

## **Exhibit A**

### **BACKGROUND**

#### **Lands of Corey**

**Tentative Parcel Map № P11-00045, Variance № P12-00235, and Conservation Regulations Use Permit**

**Exception № P12-00388**

**No address presently assigned, Scally Lane, Napa, C<sup>alif.</sup>, 94558**

**Assessor's Parcel Nos. 033-210-016 and 033-210-014**

Owner: Kathy A. Corey, (510) 658-3922

Applicant: Hugh Linn, Riechers Spence & Associates, (707) 252-3301

Zoning: AW (Agricultural Watershed)

General Plan Designation: AWOS (Agriculture, Watershed, and Open Space)

Filed: February 22, 2011                    Complete: July 19, 2012

Existing Parcel Sizes: 622 and 41.6 acres

Proposed Parcel Sizes: 160.8, 161.9, 178.9, and 161.7 acres (160 acres required)

### **Adjacent General Plan Designation / Zoning / Land Use**

#### North

Agriculture, Watershed, and Open Space General Plan designation - AW zoning

Primarily open space uses on very large lots; including a 435 acre residential/agricultural/open space parcel (Chadbourne), a 315 acre open space parcel (City of Vallejo), and a 120 acre open space parcel (Lewis).

#### South

Agriculture, Watershed, and Open Space General Plan designation - AW zoning

Primarily open space uses on very large lots; including a 162 acre open space parcel (Scally) and a 531 acre open space/residential parcel (Scally).

#### West

Agriculture, Watershed, and Open Space General Plan designation - AW zoning

Open space uses on very large lots; including a 507 acre open space parcel (Chadbourne).

#### East

Agriculture, Watershed, and Open Space General Plan designation - AW zoning

Lands of Corey

Tentative Parcel Map № P11-00045, Variance № P12-00235, and Conservation Regulations Use Permit Exception № P12-00388

Open space uses on very large lots; including a 400 acre open space parcel (Gordon) and a 470 acre open space parcel (Gordon).

### **Parcel History and Evolution of this Application**

2006 – Kathy Corey purchases the property from the Scally Family, its long-time owners.

November 2007 – Carl Butts, representing Riechers Spence and Associates, files **tentative parcel map application № P07-00851** on behalf of Ms. Corey. The submitted application is very similar to the one presently before the Commission.

January 2008 – The Planning Division formally deems **tentative parcel map application № P07-00851** incomplete for processing and requests additional information, chiefly including a full spring botanical survey.

February 2009 – The Planning Division deems **tentative parcel map application № P07-00851** withdrawn due to a prolonged period of applicant inactivity.

February 2011 – Carl Butts files the present application (**Tentative Parcel Map № P11-00045, Variance № P12-00235, and Conservation Regulations Use Permit Exception № P12-00388**), again on behalf of Ms. Corey.

March 2011 – The Planning Division formally deems application **№s P11-00045 etc.** incomplete for processing and requests additional information, again chiefly including a full spring botanical survey.

July 2012 - The applicant team submits further botanical survey reports and the survey is determined to be adequate for purposes of environmental review by the Planning Division and the State Department of Fish and Wildlife. The application is now complete for processing.

November 2012 - The Planning Division releases the project mitigated negative declaration for public comment and agendas the requested tentative parcel map, variance, and stream setback exception for review by the Planning Commission at their January 16, 2013 regular meeting. The mitigated negative declaration comment period runs from December 3, 2012 to January 3, 2013.

### **Code Compliance History**

Having discussed the application with our Enforcement desk, toured the property a number of times, and reviewed the Department's files, Planning Staff is not aware of any code compliance issues on the subject parcel.

## **Discussion Points**

### **Setting**

The applicant, Ms. Corey, owns two parcels totaling roughly 660 acres which are located on the western slope of Signal Hill in the Vaca Mountains, above Gordon Valley. The property is currently undeveloped, with improvements limited to cattle fencing and a few dirt ranch roads and it has traditionally been used for cattle grazing and open space activities such as hunting.

At its highest point, some 1,200 feet west of the Solano County line, the property has an elevation of 1,600 feet. At its lowest point, where Scally Lane enters parcel 033-210-014 from the west, the elevation is approximately 350 feet above sea level. A long central valley runs in a northeasterly direction through the site, bordered by hills and small hanging valleys on both sides. The property is dominated by mixed oak woodlands with scattered open grasslands in the valleys and on some hillsides. Several seasonal drainages including Chimney Canyon Creek (a blue-line stream) cross the site, generally flowing southwesterly.

The far northeastern edge of the Gordon Valley area is defined by Lake Curry, a roughly 350 acre reservoir owned and managed by the City of Vallejo. In 1992, the City of Vallejo found itself unable to comply with State water treatment requirements and stopped withdrawing drinking water from the lake. Since that time, excess water from the lake has simply been released into Suisun Creek.

Historically, Gordon Valley was a portion of Rancho Chimiles, a 17,762 acre land grant deeded to Jose Ignacio Berryessa by (Mexican) Governor Pio Pico in 1842. Following statehood and pursuant to the 1851 California Land Claim Act, the entirety of the Chimiles grant was patented by Nathan Coombs and his father-in-law William Gordon. Portions of the grant then passed to John Wooden, who settled the valley to the northeast which now bears his name. Various descendants of William Gordon remain in Gordon Valley to this day.

Land use in the wider Gordon Valley area is a mix of intensive vineyard and orchard land on the valley floor with pastureland, open space, and large lot residential parcels on the hillsides. The area is rural and quite lightly populated, with a population density well below 500 persons per square mile. CalFire and Gordon Valley Volunteer Fire Department stations are located at the intersection of Gordon Valley Road and Wooden Valley Cross Road. The area in and around Gordon Valley is part of the Fairfield-Suisun Joint Unified School District, with students attending Suisun Valley School K-8 and Armijo High School in Fairfield. The subject property, and all surrounding areas, are zoned AW (Agricultural Watershed).

### **The Requested Tentative Parcel Map and Variance**

This project involves the merger and re-division of two existing undeveloped parcels, presently sized at 622 and 41.6 acres, into four new parcels. The newly created parcels would be 160.8, 161.9, 178.9, and 161.7 acres in size and would meet the stringent 160 acre lot size requirement of the General Plan and the applicable AW zoning district. As required by the County's Subdivision Ordinance, building sites and access roads are shown for each of the four proposed parcels. These improvements are shown to demonstrate the developability of the parcels. They do not, however, vest the applicant with any right to (or, for that matter, responsibility) to build-out the properties precisely as shown. For purposes of our CEQA review, Planning staff has, however, analyzed the environmental impacts associated with building the roads and building sites shown on the submitted map. As mitigated in the project initial

study/mitigated negative declaration, staff believes those impacts will be less than significant given the very large parcel sizes proposed here.

The proposed parcels generally comply with the requirements of the County's General Plan, Zoning Code, and Subdivision Ordinance. However, two minor exceptions are requested:

- Section 17.34.020 (H) of the Napa County Code requires an alternate or secondary access whenever "lots... abut on a dead-end road or a cul-de-sac exceeding 1,200 feet." No formal secondary access is available on the large hillside lots proposed here, though informal fire and ranch roads crisscross the hillsides surrounding the Corey property. The secondary access requirement can be waived as part of the tentative parcel map review and Planning and Fire staff are supportive of its waiver here because it would be unreasonable to require the applicant to construct a paved access road which would in all probability have to run from the eastern edge of the properties, over the Vaca Mountains, and into Solano County. According to the Fire Marshal, adequate fire access is available given the very large size of the parcels and the limited number of residences that could conceivably be developed on them. The proposed access roads will meet the County's Road and Street Standards.
- Section 18.104.110 of the Napa County Code requires that parcels greater than ten acres have an average depth not to exceed five times their average width. A variance is required to create lots which don't meet this requirement. While the applicant's engineer argues otherwise, County staff does not believe that proposed parcels One and Two meet this requirement (by our rough calculations, Parcel One has a depth to width ratio of +/- 5 ½ and Parcel Two's ratio exceeds 7). Staff is fully supportive of the requested variance, both because the shape of the parent parcels drives the resulting odd lot geometries and because the Deputy Director has determined that the Zoning Code's depth to width limitations are primarily meant to be applied to smaller lots in more urbanized settings.

#### The Requested Stream Setback Exception

As noted in the project description, the applicant team is requesting an exception from the County's Conservation Regulations stream setbacks to allow portions of the property's existing access road, Scally Lane, to be improved and widened within required stream setbacks. Much of the impacted area is actually off site, on an easement located on the neighboring Chadbourne and Scally properties. Grading associated with the Road and Street Standards-required widening of Scally Lane would encroach to as close as 20 feet from the top of bank of Chimney Canyon Creek. Required setbacks on the property range from 45 to 85 feet, depending on the slope(s) adjacent to the stream's top of bank.

While staff is generally reluctant to recommend approval of exceptions to the Conservation Regulations stream setback requirements, there are a number of reasons why we believe it is appropriate to approve an exception here. First, the existing access road is unpaved and unimproved and as noted in the recently promulgated Napa River TMDL (*Total Maximum Daily Load*) regulations, dirt roads are a significant source of sediment. By paving and properly engineering the drainage associated with Scally Lane, the applicant will in all probability actually be decreasing sediment loads in Chimney Canyon Creek. Secondly, the existing access driveway is highly constrained, with a watercourse to the north and a steep hillside (largely in excess of 50% slopes) directly to the south. A Conservation Regulations exception would likewise be required were the roadway to be moved upslope and away from the creek

as it would require construction on slopes greatly exceeding the Conservation Regulations limit of 30%. That upslope road, were it to be built, would likely have greater impacts on Chimney Canyon Creek (certainly during the construction phase) than the creekside road widening proposed here. Finally, because no secondary access is available to the Corey property and the area is in a high fire risk zone, County staff believes that it is more than usually important that the access road fully complies with the County's Road and Street standards for road width, slope, and the like. This will ensure adequate emergency vehicle access to this property, as well as neighboring properties, in the event of a wildland fire.

In addition, at the request of the State Department of Fish and Wildlife (formerly Fish and Game), the applicant has offered to restore one square foot of disturbed riparian area on site for each square foot of streamside disturbance resulting from the requested stream setbacks exception.

On the whole, staff is confident that the project mitigates its impacts on Chimney Canyon Creek and that required findings in support of a Conservation Regulation exception can be made.

#### Greenhouse Gas Reduction Strategies

Though this project proposes no new development, as discussed elsewhere, it is foreseeable that it would result in a net increase of four single family residences, two guesthouses, and roads and other facilities to service same. The construction and use of these residential and residential-serving improvements will contribute to overall increases in green house gas emissions. The Bay Area Air Quality Air District (BAAQMD) CEQA Guidelines Updated May 2011 established screening criteria related to greenhouse gas emissions (GHG) for new development. In order to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts.

As identified in Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes, single-family residences are not considered producers of a significant amount of air pollution that would result in a conflict or obstruction of any air quality plans. Application of the County's Green Building Standards, Energy Standards, and Water Efficient Landscape Ordinance provisions, as well as, the requirement of "best management practices" during construction will ensure reduction in green house gas emissions to a level of less than significant.

#### Consistency with Standards

##### Zoning

Upon grant of a variance as requested here, the project is fully consistent with AW (Agricultural Watershed) zoning district regulations and the Subdivision Ordinance.

##### Building Division Requirements

The Building Division has reviewed this application and has no comments.

##### CalFire Requirements

The Fire Marshal's office recommends approval with standard conditions. Please see their attached memo.

Engineering Services Requirements

The Engineering Services Division recommends approval with standard conditions. Please see their attached memo.

Environmental Health Requirements

The Environmental Health Division recommends approval with standard conditions. Please see their attached memo.

Site Photos



**Setting – Corey Property. View from the central valley area, looking east.**



**Setting – Corey Property. Oak woodlands and significant rock outcroppings to be protected.**



**Scally Lane – Existing Condition. Note creek to the left and steep slope to the right.**