

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or
right margins as vertical lines.

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING SECTION 18.10.020 (DUTIES -
SPECIFIC SUBJECTS) OF CHAPTER 18.10 (ZONING
ADMINISTRATOR) AND ADDING A NEW SECTION 18.08.601
(LIMITED WINERY) TO CHAPTER 18.08 (DEFINITIONS) REGARDING
LIMITED WINERIES**

WHEREAS, Napa County adopted a comprehensive update to the General Plan in 2008, which reaffirmed the County’s longstanding commitment to ensure that agriculture and related activities remains the primary land use in the unincorporated area; and

WHEREAS, in support of this commitment, the 2008 General Plan included Agricultural Preservation and Land Use (AG/LU) Policy AG/LU-16 which states that in recognition of their limited impacts, the County will consider affording small wineries a streamlined permitting process. For purposes of AG/LU-16, “small wineries” are those that produce a small quantity of wine using grapes mostly grown on site and host a limited number of small marketing events each year; and

WHEREAS, Action Item AG/LU-16.1 directs that consideration be given to amendments to the Zoning Ordinance that define “small wineries,” a “small quantity of wine,” “small marketing events,” and “mostly grown on site,” and establishes a streamlined permitting process for small wineries which retains the requirement for a use permit when the winery is in proximity to urban areas; and

WHEREAS, Section 18.08.600 of the County Code already defines small wineries as those facilities that met specific criteria and were established between 1980 and 1991, therefore this ordinance creates a new category of “limited wineries;” and

WHEREAS, the proposed ordinance would create a streamlined process for those wineries that meet the criteria for a limited winery use permit to be heard and considered by the Zoning Administrator. Projects processed as limited winery use permits would remain discretionary, subject to public notice and hearing requirements and the minimum parcel size for wineries set forth in Section 18.108.240 of the County Code; and

WHEREAS, the intent and purpose of Policy AG/LU-16 and Action Item AG/LU-16.1 were both reaffirmed by the Planning Commission and the Board of Supervisors during their review of agricultural protection measures in 2016; and

WHEREAS, the proposed amendment is consistent with the 2008 General Plan as adopted by Napa County, and is consistent with the Environmental Impact Report as certified by Napa County for the General Plan; therefore, pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with a Community Plan, General Plan, or Zoning), no additional environmental review is required and the Board has complied with the requirements of CEQA; and

WHEREAS, prior to the consideration and adoption of this ordinance, the County complied with the noticing requirements of County Code Section 18.136.040; and

The Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. Section 18.10.020 (Duties - Specific subjects) of Chapter 18.10 (Zoning Administrator) of the Napa County Code is amended to read in full as follows:

18.10.020 Duties—Specific subjects.

The zoning administrator shall hear and decide all applications for the following unless, in the zoning administrator's sole discretion, the zoning administrator determines that the public interest would be furthered by having a particular application heard and decided by the planning commission:

- A. Permits and modifications thereof for the following:
 - 1. Farmworker housing as defined by Section 18.08.294 of this code;
 - 2. Cottage food operations;
 - 3. Kennels and veterinary facilities;
 - 4. Multiple-family dwelling units;
 - 5. Second dwelling units as part of a deep lot development; [Note: An ordinance modifying this subsection will be presented to the Planning Commission on July 5, 2017. Once approved by the Board, "Second dwelling units as part of a deep lot development" will be replaced with (Reserved).]
 - 6. Undergrounding of gas, electric, telephone, or cable television lines;
 - 7. Noncommercial wind energy and conversion systems;
 - 8. Child day care centers;
 - 9. Residential care facilities (medium) and (large);
 - 10. ~~(Reserved)~~; [Limited winery use permits as defined by Section 18.08.601 of this code](#);
 - 11. (Reserved);
 - 12. (Reserved);
 - 13. Minor modifications of use permits after making the findings required by Section 18.124.130 of this title;
 - 14. Farmworker centers as defined by Section 18.08.293 of this code;
 - 15. (Reserved);
 - 16. (Reserved);
- B. (Reserved);
- C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040;
- D. (Reserved);
- E. Summary reversions to acreage, but only after making the findings required by Section 17.50.070;
- F. (Reserved);
- G. Licenses for Category 3 temporary events as defined in Section 5.36.015 if a hearing is requested and Category 4 temporary events as defined in Section 5.36.015 if not referred to the board;
- H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050;
- I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an "advisory agency" as defined in Chapter 17.02;
- J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010) and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108;

- K. (Reserved);
- L. Applications for extensions of the life of a tentative map;
- M. Minor modifications of small winery exemption certificates and minor modifications to use permits other than very minor requests for changes as described in subsection (C)(1) through (5) of Section 18.124.130, after making the findings required by Section 18.124.130;
- N. Variances from the standards for mobilehome parks in accordance with Section 15.40.310, or any successor amendment thereof;
- O. (Reserved); and
- P. Applications for exceptions to the county's adopted road and street standards in connection with a building permit clearance for a single-family residence or other ministerial permit clearance.

SECTION 2. A new Section 18.08.601 (Limited winery) is hereby added to Chapter 18.08 (Definitions) of the Napa County Code to read in full as follows:

18.08.601 Limited winery

"Limited winery" means a winery that is established after the date of adoption of the ordinance codified in this section, with a maximum annual production capacity of thirty thousand gallons of wine that also meets all of the following conditions:

A. A minimum of eighty-five percent of the wine produced must be made exclusively from vineyards that are both:

1. Owned or leased by the winery owner, and

2. Within the same nested American Viticultural Area as the winery (i.e., Rutherford, Stag's Leap), where applicable;

3. In case of natural disaster (e.g., flood, infestation, fire), subsection (A)(1) and (A)(2) above may be temporarily adjusted by the director;

B. Total building and cave area shall not exceed twelve thousand square feet in size;

C. Will generate no more than forty vehicle trips one way (or twenty round trips) per day and five peak-hour trips, except on those days when marketing events are taking place;

D. Total marketing events will not exceed ten in any calendar year. Each event will not exceed thirty attendees. One of the ten events may be a charitable event, not to exceed one hundred attendees; and

E. Will be located at least one thousand feet from any incorporated city or town boundary.

SECTION 3. This ordinance is consistent with the 2008 General Plan as adopted by Napa County, and is consistent with the Environmental Impact Report as certified by Napa County for the General Plan; therefore, pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with a Community Plan,

General Plan, or Zoning), no additional environmental review is required and the Board has complied with the requirements of CEQA

SECTION 4. Pursuant to Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this ordinance is consistent with the following policies and goals of the 2008 General Plan: Goals AG/LU –3, Policies AG/LU-1, AG/LU-2, AG/LU-4, AG/LU-8, AG/LU-16, and Economic Development (ED) Goal E-1 and Policy ED-2.

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on the _____ day of _____, 2017. The Planning Commission’s recommendation was considered by the Board of Supervisors and this ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors (the Board), State of California, held on the

___ day of _____, 2017, and passed at a regular meeting of the Board held on the
 ___ day of _____, 2017, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____
 ABSTAIN: SUPERVISORS _____
 ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the
 State of California

 BELIA RAMOS, Chair of the
 Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: _____</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE
 OF THE CLERK OF THE BOARD IN THE ADMINISTRATION BUILDING, 1195 THIRD
 STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
 GLADYS I. COIL, CLERK OF THE BOARD