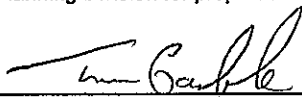
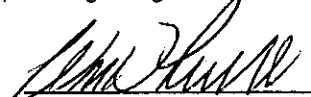


**NAPA COUNTY**  
**CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION**  
1195 Third Street, Rm 210 Napa, California 94559 (707) 253-4416

**APPLICATION FOR A VARIANCE**

FOR OFFICE USE ONLY	
ZONING DISTRICT: <u>AP</u>	File No: <u>P08-00495-VAR</u>
REQUEST: <u>TO REDUCE THE MINIMUM 300-FT</u> <u>WINERY SETBACK TO 60-FT</u>	Date Filed: <u>08 AUG 2008</u>
	Date Published: _____
	Date Posted: _____
	<u>ZA</u> <u>CDPC</u> <u>BS</u>
	Hearing: _____
	Action: _____

TO BE COMPLETED BY APPLICANT	
Applicant's Name: <u>Tom Gamble</u>	Telephone #: <u>707-963-5627</u>
Address: <u>P. O. Box 670</u> <u>St. Helena, California 94574</u>	
number	street
city	state
zip	
Status of Applicant's Interest in Property: <u>purchaser</u>	
Property Owner's Name: <u>Lincoln Family Trust</u>	Assessor's # <u>031-100-031</u>
Address: <u>7554 St. Helena Highway Yountville, Ca. 94599</u>	Telephone #: <u>707-987-3390</u>
REQUEST: <u>Variance to winery private road setback</u>	
<b>PLEASE EXPLAIN ON THE REVERSE SIDE OF THIS FORM THE REASONS THAT THE VARIANCE REQUEST SHOULD BE APPROVED</b>	
I certify that all the information contained in this application is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.	
 Signature of Applicant	 Signature of Property Owner
<u>8-05-08</u> Date	<u>7/30/08</u> Date
Submit with a check or money order payable to the County of Napa. The full application fee for a variance is \$1120.00	

**TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT**

\$1010.00	Received By _____	Date _____
Receipt Number _____	Conservation Development & Planning Department	
Pre-application Receipt No. _____	Date: _____	

Statement in Support of a Variance  
Lincoln Ranch Winery  
7554 St. Helena Highway  
Yountville, California

Variance Request

The applicant is seeking approval of a variance to allow a new 50,000 gallon per year winery be located within 300-foot of a private driveway that provides access to the subject property as well as the adjacent Oliver property from St. Helena Highway. A ¼ mile segment of this driveway winds through the subject property such that the majority of the property is located within 300 feet of its centerline. Conformity with this setback would preclude a winery from being located on the subject parcel.

Existing Conditions

The Lincoln property is subject to both regulatory and physical constraints that in combination severely limit where a future winery may be constructed. The majority of the property and the site where the winery is proposed is located within 300 feet of the ¼ mile driveway segment that connects both the Lincoln and Oliver properties to St. Helena Highway. This setback effectively precludes the development of a winery on this property without a variance. Physical conditions which limit where a new winery may be located include limited soils suitable for on-site wastewater treatment and disposal, the gentle hillside located in the center of the property, location of the parcel within designated floodplains, the presence of mature vineyard and an existing historic farm building. With the exception of the area where the winery is proposed, the balance of the property is developed with either residential uses or mature, productive vineyards.

The commitment to retaining the existing vineyards and the presence of these physical and regulatory constraints has necessitated the variance and has dictated the siting and design of the project. The preferred location is nestled into the hillside area where it is visually screened from St. Helena Highway, a county viewshed road, is outside of the 100-year floodplain, preserves existing mature vineyard, and neither competes with nor impacts the existing farm building. In addition, it would be located on portions of the property where the agricultural buildings currently exist. The result is a project that honors both the historic and agricultural setting of the property, and avoids impacts on the natural environment.

## Required Findings

Chapter 18.128.060 of the Zoning Ordinance sets forth the findings that the Commission must make before issuing a variance. The required findings are listed below, followed by the evidence that the applicant believes supports the issuance of a variance.

**1. That the procedural requirements set forth in this chapter have been met.**

Chapter 18.128 requires that four procedural requirements be adhered to as part of the variance, three prior to the Commission action, and one after the Commission has acted [paragraphs .020, .030, .040, and .070].

*The applicant has filed a request for a variance on the application form required by the Commission. The application was accompanied by site plans, site constraint map, building elevations and other information required by that application [paragraph .020]. The appropriate application fee, as set by resolution of the Board of Supervisors, has been filed [paragraph .030]. The applicant has submitted the required mailing list of property owners within 300 feet of the subject project so that a public hearing can be conducted by the Commission in accordance with procedures established by the Commission [paragraph .040]. Finally, if the Commission grants the variance, the director is required to notify the County Assessor of its approval [paragraph .070]. This procedural requirement is the responsibility of County staff.*

**2. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations, deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;**

*Unlike other properties in the vicinity, the subject property the site is affected by a number of physical and regulatory constraints that when applied in combination deprives the applicant of privileges enjoyed by other property in the vicinity. Unlike other properties in the vicinity, the ¼ mile long driveway runs almost the entire depth of the subject parcel exposing the majority of the parcel to the 300-foot setback requirement. Strict adherence to this setback effectively eliminates a winery from being built on this site. Locating the winery outside of this setback would require siting of the winery within the 100-year flood plan and result in the removal of mature vineyard, and locating it in a more visually prominent area of the site. The site also exhibits poor soils that limit the location of future wastewater treatment and disposal facilities. Topographically, the site contains a rocky knoll in its center. This topographic feature further limits locations for future wineries. The western third of the parcel is located within the 100-year floodplain of the Napa River that lies approximately ½ mile east of the subject property. This proximity restricts this parcel more than other parcels in the vicinity without river frontage. Lastly, unlike other properties in the vicinity, the subject parcel contains an historic building that is worthy of preservation.*

**3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;**

*Unlike other properties in the vicinity, the subject property, the site is affected by a unique combination of topographic, historic and regulatory constraints that when applied in combination deprives the applicant of privileges enjoyed by other property in the vicinity. Strict application of the 300-foot driveway setback would effectively preclude the development of a winery that other properties in the area enjoy. Unlike other properties in the vicinity, the subject parcel contains a ¼ mile long, driveway that runs almost the entire depth of the subject parcel exposing much of the parcel to the 300-foot setback requirement. Locating the winery outside of this setback would mean removing mature vineyard, locating the winery in a more visually prominent area of the site in an area of the site, or within the 100-year floodplain and more prone to flooding.*

*Granting the requested variances will allow the applicant to preserve and enjoy these substantial property rights, to construct a state of the art winemaking facility that otherwise complies with all county requirements relative to siting and design. Construction of the winery will allow the applicant the same right that the adjacent Cardinale Winery enjoys without impacting either the neighborhood or the natural environment. Granting this variance would not confer a special privilege to this applicant as the subject parcel contains a unique combination of regulatory constraints and structural and use conditions that meet the required findings to grant this variance.*

**4. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.**

*The proposed project has been designed to ensure that it does not have a negative impact on neighboring properties, the floodplain of the Napa River or traffic on St. Helena Highway. The visual impacts of the facility have been mitigated through siting and design. Construction of the winery will improve traffic safety for both the winery and the neighboring properties with the additional of a left turn lane on St. Helena Highway. Finally, the project complies with all applicable building codes, environmental health and fire safety codes and requirements.*

**Conclusion**

The project site presents a textbook example of when a variance should be granted. Strict application of the 300-foot driveway setback together with the numerous site constraints would effectively preclude development of a winery on this parcel without a variance. On the other hand, granting the proposed variance would allow:

- a. Development on that portion of the site least susceptible to flooding;
- b. Retention of mature, productive vineyards except that needed to develop the required winery access road;
- c. Development on that portion of the site that is most visually screened from the St. Helena Highway viewshed; and
- d. Preservation of the historic Lincoln residence

Granting the applicant the right to construct a new winery within the private road setback will not adversely affect the public health safety or welfare of the County. Rather it will increase the welfare of the county by facilitating the long-term preservation of this parcel in agricultural use. The tax base of the county will be expanded and its agricultural economy strengthened as the new winery will use 75% Napa County-grown fruit in its authorized production. Further, the new winery will further enhance the reputation of the county as the premier wine growing and wine making region in the world.