

## Opinion and

# COMMENTARY

## THIS WEEK'S TOPIC: WHAT IS A WINERY?

### Support the draft ordinance

By ANDREW BECKSTOFFER

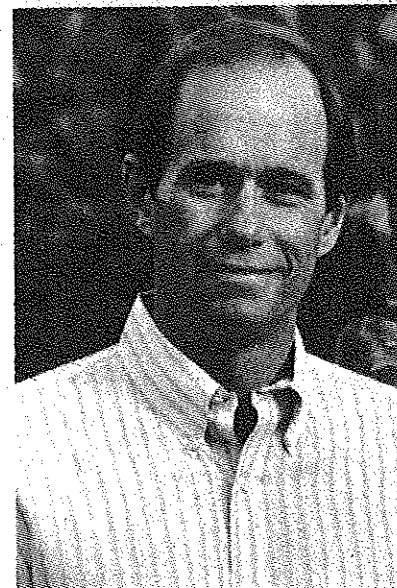
Twenty years ago the county adopted the Agricultural Preserve Zoning Ordinance. The minimum parcel allowed in the AP Zone was 20 acres. In 1979, that minimum was increased to 40 acres. We had to walk before we ran.

The Draft Winery Definition Ordinance (DWDO) again suggests that we walk . . . albeit at a trot . . . and watch and listen to its effect to see if and where we will need to run in the future. While providing useful information and comment, the EIR underestimates major positive impacts while it's Environmentally Superior Alternative provides misinformed "textbook" suggestions which would have us overzealously run into the future without considering the delicate balances that keep our wine business viable while protecting Napa's agriculture and environment.

Currently, a facility can be built in the Ag Preserve to produce wines from only non-Napa grapes. How does this protect our agriculture? The DWDO requires that new wineries and winery expansions use a minimum of 75 percent Napa County grapes for the new capacity. This is a major new protection for our agriculture and our environment. The EIR says it will have no major impact.

Currently, any winery can apply for a public tours and tasting permit with the resulting traffic increases. The DWDO prohibits public tours and tastings at all new wineries . . . a major step in the right direction. The EIR says the effect would be minimal.

These two provisions, as well as the full language of the DWDO, usher a new environmental Age of Restraint into the Napa County wine business. It may seem



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remarkable that the industry itself made the suggestion but everyone should know that the committee that drafted the ordinance represented not only Napa's major grower and vintner organizations but also over 100 man-years of living and working in Napa.

The DWDO restricts new wineries to legal parcels of at least 10 acres. Currently wineries are allowed on any legal parcel no matter how small. This 10-acre minimum would allow the further reasonable development of small estate wineries . . . a major contributor to Napa's ultra premium wine image . . . while increasing environmental protections. The EIR suggests 40-acre minimums for wineries but not for other legal buildings in the Ag Preserve.

We should allow wineries on 10-acre parcels throughout the Ag Preserve and restrict all building to

40 acres in the area to be covered by a 1990 Scenic Highway Ordinance.

The EIR suggests that we allow the marketing of wine but disallow existing "non-agricultural" uses such as public tours and tastings. Is allowing a patron to taste a slice of apple at a local farmer's fruit stand and walk in the orchard marketing or a non-agricultural use? Is that different from wine tours and tasting?

The DWDO eliminates new public tours and tastings not because they are non-agricultural uses, but because they increase the traffic problems. It is not fair, however, to disallow existing legal and permitted marketing efforts by those who built our industry and preserve our agriculture.

Two years ago they said it couldn't be done. Now the grower and vintner citizens of Napa have agreed to a delicate compromise DWDO which provides proper checks and balances and protects our agriculture.

The consulting EIR experts provided useful information and a required review but their analysis and suggested responses miss the mark. County officials can now consider all the data and opinions as well as their source but they must act quickly or the Winery Moratorium will expire and their 1990 agenda and another portion of our agriculture will be lost in the chaos that results.

(Andrew Beckstoffer is a major Napa grapegrower and vineyard owner and a member of the committee that drafted the DWDO. He is a founding director of the Napa Valley Grape Growers Association, a former Napa County Planning Commissioner, member of the Justin-Siena Board of Trustees and director of the Production Credit Association (PCA). He is a member of the Carneros Quality Alliance.)

### Improve the winery ordinance

By FRANCINE DAVIS

You have to see this winery ordinance in the context of a long view.

Look at the increased pressures for growth from the Bay Area. Our neighboring counties and the State of California are taking belated steps to preserve agricultural land, but this will not help living conditions for the 97 percent of the population concentrated in urban areas. Tourists who pour into the valley on day trips from the Bay Area do come not only because they want to taste and buy wine, but also because they are hungry for the environment here: the acres of growing vineyards, the unspoiled hills, relatively clean air and less traffic than at home.

The remaining rural character of this county has been preserved by two things: the General Plan and the reinforcement of the Voters' Slow Growth Initiative, Measure A. For over 20 years the intent of Napa County's General Plan has been "to preserve agriculture and concentrate urban uses in existing urban areas." And for over 20 years, many of us - supervisors, businesses, developers, and vintners and growers as well - have tried to have our cake and eat it too by allowing exceptions to the Plan.

In the past decade, there has been growing congestion in certain critical areas such as the Highway 29 corridor, and new urban areas have been recognized or expanded. There has been a growing public perception that, "This is not what I thought an agricultural preserve would be like. The wine industry itself is partly responsible for the problems."

Three years ago, the county asked the industry to help draft a definition of a winery that would



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prevent non-agricultural abuses of agricultural lands, and the Winery Definition Ordinance is the result. The Environmental Impact Report on the ordinance concludes that the ordinance is necessary, but that it doesn't go far enough. Without the suggested mitigations, the ordinance will not prevent significant adverse effects of industry growth projected by the year 2010.

What sense does it make to have the ordinance if we don't take the key mitigations recommended by the consultant seriously? Granted that we need a healthy wine industry to keep agricultural land viable, the public is increasingly aware that non-agricultural uses on that land threaten its preservation. If the voters still want to preserve the rural character of this county, they will insist on the key mitigations recommended in

the EIR, bringing the ordinance into compliance with the General Plan.

Essential mitigations include:

- Require all wineries to have use permits.
- Rigorously define and regulate all non-agricultural uses.
- Eliminate the 18-month grandfathering period for existing wineries. It will result in a flood of applications for the kinds of non-agricultural uses the ordinance professes to regulate.

Some people would make the ordinance even weaker. Last Tuesday, Mr. Joseph Peatman, a local attorney representing four large wineries, proposed to the Board of Supervisors his own modified ordinance, which further eases restrictions on non-agricultural uses and gives wineries uses they don't even have at present.

The lawyers and the industry have spoken. Now it's the public's turn.

We've seen 20 years of compromise, of efforts to bypass or chip away at a plan that protects against urban sprawl. This is our chance to take the Environmentally Superior Alternative, and support that plan's intent.

(Francine Davis is land use chairman of United Napa Valley Associates, a countywide organization dedicated to sound land-use planning. She co-produces the UNVA Newsletter, and has been a close observer of county politics for several years. A journalist and teacher with a Ph.D. from U.C.L.A., she and her husband, George, have lived on their ranch near Calistoga for 11 years.)