



Napa County Micro-Winery Ordinance Goes Into Effect May 5, 2022 - DPF Law

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To: Richard Forster <rforster@co.amador.ca.us>, Frank Axe <faxe@amadorgov.org>, planning@amadorgov.org

Hi Richard, Frank and Chuck,

I thought that was a good meeting last week. Thanks for taking up this issue. Here is an interesting article on micro winery permits in Napa just going into effect.

<https://www.dpf-law.com/blogs/lex-vini/napa-county-micro-winery-ordinance-goes-into-effect-may-5-2022/>

The main change I would like to see for permits in agricultural zones, is to require a winery on the property BEFORE a tasting room is open. It is a real privilege to have a tasting room in rural farm zones, a privilege that only goes with having a legitimate wine producing facility.

There is actually a state ABC rule called the 50% rule which states that 50% of wine sold in the tasting room must be produced on that premise.

No one ever checks this.

Tasting rooms for wines made in custom crush houses and by other people should be in commercial zones, not Agricultural zones.

Thanks,
Jane

Jane O'Riordan

**Terre Rouge and Easton Wines
Top 100 Winery 2019
Wine and Spirits Magazine**

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LEX VINI

Napa County Micro-Winery Ordinance Goes Into Effect May 5, 2022

05/02/22

On, April 5, 2022 the Napa County Board of Supervisors adopted a new “Micro-winery Ordinance”, allowing Napa Valley winegrape growers to produce and sell wine at their family farms. The Ordinance will go into effect **May 5, 2022**.

The Ordinance will amend the Napa County Code to allow farmers to obtain a use permit for a “micro-winery” via approval by the zoning administrator, instead of the planning commission. This change allows applicants under the Ordinance to avoid public hearings, potentially reducing costs of acquiring a use permit. Note however that a new winery application, even without a planning commission hearing, is still complex, requiring detailed materials from architects, engineers, and potentially other experts.

The Ordinance allows micro-winerries to produce small amounts of wine primarily made from estate-grown fruit, provide limited on-site tastings, and make direct consumer sales. Applicants must follow the below requirements to qualify:

Zoning

Micro-winerries are only permitted within the Agricultural Preserve (AP) and Agricultural Watershed (AW) zones. The parcel on which the winery is located must be at least 10 acres in size.

Production

Micro-winerries must produce at least 201 gallons of wine onsite annually, up to a maximum of 5000 gallons. At least 75 percent of the fruit must be estate grown either on the property or on contiguous parcels under the same ownership.

Square footage limits

Micro-winery facilities are limited to a maximum of 5,000 square feet, including storage, processing, tasting, and caves.

Trips, tours and tasting, and marketing events.

Micro-winerries can generate no more than 20 average daily trips—equivalent to 10 daily round trips—between visitors, employees, and deliveries. Note that the County assumes each visitor vehicle carries 2.6 visitors. For example, a micro-winery that produced 2,500 gallons pre year with one full-time and one part-time employee could host 19 visitors per day.

Tours, tastings, and retail sales are limited to 9:00 am to 6:00 pm. No marketing events outside of tours and tastings are allowed.

Sunsets in 3 years (May 5, 2025); Convert to Regular Winery Use Permit 2 years After Approval.

Importantly, applications will only be accepted for a 3-year period, at which point the County will evaluate whether to amend, extend, or re-adopt it. Further, any micro-winerries who have use permits approved under the Ordinance may not modify or amend their permit within 2-years after approval.

CEQA

All use permits are discretionary approvals subject to the California Environmental Quality Act. Micro-winerries should qualify for a Categorical Exemption unless special circumstances exist.

Dickenson, Peatman & Fogarty has represented a number of wine producers in the use permit process. For more information on the new micro-winery ordinance and the application process, please contact Thomas Adams or Joshua Devore.

Posted By: Josh Devore and Reid M. Paoletta at 10:22 AM **Comments Off**

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