



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/2/2011

Agenda Placement: 10B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: John McDowell, Deputy Planning Director - 299-1354
SUBJECT: 2011 Winery Standard Conditions of Approval Update

RECOMMENDATION

2011 WINERY STANDARD CONDITIONS OF APPROVAL UPDATE

Request: Update to the Standard Conditions of Approval for winery use permit projects. These standard conditions are applied to all new winery projects and to modifications of existing winery projects.

Staff Recommendation: Adopt proposed conditions by simple motion.

Staff Contact: John McDowell, 299-1354 or john.mcdowell@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission adopts the 2011 Update to the Winery Standard Conditions of Approval.

Discussion:

Since the mid-1980's, the County has relied upon a template of standard conditions of approval as the framework for applying uniform requirements to development approvals consistent with current standards. Since the majority of use permit applications processed by the County pertain to wineries, over time this template has evolved into a set of standard conditions for wineries. Every few years, the conditions are updated to account for changes to business practices; to reflect local and/or statewide code updates; and to improve overall disclosure for customers. Attached are the current proposed set of updates. This update has been prepared with consultation from local private development process professionals including land use planners, attorneys, civil engineers and architects.

This item is not a public hearing, but the Commission should receive testimony from any interested member of the public prior to taking any action.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

General Rule. 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 California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

Proposed changes to condition wording are shown in colored underlined or colored strike through text. The document has also been substantially reformatted. Major changes are summarized as follows:

- Augmented project description scope (condition #1) to account for project details consistent with the new use permit application form completed last year.
- Added new condition #2 as a uniform location for locating project specific conditions. Currently, project specific conditions are typically added to the scope condition or other standard conditions are altered. The idea here is to have one central location for conditions that address aspects particular to the project at hand.
- The condition referencing other departments' conditions and requirements has been moved up to condition #3, and these department and agency letters will now be incorporated (with page numbering) at the end of the standard conditions. Stakeholders commented that it would be very helpful to have all departments conditions collated in one unified document.
- The previously separate tours/tasting and marketing conditions have been combined into a single visitation condition (condition #4).
- The visitation condition wording has been updated to reflect the current ordinance requirements concerning by-appointment visits and food pairings
- The visitation condition contains new wording to address the current issue over commencing wine sales and visitation without constructing the wine processing components of the facility. Condition #4 strives to address this issues by reciting the code requirement that visitation is an accessory (subordinate) function to producing wine, and it identifies that all State and Federal licenses (for a winery / wine production facility - not a tasting room license) are required prior to commencing visitation. Existing wording allowing the Director to authorize visitation prior to final occupancy in special circumstances has also been relocated from condition #20 to this condition to continue to give flexibility for customers.
- Language on marketing events consistent with what has been in use for the last year has also been incorporated into condition #4. Since the standard conditions were last updated, the definition of marketing was changed and staff has been using this updated definition which will now be formally incorporated into the document.
- Parking and landscaping requirements have been divided into separate conditions, and the landscaping condition has been augmented to reflect State law concerning the requirements for installing water efficient landscaping.

- The storm water pollution prevention condition has been scaled back to simply refer the reader to the Public Works memo. The existing condition is showing its age as it was originally composed prior to the Public Works Department being actively involved in storm water management. Public Works presently has significantly more thorough and effective storm water pollution prevention requirements than what is contained in the current standard conditions, and which are compliant with Regional Water Quality Control Board standards. The stakeholder group discussed deleting this Planning condition all together, but it was felt that keeping the proposed revised wording would help refer the reader to the Public Works memo.
- Lastly, but not least, the condition requiring compliance with the CEQA mitigation monitoring program was moved to the end of the conditions so that all of the mitigation measures could be attached in keeping with stakeholder comments of having one comprehensive set of conditions/requirements. The conditions package will start with this standard conditions document, followed by the mitigation monitoring program, and end with the departments/agencies letters all sequentially numbers and referenced in Condition #2.

SUPPORTING DOCUMENTS

- A . Draft 2011 Winery Standard Conditions of Approval
- B . 2007 Standard Conditions of Approval

Napa County Planning Commission: Approve

Reviewed By: John McDowell