



Honorable Supervisors,

Although the notice sent by the Director of Public Works states that a review was conducted, we feel that the application for lot line adjustment must be denied for the following reasons:

1. The parcel in question fails to meet the criteria listed in section 17.46.040: **Lot Line Adjustment**: Approval Standards:

C. The director of public works shall deny the lot line adjustment if it fails to comply with the following standards at the time of the tentative approval, or the director is unable to impose conditions as part of such tentative approval to be satisfied prior to recordation of the deed or deeds consummating the lot line adjustment;

Sub section 3. **A nonbuildable parcel will not be made buildable by the lot line adjustment.** For purposes of this standard, determining whether a parcel is nonbuildable shall include those considerations of size, shape, geographic features, and legal restrictions imposed upon the original parcel by deed, county general plan, or building or zoning regulations, including those floodplain management regulations set forth in Chapter 16.04, where such deeds or regulations preclude issuance of a building permit for construction on the parcel of a dwelling unit or, if dwelling units are not permitted within that zoning district, construction of another primary structure otherwise permitted within that zoning district;

Sub section 6. Except as otherwise provided in this section, the resultant parcels will comply with all of the provisions of Section 18.104.110,

Section 18.104.110 Parcel design states no lot shall be created with less than four thousand square feet of buildable area.

18.104.110 Parcel design. A. Except as provided in subsection (E) of this section, no lot shall be created with less than four thousand square feet of buildable area after taking into account the restrictions imposed by this title.

Please examine the application of the require codes on the parcel map (Attachment 1) that follows. The attachment shows that the existing lot does not comply with the four thousand square foot of buildable space requirement, and therefore the a lot line adjustment must not be allowed, as this is a subdivision of the property per the definition of codes quoted below.

18.112.030 Measurement. The road setbacks prescribed by this chapter shall be measured from the centerline of the right-of-way, easement, offer of dedication or combination thereof for the street, road or highway, including any portions which lie within incorporated city limits.

18.112.100 Private Roads. The road setback for any private road, other than a driveway serving only the parcel on which the driveway is entirely located, shall be equal to twenty-eight feet. (Ord. 982 § 12 (part), 1991: Ord. 867 § 4, 1988: Ord. 511 § 1 (part), 1976: prior code § 12509)

18.104.010 Schedule of zoning district regulations requires a twenty foot setback from the parcel boundary lines.

Table 18.104.010
SCHEDULE OF ZONING DISTRICT REGULATIONS

Zoning District	Minimum Lot		Minimum Lot Width (Feet)	Minimum Yard			Maximum Main Building Coverage	Maximum Building Height
	(Acres)	Area (Square Feet)		Front	Side	Rear		
AP	40	—	—	20	20	20	—	35

The map submitted to Napa county omitted the Napa River and top of the bank locations required by section 17.46.040: sub-section g: Section 18.108.025: Intermittent/perennial streams require a setback requirement from 85 to 105 feet from the top of the river bank

17.46.030 Lot line adjustment--Application.

3. g. The approximate location of all watercourses and existing drainage structures, including the location of any floodway and the top of the bank, if discernible, shall be noted;

Where a parcel is to utilize an individual sewage disposal system, the minimum parcel size shall be one acre. No test reports and design satisfactory to the administrative authority have been submitted and approved, as required by section 13.40.050.

In summary, the parcel in question is less than one acre in size, has less than four thousand square feet of buildable area when you take into account the required setbacks of twenty-eight feet from roadway centers and the Napa River riparian zone. No qualified "buildable" area has been defined and therefore cannot be in compliance with 17.46.040 approval standards. and if you deny this appeal a non-buildable parcel will be made buildable by the lot line adjustment.

This appeal to stop the lot line adjustment should be granted by the material facts submitted.

Thank you for your consideration.

Trust of the Albert Jessee McDowell

17.46.040 Lot line adjustment--Approval standards.

3. A nonbuildable parcel will not be made buildable by the lot line adjustment. For purposes of this standard, determining whether a parcel is nonbuildable shall include those considerations of size, shape, geographic features, and legal restrictions imposed upon the original parcel by deed, county general plan, or building or zoning regulations, including those floodplain management regulations set forth in Chapter 16.04, where such deeds or regulations preclude issuance of a building permit for construction on the parcel of a dwelling unit or, if dwelling units are not permitted within that zoning district, construction of another primary structure otherwise permitted within that zoning district;

6. Except as otherwise provided in this section, the resultant parcels will comply with all of the provisions of Section 18.104.110, unless compliance with such requirements is waived by variance granted pursuant to Chapter 18.128 (commencing with Section 18.128.010) in conjunction with the tentative approval of the lot line adjustment;

18.104.110 Parcel design.

A. ...no lot shall be created with less than four thousand square feet of buildable area after taking into account the restrictions imposed by this title.

4,000
SQ. FT
EXAMPLE

63.25'

63.25'

18.112.100 Private Roads.
The road setback for any private road ... shall be equal to twenty-eight feet measured from the centerline. Mueller setback shown in Gray McDowell setback shown as dash outline box.

Existing House 2218 Sq. Ft.

Water Tank

18.108.025
Intermittent/perennial streams.
Setback Requirements.

40—50 % SLOPE 105'

30—40 % SLOPE 85'

17.46.030
Lot line adjustment map
The approximate location of all watercourses ... including the location of any floodway and the top of the bank, if discernible, shall be noted;
THIS SIDE OF BANK IS IN THE NAPA RIVER

18.104.010 Schedule of zoning district regulations
requires 20' setback from property boundary

ATTACHMENT 1

By Charles McDowell
Aug. 7, 2007
Scale 1"=80'