



A Tradition of Stewardship  
A Commitment to Service

## Expiration of Temporary COVID Policies Frequently Asked Questions

### 1. Why did Napa County adopt temporary COVID policies for businesses?

At the onset of the COVID state of emergency, Governor Newsom required businesses to ensure that all business activities were safely conducted with adequate physical distancing. In response, where permitted activities could not be conducted safely indoors, the County policy allowed businesses to conduct activities outdoors in temporary, alternate on-site areas to help maintain their existing business activities until the state of emergency was terminated. The County policy required that businesses resume normal pre-COVID indoor activities.

### 2. What temporary alternate uses were authorized under the temporary COVID policies?

Alternative, temporary on-site areas could occur within existing, legally established, previously disturbed areas, to enable an overall *temporary* increase in the total tasting area available for legally entitled business activities while accommodating of physical distancing requirements. Examples included:

- Temporary relocation of a portion of a winery's tasting room or other winery related accessory uses, through tents, portable buildings, or to existing on-site structures, so long as all appropriate building and fire code requirements were met, and the temporary facilities did not serve a greater number of visitors or marketing events than allowed under the winery's approved Use Permit or the Winery Definition Ordinance.
- Temporary on-site areas could occur only in previously disturbed areas such as parking lots, crush pads, hardscape, decomposed granite, lawns and similar landscaped areas, or other comparable areas. Vineyards were not allowed to be included within temporary on-site areas. Outdoor temporary on-site areas could not be located within 500 feet from any off-site residence, unless an adopted project specific mitigation measure imposes a greater distance. All temporary on-site areas were required to comply with the California Disabled Persons Act, including path of travel. Outdoor areas were also required to comply with applicable ABC regulations that allow outdoor tastings on the licensed premises. For wineries, outdoor areas had to be located outside of any sensitive environmental areas as defined in the County Code.
- For wineries only, the total number of existing, approved marketing events could be increased so long as the overall total number of legally entitled marketing guests was not exceeded. For example, if a winery is authorized to hold one, 100 person marketing event, it could instead hold 10 marketing events for 10 people each, or similar variation.

3. If I submitted a Notice of Intent to Participate in the temporary program, what do I need to do to retain the use of the temporary areas on a permanent basis?

If you submitted the required Notice of Intent to Participate you would need to complete and submit an application for a Use Permit Modification **by May 30, 2023**. Most of the temporary uses allowed under the temporary COVID policies are anticipated to fall within the provisions of an Administrative Winery Use Permit or a Minor Modification Use Permit. However, there may be cases where a Major Modification Use Permit may be required. Below are links to the three application types.

[Use-Permit--Administrative-Permit-Application-Winery-Uses \(countyofnapa.org\)](https://www.countyofnapa.org/Use-Permit--Administrative-Permit-Application-Winery-Uses)

[Use-Permit--Minor-Modification-Application-Winery-Uses \(countyofnapa.org\)](https://www.countyofnapa.org/Use-Permit--Minor-Modification-Application-Winery-Uses)

[Use-Permit--Major-Modification-Application-Winery-Uses \(countyofnapa.org\)](https://www.countyofnapa.org/Use-Permit--Major-Modification-Application-Winery-Uses)

4. Can additional requests beyond those allowed in the temporary program be included in the Use Permit Modification?

Possibly but it will depend on the nature of the specific additional uses requested and need to be evaluated on a case-by-case basis. The program allowed for limited temporary uses as detailed in the COVID policy (Part I: Section 12C, see link below under question #8) some of which could be retained on a permanent basis through the standard Use Permit Modification process. The complexity and magnitude of the uses will dictate which application type is applicable and required.

5. What is the approximate time for the County to process a Use Permit Modification?

Processing times vary based upon the complexity and magnitude of the request and can range from three months to three years. However, the temporary uses allowed under the program are anticipated to fall within the Administrative Winery Modification process, which generally takes between two to three months to process. Along those lines, there are approximately 100 winery facilities enrolled in the program, and as such, the County is anticipating a spike in application submittals which could extend normal processing timelines.

6. Can I continue to use the temporary areas established in accordance with the temporary COVID policies program while my Use Permit Modification is being processed?

The COVID policy requires the use of temporary areas to pause until your Use Permit Modification is approved, so in the interim activities would need to shift back indoors or to other outdoor spaces already approved under your current Use Permit. Wineries who wish to retain temporary uses are encouraged to not delay in the submittal of their applications to minimize disruptions in conducting business activities within the areas established under the program. The County will make every effort to process Use Permit requests in an expeditious manner.

7. What if uses were established beyond those allowed under the temporary COVID policies?

Such uses would be considered out of compliance with Use Permits and should cease and the areas restored to their original condition as soon as possible to avoid possible code compliance actions.

8. Where can I find addition details about the temporary COVID policies?

[Resolution-2022-61-Amending-Part-1-Section-12C-COVID-19-Temporary-Measures-PDF \(countyofnapa.org\)](https://www.countyofnapa.org/Resolution-2022-61-Amending-Part-1-Section-12C-COVID-19-Temporary-Measures-PDF)