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Planning, Building and Environmental Services

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David Morrison  
Director

## MEMORANDUM

To: Napa County  
Board of Supervisors

From: David Morrison, Director

Date: March 1, 2016

Re: Revised APAC Recommendation No. 9

After further consultation with County Counsel and Richard Mendelson (Dickenson, Peatman, and Fogarty), staff recommends the following revisions. These changes further clarify and delineate the rights accorded to existing legally established wineries, as well as the authorities of Napa County as a regulatory agency.

### 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)~~ [the effective date of the ordinance] are an integral part of the Napa Valley economy. The Board of Supervisors recognizes the legal existence of such wineries and their need to operate as legal conforming uses, and permits their continued right to operate within the conditions of their approved use permits or certificates of exemption or, in the case of wineries established prior to 1974, at the level which legally existed as of July 31, 1974; provided, however that expansion above and beyond that allowed by the approved use permit or certificate of exemption or, in the case of pre-1974 wineries, the level that existed as of July 31, 1974, would only be permitted upon securing a use permit or modification to the use permit ~~modification~~ in accordance with the zoning ordinance. The Board further declares that the permitted conforming structures and uses of legally established wineries are rights that cannot be rescinded, ~~revoked, or traded away without due process in whole or in part except in the case of the revocation, suspension, or modification of the use permit under County Code Section 18.124.120 or any other applicable law that authorizes the County to revoke, suspend, or modify an existing entitlement.~~