

KATHERINE PHILIPPAKIS  
kp@fbm.com  
D 707.967.4154

February 2, 2010

*Via Hand Delivery*

Napa County Board of Supervisors  
1195 Third Street, Third Floor  
Napa, CA 94559

Re: Proposed Changes to the WDO

Dear Madame Chair and Members of the Board:

I am writing today first to express my support for the modest changes to the Winery Definition Ordinance that the Napa Valley Vintners, Napa Valley Grapegrowers and Napa County Farm Bureau advocate. Each word of their draft ordinance is the product of many hours of thought, debate and accumulated experience, and as such their proposal merits the serious consideration that I know the Board will give it.

I am also writing to encourage the Board to consider the place of the WDO in the wider context of the County's zoning regulations. Although it is tempting in the current recessionary climate to take actions that could provide economic stimulus to the County's business community, in considering changes to the WDO the Board must act as a land-use decision-making authority and not as a bailout agency. Specifically, the Board must consider the requirements of Napa County's agricultural preserve.

The agricultural preserve is the hallmark of Napa County and its most salient feature is its broad-based prohibition on the commercial use of agricultural land. From the perspective of Napa's regulatory scheme, wineries are allowed because they are considered to be accessory agricultural uses rather than commercial uses. This means, then, that tours and tastings and wine marketing events are accessory uses to what is already an accessory use. When we begin considering further uses (cultural and social events) that are accessory to tours and tastings and wine marketing events, we might legitimately ask whether those accessory uses to accessory uses to an accessory use are so attenuated from the agricultural use of land as to no longer be reasonably defensible as such. We might also ask whether those uses are, in fact, commercial and not agricultural.

In this regard, I find the definition of an accessory use in the original WDO to be instructive. It states that an accessory use shall mean "any use subordinate to the main use and

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customarily a part thereof." (Emphasis added.) Wineries, which are agricultural processing facilities, are customarily a very important part of agriculture and one which arguably gives the greater measure of value to our agricultural produce. And tours and tastings are customarily a part of the operation of a winery. But it is by no means clear that cultural and social events are customarily a part of winery or agricultural operations. Nor is it clear that we should wish them to be.

To the extent that the Board wishes to consider allowing wineries to host cultural and social events, those events should be very narrowly focused on wine education and development for the promotion and sale of wine. It is not acceptable to say that any activity at which wine is sold is a wine marketing event. Rather, please ask yourselves whether the activity in question is customarily a part of the operation of a winery or a vineyard. If not, it should not be considered.

Thank you for your time and attention to my comments.

Sincerely,

Katherine Philippakis

cc: Bruce Phillips, Napa Valley Grapegrowers  
David Beckstoffer, Napa Valley Grapegrowers