

ORDINANCE NO. _____

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, AMENDING SECTION 18.10.020 OF CHAPTER 18.10 (ZONING ADMINISTRATOR) OF THE NAPA COUNTY CODE REGARDING ISSUANCE OF MICRO-WINERY USE PERMITS

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, 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, 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, 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)].

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 matter (1) is of a size, importance, or unique nature such that it is judged not to be a routine matter; (2) involves potentially significant environmental impacts; or (3) is such 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. (Reserved);
 5. Following a public hearing noticed in accordance with Section 18.136.040, use permits for Micro-wineries as defined by Section 18.08.377 of this code;
 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. Following a public hearing noticed in accordance with Section 18.136.040, use permits for small wineries as defined by Section 18.08.600 of this code that were issued a certificate of exemption prior to February 22, 1990, recognizing the extent of existing legal entitlements or allowing the following uses provided the application meets all of the following qualifications:
 - a. Has an annual maximum of 20,000 gallons or less of wine production;
 - b. Generates no more than 40 Average Daily Trips (ADT) (20 round trips) by tasting room visitors, all winery employees including seasonal employees, and deliveries to the winery. The use permit will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds 40 ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Regulations, or adopted left-turn warrants required for all projects;
 - c. Has a maximum of 10,000 square feet of occupied space, including buildings, caves, and cut and cover caves, but excluding unenclosed space, such as covered crush pads;
 - d. Conducts a maximum of eleven marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed twenty-four ADT (twelve daily round trips) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed forty ADT (twenty daily round trips). The ADT for all winery uses, including deliveries, tours and tastings, and employees, on days when a marketing event occurs shall not exceed forty ADT; and\
 - e. Following approval of a use permit under this subsection, no subsequent application for an increase in production of wine, tasting room visitation, or marketing events shall be considered within two years after approval;
 11. (Reserved);
 12. (Reserved);
 13. Modifications of use permits under subsection (E) of Section 18.124.130;
 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 revisions 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 to use permits as described in Section 18.124.130 (B) and modifications to winery use permits as described in Section 18.124.130(C)(1) through (7) of Section 18.124.130, after making the findings required by Section 18.124.130;
- N. Variances from the standards for mobile home 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 all permits and modifications listed in subsection A through O above, a building permit clearance for a single-family residence or other ministerial permit clearance.

SECTION 2. 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 3. 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 4. 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 5. This ordinance shall be effective thirty (30) days from and after the date of its passage, but shall apply retroactively starting May 5, 2025, to ensure the continuity of Section 18.10.020 (Duties - Specific subjects) of Chapter 18.10 (Zoning Administrator) of the Napa County Code.

SECTION 6. 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 introduced and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 6th day of May, 2025, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 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 By: <u>Chris Apallas</u> Deputy County Counsel By: <u>McKayla McMahon</u> Code Services Date: <u>4/15/2025</u>	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____ _____
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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