

# Small Winery Protection and Use Permit Streamlining Ordinance

## 1. Small Winery Protection:

Create a Use Permit category that would require a public hearing before the Zoning Administrator for those new or existing wineries that meet all of the following qualifications:

- a. Maximum of 20,000 gallons in production;
- b. Maximum of 20-40 total ADT (~~10-20 total~~ daily round trips) ~~which would not trigger Road and Street Standards for private driveways, and which~~ can be flexibly applied to employees, visitors, or deliveries. Vehicle trips for all uses other than the winery (such as residential or agricultural uses) are excluded from this calculation. The intent of this provision is to exempt this level of traffic from evaluation under the Road and Street Standards, subject to pending Board of Forestry approval. However, projects may be subject to County left-turn lane requirements.
- c. Maximum of 10,000 square feet of occupied space excluding unenclosed space (e.g., covered crush pads), which can be applied to buildings, caves, or cut and cover caves;
- d. Maximum of ~~10-11~~ marketing events per year; 10 events where attendees for each event may not exceed a total of 22-24 ADT (11-12 daily round trips), and 1 annual event where attendees may not exceed a total of 76 ADT (38 daily round trips);
- e. Maximum of 15% non-estate fruit ~~must~~ can be used in production; at least 85% of the fruit; all other fruit must be from land owned or leased by the winery and located within the same AVA (American Viticultural Area) in Napa County.
- f. No application may be submitted to the County for a modification increasing the amount of production, tasting room visitation, or marketing events for two years following approval of a Small Winery Use Permit.

~~This provision would apply to existing Small Winery Exemption operations, as well as owners who custom crush, provide on-site production in the form of barrel fermentation, and want to allow limited tasting.~~

~~This action would be appealable to the Planning Commission.~~

The Zoning Administrator may refer a project to the Planning Commission, where there is significant controversy and/or significant environmental impacts.

## 2. Use Permit Process Streamlining:

~~Any Minor Modifications, Very Minor Modifications, and Substantial Conformance request may be approved by the Director if it meets the following criteria: (1) has no new significant environmental impacts; (2) does not increase the severity of existing significant environmental impacts; and (3) is consistent with all development standards —no variances or exceptions.~~

The County would post all pending ~~actions- Minor Modifications~~ on the PBES website and would notice neighboring property owners within 1,000 feet of the project of all pending decisions on Minor Modifications, but there would be no public hearing. The Director may refer a Minor Modification application to the Planning Commission, where there is significant controversy and/or significant environmental impacts. If new information arises during the processing indicating that the application does not meet any of the above criteria, the Director would refer to the Commission for a hearing as a Major Modification. Items that do not require a Minor Modification would not be noticed and there would be no public hearing.

Proposed changes that qualify as Minor Modifications for this process would include:

- a. Convert production space to accessory space (or vice-versa), so long as the 60/40 production to accessory rule was maintained;
- b. Convert from hold and haul to on-site wastewater treatment;
- c. Change in the number of (full and/or part time) employees by either a 10% increase in existing employees or an increase up to a total of 10 employees or 10%, whichever is greater; by 10% or up to a total of 10 employees, whichever is less;
- d. Change in the number of vehicles up to a total 40 ADT (20 daily round trips); which can be flexibly applied to employees, tasting room visitors, or deliveries. Vehicle trips for all uses other than the winery (such as residential or agricultural uses) are excluded from this calculation. The intent of this provision is to exempt this level of traffic from evaluation under the Road and Street Standards, subject to pending Board of Forestry approval. However, projects may be subject to County left-turn lane requirements. Any required exceptions from the Road and Street Standards will be determined by the Director on a case-by-case basis.
- e. Change in production to a maximum of 30,000 gallons annually, or an increase of 10% in production over existing approved amount;
- f. Change in the number of marketing events, up to a total of 11 marketing events per year; 10 events where attendees for each event may not exceed a total of 24 ADT (12 daily round trips), and 1 annual event where attendees may not exceed a total of 76 ADT (38 daily round trips); up to a maximum of 26 events annually or a maximum increase of 10% in the number and/or total attendees of an existing marketing program.
- g. Change in hours of operation to include times before 9 AM or after 6 PM
- h. Change in aggregate building footprint (including caves) by a maximum of ~~either~~ 5,000 square feet or 2550%, whichever is ~~less~~ greater; and
- i. Increase not to exceed 15% of impermeable area related to parking and/or internal roads

The following actions would not require a Minor Modification and only requires the appropriate Administrative Approval (building permit, environmental health permit, planning determination, etc.):

- a. Any interior remodel changes that do not violate the 60/40 rule
- b. Add outdoor shade structures
- c. Add EV recharging station
- d. Add recycled water system
- e. Add trash enclosure

- f. Add cover for crush pad
- g. Change or add plumbing, diverters, drains for storm water control
- h. Change or add permanent outdoor tanks (If no increase in production?)
- i. Add bicycle facilities (e.g., racks, showers, etc.)
- j. Add temporary trailer during construction
- k. Install fire suppression
- l. Change cave type (if no expansion), where it does not violate the 60/40 rule and where there is no increase in visitation or marketing
- m. Install water system improvements (including new or enlarged water tanks) or connection to municipal water service, where there is no increase in water use or groundwater demand
- n. Install waste water improvements or change from hold and haul to on-site disposal, where there is no increase in waste water treatment capacity
- o. Change in hours of operation between 9 AM and 6 PM
- p. Remove existing conditions of approval restricting custom crush facilities
- q. Extension of time to activate an approved use permit
- r. Define extent of on-site wine consumption (consistent with Section 23358 of the State Business and Professions Code), where there is no increase in visitation or marketing
- s. Change in the number of parking spaces or the alignment of internal roads and driveways, where there is no increase in impermeable area

~~These actions would be appealable to the Planning Commission.~~

3. **Airport Industrial Area Specific Plan (AIASP): Napa Valley Business Park Specific Plan (NVBPSP)**

The following provisions would apply only in the ~~AIASP~~NVBPSP:

- ~~a. Process all Minor Modifications through the Director. Those applications that do not meet the criteria above would be subject to a public hearing before the Zoning Administrator.~~
- b.a. Process all Major Modifications in a public hearing before the Zoning Administrator

The Director or Zoning Administrator may refer a project to the Planning Commission, where there is significant controversy and/or significant environmental impacts.