



napa valley vintners

September 2, 2021

David Morrison
Napa County Planning Director
1195 Third Street
Napa, CA 94558

Re: Micro Winery Ordinance

Dear Director Morrison,

On behalf of the Napa Valley Vintners (NVV), we submit the following comments on the proposed draft Micro Winery Ordinance. These comments were developed based on the NVV's previous positions during the APAC process and the Small Winery Use Permit Streamlining Ordinance, coupled with a small vintner-led task force that reviewed the draft policy and developed these comments, which were supported by the NVV's Community and Industry Issue Committee.

The NVV supports a streamlined process for the new category of micro-winery. Both the Agricultural Protection Advisory Committee (APAC) and the Napa County General Plan endorsed an expedited procedure for processing use permit applications for small wineries, which include micro-wineries.

NVV's main proviso is that the micro-wineries must be subject to all of the winery zoning requirements, including all the provisions of the Winery Definition Ordinance (WDO). We believe there is no disagreement over this point, but it is not explicitly stated in the proposed ordinance. Presently, the applicable ordinance recital states:

WHEREAS, projects processed as new micro-winery use permits would remain discretionary and subject to public notice and hearing requirements and the minimum parcel size of 10 acres for micro-wineries as set forth in Section 18.104.240 of the County Code;

We propose that this be revised to read:

WHEREAS, projects processed as new micro-winery use permits would remain discretionary and subject to public notice and hearing requirements and all zoning requirements applicable to wineries in the County Code, including but not limited to the

provisions of the Winery Definition Ordinance (Ordinance No. 947, 1990), as amended, unless specifically exempted herein;

In the substantive sections of the ordinance, *we propose that the first sentence of Section 18.08.377 be revised as follows:*

“Micro-winery” means a new winery or an existing micro-winery that modifies its use permit pursuant to Section 18.124.130 (F) below, both of which meet all requirements of the County Code applicable to a winery as well as the following specific restrictions and prohibitions:

We also recommend that Sec. 18.08.377(B) be revised to read: "At least 75% of the grapes used in production are grown on the same parcel as the micro-winery or contiguous parcels under the same ownership." This tracks the definition of an agricultural processing facility in Sections 18.16.030 (B) in the Agricultural Preserve zoning district and 18.20.030 (C) in the Agricultural Watershed zoning district: "Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership."

We recommend that, where possible and where applicable, defined terms in the County Code be used in this ordinance. For example, Sec. 18.03.377 (E) should read: "No 'Marketing of wine,' as defined in Section 18.08.370, shall be conducted on site." And in sub-section (F), "'Tours and tastings,' as defined in Section 18.08.620, and 'Retail sale,' as defined in Sections 18.16.030(G)(5)(C) for wineries in the Agricultural Preserve and 18.20.030(H)(5)(C) for the Agricultural Watershed, may be conducted on site but are limited to between the hours of 9:00 a.m. and 6:00 p.m." This reference to the existing code provisions would clarify that a micro-winery would be able to offer food and wine pairings, subject to the applicable food facility permitting requirements, but not menu options or meal service.

We question whether a micro-winery can operate with five daily round trips for tasting room visitors, all winery employees, and deliveries. *We suggest that this number of ADTs be doubled to 10.*

With respect to modifications of a micro-winery permit, we understand and agree that a micro-winery owner would not be allowed to file any modification to expand production or tasting room visitation in the two-year period following approval of the original micro-winery use permit.

We understand that modifications of a micro-winery use permit would be heard by the Zoning Administrator (ZA) as minor modifications if they meet the criteria in Section 18.124.130 (F). We assume that any other modifications of a micro-winery use permit would be heard by the Planning Commission as major modifications and, if approved, the winery would cease being a micro-winery. However, this is not expressly stated in the ordinance. In fact, Section 18.10.020(A)(5) states, "Any micro-winery seeking to modify its permit shall continue to meet all criteria listed in the definition of a micro-winery." We propose that this sentence be deleted and the following sentence in that sub-section be revised to read, "No application for a new

micro-winery use permit or modification of a micro-winery use permit, whether minor or major, shall be considered beginning two years after [the effective date of this ordinance to be inserted], unless the provisions in this code pertaining to micro-winerries are extended, re-adopted or amended by the board of supervisors.” We also propose the following revision of Section 18.124.130(H): “Any modification to a use permit that exceeds the thresholds listed above in this section will be considered a major modification subject to consideration and a decision by the planning commission. A micro-winery with an approved major modification shall no longer be classified as a micro-winery.”

Section 18.124.130(F) should be clarified as to what “any increase ... up to a total [or sometimes “a maximum total”] of x” means. For example, in sub-section (F)(3), could a micro-winery with a permitted production capacity of 1,000 gallons increase to 5,000 gallons or 6,000 gallons? Similarly, could a micro-winery of 4,000 square feet increase to 5,000 total square feet under this section or 9,000 square feet? For greater clarity, we propose the following revisions to sub-sections (1), (2), (3), and (5) of Section 18.124.130(F):

1. Any increase in the number of full-time equivalent existing permitted employees so long as the total number of such employees does not exceed five;
2. Any increase in (1) the number of full-time equivalent existing permitted employees, including seasonal employees, (2) tours and tastings, or (3) deliveries, so long as the total number of vehicle trips for all such uses on the property does not exceed 40 ADT or 20 round trips;
3. An increase in wine production so long as the total annual production does not exceed 5,000 gallons; ...
5. Any increase in aggregate building footprint (including caves) so long as the total square feet does not exceed 5,000.

Finally, we would like to confirm that the ZA’s decision on any micro-winery use permit or minor modification of a micro-winery use permit is subject to the appeal provisions of Chapter 2.88 and is appealable directly to the Board of Supervisors, which will conduct a de novo hearing.

Thank you for the opportunity to share feedback and for your consideration.

Sincerely,



Andy Erickson
Chair, Community and Industry Issues Committee
Board Member, Napa Valley Vintners Board of Directors
Owner, Favia



**NAPA COUNTY
FARM BUREAU**

September 2, 2021

Mr. David Morrison
Director
Napa County Planning, Building & Environmental Services
1195 Third Street
Napa, CA 94559

RE: Micro Winery Ordinance Comments

Dear Mr. Morrison:

Thank you for soliciting comments from the Napa County Farm Bureau as it relates to the draft Micro Winery Ordinance.

Our Land Use Committee met over this issue, received a presentation from you on this issue, and deliberated on the merits of the ordinance and made recommendations to our Board of Directors. Subsequently, our Board of Directors met and voted to send the following comments to your office on this item, however, our board has not taken a position of support or opposition to this item.

Following deliberation from our Land Use Committee and Board of Directors, we feel that the ordinance should explicitly state that micro-wineries must be subject to all aspects of the Winery Definition Ordinance (Ordinance 947, 1990). It should also reflect the recommendations of the Agricultural Protection Advisory Committee.

Furthermore, we believe a dominant component of this ordinance should require 100% of the grapes used in production are grown on the same parcel, or contiguous parcels, as the micro-winery, not the proposed 75%. This recommendation reflects many discussions our land use committee and board of directors have had regarding the overall intent of such an ordinance.

We thank you for taking these recommendations under advisement and welcome any questions you may have in the interim.

Sincerely,

A handwritten signature in black ink, appearing to read 'Johnnie White'.

Johnnie White
President



WINEGROWERS
of napa county

members

September 3, 2021

Cakebread Cellars

Mr. David Morrison
Planning, Building & Environmental Services
Napa County Administration Building
1195 Third Street
Napa, California 94559

Catlin Farm

Duckhorn Vineyards

Re: Draft Micro-Winery Ordinance

E. & J. Gallo Winery

Dear Mr. Morrison:

Far Niente Winery

Winegrowers is a non-profit organization of winery, vineyard, and grape growing members with the mission to advance policy that preserves sustainable agriculture as the highest and best use of the natural resources while protecting the ability of wineries to produce, market, and sell wine. We offer the following comments regarding the draft micro-winery ordinance.

HALL Wines

Harlan Estate Winery

As previously communicated to the Napa County Board of Supervisors, Winegrowers supports the creation of a micro-winery ordinance. This is not a debate on micro-wineries challenging larger wineries, it is a discussion on diversification and long-term sustainability of Napa wines and vineyards. Winegrowers consistently evaluates land-use regulation and proposes solutions that promote the health of the Napa wine community while benefitting the entire community at large. Micro-wineries provide a complementary, different wine experience, and it would be detrimental if Napa were to lose its small family farms and wineries.

Joseph Phelps Vineyards

Jackson Family Wines

Michael Mondavi Family Estate

APAC, Napa's strategic planning process, and the community have all voiced support for small family farms and wineries. In 2019, Napa County passed a Small Winery Protection ordinance but it applied only to existing "small wineries", as defined by previous resolution (estimated at 28 wineries in all of Napa County). The proposed draft utilizes a similar approach that would allow an economically viable use permit process for micro-wineries. The approval by the Zoning Administrator, as long as the modification meets the micro-winery definition, is essential to the effectiveness of the ordinance.

Piña Vineyard Management

Realm Cellars

Renteria Vineyard Management

We encourage the County to advance the draft micro-winery ordinance in order to assist small family farmers and allow a legal option for compliance.

Round Pond Estate

Thank you for the opportunity to comment.

Rombauer Vineyards

Sincerely,

Silver Oak Cellars

Silverado Premium Properties

Michelle Benvenuto
Executive Director

Trefethen Family Vineyards

Trinchero Family Estates



To: Napa County Board of Supervisors
1195 Third Street
Napa, CA 94559
publiccomment@countyofnapa.org

Dear Napa County Supervisors,

I am writing to you on behalf of over 700 Napa Valley Grapegrowers members regarding the proposed Micro-Winery Ordinance. For historical context, NVG holds a standing position in support of the 2015 APAC Recommendations, which included a recommendation to “establish a process for the approval of use permits for small wineries as defined in Napa County’s Local Procedures for Implementing California Environmental Quality Act (CEQA).” In this way, we are supportive of the intent of the proposed ordinance, as defined by APAC, and encourage the County to move forward with these discussions. The benefits of an ordinance like this are great when it comes to supporting small growers and producers in our community.

However, we ask that as you proceed, you are mindful to draft the language of the ordinance in a way that ensures that such exceptions to the Planning Commission process do not lead to unintended consequences related to the intensity of use on ag land. To this end, we will submit more detailed suggestions in the next two weeks on changes that would strengthen the ordinance and ensure that it serves the intended community.

We thank you for your work to fulfill the 2015 APAC recommendations and to support small growers in our community

Sincerely,

Michael Silacci
President, Napa Valley Grapegrowers

