



Napa County

Board Agenda Letter

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Board of Supervisors

Agenda Date: 12/6/2022

File ID #: 22-2191

TO: Board of Supervisors
FROM: Thomas Zeleny, Interim County Counsel
REPORT BY: Thomas Zeleny, Interim County Counsel
SUBJECT: Adoption of an Ordinance Prohibiting Motorized Vehicles on the Napa Valley Vine Trail

RECOMMENDATION

County Counsel requests adoption of an Ordinance adding Chapter 10.18 to the Napa County Code prohibiting the use of motorized vehicles on the Napa Valley Vine Trail in the unincorporated area of the County between the City of Calistoga and the Town of Yountville.

EXECUTIVE SUMMARY

On November 29, 2022, the Board of Supervisors introduced an Ordinance adding Chapter 10.18 to the Napa County Code prohibiting the use of motorized vehicles on the Napa Valley Vine Trail in the unincorporated area of the County between the City of Calistoga and the Town of Yountville. The Board unanimously passed a motion of intent to adopt the proposed Ordinance. This consent calendar item requests that the Board take final action adopting the Ordinance.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Roads Operations budget.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	To ensure a safe and enjoyable experience for users of the Napa Valley Vine Trail and to comply with the terms of easements granted by adjacent property owners.
Is the general fund affected?	Yes

Future fiscal impact:	Estimated \$10,000 to post signs. Nominal staff cost to maintain signs.
Consequences if not approved:	Adjacent property owners could seek to prevent the opening of the Napa Valley Vine Trail for public use, or to withdraw the easements granted to the County.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The Board has met its obligation as a Responsible Agency under CEQA by considering the Initial Study and Mitigated Negative Declaration prepared by the Napa Valley Transportation Authority (NVTa) for the section of the Vine Trail between the City of Calistoga and the City of St. Helena, reaching its own conclusions on whether to approve this Ordinance, and finding that none of the triggers for subsequent or supplemental CEQA review have occurred since NVTa's approval of the project and CEQA documents on August 19, 2020, or since the Board's approval of the trail easement agreements on November 10 and December 15 of 2020. A link to the Initial Study and Mitigated Negative Declaration may be found at nvta.ca.gov/vinetrail.

For the section of the Vine Trail between the City of St. Helena and the Town of Yountville, approval of this Ordinance is not subject to CEQA pursuant to State CEQA Guidelines sections 15060(c) and 15378 because this Ordinance does not authorize construction of this section of the Vine Trail, and therefore will not result in a direct or reasonably foreseeable indirect physical change in the environment.

BACKGROUND AND DISCUSSION

In November and December of 2020, the Board of Supervisors approved a series of trail easement agreements with property owners between the City of Calistoga and the Town of Yountville for the Napa Valley Vine Trail to cross their properties. A condition of the trail easement agreements is that motorized vehicles be prohibited from using the Vine Trail, including motorized devices like Segways and electric scooters. Adopting the proposed Ordinance will satisfy this requirement of the trail easement agreements.

The Vine Trail between the City of Calistoga and the City of St. Helena is currently under construction and not yet open to the public. Completion of this section of the Vine Trail is expected in late June of 2023. Construction of the Vine Trail between the City of St. Helena and the Town of Yountville has not yet been approved.

The California Vehicle Code grants the County authority to regulate the use of certain vehicles and other modes of transportation on bike trails and paths. Exercising this authority, the proposed Ordinance will prohibit operation of the following motorized vehicles on the Vine Trail: motor vehicles (including all-terrain vehicles, motorcycles, golf carts, low-speed vehicles, and motor-driven cycles), electric personal assistive mobility devices (Segways), motorized scooters, and motorized bicycles (mopeds). A violation of this Ordinance is an infraction, punishable by a fine.

Electric bicycles will be allowed to use the Vine Trail pursuant to Assembly Bill 1909 approved by the Governor on September 16, 2022, repealing the authority of local agencies to prohibit electric bicycles on

bicycle paths or trails. The Ordinance also includes exceptions for law enforcement or emergency vehicles, County vehicles, utility vehicles, vehicles owned or operated by the adjacent property owners (i.e., so as not to impede agricultural activities), and self-propelled wheelchairs, tricycles, quadricycles, or Segways necessary for those with physical disabilities.

Board of Supervisors Action

The Board of Supervisors held a public hearing on November 29, 2022. After discussion, the Board unanimously passed a motion of intent to adopt the Ordinance. The Ordinance has now returned to the Board for formal adoption.

Attached for reference is the final version of the Ordinance.

Recommendation

Staff and Interim County Counsel recommend adoption of the Ordinance.