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Road Setbacks for Wineries Memorandum



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Planning, Building and Environmental Services

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David Morrison
Director

MEMORANDUM

To: Planning Commission

From: John McDowell
Deputy Planning Director

Date: January 6, 2016

Re: Road Setbacks for Wineries

Background:

On November 18, 2015 the Planning Commission commenced a public hearing on a proposed expansion to the Summers Winery located at 1171 Tubbs Lane, which included a request for a variance to reduce the required 600 ft. winery setback from Tubbs Lane. During the hearing, the applicant's representative questioned if the project was instead subject to a 300 ft. winery setback because Tubbs Lane is not expressly labeled as an arterial road in the 2008 Napa County General Plan. The Planning Commission continued the item without taking action after Staff requested time to prepare an analysis of winery setback applicability.

Discussion:

Ordinance No. 947, the Winery Definition Ordinance (WDO), was adopted by the Board of Supervisors on January 23, 1990, which among other requirements established the 600 ft. and 300 ft. setbacks from specified roads throughout the County. The 600 ft. setback was applied to all state highways, Silverado Trail and "any arterial road" (Section 18.104.230.A.1). Section 18.104.230.A.2 requires a 300 ft. setback applies to any other public or private road used by the public.

These specific road types are also found in County Code Chapter 18.112, Road Setbacks, which predates the WDO having been initially established in 1976 (Ordinance No. 511), and updated in 1991 (Ordinance No. 982). The Road Setbacks Chapter assigns the following designations: Section 18.112.040 - *State highways*, Section 18.112.050 - *Stanly Lane*, Section 18.112.060 - *Silverado Trail*, Section 18.112.070 - *Arterial county roads*, Section 18.112.080 - *Collector county roads*, Section 18.112.090 - *Other public roads*, and Section 18.112.100 - *Private roads*. Consequently, since inception of the WDO, the nineteen roadways listed as "arterials county roads" in Section 18.112.070 have had a 600 ft. winery setback applied to them. Likewise, the one hundred roadways listed as "collector county roads," and the remaining unlisted "other public roads" and "private roads" in Sections 18.112.080, .090, and .100 respectively have had a 300 ft. setback applied to them.

Conversely, at the time the WDO was adopted, the County was operating under the 1983 Napa County General Plan which, like the 2008 Napa County General Plan, labels and describes roads in a different manner than what is contained in County Code. "Arterial county road" is not used in the 1983 General Plan. This is not to say that there was an inconsistency between zoning and the General Plan, but to simply recognize that the General Plan serves as an overarching policy document with zoning supporting the General Plan by containing implementing regulations with specific standards and requirements.

As such, the 1983 Land Use Map labels roads as: Limited Access Highway, Major Road, and Secondary Road. Circulation Element Figure 54, *Highway System Functional Classification*, then depicts those same roads as Controlled Access Highway, Urban/Suburban Arterial, Multi-lane Rural, and Two-lane Rural when describing present and future purpose. Additional alternative description is found in Circulation Element Section 2 (page 6-3) which describes the "Highway System" as consisting of "state highways, County roads and local streets....The major roadways include State Highway Routes 12, 29, 121 and 128; Silverado Trail;...and several County roads, including Petrified Forest Road, Deer Park/Howell Mountain Road, Tubbs Lane, American Canyon Road, and Flosden Road. The above mentioned roadways carry most of the traffic into, out of, and within the County. The network of rural roadways, including Oakville Cross Road and Yountville Cross Road, among others, serves to connect the major travel roadways with activity centers. As such, they are important links in the overall highway system, for both residents and visitors alike."

Many of the roads listed in Road Setbacks (NCC Section 18.112.070) as arterial roads, including Tubbs Lane, are described in the 1983 General Plan as Two-lane Rural or Secondary Roads. The 1983 General Plan does not use the term "arterial road" to describe the major and secondary roads, yet a 600 ft. setback has been applied to those nineteen arterial county roads listed in the Road Setback Chapter since the WDO was adopted.

The 2008 Napa County General Plan Update relied on new nomenclature to describe the roadway network with the following road types: Freeway, Rural Throughway, Rural Collector, and Local Roadway (Figure CIR-1: Circulation Map). The word "arterials" appears in quotations in Policy CIR-11 in describing the characteristics of Rural Throughways. Rural Collectors are described in a similar fashion to Secondary Roads from the 1983 General Plan without the word "arterial" being used. As was the case with the 1983 General Plan, those roads in the 2008 General Plan depicted as Rural Collectors / Secondary Roads were assigned a 600 ft. winery setbacks under the Road Setbacks Zoning Chapter (NCC Section 18.112).

Conclusion:

Processing of the 2008 Napa County General Plan Update took place over several years with broad based community involvement. Difficult land use issues were thoroughly vetted before new policies were applied. Much of the new General Plan remained unchanged from the prior plan. By and large, the update was a reaffirmation of long standing policies geared toward the preservation and sustainability of agriculture. Numerous action items were included in the plan calling for updates to supporting regulations, standards and policies. During this entire process, no proposal to change the

300 ft. and 600 ft. setbacks was put forth, contemplated or acted upon. Likewise, in the roughly seventeen year period between the establishment of the WDO and the adoption of the 2008 Napa County General Plan, a 600 ft. setback has been consistently applied to those roads listed as “arterial county roads” in the Zoning Code but labeled differently in the 1983 Napa County General Plan.

From this, the following conclusions can be drawn:

1. Tubbs Lane, and thirteen other roads listed in the Zoning Code as “arterial county roads” that are described in the General Plan as Rural Collectors, remain subject to a 600 ft. winery setback as has been the case since the adoption of the WDO.
2. The 2008 General Plan Update did not change long-established winery setbacks. The 1983 General Plan Update used similar language to describe the road network which did not match the words “arterial county road” found in the WDO and Road Setbacks Chapter 18.112.
3. The WDO and Road Setback Chapter 18.112 are consistent with both the 1983 General Plan and 2008 General Plan although the exact nomenclature describing the road types and functions do not match.
4. There are numerous existing wineries on those roads described in zoning as “arterial county roads” which have appropriately been subjected to a 600 ft. winery setback.

For these reasons, the Summers Winery project is subject to a 600 ft. winery setback.