



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/3/2010

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: Chris Cahill, Planner - 707.253.4847
SUBJECT: Draft Use Permit Modification Factsheet - Discussion

RECOMMENDATION

PROPOSED USE PERMIT MODIFICATION FACTSHEET

Request: Informational item and Commission input on the proposed text of a factsheet addressing use permit modifications. While much of the document is a restatement of the Zoning Code and/or longstanding Departmental policy, the factsheet also addresses recent changes to the Winery Definition Ordinance (for example, new language allowing food pairings for winery tours and tastings visitors) and the ways in which the County proposes to process those requests. Staff is soliciting Commission feedback on the draft document.

Staff Recommendation: Informational item. Commission direction is welcomed.

Staff Contact: Chris Cahill, 253-4847 & chris.cahill@countyofnapa.org or John McDowell, 299-1354 & john.mcdowell@countyofnapa.org

EXECUTIVE SUMMARY

The County's recent adoption of amendments to the Winery Definition Ordinance (WDO) has prompted a number of questions about whether and how existing wineries should modify their use permits to take advantage of business meeting marketing events, tours and tastings food pairings, and the like. The attached factsheet is designed to answer some of the most frequently-asked procedural questions stemming from the amended WDO, as well as from changes in State Law such as the AB 2004 (Evans) on-site consumption rules. The draft factsheet is also designed to serve as a primer on use permits and the use permit modification process for an interested, but non-technical, readership including winery employees and anyone else who operates a use permitted business in unincorporated Napa County. Earlier versions of the factsheet were shared with interested parties in and around the wine industry and a number of changes recommended by those groups have been folded into the attached document.

This item is not before the Commission for a formal public hearing, but staff hopes that the Commission will take public comments and provide staff with any feedback the Commission itself may have on the draft document and/or the policy statements included within it.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

Please see the attached draft use permit modification factsheet. While it is now just a text document, the ultimate plan is to work it up into a brochure for general distribution. The factsheet is designed to serve two purposes: 1.) to provide a basic non-technical background for winery employees and other people involved in the operation of businesses which require use permits and 2.) to answer some of the questions raised about how the County will process use permit modifications resulting from the AB 2004 (Evans) on-site consumption bill and the County's recent WDO revisions.

As noted in a comment at page one of the document, there has been some recent discussion about creating a Very Very Minor Use Permit Modification, or a streamlined way of approving minor technical changes to use permits which do not involve any additional square footage, any change from "production" to "accessory" space, or any change in a facility's "intensity, density, or concept." If the Commission is supportive of these Very Very Minor, or "teeny weeny" Mods, Planning staff believes they could be instituted as a subset of the existing Zoning Code-allowed Very Minor Modification simply by changing the Department's existing fee resolution (meaning, without the need to adopt a change to the Zoning Ordinance.) Very Very Minor Modifications would potentially allow common changes, such as the movement of an approved wine lab from one location to another within the footprint of an approved winery, to be processed administratively, for a reduced fee, and without the delays that can be caused by formal public noticing and extensive referrals to agencies outside of the County. If the Commission is supportive of this change, a resolution could be drafted specifying the types of changes which could be processed as Very Very Minor Modifications and setting a reasonable fee somewhere below the \$2,770 now charged for Very Minor Modifications.

SUPPORTING DOCUMENTS

A . Draft Use Permit Modification Factsheet

Napa County Planning Commission: Approve

Reviewed By: John McDowell