



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/4/2020

Agenda Placement: 6G

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Jeffrey Brax - County Counsel
County Counsel

REPORT BY: Meredith Trueblood, PARALEGAL - (707) 259-8152

SUBJECT: Second Reading of the Small Winery Protection and Use Permit Streamlining Ordinance

RECOMMENDATION

Second reading and adoption of an ordinance of the Napa County Board of Supervisors, State of California, amending Section 18.10.020 of Chapter 18.10 (Zoning Administrator), Sections 18.124.080 and 18.124.130 of Chapter 18.124 (Use Permits), and amending Section 18.126.030 and adding a new Section 18.126.065 to Chapter 18.126 (Administrative Permits) of Title 18 (Zoning) of the Napa County Code regarding issuance of small winery use permits and modifications to winery use permits.

Environmental Determination: Consideration and possible adoption of Categorical Exemptions Class 1, Class 3, Class 4, and the General Rule. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. See Categorical Exemption Class 1 ("Existing Facilities"), which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15301; Categorical Exemption Class 3 ("New Construction or Conversion of Small Structures"), which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15303; Categorical Exemption Class 4 ("Minor Alterations to Land"), which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15304; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B; and General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the CEQA 14 CCR 15061(b)(3)]. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

EXECUTIVE SUMMARY

On January 14, 2020, the Board of Supervisors opened the public hearing and received testimony from members of the public and County staff regarding the proposed ordinance to amend the Zoning Code to provide a more efficient process for considering use permits for existing entitled small wineries, modifying existing winery use

permits, and modifying projects within the Napa Valley Business Park. Board members raised questions and comments and requested edits to the proposed Ordinance regarding the application of the Road and Street Standards to small wineries. On January 28, 2020, the Board of Supervisors opened the continued public hearing to consider the revised Ordinance, and received a report from County staff and testimony from members of the public. After the close of the public hearing, the Board read the title, waived reading the balance of the Ordinance, and declared its intention to adopt the Ordinance, as modified during the public hearing, at the next regularly scheduled meeting.

This item requests that the Board conduct its second reading and take final action on the Ordinance. The clean version of the final Ordinance is attached.

The Ordinance will become effective 30 days following adoption.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

Livable Economy for All - Collaboratively design systems and structures that promote a diverse and stable economy, with livable wages.

Action Item G: Provide a healthy and welcoming business environment by implementing the Process Improvement Plan for the Planning, Building, and Environmental Services (PBES) Department and expanding the process to other permitting functions.

Action Item H: Protect family-owned businesses, local wineries, and small farmers as a vital part of the economy, including preservation of the small vineyard exemption.

ENVIRONMENTAL IMPACT

Consideration and possible adoption of Categorical Exemptions Class 1, Class 3, Class 4, and the General Rule. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. See Categorical Exemption Class 1 ("Existing Facilities"), which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15301; Categorical Exemption Class 3 ("New Construction or Conversion of Small Structures"), which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15303; and Categorical Exemption Class 4 ("Minor Alterations to Land"), which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15304; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B; and General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the CEQA 14 CCR 15061(b)(3).] This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

This Ordinance is the result of multiple public workshops and hearings and considerable public outreach dating back to May 21, 2019. After the Board charged staff to develop a more efficient process for modifying use permits, staff sought input from the general public and the wine industry to identify areas of process improvement that would maintain the integrity of the use permit process but allow for specified minor alterations or changes without the current substantial financial barriers. The Ordinance was thoughtfully considered by the Planning Commission, with members of the public providing meaningful input resulting in changes before being considered by this Board. Further constructive deliberation at the meeting of this Board on January 14, 2020, resulted in additional changes, as well as discussion addressing such topics as the impact of the project on public trust resources, the consistency of the Ordinance with the Winery Definition Ordinance of 1990, and the impact of the Road and Street Standards. The final version of the Ordinance continues Napa County's legacy of balancing industry needs with appropriate environmental and land use regulation.

Board of Supervisors Action

The Board of Supervisors held a public hearing on January 28, 2020. Upon closing the public hearing, the Board read the title, waived reading the balance of the Ordinance, and unanimously passed a motion of intent to adopt the Ordinance at the next regularly scheduled meeting. The Ordinance is now before the Board for formal adoption.

Recommendation

Staff and County Counsel recommend adoption of the Ordinance.

SUPPORTING DOCUMENTS

A . Small Winery Protection and UP Streamlining Ordinance

CEO Recommendation: Approve

Reviewed By: Leigh Sharp