



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/6/2009
Agenda Placement: 10A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: Melissa Gray, Administrative Secretary II - 299-1380
SUBJECT: Joint Meeting with the Board of Supervisors

RECOMMENDATION

Joint Meeting of the Board of Supervisors and the Conservation, Development and Planning Commission, with discussion and possible direction to staff concerning the Winery Definition Ordinance (WDO).

EXECUTIVE SUMMARY

The Conservation, Development and Planning Commission meets periodically with the Board of Supervisors to discuss items of a planning nature. The last such meeting occurred in the Spring with an annual update on code enforcement matters. The current meeting is intended to provide the Commission and the Board with an opportunity to discuss the Winery Definition Ordinance (WDO), and recent requests that the Board of Supervisors consider modifying the ordinance to broaden the definition of "marketing of wine" (Napa County Code Section 18.08.370). Staff is seeking direction from the Commission and the Board of Supervisors whether to proceed with preparation of a draft ordinance, as well as the scope of desired changes.

PROCEDURAL REQUIREMENTS

1. Planning Commission roll call & Planning Commission Chair calls Planning Commission Special Meeting to order

2. Staff presentation
3. Public comment
4. Board & Commission discussion and direction to staff
5. Planning Commission Chair recesses Planning Commission Special Meeting.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Winery Definition Ordinance (WDO) was adopted in 1990 and codified in various sections of the County's zoning code, including Section 18.08.370, Marketing of Wine, which states:

1. "Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

Based on this code section, winery use permits approved since 1990 generally authorize wineries to hold a specified size and number of marketing events over the course of a year, in addition to a specified number of pre-arranged (by appointment) tours and tastings. Social and business events (e.g. weddings, parties, conferences) are treated as falling outside the definition of marketing, and have not been permitted at wineries.

On September 15, 2009, a number of speakers provided public comments to the Board of Supervisors requesting that the Board broaden the definition of "marketing of wine" to include cultural and social events as a way to stimulate the local economy. Separately, other members of the community have been discussing broader ideas for changes to the WDO, including potential changes to the requirement

that tours and tastings be by appointment only. The speakers on September 15th suggested that requested changes remain in effect for a limited trial period of two or three years.

The Planning Commission and the Board of Supervisors last considered broadening the definition of "marketing of wine" in late 2005, following preparation of an Initial Study and preliminary negative declaration pursuant to the California Environmental Quality Act (CEQA). After public input and deliberations, the Board of Supervisors elected not to proceed with the ordinance.

County planning staff is seeking direction on whether to prepare and analyze another draft ordinance, similar to the one considered in 2005, and whether any additional changes (other than the amending the definition of "marketing of wine") should be included. If the Board's direction is to pursue changes that are generally consistent with those considered previously, staff believes that ordinance preparation, stakeholder outreach, and CEQA review could be undertaken relatively quickly (e.g. 60-90 days), provided that the Board is willing to re-prioritize some other pending ordinance changes and special projects. Other pending projects include those related to lot line adjustments, roosters, vacation rentals, work proximity housing, oak woodlands, farmers markets, historic preservation incentives, and design review.

If the Board's direction is to consider a broader array of changes to the WDO, potentially including tours and tastings without appointment, a longer process would be involved, and staff would recommend establishment of a task force or other advisory body to facilitate stakeholder input and ordinance development.

SUPPORTING DOCUMENTS

None

Napa County Planning Commission: Approve

Reviewed By: John McDowell