

FILE # PO6-01097

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
1195 Third Street, Suite 210 Napa, California 94559
(707) 253-4416

MINOR CHANGE

APPLICATION FOR TENTATIVE PARCEL MAP OR TENTATIVE SUBDIVISION MAP
RECEIVED

For Office Use Only

GENERAL PLAN/SPECIFIC PLAN DESIGNATION:

012

JUL 31 2006

ZONING DISTRICT D1DNAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.Date Submitted: 7/12/06REQUEST Minor change to approved TM
(95071-SUB) per 17.26.040.BDate Complete: 7/12/06

Date Published: _____

ZA CDPC BS AppealHearing 7/31 2A

Action _____

To Be Completed By Applicant (Please Print or Type)

Applicant's Name: Muller-Sorg Group Michael RiceTelephone #: (707) 427-6790

Fax #: () -

E-Mail: _____

Mailing Address: 710 Kellogg St Suisun City CA 94585-2851
No. Street City State ZipStatus of Applicant's Interest in Property: buyerProperty Owner's Name: Nick Petkus

Telephone #: () -

Fax #: () -

E-Mail: _____

Mailing Address: _____

No.

Street

City

State

Zip

Site Address/Location: _____

No.

Street

City

State

Zip

Assessor's Parcel #: 019-080-003

Existing Parcel Size: _____

Purpose for Division: N/AVesting Map? ☐ YES ☒ NO

I certify that the above statements are correct and that the information contained on the accompanying Parcel/Subdivision Map is accurate. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Signature of Applicant

Date

Signature of Property Owner

Date

PRINT NAME

PRINT NAME

TO BE COMPLETED BY CONSERVATION DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: \$ _____ Receipt No.: _____ Received by: thm Date: 7/13/06

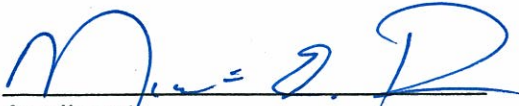
*Total Fees will be based on actual time and materials

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.



Applicant


Date



Property Owner (if other than Applicant)

Project Identification



Building for a better tomorrow . . . today

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JUL 12 2006

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

July 10, 2006

Hillary Gitelman, Director
Department of Conservation, Development and Planning
County of Napa
1195 Third Street, room 210
Napa, California 94559

Re: Request for Approval of Minor Change – Villa Berryessa Subdivision
Permit No. 95071-SUB. Assessor's Parcel No. 019-080-003

Dear Ms. Gitelman:

As you know, the Board of Supervisors approved our request for a minor modification to the approved use permit for the Villa Berryessa subdivision on February 26, 2006. This modification authorized the following changes and clarifications to the project approved by the Board of Supervisors in 1997:

1. The option of constructing stick-built dwelling units;
2. Construction of two-car garages, either detached or attached, on each lot
3. A modification to the approved lot configuration, street configuration and lot sizes as shown on the plan labeled "Preferred Layout" prepared by Riechers Spence Associates and attached as Exhibit A; and
4. An alternate location for the required water intake system form Lake Berryessa.

In approving these changes the Board of Supervisors explicitly acknowledged that the proposed changes were a direct consequence of meeting the conditions of approval and did not constitute a substantial change to the originally approved project. Further, the Board acknowledged that the changes did not involve any new environmental impacts, affect the intensity or environmental impact of, or substantially alter or delete and environmental mitigation measures for the project. In fact, the Board (and your staff) concluded that the proposed modifications would substantially reduce the environmental impacts when compared with the approved project. These findings were adopted on April 4, 2006 pursuant to attached Resolution No.06-63.

As a follow up to the project modification approved by the Board, we are filing this formal request for a minor change to our approved tentative map, pursuant to Chapter 17.26.040 [B] of the Napa County Code. The purpose of this request is to obtain county approval of minor changes to the current tentative map that reflect the recently approved changes to our use permit and to incorporate those changes into our final map and improvement drawings. The proposed changes are minor in nature and are a direct consequence of complying with the comments and permit conditions of the various local, state and federal agencies that have jurisdiction over our project. The proposed changes are outlined below and are depicted on the attached map prepared by Riechers Spence Associates. Please note that this map is virtually identical in configuration to the 'Preferred Layout' drawing that we submitted to your office and that was approved as part of our recent minor (use permit) modification. In addition to initiating a formal request for a minor map change, this letter also included a discussion of why we believe the proposed changes that correspond with the approved changes to our use permit are consistent with the definition of a minor change contained in Chapter 17.02.380 of the County Subdivision Ordinance.

Consistency with Standards for Minor Change

The subdivision ordinance defines minor change to a(n) (approved) tentative map as "involving a change in lot lines, lot shape, lot dimensions, street alignment, width or grade, grading proposal or other elements that do not change the basic design or improvements required in the tentative map and the conditions thereof." Our proposal is consistent with these standards. Our proposed modifications to the lot lines, lot shapes and street alignment are necessary to comply with the Tentative Map Conditions of Approval and those requirements of state, local and federal agencies with jurisdiction over the project. In addition to satisfying the requirements of these agencies, the minor changes to our map will result in a project that involves less site disturbance, a reduction in impacts to the site's environmental resources and will better protect Lake Berryessa. We have not increased the number of lots or changed the basic nature of the project, which remains a 100 lot residential subdivision, serviced by a public road. A Homeowners Association organized according to the laws of the State of California will manage the remaining portion of the site. This common area will include those amenities and be improved and enhanced as required by the original conditions of our tentative map and those of permitting agencies. It should be noted that we have not changed our commitment to providing affordable housing as required by the tentative map.

Approved Tentative Map vs. Requested Changes

It is important to point out that the tentative map approved by the County in 1997 and the accompanying calculations of land disturbance, grading and other impacts did not account for the impacts associated with construction/installation of the improvements required by the California Department of Forestry, U. S. Army Corp of Engineers, Regional Water Quality Control Board, U.S. Department of Fish

and Game, and the U. S. Bureau of Reclamation and other agencies. In order to compare “apples to apples”, the table below summarizes impacts associated with implementation of all approved tentative map conditions with those associated with our proposed modified map. You will note that the actual building area has been reduced from that of the original tentative map as depicted in the attached Exhibit A. By reducing the amount of buildable area, we were able to reduce the area of disturbance and associated grading and tree removal. A more detailed assessment of those impacts and the changes to lot sizes and buildable areas are included in the submittal packet that we included with our request for a minor modification; a copy is included with this submittal for ease of reference.

As required by the county as part of our tentative map approval, we have included numerous sedimentation and filtration basins to mitigate runoff and better protect the water quality of Lake Berryessa. Our sewage treatment system has been modified from the evaporation ponds shown on the approved tentative map to a packaged treatment system that is awaiting approval by the Regional Water Quality Control Board. This system occupies less land area and involves less earthmoving than a traditional above ground pond system. The attached Plan also details the modified location our water intake system from Lake Berryessa as approved by the Board of Supervisors.

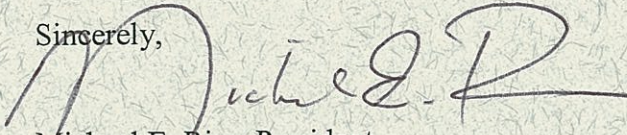
The changes to the approved tentative map described above, with the exception of the revised sewage treatment and disposal system, were all shown on plans approved by the Board of Supervisors as part of its February 2006 action. In total, the impacts on environmental resources such as trees, wetlands and other waters are significantly reduced when compared to the original tentative map; areas of wetland mitigation as required by State and Federal Agencies have been increased.

Site Grading and Areas of Disturbance:

	<u>Approved Tentative Map</u>	<u>Preferred Layout</u>
Area of Disturbance	49.93 ac.	37.0 ac.
Wetland Impact	3,549 s.f.	69 s.f.
Total Lineal Feet of Impacts To “Other Waters”	5,392 feet	3,683 feet
Total Square Feet (Acreage) of “Other Waters Impacted”	10,315 s.f. (0.24 ac)	7,749 s.f. (0.18 ac)
Cut	432,700 cy	710,000 cy
Fill	878,340 cy	710,000 cy
Import Fill	445,640 cy	-----
Total Earthwork	1,756,860 cy	1,420,000 cy

Ms. Gitelman, we are most appreciative of the cooperation we have received from you and your staff, as well as the staff of the Department of Public Works and County Counsel since we initiated preparation of the final map. The changes we are requesting will result in a better project for the County of Napa, the lake community and the environment. We appreciate your continued support and guidance. Should you have any questions, please call me at your convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael E. Rice". The signature is fluid and cursive, with a large initial "M" and a stylized "R".

Michael E. Rice, President
Miller-Sorg Group, Inc.
710 Kellogg Street
Suisun, CA 94585

Enclosures

- Minor Modification of Tentative Map--Villa Berryessa Subdivision, July 7, 2006 (4 copies)