



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/18/2009
Agenda Placement: 10A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director - 253-4805
SUBJECT: Winery Definition Ordinance (WDO) & Temporary Events Study Session

RECOMMENDATION

DISCUSSION OF TEMPORARY EVENTS & THE WINERY DEFINITION ORDINANCE (WDO)

CEQA Status: 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.

Request: Hold a discussion regarding potential amendments to the temporary events ordinance (Napa County Code Section 5.36) and other strategies that might permit wineries more flexibility in scheduling events.

Staff Recommendation: Staff is seeking input from the Commission and stakeholders prior to developing a recommendation for consideration by the Planning Commission and the Board of Supervisors.

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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 cultural and social events at wineries. At the close of the meeting, the Board directed planning staff to:

1. quickly review any options that might exist for using our temporary events ordinance as a way to permit social and cultural events at wineries;
2. offer support to industry group discussions about potential changes to the WDO; and
3. assemble some data regarding regional economic conditions and characteristics of Napa County wineries.

Today's discussion is focused on the first of these items and will be based on a memorandum dated October 26, 2009 (attached) which reviews some of the issues and options associated with permitting additional events at wineries. A final recommendation, along with the outcomes of items two and three, above, is not expected until January 2010.

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:

- I "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 prearranged (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.

The Planning Commission and the Board of Supervisors 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.

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 for a two year trial period. Separately, other members of the community had been discussing broader ideas for changes to the WDO, including potential changes to the requirement that tours and tastings be by appointment only.

On October 6, 2009, the Planning Commission and the Board of Supervisors met in joint session to discuss these issues. At the end of the meeting, planning staff was directed to:

1. quickly review any options that might exist for using our temporary events ordinance as a way to permit social and cultural events at wineries;
2. offer support to industry group discussions about potential changes to the Winery Definition Ordinance (WDO) of 1990; and
3. assemble some data regarding regional economic conditions and characteristics of Napa County wineries.

The first of these subjects is addressed in the attached memo via a series of five questions and answers which reference relevant sections of the Napa County General Plan and Napa County Code. The staff interpretations and suggestions inherent in these questions and answers are simply initial thoughts, and are provided to frame discussion by the Commission. Based on input from the Commission and interested stakeholders at that time and in the weeks that follow, staff will formulate a recommendation for consideration by the Commission and the Board around the end of January, when the Board of Supervisors has requested a report on industry group discussions and staff's data gathering efforts.

SUPPORTING DOCUMENTS

A . October 26, 2009 Memo

Napa County Planning Commission: Approve

Reviewed By: John McDowell