



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 7/1/2009

Agenda Placement: 9C

## Napa County Planning Commission Board Agenda Letter

---

**TO:** Napa County Planning Commission

**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning

**REPORT BY:** KIRSTY SHELTON, PLANNER III - 707 253 4417

**SUBJECT:** Rombauer Vineyards / Rancho Alto Vineyards, Inc. - Tentative Parcel Map #P08-00608-PM

---

### **RECOMMENDATION**

#### **ROMBAUER VINEYARDS / RANCHO ALTO VINEYARDS INC. - TENTATIVE PARCEL MAP #P08-00608-PM**

**CEQA Status:** Mitigated Negative Declaration prepared. According to the proposed Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following areas: Hydrology and Water Quality. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** The project consists of a request to subdivide a ±87.86-acre site into two parcels of approximately 41.59 acres (Parcel 1) and ±46.27 acres (Parcel 2). The site is one legal parcel that is currently developed with vineyards and an existing single family dwelling (proposed to remain on Parcel 2). A two acre building envelope is identified that could include, by right, a future single-family dwelling and a guest cottage on Parcel 1. The proposed project is located within the Agricultural Preserve (AP) Zoning District, approximately 1,500 feet north of the intersection of Bennett Lane and Tubbs Lane, and approximately 3,500 feet east of Bennett Lane's intersection with State Highway 128. Assessor's Parcel Number 017-130-027, 3250 Bennett Lane, Calistoga.

**Staff Recommendation:** Adoption of the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting plan, and approval the Tentative Parcel Map with conditions of approval.

**Staff Contact:** Kirsty Shelton, 299-1377, kshelton@co.napa.ca.us

### **EXECUTIVE SUMMARY**

**Proposed Action:**

1. That the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Rombauer Tentative Map, based on findings 1-6 of Exhibit A (attached);
2. That the Planning Commission approve the Tentative Parcel Map P08-00608 based on findings 7-13 of Exhibit A attached.

**Discussion:**

The project consists of subdividing an 88 acre vineyard parcel into two parcels of approximately 41.6 and 46.3 acres. The project site is located on the northern end of the Napa Valley floor with frontage on Bennett Lane and the rear property line abuts the Napa River. The site is zone Agricultural Preserve (AP), and has a Agricultural Resource General Plan designation. The minimum parcel size for the AP is 40 acres. The proposed subdivision meets the design requirements of the Napa County Subdivision Ordinance. Staff is recommending approval of the tentative parcel map.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following areas: Hydrology and Water Quality. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owner:** Rancho Alto Vineyards Inc., a California Corporation

**Applicant:** Rombauer Vineyards, Inc., a California Corporation

**Representative:** Charles W. Meibeyer, Esq.

**General Plan Designation:** Agricultural Resource (AR), *Napa County General Plan, 2008-2030*

**Zoning:** Agricultural Preserve (AP)

**Filed:** October 31, 2008; deemed complete May 17, 2009

**Building Size:** No buildings are proposed as part of this application; however a 2-acre development envelope is proposed on the newly created lot (Parcel One).

**Adjacent Zoning / Land Use:**

The ±87.86-acre irregularly-shaped lot is bounded to the northeast by the Napa River, with the southeastern

majority of the property within the 100-year floodplain. Adjacent parcel to the south include an approved, but not developed commercial use, *Calistoga Artisan Village* to the east, a commercial use, *Atalon Winery* across the street to the north, and vineyards surrounding the property on the south and west, all within the identical Zoning District (AP) and General Plan Designation (AR). The City of Calistoga limits are approximately one mile to the south.

### **Property History:**

The property is developed with vineyards, unpaved access roads, an existing single family dwelling located on proposed parcel 2, a 30-acre foot irrigation pond located adjacent to the southern property line, and an undeveloped approximately 0.75 acre easterly triangular section currently used for pumice compost and spoils. This site is under a type "A" Williamson Act agricultural contract number 12676A, there would be no conversion of existing farmland to non-agricultural usage.

### **Discussion:**

1. The proposal will subdivide a ±87.86-acre site into two parcels of approximately 41.59 acres (Parcel 1) and 46.27 acres (Parcel 2). The site is one legal parcel that is currently developed with vineyards and an existing single family dwelling (proposed to remain on Parcel 2). A two acre building envelope that could include a future single-family dwelling and a guest cottage is proposed on Parcel 1 which is accessed from the southwest section of the property. No increase of building footprint is identified on Parcel 2.
2. The property has been identified to lay within an un-numbered zone "A" flood hazard area as defined by the Federal Emergency Management Agency (FEMA) and therefore is subject to County Code Section 16.04.705 which requires subdivisions of land greater than 5 acres to establish the base flood elevation through detailed analysis. County code section 16.04.690 allows the use of the California Code of Regulation Title 44 Chapter 1 section 60.3 (b) (3) which provides the sub-divider and alternative method of demonstrating that the subdivision is reasonably safe from flooding and that it will not increase the chance of flooding on future development in the absence of a floodplain analysis. To accomplish this a two acre building envelope is proposed on Parcel 1 outside of the zone "A" flood hazard area which is accessed from the southwest section of the property and no increase of building footprint is identified on Parcel 2. In the absence of completing a detailed flood analysis the applicant shall include an accurate description of the location of the flood boundary with respect to the property boundary and both the Mitigation Measures and the Conditions of Final Map approval requires the recordation on the Final Parcel Map a note indicating the requirement of such a study prior to any further building of structures inside the FEMA defined zone "A" flood hazard area. Further, both the Mitigation Measures and the Conditions of Approval require the final map include the 2-acre building envelope as proposed outside of the floodplain to be consistent. Currently there are miscellaneous storage of automobiles and equipment adjacent to the creek setback and within the floodplain, Mitigation Measure 3, requires these items be removed prior to the recordation of the final map.
3. No future development for winery or any other uses other than vineyard are proposed as part of this request; a potential 2-acre residential building site (one primary dwelling and a guest cottage and associated site improvements) is shown on Parcel 1.
4. Details of the proposal are contained in the attached application and accompanying materials.
5. Comments and recommendations from various County departments are attached.

### **Consistency with Standards:**

All reviewing departments/agencies have found the project as proposed and conditioned to be consistent with

their respective requirements and regulations, findings are attached as Exhibit A.

1. Zoning - The Napa County Code Section 18.104.010 states that the minimum lot size in the AP (Agricultural Preserve) zoning district is 40 acres; these parcels meet this standard.
2. General Plan - Policy AG/LU-21 (Agricultural Resource (AR) intent is to identify areas in the county which agriculture is the predominant land use, requires a minimum parcel size of 40 acres and allows one dwelling per parcel; these parcels meet this intent.
3. Building/Fire Code - The project as proposed does not include any requests for building. However, in the future any proposals will need to comply with the California Building Code. Further, it will need to comply with applicable standards, regulations, codes and Ordinance such as Fire Code requirements; this will include but is not limited to emergency water supply, fire protection systems, and proper addressing.
4. Public Works - Although the project is adjacent to a FEMA Flood zone "A" which has not been analyzed through a detailed flood insurance study. This application is subject to the criteria of Napa County Code Section 16.04.705 regarding floodplain development, in the absence of proposed development within that area the Public Works department conditioned an additional map sheet with clear notations of the requirements of a flood study should any development be requested. Further, confirmations that the proposed building envelope is clearly outside of the flood hazard area.
5. Environmental Management - Because of the absence of a development proposal the department had no comments or conditions of approval.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . COMMENTS
- D . CEQA doc - Mitigated Neg. Dec.
- E . Project Revision Statement
- F . Submittal materials
- G . graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell