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Proposed Ordinance Redlines

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 18.08.377 (MICRO-
WINERY) OF CHAPTER 18.08 (DEFINITIONS) AND SECTION
18.124.130 (USE PERMIT MODIFICATIONS – PROCEDURE-
CATEGORIES) OF CHAPTER 18.124 (USE PERMITS) OF TITLE 18
(ZONING) OF THE NAPA COUNTY CODE REGARDING THE
ISSUANCE OF MICRO-WINERY USE PERMITS AND
MODIFICATIONS TO WINERY USE PERMITS**

WHEREAS, a process improvement study conducted in the Napa County Planning, Building, and Environmental Services (PBES) Department in 2018 identified opportunities to shorten the processing times for various land use approvals; and

WHEREAS, in 2019, Napa County adopted a Strategic Plan to guide policymaking for the years 2019 through 2022, which prioritized efforts to sustain agriculture and the environment and advance the health, safety, and the economic well-being of its residents; and

WHEREAS, Strategic Action 9.H sets a goal to protect family-owned businesses, local wineries, and small farmers as a vital part of the economy; and

WHEREAS, after a public meeting on March 2, 2021, the Board of Supervisors directed staff to prepare an ordinance to (1) create a streamlined process to allow new micro-winery use permits to be considered through a public hearing before the Zoning Administrator; and (2) delineate categories of modifications to micro-winery use permits, with appropriate levels of public review and approval based on the extent of the modifications; and

WHEREAS, on April 5, 2022, the Board of Supervisors adopted the Micro-winery Ordinance, which created a streamlined process for considering new and/or modified micro-winery use permits; and

WHEREAS, the Ordinance contained a sunset provision expiring on May 5, 2025, unless amended by the Board; and

WHEREAS, on March 11, 2025, the Board of Supervisors directed staff to return with an ordinance to lift the May 5, 2025, sunset date, thereby extending the ordinance in perpetuity, and directed staff to return to the Board at a future date with a recommended ordinance update after working with stakeholders and the Planning Commission to introduce amendments that are under the jurisdiction of the County and aimed at improving the overall ordinance; and

WHEREAS, on May 20, 2025, the Board of Supervisors adopted an Ordinance amending Section 18.10.020 of Chapter 18.10 (Zoning Administrator) of the Napa County Code regarding issuance of Micro-Winery Use Permits, lifting the May 5, 2025, sunset date, thereby extending the ordinance in perpetuity; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 20, 2025. The Planning Commission considered all written and oral testimony presented at the public hearing in making its recommendation; and

WHEREAS, the Planning Commission forwarded a recommendation to approve the proposed ordinance amending Napa County Code to the Board of Supervisors; and

WHEREAS, the proposed ordinance update 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 for the proposed ordinance, and the Board has complied with the requirements of CEQA with respect to this ordinance. Further, adoption of this ordinance is exempt from the provisions of the CEQA pursuant to the General Rule in that 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 CEQA 14 CCR §15061(b)(3)].

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

SECTION 1. Section 18.08.377 (Micro-winery) of Chapter 18.08 (Definitions) of the Napa County Code is amended to read in full as follows:

18.08.377 Micro-winery.

"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 of the requirements of the County Code applicable to a winery as well as the following specific restrictions and prohibitions:

- A. Ferments on-site at least 201 gallons of wine annually and has a production capacity of no more than ~~10,000~~ gallons of wine;
- B. At least 75 percent of the grapes used in fermentation on-site are grown on the same property as the micro-winery or contiguous parcels under the same ownership. For the purpose of this section, "the same property as the micro-winery" means any parcel or parcels identified as included within the Use Permit application. ~~On-site vineyards must be planted at the time of application submittal and demonstrated to be capable of supporting 75 percent of the approved production capacity;~~
- C. Has a maximum of 5,000 square feet of total enclosed space including storage, processing facilities, tasting areas, and caves;
- D. No more than ~~forty~~ Average Daily Trips (ADT) (~~twenty~~ daily round trips) are generated by tasting room visitors ~~or marketing event attendees~~, all winery employees including seasonal employees, and deliveries to and/or from the winery;

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E. Will hold no more than 10 marketing events, as defined in Section 18.08.370, per year, each with no more than 30 attendees;

Deleted: No marketing events as defined in Section 18.08.370, are conducted on site;

F. Tours and tastings, as defined in Section 18.08.620, and retail sales 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. Tours and tastings shall not be permitted on the same day as an approved marketing event;

G. Reserved.

Deleted: No subsequent application for an increase in the production of wine or tasting room visitation shall be considered within two years after the approval of the original micro-winery use permit.

H. Micro-wineries shall only be permitted within the Agricultural Preserve (AP) and Agricultural Watershed (AW) zones and shall comply with all other local ordinances, rules, and regulations associated with winery development and permitting under the Napa County Code and Title 18, and in compliance with state and federal laws.

SECTION 2. Section 18.124.130 (Use Permit modifications – Procedure – Categories) of

Chapter 18.124 (Use Permits) of the Napa County Code is amended to read in full as follows:

18.124.130 Use permit modifications—Procedure—Categories.

A. Except as otherwise provided in subsections (B), (C) and (D) of this section, modifications to an approved use permit shall be processed in the same manner and in compliance with the procedures set forth herein for use permits and appeals, including notice and the payment of applicable permit application fees.

B. Upon receipt of a written request from the holder of a use permit, other than a winery use permit which shall be processed as set forth in subsection (C) below, or, for micro-winery use permit modifications as in (F) below, the zoning administrator may approve minor non-controversial modifications to approved use permits after giving notice of intent to approve or deny, but without a public hearing in regard to project design or permit conditions which do not affect the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project. Consistent with the foregoing, the zoning administrator may approve changes in location and/or size of approved structures or portions thereof, provided that, the zoning administrator shall not consider or approve a minor modification if the result of the approval of the requested minor modification would result in any structure or the aggregate of all approved structures being increased more than 25 percent in size or one story in height based on the size allowed under the approved use permit. Equipment enclosures whose permanent installation outdoors was approved by use permit are not subject to this size limitation.

1. Notice of intent to approve or deny, for purposes of this subsection, shall include a general explanation of the matter to be considered, a general description, in text or by diagram, of the location of the subject real property, and a statement that the zoning administrator intends to approve or deny the requested modification on a certain date not less than ten calendar days after the date of mailing of the notice unless a member of the public requests a public hearing prior to that date.

2. Notice of intent, for purposes of this subsection, shall be mailed or delivered as follows:

- a. To the owner of the subject real property or the owner's duly authorized agent and to the project applicant if the project applicant is neither the owner of the property nor the owner's duly authorized agent; and
- b. To all owners of real property, including businesses, corporations or other public or private entities, as shown on the latest equalized assessment roll within 1,000 feet of the real property that is the subject of the proposed zoning change. In lieu of utilizing the assessment roll, the records of the county assessor or tax collector which contain more recent information than the assessment roll may be used.

3. If any member of the public requests a public hearing during the comment period, then the zoning administrator will provide public notice in accordance with Section 18.136.040 and conduct a public hearing.

C. Upon receipt of a written request from the holder of a winery use permit, the zoning administrator may approve minor modifications to winery use permits by issuing a notice of intent to approve or deny and notice of decision in accordance with the procedures set forth in subsection (D) below, except for micro-wineries, which are addressed in subsection (F) below. There will be no public hearing for such minor modifications. Such minor modifications will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds forty ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Fire Safe Regulations, or adopted left-turn land warrants required for all projects. Modifications to winery use permits are considered minor modifications under this subsection if the change in operations consists of any of the following:

1. Any increase in the number of full-time equivalent existing permitted employees up to a total of ten employees or by up to ten percent, whichever is greater;
2. Any increase in (1) the number of full-time equivalent existing permitted employees, including seasonal employees, (2) tours and tastings, or (3) deliveries, such that 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 up to a maximum of 30,000 gallons annually, or an increase of ten percent over the existing approved amount;
4. An addition or increase in the number of marketing events, up to a total of 11 marketing events per year. Ten such events may allow attendees for each event up to a total that does not exceed 24 ADT (12 daily trips) and one such event may allow attendees for such event up to a total that does not exceed 40 ADT (20 daily round trips). The ADT for all winery uses on days when a marketing event occurs shall not exceed 40 ADT. The approval of marketing events under this subsection may change in hours of operation during which such event may occur to include times after 6:00 pm, provided the project applicants cease all operations by 11:00 pm. ;Any change in days of operation provided there is no increase in visitation, except pursuant to this section;

5. Any change in aggregate building footprint (including caves) by a maximum of 10,000 square feet or 25 percent of the total footprint, whichever is greater, where there is no cumulative increase in paved or impervious ground surface area beyond 25 percent of the subject parcel or 15 acres, whichever is less;

6. Addition of a new high-risk commercial kitchen where there is an existing medium- or low-risk kitchen on the property; and/or

7. Any additions, modifications, or changes that qualify for an administrative permit under section 18.126.065, when in connection with any other minor modifications identified above.

D. Notice of intent to approve or deny, for purposes of subsection (C) above, shall include a general explanation of the matter to be considered, a general description, in text or by diagram, of the location of the subject real property, and a statement that the zoning administrator intends to approve or deny the requested modification on a certain date not less than ten calendar days after the date of mailing of the notice. Notice of intent, for purposes of this subsection, shall be given as follows:

1. To the owner of the subject real property or the owner's duly authorized agent and to the project applicant if the project applicant is neither the owner of the property nor the owner's duly authorized agent;

2. To all owners of real property, including businesses, corporations or other public or private entities, as shown on the latest equalized assessment roll within 1,000 feet of the real property that is the subject of the proposed project. In lieu of utilizing the assessment roll, the records of the county assessor or tax collector which contain more recent information than the assessment roll may be used; and

3. By posting the notice on the county's website for the PBES Department. A notice of decision, for purposes of subsection (C) above, shall be given in the same manner as a notice of intent, but shall include any conditions of approval imposed on the project by the zoning administrator. The date of the notice of decision shall be date of the decision for purposes of appeals pursuant to Chapter 2.88 of this code.

E. Upon receipt of a written request from the holder of a use permit relating to a property subject to the Napa Valley Business Park Specific Plan, including winery use permits, the zoning administrator may approve any modification to approved use permits after giving notice and holding a public hearing pursuant to subsection (B), above.

F. Upon receipt of a written request from the holder of a use permit relating to a micro-winery, the zoning administrator may approve minor modifications to micro-winery use permits in accordance with the procedures set forth in subsection (D) above. There will be no public hearing for such minor modifications. Modifications to micro-winery use permits are considered minor modifications under this subsection if the change in operations consists of any of the following:

1. Any increase in (1) the number of full-time equivalent existing permitted employees, including seasonal employees, (2) tours and tastings, (3) marketing events, so long as the total does not exceed 10 events, (4) 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;

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2. An increase in wine production so long as the total annual production does not exceed 10,000 gallons annually;

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3. Any change in days of operation provided there is no increase in visitation, except pursuant to this section; and

4. Any increase in aggregate building footprint (including caves) so long as the total does not exceed 5,000 square feet.

G. Upon receipt of a written request from the holder of a use permit, other than a winery use permit, which shall be processed as set forth in subsection (C) above, the director may administratively approve very minor, non-controversial modifications to approved use permits without public notice, including the following:

1. An extension of use permit expiration time not to exceed one year beyond the then-operative date of use permit expiration as established in conformance with this chapter, provided that the director shall not approve more than three such extensions of any one use permit or use permit modification approval; and
2. Small (less than ten percent) changes in square footage or building footprint;
3. Realignment of internal circulation roads;
4. Similar items at the discretion of the director.

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 3. As set forth in the staff report accompanying this ordinance, the Board of Supervisors finds that 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), this ordinance requires no additional environmental review. Further, the Board of Supervisors finds that adoption of this ordinance is exempt from the provisions of the CEQA pursuant to the General Rule in that 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 CEQA 14 CCR §15061(b)(3)].

The Board further finds that this ordinance will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works.

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 and AG/LU-6; Policies AG/LU-1, AG/LU-2, AG/LU-4, AG/LU-8, AG/LU-16, AG/LU-107, and Economic Development (E) Goal E-1 and Policy E-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 five (5) days before adoption and at least once before the expiration of fifteen (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 on the 20th day of August 2025. The Planning Commission's recommendation was considered by the Board of Supervisors, and this Ordinance was introduced and passed at a regular meeting of the Napa County Board Supervisors ("the Board"), State of California, held on the 21st day of October, 2025, by the following vote:

AYES: SUPERVISORS _____

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

NAPA COUNTY, a political subdivision of the
State of California

ANNE COTTRELL, Chair of the
Board of Supervisors

APPROVED AS TO FORM Office of County Counsel	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors
By: _____ Deputy County Counsel	Date: _____ Processed By: _____	By: _____
By: _____ Code Services	Deputy Clerk of the Board	
Date: _____		

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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
NEHA HOSKINS, CLERK OF THE BOARD