



napa valley vintners

memo

Date: November 8, 2019

To: David Morrison, Napa County Planning Director

Subject: Use Permit Streamlining and Small Winery Ordinance Outline

From: Napa Valley Vintners Use Permit Task Force and Community and Industry Issues Committee

OVERVIEW

On behalf of the more than 550 members of Napa Valley Vintners (NVV), we appreciate the opportunity to provide additional comments to Napa County on the newly revised outline for Use Permit Streamlining and a new Small Winery Ordinance that was recently presented to the Napa County Board of Supervisors for their feedback.

As mentioned in our previous memos, while the NVV is supportive of the County's efforts, we reserve the right to offer further feedback and endorse, take no position, or oppose the resulting ordinance(s).

COMMENTS

I. "Micro Wineries"

At their October 15 meeting, the Board of Supervisors directed Napa County Staff to develop an outline of what a new use permit tier for "micro wineries" could look like based on feedback from a group of interested grapegrowers who are seeking to conduct tastings on their property outside of the existing Napa County winery use permit framework.

Small family farms already have an existing regulatory pathway available to them to host tastings on their properties by electing to establish a winery, even a very small winery, on their properties, provided they meet the existing requirements as outlined in the Winery Definition Ordinance. New wineries, regardless of size, should be required to meet the existing requirements as outlined in the Winery Definition Ordinance as well as all other building, environmental and health and human services elements required of all wineries by the County.

II. Use Permit Process Streamlining

- a. Streamlining would be further supported if Minor Modification applications were referred to the Zoning Administrator, with or without a public hearing, when there is a significant controversy and/or substantial environmental concern. The current proposal recommends that these issues would be referred to the Planning Commission.
- b. The provision that “Applications for minor modifications increasing production, tasting room visitation or marketing events for any one winery may not cumulatively exceed 25% over a three-year period” is confusing as to what threshold it refers and should be removed.
- c. Under (f) in the Draft Outline, the provision refers to an increase in impermeable or semi-permeable ground surface. However, the Napa County Code does not currently reference “semi-permeable” surface areas in Napa County Code Section 18.104.220 – “Wineries located in open space areas—Coverage.” This section in the Draft Outline should be edited to refer to aggregate paved or impervious ground surface areas only. In this same section, allow for a 25% change in aggregate building footprint (including caves) or 3,000 additional square feet, whichever is greater.
- d. Where a use permit allows for commercial food service, the addition of a commercial kitchen should not be considered under a Minor Modification but should be issued as a building permit. Therefore, provision (i) “Addition of a new commercial kitchen” should be moved to the section “Administrative Approvals.”
- e. Provision (h) “Change or add permanent outdoor tanks” should be edited to read “change or add permanent tanks,” removing the word “outdoor.”
- f. In addition to a change in hours of operation, a change in the days of operation of a winery should be included as an Administrative Approval.
- g. Considering the recent and anticipated future power shut offs, the addition of a generator, solar panels or micro-grid equipment at a winery facility should be streamlined as an Administrative Approval.

CONCLUSION

On behalf of the NVV, we appreciate the County engaging in this process, which we regard as imperative for facilitating use permit compliance and for considering our suggestions.