



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 12/15/2020

Agenda Placement: 10A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** David Morrison, Director, Planning, Building & Environmental Servi - (707) 253-4805

**SUBJECT:** Future Agenda Item Discussion of Economic Relief Measures

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### **RECOMMENDATION**

Director of Planning, Building, and Environmental Services (PBES) will provide a report on the following economic relief measures and seek direction for each item:

1. Allow wine tastings and events to take place subject only to infrastructure limitations like parking, septic capacity, fire, health and safety standards, and applicable County Code requirements pertaining to noise, health department, etc.;
2. Expand all winery tasting room hours to include mornings and evenings, 9 AM to 7 PM, subject only to limitations of infrastructure;
3. Expand tasting areas to include all areas of the winery footprint that comply with Americans with Disabilities Act (ADA) requirements; and
4. Suspend the by-appointment requirement for wine tasting for all wineries.

### **EXECUTIVE SUMMARY**

Various industry groups have previously requested that further measures be considered related to regulatory relief for COVID-19 and/or fire impacts. On November 10, 2020, the Board of Supervisors considered and provided direction on many of the requests, but those measures that required more analysis were directed to come back for separate consideration and direction. Staff is requesting discussion and direction for the following requests to help prioritize workloads:

1. Allow wine tastings and events to take place subject only to infrastructure limitations like parking, septic capacity, fire, health and safety standards, and applicable County Code requirements pertaining to noise, health department, etc.;
2. Expand all winery tasting room hours to include mornings and evenings, 9 AM to 7 PM, subject only to



Two items were referred to the future agenda items to develop a program regarding vegetation and wildlands management:

- | Clarify that the removal of brush piles, trees, and debris associated with firebreaks created in response to the recent wildfires is permitted and will not result in enforcement or liability.
- | Support Firewise groups to reduce fuel load in rural areas through the removal of invasive species, prescribed burns, chipping programs, and enforced requirements for defensible space.

Two items were referred to the future agenda items to enhance the fire code:

- | Establish a fire safety design review process for new construction.
- | Implement a streamlined permit process for water storage tanks and reservoirs.

There was no direction regarding two items:

- | Allow recovery measures to remain in effect through 2023. The Board indicated that any temporary measures to provide regulatory relief could only be effective while there was a declared emergency and could not extend to a defined future date.
- | State that landowners do not face liability or County enforcement when taking protective actions during an emergency, such as grading, emergency tree removal, or other efforts for fire and damage prevention. The Board indicated that the County could not waive liability for actions taken by individual land owners.

#### **ADDITIONAL REGULATORY RELIEF DISCUSSION**

The remaining four items were directed to return to the Board, with estimates of staff time and timelines, history of why each was adopted, and what amendments have occurred. Please see Attachment A for a table providing the requested information.

1. Allow wine tastings and events to take place subject only to infrastructure limitations like parking, septic capacity, fire, health and safety standards, and applicable County Code requirements pertaining to noise, health department, etc. **Potential Issues:** Where there are different infrastructural capacities, the most restrictive would have to be applied. If infrastructural capacity for an individual winery exceeded existing entitlements, environmental review would be required to analyze the increase. An increase in intensity beyond existing entitlements could trigger other regulatory requirements, including the Road and Street Standards, left-turn warrants, Water Availability Analysis, Building Code, etc., and would require further analysis on a case-by-case basis. In addition, wineries would require additional analysis to ensure that hospitality remains accessory and subordinate to production, per County Code Section 18.104.200.
2. Expand all winery tasting room hours to include mornings and evenings, 9 AM to 7 PM, subject only to limitations of infrastructure; **Potential Issues:** Expanded hours would need to be restricted for hospitality areas located in proximity to residences or other off-site uses sensitive to noise and/or lighting. Traffic impacts would have to be evaluated, both cumulatively and on a site-specific basis to consider shifting existing entitled visitation to later hours. Previously, local restaurants have expressed concern about the potential for their businesses to be impacted if wine and food tasting extended into the dinner hours.
3. Expand tasting areas to include all areas of the winery footprint that comply with ADA (Americans with Disabilities Act) requirements; **Potential Issues:** Wineries would require individual analysis to ensure that hospitality remains accessory and subordinate to production, per County Code Section 18.104.200. Any expanded tasting areas would need to meet Building and Fire Code requirements for changes in occupancy. If the expansion in tasting areas also resulted in an increase in requested levels of entitled visitation, the issues raised in in Item No. 1 above would apply.

4. Suspend the by-appointment requirement for wine tasting for all wine. **Potential Issues:** If the suspension of the appointment requirement resulted in an increase in requested levels of entitled visitation, the issues raised in in Item No. 1 above would apply.

## **ORGANIZATIONS**

The Board requested staff to reach out to local organizations for their position on the proposed items, which are summarized below:

- | Napa County Farm Bureau: No response
- | Napa Valley Vintners: Support Item No 3; no position on the remaining items as County resources should be focused on fire prevention and mitigation.
- | Napa Valley Grapegrowers: No response
- | Winegrowers of Napa Valley: No position on all four items
- | Napa Vision 2050: Support Item No. 3; if wineries comply with all other entitlements and requirements, including COVID-19 protocols. Opposed the remaining three items.
- | Growers/Vintners for Responsible Agriculture: Oppose all four items
- | Coalition Napa Valley: Support all four items

## **SUPPORTING DOCUMENTS**

A . Attachment A - Summary Table

CEO Recommendation: Approve

Reviewed By: Helene Franchi