



Agenda Date: 5/7/2008
Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Mary M Doyle, Principal Planner - 299-1350
SUBJECT: Robert Yeakey Conservation Regulation Use Permit Exception #99141-UP

RECOMMENDATION

ROBERT YEAKEY / OAKVILLE LLC. & ROBERT YEAKEY - USE PERMIT EXCEPTION #99141-UP

Request: Approval of use permit #99141-UP, an exception to Conservation Regulations for earthmoving activities on slopes greater than 30% (County Code section 18.108.040 (A)) to allow the new construction of up to 11,100 LF of access road and driveways to cross slopes of 4% to 71% with an average of 42.5% to allow access to 2 parcels currently without access to a private or public road. The proposed road has 3 distinct sections. The first section is 4,400 LF beginning at the proposed entrance on Dry Creek Road and will serve both parcels as a shared access. This section includes 2 tunnels, tunnel #1 is approximately 80 LF and tunnel #2 is approximately 70 LF. This first section comes to a 60' turn around that splits turning southward as a 1,700 LF private driveway to parcel (027-310-031) future residential complex and turning northward as a 5,000 LF private driveway to parcel (027-310-032) future residential complex. There will be approximately 68,000 CY of cut and 71,600 CY of fill in total for the access road and the two future residential building sites. The project is located on two parcels totally 178 acres on the north side of Dry Creek Road, approximately 1000 feet west of its intersection from Oakville Grade within an Agricultural Watershed (AW) zoning district (Assessor's Parcel Number 027-310-031, 027-310-032 SFAP and 027-270-019 SFAP) Napa County.

Staff Recommendation: Adoption of the Negative Declaration, and approve the use permit with recommended conditions of approval.

EXECUTIVE SUMMARY

The project consists of a new access road and driveways of approximately 2 miles in length on slopes averaging 42.5% necessary to access two residential sites located on ridgetops above Dry Creek Road. The subject properties are dominated by rugged terrain and suitable building locations are very limited. The ridgetop building sites are not visible from public roads and are considered the most environmentally sensitive places for new construction. Over the last nine years, the applicant and staff have worked on numerous alternative road designs seeking the most environmentally superior route to

access the building sites. The current plan represents the product of that exhaustive effort, and results in no significant impacts to the environment. As the environmentally superior design, the project appears to meet the necessary findings to allow a use permit exception to the Conservation Regulations.

Proposed Action: That the Planning Commission adopt Resolution #99141-UP certifying the negative declaration and approving the Robert Yeakey Use Permit Exception to the Conservation Regulation for with conditions of approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: A Negative Declaration has been prepared. According to the Negative Declaration, the proposed project in its entirety would not have the potential for significant impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Governmentt code section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Oakville LLC/Robert M. Yeakey

Applicant/Representative: Robert M. Yeakey

Zoning: Agricultural Watershed (AW)

GP designation: Agriculture, Watershed, Open Space (AWOS)

Filed: July 22, 1999

Adjacent Zoning/Land Use:

Direction	Land-Use	Zoning	Acreage
North	Agricultural, rural residential	AW	160 acres
South	Agricultural, rural residential	AW	200 acres
East	Agricultural, rural residential	AW	176 acres
West	Agricultural, rural residential	AW	395 acres

Property History: There is no record of past activity on these parcels. The parcels are not developed.

Code Compliance History: There have been no code enforcement actions taken on the subject property.

Discussion:

1. The project began with the original application submittal in July 22, 1999. The original private road proposal was to provide primary access to 4 parcels from an existing entrance on Oakville Grade, a mile east of the current proposed new access point on Dry Creek Road. During the initial CEQA review, the proposed alignment would have significant environmental effects on biological resources. The significant biological resource is Campbell Creek a tributary to Dry Creek. Both creeks are USGS designated blue-line and are known to be steel head salmon habitat. Campbell Creek is heavily shaded, has clear water, dense forest duff, long pools separated by cobble, boulder or gravel riffles, quality salmon habitat. Its in-stream natural structure has logs, root wads, boulder, and undercut banks. It is mature riparian habitat. Campbell Creek is a highly productive steelhead-rearing stream. In an attempt to reduce the significant effect to a less than significant level, 5 other alignments were proposed and reviewed, however, none of the alignments would reduce the significant effects to a less than significant level in both the short-term construction and/or long term maintenance phases. All proposed alignments included disturbing the creek bed and bank for some 900 LF, retaining walls would have been in 150' stream setback, the creek would have had numerous creek crossing including 2 free span bridges. The mature riparian habitat would have been permanently destroyed, possibly unmitigatable effects to the salmon habitat. In the intervening time, 2 of the 4 parcels were able to be accessed from other locations.
2. For the 2 remaining parcels, in late 2007 & early 2008 a revised access/driveway alignment with the entry location moved to Dry Creek Road, approximately 280 LF from the existing Dry Creek/Lokoya Volunteer Fire Station was developed and is the proposed project for consideration today. This proposed access/driveways alignment would avoid effects to Campbell Creek and its associated habitat.
3. This proposed alignment is 2.1 miles in length with 2 tunnels for residential purposes and involves significant quantities of cut and fill. However the total area to be disturbed for the project in its entirety is approximately 14 acres out of 178 acres (238 acres SFAP). It is the long construction phase of the access road/driveways including the building sites that has the potential to have significant short term effects for the earth disturbing activities clearing and scrubbing of natural vegetation, significant amount of cut and fill, surface water and sediment run-off. Therefore, design details and construction level information were requested. A preliminary Storm Water Pollution Prevention Plan was prepared, revised and reviewed. Spoils or fill locations are designated. There is a project staging area designated off Dry Creek Road. Construction methods and equipment were provided. A construction sequence and winterization schedule was prepared.
4. Technical analysis of the project's potential to impact the physical environment are addressed in the initial study/draft negative declaration attached to this report. Copies of the complete technical studies supporting the negative declaration are available upon request, but are not attached to this report. The technical studies consist of the following reports:
 - a. Narrative for erosion control measures and features (dated Oct 07),
 - b. Biological Resources Reconnaissance Survey & Special Status Plant Study for APNs 027-310-031/032 (dated 8/07). No need for additional studies, no significant resources to be significantly effected,
 - c. Site plans and entrance detail at Dry Creek Road (dated 10/07 & 2/08),
 - d. Hydrology/Hydraulics Calculations, Driveway at Dry Creek Road (dated 2/08),
 - e. Hydrological Analysis and Hydraulic Calculations (APNs 027-310-031/032,
 - f. Drainage Study Report (dated 10/07) Preliminary SWPPP for both parcels access road/driveways and future residential complexes (dated 11/2007 as revised),
 - g. Construction methods/equipment for access/driveway tunnels and residential complexes for both parcels was compiled,
 - h. Preliminary Grading permits for access/driveway, tunnels and both residential complexes were submitted,
 - i. Design Level Geotechnical Investigations on the proposed Residences & Private Driveways on both parcels (dated 3/07, 10/07).
 - j. Sewage Feasibility Reports for both parcels (residential complex development) (dated 10/07),
 - k. Surveys completed at original submittal: Botanical Survey of Campbell Creek Ranch Phase II, by Northwest

Biosurvey (August 2000) Results no state or federally listed endangered, threatened, or rare plants were observed. There were 2 CNPS list 4 species (*Monardella viridis* spp. *viridis*, *Lomatium repostrum*) found. And are not located in the revised access/driveway or residential complexes areas). Northern Spotted Owl Survey (June 2001, Jon Winter & Assoc.). None recorded.

- l. Two lot line adjustments (dated 4/23/99 and 12/30/99) occurred to create the current parcels.
- m. Less than 3-acre Conversion Exemption was prepared.

Consistency with Standards:

1. Zoning: The proposed project complies with all zoning requirements. The proposed road and known future developments are permitted uses in the AW. The AW zoning district permits agriculture (18.20.030(A)) one single-family dwelling unit per legal lot (18.20.030(B)), a second unit (18.20.030(C)) and one guest cottage (18.20.030(G)).
2. Building/Fire Code: As proposed and conditioned, this project complies with the building and FIRE codes. The building permits (99699 and 99843) shall be reviewed under current regulations upon reissue.
3. Public Works: As conditioned the project will comply with the applicable standards and guidelines under the Department of Public Works discretion. Site improvement and the new driveway connection to Dry Creek Road comply with standards.
4. Environmental Management Standards: Residential wells and suitable septic system locations have been reviewed by and considered acceptable for residential development. The building permits (99699 and 99843) shall be reviewed under current regulations.

SUPPORTING DOCUMENTS

- A . Resolution #99141
- B . Recommended Conditions of Approval
- C . FIRE comments
- D . PW comments
- E . DFG comments
- F . Negative Declaration and Initial Study
- G . Application and supplemental information
- H . Graphics
- I . Graphic APN 027-310-031
- J . Graphic APN 027-310-032

Napa County Planning Commission: Approve

Reviewed By: John McDowell