

DRAFT OUTLINE

Use Permit Streamlining Ordinance

1. Small Wineries:

Create a Use Permit category that would require a public hearing before the Zoning Administrator for new use permits for wineries approved as a “small winery.” The rules and regulations relating to “small wineries” were adopted by Resolution No. 80-21 and amended by Resolution No. 86-55, and apply to those facilities that were lawfully established subsequent to July 31, 1974, without first obtaining a use permit. To qualify for a hearing before the Zoning Administrator, the application must meet all of the following qualifications:

- a. Maximum of 20,000 gallons in production;
- b. Change in the number of vehicles up to a total 40 Average Daily Trips (ADT) (20 daily round trips); which can be flexibly applied to employees, tasting room visitors, or deliveries. Vehicle trips for all uses other than the winery (such as residential or agricultural uses) are excluded from this calculation for the purposes of CEQA, but are included in the cumulative ADT counts for purposes of compliance with the Road and Street Standards. Private access roads to existing wineries that remain under this threshold would be classified as Agricultural Special Purpose Roads under the Road and Street Standards (paved surface of 10 feet with a total of 4 feet of shoulders). Projects may be subject to County left-turn lane requirements and applicable provisions of the State Fire Code where determined by the Fire Marshal. Any required exceptions from the Road and Street Standards will be determined by the Director on a case-by-case basis.
- c. Maximum of 10,000 square feet of occupied space excluding unenclosed space (e.g., covered crush pads), which can be applied to buildings, caves, or cut and cover caves;
- d. Maximum of 11 marketing events per year; 10 events where attendees for each event may not exceed a total of 24 ADT (12 daily round trips), and 1 annual event where attendees may not exceed a total 40 ADT (20 daily round trips); on days when there are events, the 40 ADT maximum referenced in (b) above applies to all activities, including both tasting and marketing visitors;
- f. The County will not accept any for modification to increase the amount of production, tasting room visitation, or marketing events for two years following approval of a Small Winery Use Permit.

The Zoning Administrator may refer a project to the Planning Commission, where there is significant controversy and/or significant environmental impacts.

2. Use Permit Process Streamlining:

The County would post all pending Minor Modifications on the PBES website and would notice neighboring property owners within 1,000 feet of the project of all pending decisions on Minor Modifications, but there would be no public hearing. The Director may refer a Minor Modification application to the Planning Commission, where there is

significant controversy and/or significant environmental impacts.

Applications for minor modifications increasing production, tasting room visitation, or marketing events for any one winery may not cumulatively exceed 25% over a three-year period. Any requests exceeding this threshold will require a Major Modification.

Proposed changes that qualify as Minor Modifications include the following actions. This list is not all-inclusive; actions of a similar nature may be approved at the discretion of the Director, with proper notification.

- a. Change in the number of full-time equivalent employees by either a 10% increase in existing employees or an increase of up to a total 10 employees, whichever is greater;
- b. Change in the number of vehicles up to a total 40 Average Daily Trips (ADT) (20 daily round trips); which can be flexibly applied to employees, tasting room visitors, or deliveries. Vehicle trips for all uses other than the winery (such as residential or agricultural uses) are excluded from this calculation for the purposes of CEQA, but are included in the cumulative ADT counts for purposes of compliance with the Road and Street Standards. Private access roads to existing wineries that remain under this threshold would be classified as Agricultural Special Purpose Roads under the Road and Street Standards (paved surface of 10 feet with a total of 4 feet of shoulders). Projects may be subject to County left-turn lane requirements and applicable provisions of the State Fire Code where determined by the Fire Marshal. Any required exceptions from the Road and Street Standards will be determined by the Director on a case-by-case basis;
- c. Change in production to a maximum of 30,000 gallons annually, or an increase of 10% in production over existing approved amount;
- d. Change in the number of marketing events, up to a total of 11 marketing events per year; 10 events where attendees for each event may not exceed a total of 24 ADT (12 daily round trips), and 1 annual event where attendees may not exceed a total of 40 ADT (20 daily round trips); on days when there are events, the 40 ADT maximum referenced in (b) above applies to all activities, including both tasting and marketing visitors;
- e. Change in hours of operation to include times before 9 AM or after 6 PM, excluding operations between 11:00 PM and 6:00 AM;
- f. Change in aggregate building footprint (including caves) by a maximum 25%, where there is no cumulative increase in impermeable or semi-permeable ground surface area beyond 25% of the subject parcel or 15 acres, whichever is less;
- i. Addition of a new commercial kitchen.

The following actions would not require a Minor Modification and only requires the appropriate Administrative Approval (building permit, environmental health permit, planning determination, etc.), without a public hearing. This list is not all-inclusive; actions of a similar nature may be approved at the discretion of the Director.

- a. Any interior remodel changes that do not violate the 60/40 rule
- b. Add outdoor shade structures
- c. Add EV recharging station

- d. Add recycled water system
- e. Add trash enclosure
- f. Add cover for crush pad
- g. Change or add plumbing, diverters, drains for storm water control
- h. Change or add permanent outdoor tanks (If no increase in production?)
- i. Add bicycle facilities (e.g., racks, showers, etc.)
- j. Add temporary trailer during construction
- k. Install fire suppression
- l. Change cave type (if no expansion), where it does not violate the 60/40 rule and where there is no increase in visitation or marketing
- m. Install water system improvements (including new or enlarged water tanks) or connection to municipal water service, where there is no increase in water use or groundwater demand; connection to municipal service may require approval by the water agency and/or LAFCO
- n. Install waste water improvements or change from hold and haul to on-site disposal, where there is no increase in waste water treatment capacity
- o. Change in hours of operation between 9 AM and 6 PM
- p. Remove existing conditions of approval restricting custom crush facilities
- q. Extension of time to activate an approved use permit
- r. Define extent of on-site wine consumption (consistent with Section 23358 of the State Business and Professions Code), where there is no increase in visitation or marketing
- s. Change in the number of parking spaces or the alignment of internal roads and driveways, where there is no cumulative increase in impermeable or semi-permeable ground surface area beyond 25% of the subject parcel or 15 acres, whichever is less;
- t. Add or modify existing landscaping
- u. Add or modify existing entry gates
- v. Expansion or improvements to existing permitted food service facilities
- w. Issuance of a Food Facility Permit where the approved Use Permit already allows food service

3. Napa Valley Business Park Specific Plan (NVBPSP)

The following provisions would apply only in the NVBPSP:

- a. Process all Major Modifications in a public hearing before the Zoning Administrator

The Director or Zoning Administrator may refer a project to the Planning Commission, where there is significant controversy and/or significant environmental impacts.