**MEMORANDUM**

|  |  |  |  |
| --- | --- | --- | --- |
| To: | Napa County Agricultural Protection Advisory Committee | From: | John McDowellDeputy Planning Director |
|  |  |  |  |
| Date: | August 24, 2015 | Re: | Lot Coverage Requirements |

At the August 10, 2015 meeting of the Agricultural Protection Advisory Committee (APAC), Committee members requested information on existing County standards for lot coverage of residential and other non-winery land uses allowed within AW – Agricultural Watershed, and AP – Agricultural Preserve zoning districts. In my response at the August 10th meeting I stated that I believed there was a 40% coverage requirement for residential uses but noted that this needed confirmed. Upon review, my August 10th statement was inaccurate as the residential lot coverage requirements only apply in the Residential Single and Residential Multiple zoning districts. Within the AW and AP districts, there is no maximum lot coverage requirement. As a result, and as noted in the August 10th meeting, limits in the size of residential structures (and all other allowable structures) are a function of meeting building, road, well, septic, stream (conservation regulations), and utility/access easements setbacks.

In general, road and building setbacks apply only to structures and not to other improvements such as pavement, walkways, landscaping, swimming pools, etc. Such setbacks are measured from the wall of the structure with some allowances for unenclosed projections into setbacks, such as a roof eave or covered porch. Stream, well, utility/access easements and septic requirements generally apply to almost all improvements on a site including paved areas, hardscape, swimming pools.

Parcels containing uses that exceed current code allowances but which were legally established prior to adoption of applicable code sections are permitted to continue as pre-existing legal nonconformities. By way of example, an AP parcel that contains three single family residences, when only one is currently permitted, can add a new use that is not another residence, such as a barn or winery (with use permit). However, the new use cannot increase the degree of non-conformity of the pre-existing legal nonconformity, such as making a nonconforming residence larger.

Permitted uses require only a building permit and the County is obligated to issue the permit if the applicant demonstrates compliance with all applicable standards. Conditional uses require issuance of a discretionary use permit through the public hearing process, which may be approved as proposed, modified, or denied by the decision maker (generally the Planning Commission) based on findings supported by the General Plan and Zoning Ordinance. Applicants requesting permitted uses that do not meet all requirements may seek relief from certain (but not all) standards by filing a Variance or Use Permit Exception application. Such applications are render the permitted use a discretionary action, and thus may be approved, denied or modified by the decision maker. A Variance cannot be issued for a land use, such as adding more dwelling units. Variances can only grant relief to a development standard, such as a building setback.

Summarized below are the applicable zoning requirements for permitted and conditionally permitted uses with the AW and AP zoning districts.

Winery Coverage Requirements:

* Minimum gross lot size of 10 acres
* 25% of the parcel or 15 acres, whichever is less (Coverage is “*…aggregate pave or impervious ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms, paved areas and access roads to public or private roads or rights-of-way and aboveground sewage treatment systems.*” County Code Section 18.104.220
* 600 ft. setback from arterial roads, and 300 ft. setback all other public and private roads (variances not withstanding) \*
* 20 ft. building (structure only) setback from property lines
* Stream setback ranging from 35 ft. to 150 ft. from top of bank of defined stream reaches

Single Family Residence Requirements:

* No minimum lot area – parcel must be a legal lot of record
* No lot coverage requirement
* Road setback, for structures only, ranging from 28 ft. from private roads to 70 ft. from arterial roads
* Building setback of 20 ft. from all property lines, and road setbacks \*\*
* Well 100 ft. from both on site and off site septic systems
* Septic system outside of road setback
* 100% reserve area designated on site for potential replacement septic system in the event initial septic system fails

Secondary Dwelling Unit Requirements:

* Second units only permitted within AW zoning district
* Limited to 1,200 square feet in living area (interior) \*\*\*
* Must be free standing structure unless alternative design is approved by Planning Director which contains features to preclude expansion (such as an open breezeway separating a garage from the second unit)
* Cannot be located greater than 500 ft. from primary unit
* No lot coverage requirement
* Road setback, for structures only, ranging from 28 ft. from private roads to 70 ft. from arterial roads
* Building setback of 20 ft. from all property lines, and road setbacks \*\*
* Well 100 ft. from both on site and off site septic systems
* Septic system outside of road setback
* 100% reserve area designated on site for potential replacement septic system in the event initial septic system fails

Guest Cottage Requirements:

* Permitted within both AP and AW zoning district, but is not a legal dwelling unit and cannot contain a kitchen
* Limited to 1,000 square feet in living area (interior)
* Must be free standing structure unless alternative design is approved by Planning Director which contains features to preclude expansion
* No lot coverage requirement
* Road setback, for structures only, ranging from 28 ft. from private roads to 70 ft. from arterial roads
* Building setback of 20 ft. from all property lines, and road setbacks \*\*

Accessory Building (to Residential or Agricultural Use) Requirements:

* No lot coverage requirement
* Road setback, for structures only, ranging from 28 ft. from private roads to 70 ft. from arterial roads
* Building setback of 20 ft. from all property lines, and road setbacks \*\*

Agricultural Building (Barn / Farm Management) Requirements:

* No lot coverage requirement
* Road setback, for structures only, ranging from 28 ft. from private roads to 70 ft. from arterial roads
* Building setback of 20 ft. from all property lines, and road setbacks \*\*
* Road setback – ranging from 28 ft. to 70 ft.\*
* Farm Management uses with structures over 5,000 sq. ft. subject to Commission level use permit

Churches / Public Facilities / Utility Use Requirements:

* No lot coverage requirement
* Road setback, for structures only, ranging from 28 ft. from private roads to 70 ft. from arterial roads
* Building setback of 20 ft. from all property lines, and road setbacks \*\*
* Well 100 ft. from both on site and off site septic systems
* Septic system outside of road setback
* 100% reserve area designated on site for potential replacement septic system in the event initial septic system fails

Farm Labor Dwelling Requirements:

* No lot coverage requirement
* 12 units permitted per legal lot (pursuant to State Law)
* Primary occupant of each unit must be bona fide farm laborer as define by State
* Road setback, for structures only, ranging from 28 ft. from private roads to 70 ft. from arterial roads
* Building setback of 20 ft. from all property lines, and road setbacks \*\*
* Well 100 ft. from both on site and off site septic systems
* Septic system outside of road setback
* 100% reserve area designated on site for potential replacement septic system in the event initial septic system fails

\* Winery and road setbacks are measures from the centerline of the road. When a road bisects a parcel, the setback applies to both sides of the road. If a road does not directly abut the property containing the subject structure, the winery and/or road setback does not apply on that property.

\*\* 6 ft. to 9 ft. side yard setbacks apply on legal lots of 2 acres or less

\*\*\* This is the standard for detached second units. Second units attached to main dwelling cannot be larger than the primary dwelling unit or 1,200 sq. ft., whichever is less.