00 PM, on Friday, August 4, 2017.** Staff will review all comments received during this time and will revise the ordinance as appropriate. The draft ordinance would then be considered by the Planning Commission in a public hearing for their recommendation, which would then be forwarded to a public hearing before the Board of Supervisors for final action.

### Background

On March 1, 2016, after considering recommendations from both the Agricultural Advisory Protection Committee (APAC) and the Planning Commission, the Board of Supervisors provided direction to staff regarding a dozen agricultural protection measures.

Measure Number 8 in the direction provided by the Board of Supervisors to staff was as follows:

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.

The criteria referenced above come directly from the adopted Napa County Local Procedures for Implementing the California Environmental Quality Act (CEQA). Please see Appendix B, Class 3, Item 10. Under the adopted Guidelines, winery use permits that meet these requirements qualify for a Categorical Exemption. However, if there is a site-specific environmental impact, such as traffic, ground water, noise, aesthetics, etc., then a Negative Declaration, Mitigated Negative Declaration, or EIR may be required. This exemption has been in place since 2004.

### Proposed Draft Ordinance

Applications that meet the criteria described in this ordinance would qualify to be heard by the Zoning Administrator. The draft ordinance would still require Limited Wineries to have a CEQA

document prepared, would require full public notification of landowners within 1,000 feet of the proposal, and would require a hearing where the public would be able to comment. However, holding the hearing before the Zoning Administrator instead of the Planning Commission would typically reduce processing time by 4-8 weeks and would thus provide some relief to modest proposals.

Based on discussions with staff, County Counsel, and members of the public, staff is making several changes and clarifications have been made to the general direction previously provided, as follows:

- A provision has been added to require that qualifying wineries provide a minimum of 85% of their production based on grapes owned or leased by the owner within the same nested Agricultural Viticultural Area (AVA). This matches the federal requirement for wines labelled with a nested AVA designation. A provision has also been added to allow the PBES Director to provide temporary relief to wineries that have crops affected by a natural disaster.
- The draft ordinance refers to “Limited Wineries,” rather than “Small Wineries,” because small wineries are already defined as those facilities approved pursuant to the ordinance enacted between 1980 and 1991.
- The prohibition on temporary events was not included in the draft ordinance, as it would not be enforceable with regards to events allowed under the First Amendment..
- Instead of allowing a 5,000 square foot building and 5,000 square foot cave, as referenced in the County CEQA Guidelines, the ordinance allows up to a total of 12,000 square feet of development, which is generally considered to be the minimum space needed for a new 30,000 gallon winery. This equals approximately 1 square foot of space for every case of wine produced.
- The 40 vehicle trips per day have been clarified to indicate that those are one-way trips (equivalent to 20 round trips), consistent with County and CalTrans traffic modeling definitions and practices.

If you have any questions or concerns, please contact me directly. Do not reply to all, for those included in the notification who are subject to the Brown Act, and also out of consideration for everyone’s email capacity.

Thank you for your consideration of this proposal.

Respectfully,

David Morrison, Director  
Napa County Planning, Building, and Environmental Services

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