



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/2/2010
Agenda Placement: 9H
Set Time: 2:15 PM
Estimated Report Time: 2 hours

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director - 253-4805
SUBJECT: Winery Definition Ordinance

RECOMMENDATION

Director of Conservation, Development and Planning to present the following four separate proposals related to the Winery Definition Ordinance (WDO) and seek direction regarding next steps:

1. Development of a draft ordinance implementing consensus-based clarifications to the definition of "marketing of wine" and to other sections of Napa County Code permitting retail sales of wine-related items and food-wine pairings;
2. Development of a draft resolution articulating Planning Commission policies related to business events and other matters;
3. Development of a draft ordinance permitting cultural and social events that are indirectly related to the education and development of consumers, provided that certain conditions are met and an administrative permit is obtained; and
4. Development of a draft ordinance permitting tours and tastings without appointment.

PLEASE NOTE: While these four proposals include draft policy language and are intended to solicit public input and Board direction, no draft ordinances or resolutions have been prepared, and no formal action is requested at this time.

EXECUTIVE SUMMARY

On October 6, 2009, the Planning Commission and the Board of Supervisors met in joint session to discuss the Winery Definition Ordinance (WDO) and suggestions that the ordinance be amended to permit a subset of cultural and social events at wineries. At the close of the meeting, the Board requested that industry group representatives meet and report back on desired changes to the WDO. On February 2, 2010, the Board of Supervisors received a report from staff, industry group representatives, and other interested stakeholders. At the close of the meeting, the

Board directed staff to assimilate the input received and return to the Board with specific options/proposals.

The Planning Commission discussed preliminary options/proposals at their meeting of February 17, 2010, and input received at that time is reflected in the attached workbook, which outlines four proposals for further input and direction. Each proposal includes a brief summary of next steps associated with it, should the Board direct staff to proceed.

While the four proposals include draft policy language developed by staff in response to public input, Planning Commission input, and prior Board of Supervisors direction, no draft ordinances or resolutions have been prepared for formal action by the Board at this time.

PROCEDURAL REQUIREMENTS

1. Staff presentation
2. Board chair opens the public hearing & invites comments
3. Board chair closes the public hearing
4. Board discussion & direction to staff

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

This is a discussion item only and no final decisions will be made. As a result, there are no environmental impacts associated with this item, and California Environmental Quality Act (CEQA) review is not required.

BACKGROUND AND DISCUSSION

The Winery Definition Ordinance (WDO) was adopted in 1990 and codified in various sections of the County's zoning code. The ordinance has been successful at limiting commercial uses in agricultural areas by ensuring that wineries remain focused on the business of producing wine, and by ensuring that tours and tastings and marketing of wine play a subordinate role.

Discussions about changes to the WDO have always engendered passionate testimony, and the current ongoing discussions are no exception. As a result, staff has taken an incremental approach by suggesting four separate proposals, each of which can be considered independent from the others, ultimately giving policy makers the option to select one or more of the proposals for in depth review and consideration for adoption.

The four proposals -- with necessary background and explanation -- are presented in the attached workbook, along with the joint industry group position from February 2, 2010. All four proposals are in draft form, and reflect the input of Planning Commissioners, industry group representatives, and members of the public. Staff is also prepared to brief the Board on the comments and recommendations of the Planning Commissioners, and has attached written materials submitted to the Commission.

Should the Board direct staff to proceed with one or more of the proposals included in the attached workbook, the proposal(s) would still require further drafting/development of ordinance language, environmental analysis under the California Environmental Quality Act (CEQA), and input from interested stakeholders. In addition, any resulting draft ordinance will also have to be reviewed by County Counsel to ensure that all legal issues are properly addressed.

SUPPORTING DOCUMENTS

- A . 4 Proposals "Workbook" Revised
- B . Additional Correspondence

CEO Recommendation: Approve

Reviewed By: Helene Franchi