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**From:** JWSON@aol.com [mailto:JWSON@aol.com]  
**Sent:** Wednesday, October 14, 2009 4:04 PM  
**To:** gbachich@sbcglobal.net; Ridenhour, Don  
**Cc:** members@list.landstewards.org  
**Subject:** Re: [NVLSA] Proposed Lot Line Adjustment Ordinance - Planning Commission Octo...

Don,

I echo George's thoughts. No one knows whether a parcel is buildable or non-buildable until it is declared so. Also rules change and what was once "buildable" could become non-buildable (due to setback changes for example) and the remedy to that would be a lot line adjustment. In other words, if a flood plane is re-mapped or setback from creeks or ridge lines expanded, and a once buildable parcel becomes non-buildable. However, through a lot line adjustment the parcel which became un-buildable could become buildable again.

Also, people have purchased land based on the number of parcels available. Since none are de facto non-buildable (It has always been our understanding that even in a flood zone, with proper Army Corps of Engineer remediation, a residence can be built.

Lot lines are about legal parcels. Legal parcels come under the Subdivision map act. "Buildability is a county criteria of dubious legality and in most cases is prima face arbitrary. Therefore, in my opinion, the county is over stepping its bounds by intertwining the two.

Thank you,  
Jeffrey Warren

Jeffrey Earl Warren  
James Warren & Son  
1414 Main St.  
St. Helena, Ca.  
94574  
707-963-2748

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**From:** Ridenhour, Don  
**Sent:** Thursday, October 15, 2009 11:32 AM  
**To:** McDowell, John  
**Subject:** FW: [NVLSA] Proposed Lot Line Adjustment Ordinance - PlanningCommission October 21, 2009

fyi

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**From:** Stuart Funk [mailto:winecobrokers@aol.com]  
**Sent:** Wednesday, October 14, 2009 8:04 AM  
**To:** George Bachich; Ridenhour, Don  
**Cc:** NVLSA member list  
**Subject:** Re: [NVLSA] Proposed Lot Line Adjustment Ordinance - PlanningCommission October 21, 2009

**Don:**

**I agree with George Bachich. Good job with the clarifications with the exception of the Indemnification Agreement and the "non-buildable" issue.**

**1) Government institutes a regulation that forces certain controls upon a property owner with may have detrimental effects on that owner's property or his neighbor(s). The harm may be merely perceived, invented or vindictive (as has been the case of many actions against property owners by their "neighbors" in past years). This clause will allow a plaintiff/neighbor to merely take a legal "shot across the bow" of the applicant/permitee which, when exorbitant legal fees are considered, force the applicant/permitee to abandon his lot line adjustment. Requiring a property owner to protect the County of Napa against suits that arise out of regulations that property cannot avoid or with which the property owner has complied is oppressive and, I believe may violate equal protection clauses of the US and California Constitutions.**

**2) There are several parcels and communities of parcels throughout the county that would benefit from lot line adjustments regardless of the fact that one may be "considered" unbuildable. Many of the unbuildable parcels are considered unbuildable due to septic or water availability reasons. In many cases, I have seen property owners go to extreme lengths to make the parcel "buildable" because, due to the prohibition of lot lining an unbuildable parcel, this is the only avenue open to that owner to protect his asset. Some of these parcels were considered buildable several years ago, but regulations have changed now making them unbuildable. In many cases, the declared unbuildable parcel number could have been moved to a**

larger parcel in the community/neighborhood with less environmental degradation than that which would have occurred in the owner's attempt to correct septic issues or otherwise. This causes a waste of resources, depletion of potential existing housing stocks and prohibits small communities of parcels from adjusting boundaries for the greater good of that small community and the environment.

For these and other reasons, these two clauses would be deleted.

Thanks for your attention to this matter.

Regards,

Stuart Funk  
[winecobrokers@aol.com](mailto:winecobrokers@aol.com)

----- Original Message -----

**From:** [George Bachich](#)

**To:** [Ridenhour, Don](#)

**Cc:** [NVLSA member list](#)

**Sent:** Tuesday, October 13, 2009 8:48 PM

**Subject:** Re: [NVLSA] Proposed Lot Line Adjustment Ordinance - Planning Commission October 21, 2009

Don:

Thanks for soliciting our input. I think the new ordinance is an improvement over the old one. It is generally easier to read and understand, it resolves some of the previous ambiguities, and does not seem overly burdensome on property owners. It clarifies that sequential lot line adjustments that involve, in the aggregate, more than four parcels, are allowed, and it keeps lot line adjustments ministerial and therefore exempt from CEQA unless they are part of a use permit application. All this is good.

However, I still have two objections:

1) 17.46.030 (B)(6) - the new requirement for an indemnity agreement, which I find distasteful.

2) 17.46.040(B)(3) - the prohibition on making a non-buildable parcel buildable. Making a non-buildable parcel buildable is one of the best reasons for doing a lot line adjustment. Prohibiting it is absurd. This clause should be removed. I realize this was in the previous ordinance, but this revision seems like the best opportunity to change it.

I also have one question:

In section 17.46.030 (A) (3)(c, d, e, f, g), are you referring only to structures, wells, septic tanks, leach fields, easements, and watercourses located within the boundaries of the property involved in the lot line adjustment? Or are you burdening the applicant with a requirement to show those items on surrounding properties, as well? I think the current wording, "all existing" is ambiguous, and could be misinterpreted.

Thanks.

George Bachich

----- Original Message -----

**From:** [Ridenhour, Don](#)

**To:** [debra@napawinegrowers.com](mailto:debra@napawinegrowers.com) ; [Beth@swgnapa.com](mailto:Beth@swgnapa.com) ; [rogloft@comcast.net](mailto:rogloft@comcast.net) ; [evekahn@juno.com](mailto:evekahn@juno.com) ; [mwbrooks@brookssurveying.com](mailto:mwbrooks@brookssurveying.com) ; [PLS@laderavineyards.com](mailto:PLS@laderavineyards.com) ; [Ctibbits@rsacivil.com](mailto:Ctibbits@rsacivil.com) ; [Marshall, Rick](#) ; [sqs1fr@sbcglobal.net](mailto:sqs1fr@sbcglobal.net) ; [sdeluca@napagrowers.org](mailto:sdeluca@napagrowers.org) ; [lynn@meibeyerlaw.com](mailto:lynn@meibeyerlaw.com) ; [kp@fbm.com](mailto:kp@fbm.com) ; [fvirani@fbm.com](mailto:fvirani@fbm.com) ; [Henry, Dennis](#) ; [Galambos, Nathan](#) ; [tom@gamblefamilyvineyards.com](mailto:tom@gamblefamilyvineyards.com) ; [michael@napablogger.com](mailto:michael@napablogger.com) ; [trubodyranch@gmail.com](mailto:trubodyranch@gmail.com) ; [iwebb@albionsurveys.com](mailto:iwebb@albionsurveys.com) ; [gewooton@interx.net](mailto:gewooton@interx.net) ; [mwitek@dpf-law.com](mailto:mwitek@dpf-law.com) ; [clarke@swansonvineyards.com](mailto:clarke@swansonvineyards.com) ; [redrock1@directv.net](mailto:redrock1@directv.net) ; [gbachich@sbcglobal.net](mailto:gbachich@sbcglobal.net) ; [Throne-Hetzer, Patricia](#) ; [jputnam@napagrowers.org](mailto:jputnam@napagrowers.org) ; [jjones@napanews.com](mailto:jjones@napanews.com) ; [jmatousek@att.net](mailto:jmatousek@att.net) ; [cvendril@berkeley.edu](mailto:cvendril@berkeley.edu) ; [steve.turner@sgturner.com](mailto:steve.turner@sgturner.com) ; [lchiddix@foliowine.com](mailto:lchiddix@foliowine.com) ; [Tcarey@dpf-law.com](mailto:Tcarey@dpf-law.com) ; [selles@napafarmbureau.org](mailto:selles@napafarmbureau.org) ; [carol@berrysatrails.org](mailto:carol@berrysatrails.org) ; [Kate@napachamber.com](mailto:Kate@napachamber.com) ; [MelissaB@norbarrealtor.com](mailto:MelissaB@norbarrealtor.com) ; [nvhigh@aol.com](mailto:nvhigh@aol.com) ; [rmondavi@foliowine.com](mailto:rmondavi@foliowine.com) ; [tom@sourcenapa.com](mailto:tom@sourcenapa.com) ; [kelliegato@gmail.com](mailto:kelliegato@gmail.com) ; [terrafirma@onemain.com](mailto:terrafirma@onemain.com) ; [Ihudson@hudsonvineyards.com](mailto:Ihudson@hudsonvineyards.com) ; [rtaddei@pacbell.net](mailto:rtaddei@pacbell.net) ; [the\\_chamberlains@hotmail.com](mailto:the_chamberlains@hotmail.com) ; [hschmidt@winecolleagues.com](mailto:hschmidt@winecolleagues.com) ; [chuckshinnamon@sbcglobal.net](mailto:chuckshinnamon@sbcglobal.net) ; [marjpreston@sbcglobal.net](mailto:marjpreston@sbcglobal.net) ; [ranglin@dpf-law.com](mailto:ranglin@dpf-law.com) ; [meibeyerlaw@aol.com](mailto:meibeyerlaw@aol.com) ; [terrafirma@onemain.com](mailto:terrafirma@onemain.com) ; [speckslingo@yahoo.com](mailto:speckslingo@yahoo.com) ; [Tuteur, John](#) ; [Phillips, Cynthia](#) ; [Poli, Vicki](#) ; [akent@dpf-law.com](mailto:akent@dpf-law.com) ; [Apallas, Chris](#) ; [davidoliver@criswellraduvan.com](mailto:davidoliver@criswellraduvan.com) ; [keehlen@aol.com](mailto:keehlen@aol.com)

**Cc:** [McDowell, John](#) ; [Gitelman, Hillary](#)

**Sent:** Tuesday, October 13, 2009 10:21 AM

**Subject:** Proposed Lot Line Adjustment Ordinance - Planning Commission October 21, 2009

Lot Line Adjustment Group:

Please find attached the County staff's proposed Lot Line Adjustment Ordinance that will be on the Planning Commission Meeting agenda for the October 21, 2009. The staff report to the Planning Commission will be available on the County's website later this week. The Planning Commission will be reviewing the proposed changes and County staff will be requesting their endorsement of the proposed Lot Line Adjustment Ordinance. County staff expects the Planning Commission to endorse the attached ordinance with possible comments and revisions and refer the proposed changes to the County Board of Supervisors for a public hearing some time in November. The Planning Commission would be an appropriate place to come and voice your concerns and/or support for the proposed changes to the Lot Line Adjustment Ordinance. Thank you again for participating and commenting on the existing ordinance and influencing

the changes to the Lot Line Adjustment Ordinance and process. I hope you are able to attend the Planning Commission Meeting on October 21<sup>st</sup>, but if you are unable to attend, written comments can be sent prior to the meeting and will be considered by the Commission. Written comments should be addressed to the following:

Napa County Department of Conservation Development & Planning  
Attn: John McDowell  
1195 Third Street, Room 210  
Napa, CA 94559

Thank you for your participation and interest in the County's Lot line Adjustment process.

Don Ridenhour  
Director of Public Works  
707-259-8321

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To unsubscribe send an email to [webmaster@landstewards.org](mailto:webmaster@landstewards.org) asking to unsubscribe.