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Agenda Date: 7/15/2020

Agenda Placement: 7E

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Trevor Hawkes, Planner III - 707-253-4388
SUBJECT: JAMCAN Tentative Parcel Map

RECOMMENDATION

JAMCAN LLC / JAMCAN TENTATIVE PARCEL MAP / TENTATIVE PARCEL MAP NO. P19-00456-TPM

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Tentative Parcel Map, proposing to subdivide a 521.62-acre parcel into three (3) parcels measuring 191.7 acres (Parcel one (1)), 160.38 acres (Parcel two (2)), and 169.54 acres (Parcel three (3)). Foreseeable future development on the resulting three (3) parcels is expected to be single-family residential structures, associated accessory buildings, access road, and infrastructure. The layout of the Tentative Parcel Map includes proposed private road alignments and residential building envelopes for each of the resulting three (3) parcels but no specific residential development is currently proposed as part of this project. As proposed, the Tentative Parcel Map also includes a waiver of NCC §17.34.020.H, which is a requirement for secondary parcel access. The Tentative Parcel Map has also been designed for the implementation of a Conservation Easement permanently protecting 321 acres of the eastern portion of the property and constituting a majority of Parcels two (2) and three (3). The project is located within the Agricultural Watershed: Airport Compatibility (AW: AC) zoning district and Agriculture, Watershed and Open Space (AWOS) General Plan designation at the east end of Watson Lane, American Canyon; Assessor's Parcel No's 059-020-041.

Staff Recommendation: Adopt the Negative Declaration and approve the Tentative Parcel Map as conditioned.

Staff Contact: Trevor Hawkes, Planner III at 707-253-4388 or email trevor.hawkes@countyofnapa.org

Applicant: Jeffrey L. Jaeger, 2180 Oak Knoll Avenue; phone 707-255-4456 or email jeff@jaegervineyards.com

EXECUTIVE SUMMARY**Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration, based on Findings 1-5 of Attachment A; and
2. Approve Tentative Parcel Map No. P19-00456-TPM, including a waiver of secondary access, based on Findings 6-12 of Attachment A, and subject to the recommended Conditions of Approval (Attachment B)

Discussion:

The applicant requests approval of a tentative parcel map to allow the division of an existing parcel, presently sized at 521.62 acres, into three new parcels. The newly created parcels would be 191.7 acres (Parcel one (1)), 160.38 acres (Parcel two (2)), and 169.54 acres (Parcel three (3)) in size. Staff recommends adoption of the project's negative declaration and approval of the project subject to the recommended conditions of approval and final agency approval memos.

Staff believes all required findings can be made in support of this land division and recommends approval of the proposed Tentative Parcel Map.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code §65962.5.

BACKGROUND AND DISCUSSION

Owner: JAMCAN, LLC, 2180 Oak Knoll Avenue; phone 707-255-4456 or email jeff@jaegervineyards.com

Applicant: Jeffrey L. Jaeger, 2180 Oak Knoll Avenue; phone 707-255-4456 or email jeff@jaegervineyards.com

Zoning: Agricultural Watershed: Airport Compatibility (AW:AC)

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

Airport Land Use Compatibility Plan: All three proposed building envelopes reside within Compatibility Zone E of the Napa County ALUCP. A small part of the northwestern section of Building Envelope two (2) resides within Compatibility Zone D.

Filed: November 11, 2019; **Complete:** April 13, 2020

Existing Parcel Sizes: 521.62 acres. Assessor's Parcel No. 059-020-041.

Proposed Parcel Sizes: 191.7 acres (Parcel one (1)), 160.38 acres (Parcel two (2)), and 169.54 acres (Parcel three (3)).

Existing Structural Development: Existing greenhouse for agricultural operations. Structure will be contained within Parcel one (1) upon completion of Final Map.

Proposed Structural Development: None. Existing building footprints will not be expanded.

Adjacent General Plan Designation/ Zoning / Land Use:

North

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

Zoning: AW: AC (Agricultural Watershed: Airport Combination District)

Land use: Agricultural operations and single-family residential

East

General Plan Designation: AWOS

Zoning: AW (Agricultural Watershed)

Land use: Open Space

South

General Plan Designation: AWOS

Zoning: AW: AC

Land use: Single-family residential and the Newell Open Space Preserve

West

General Plan Designation: AWOS & the municipal boundaries of the City of American Canyon

Zoning: AW: AC & the municipal boundaries of the City of American Canyon

Land use: Agricultural operations and single-family residential

Parcel History:

Historically the parcel has always been utilized for agricultural operations in the western portions of the property, and maintained undeveloped open space in the eastern portions of the property. Former vineyards in the southwest, now fallow, ceased operations approximately between 2007 and 2010. The County approved the building permit for the existing greenhouse on July 14, 1992.

Code Compliance History:

There are no open or pending code violations for the two parcels. The County is not aware of any compliance issues on the property and no complaints have been filed.

Discussion Points:

Setting - The property to be subdivided measures 521.62 acres in area and is located east of Napa Junction and northeast of the Watson Ranch Specific Plan area in southern Napa County. The primary soil type is Fagan Clay Loam, and this covers virtually the entire property. The general habitat of the subject property is annual grassland

with a few scattered woodlands. In the western half of the property, vineyards and agricultural infrastructure are prevalent. The property contains no perennial stream, however approximately 1.8 miles of intermittent stream run north from the center of the property, forming the upper reaches and tributaries to North Slough, a designated stream channel that enters Napa River west of the City of American Canyon. Riparian habitat is limited, and adjacent to, these intermittent stream channels. The lowest point of the subject property is at the western edge, approximately 145 feet above mean sea level. Its highest point resides close to the eastern boundary of the property at approximately 870 feet above mean sea level. Average slope of the entire property is approximately 26.6%. Access to the subject property is currently achieved through Watson Lane, a local road that crosses both the boundaries of the County of Napa and the City of American Canyon. Access to Highway 29 from the project is currently achieved by accessing Paoli Loop Road from Watson Lane at their intersection west of the property.

Project Proposal – This project involves the division of an existing parcel, presently sized at 521.62 acres, into three new parcels. The newly created parcels would be 191.7, 160.38, and 169.54 acres in size which meets the 160-acre minimum lot size requirement of the General Plan for AWOS and the AW zoning district. As required by the County's Subdivision Ordinance (N.C.C. Chapter 17), building envelopes and access roads are shown for each of the three proposed 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 analyzed the environmental impacts associated with building the roads and building sites shown on the submitted map. As evidenced in the project initial study/negative declaration, staff believes those impacts will be less than significant given the configuration of the proposed tentative parcel map and the large parcel sizes.

The configuration of the proposed Tentative Parcel Map has been designed for the applicant to develop three (3) new parcels, which would be compliant with Napa County regulations on minimum parcel sizes, while also permanently protecting 321 acres of land identified in the Watson Ranch Specific Plan (WRSP) Environmental Impact Report (SCH Number: 2015022030) for off-site habitat preservation to satisfy mitigation measures within the EIR. One of the primary drivers for identification of the conservation easement area was WRSP EIR habitat mitigation for California Red-Legged Frog (CRLF, *Rana draytonii*). 49% of the subject property is within USFWS designated critical habitat for CRLF. Habitat mitigation for CRLF is expected to overlap with other species that were identified in the WRSP EIR (Swainson's hawk (*Buteo swainsoni*), Callippe Silverspot butterfly (*Speyeria callippe callippe*), badger (*Taxidea taxus*), and pond turtle (*Actinemys marmorata*)) due to the habitat needs of the other species overlapping with CRLF. Subsequent to approval of this Tentative Parcel Map, the applicant plans to convey a conservation easement over the majority of Parcels two (2) and three (3), leaving only the building envelopes of parcels two (2) and three (3) outside of the easement. Current and future owners of the two (2) parcels will be required to manage the Conservation Area subject to the restrictions contained in the Deed of Conservation Easement. All land within the subject property that is designated as CRLF critical habitat by the USFWS will reside within this conservation easement.

Waiver of Secondary Access – The proposed parcels generally comply with the requirements of the County's General Plan, Zoning Code, and Subdivision Ordinance. However, 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 in length, or whenever a proposed land division lies more than 1,200 feet from a publicly maintained road". The code section allows for a waiver of this requirement as a part of the tentative map review. As currently configured, the solitary access to the project site is achieved from Watson Lane, which measures approximately 2,288 feet from its intersection with Paoli Loop Road. Approximate distance from the proposed building envelopes for all three parcels exceed the 1,200 foot distance as well. No formal secondary access is available given the current configuration of adjacent parcels and land uses.

- 1 Building Envelope one's (1) most direct access to public right of way is to the west and through the current configuration of the private access road shown on the proposed tentative parcel map. Secondary access for the parcel would require acquiring an access easement over adjacent private land and building a road over fallow agricultural land, which would connect to Watson Lane at relatively the same location as the current

access offers.

- 1 Building Envelope two's (2) location, in the northwest corner of the project, is bounded by vineyards to the north and west, and the proposed conservation easement to the east. Providing secondary access would also require acquiring an access easement across private property in order to achieve secondary access to Watson Lane at the same location as the current access offers.
- 1 Building Envelope three's (3) location, in the south of the project, is bounded by Newell Open Space Preserve to the south and the proposed conservation easement to the east. The most direct route to public right-of-way is through the proposed access easement as shown on the tentative parcel map and additional secondary access would require acquiring access easements over private land.

Finally, although as currently configured, Watson Lane exceeds the 1,200 foot distance and the building envelopes exceed the 1,200 foot distance from a publicly maintained road. The future build-out of the Watson Ranch Specific Plan, which is adjacent to the project's western boundary, would shorten the distance of the building envelopes from a publicly maintained road (Newell Road would also not qualify as a dead-end road) by approximately 1,100 feet, when Newell Road is extended from the south along that project's eastern boundary. Due to these reasons, Planning and Engineering Staff support the waiver because requiring the additional road and access easements would be unreasonable for the applicant. County Fire has reviewed the application and recommends approval as currently designed.

General Plan Consistency – The subject property has a General Plan Land Use Designation of Agriculture, Watershed and Open Space (AWOS) and a Zoning Designation of Agricultural Watershed: Airport Compatibility Combination District(AW: AC). Staff has reviewed the General Plan and applicable zoning regulations and found the project to be compliant. The project is a land division, whose resulting parcels will measure over 160 acres in size, and there is no associated land use proposal accompanying it. This keeps the project in compliance with General Plan policies AG/LU-1, AG/LU-4, AG/LU-8, AG/LU-20, and AG/LU-27, which all focus on preserving and protecting agriculture and agricultural activities within the county. The TPM has been designed to provide building envelopes for future single-family residential development. This maintains the project's compliance with General Plan policy AG/LU-12 and AG/LU-26, which prohibits new non-agricultural use in agricultural areas, except in the case of single family residences on vacant legal parcels. The TPM has been designed to space out the building envelopes, to locate them outside of USFWS designated CRLF habitat and existing intermittent stream courses, and overall to reserve the eastern portions of the subject property for open space, which the applicant intends to preserve with an eventual conservation easement. Based on all these considerations, Staff believes that the project offers consistency with General Plan policies CON-1, CON-2, CON-3, CON-4, CON-10, CON-19. These General Plan policies direct the County to preserve land, maintain and enhance biodiversity, protect wildlife, fisheries and their habitats. Finally, as discussed further in the following section, the project does fall within compatibility zones of the Napa County Airport. Staff believes the project can be found to be consistent with the Airport Land Use Compatibility Plan (ALUCP). Compatibility with the ALUCP is consistent with General Plan policies CC-45 and SAF-33. An analysis of this project's consistency with each pertinent General Plan policy has been provided by Staff in Attachment C.

Airport Land Use Compatibility Plan Consistency - Significant sections of the subject property also fall within compatibility Zone E (Other Airport Environs) of the ALUCP, and a small section of the northwest section of Building Envelope two (2) falls within Compatibility Zone D (Common Traffic Pattern). The ALUCP does not outright require consistency review of Tentative Parcel Maps that fall within an airport's Compatibility Zones (Napa County ALUCP Section 1.3; Types of Actions Reviewed). Staff has reviewed the foreseeable development that may result due to approval of a Final Parcel Map with the ALUCP and the Airport Compatibility Combination District section of the County Code (N.C.C. §18.80). Table 3-2 of the ALUCP (Airport Vicinity Land Use Compatibility Criteria) describes the impact elements for Zone E and D as moderate to low risk, mostly generated by single event overflight annoyance and noise intrusion. That table suggests either overflight easements or deed restrictions to notice property owners of the potential for overflight annoyance. Section 18.80.030 (ALUCP Zone E Regulations) and 18.80.030 (ALUCP Zone D Regulations) of the Napa County Code requires recordation of an overflight easement

as a condition of subdivision. The applicant has included deed notice language in the proposed Tentative Parcel Map and the requirement of recordation of an overflight easement has been included in this project's Conditions of Approval. Both zones allow for residential uses with application of a Use Permit for development and with a referral for consistency determination by the Airport Land Use Commission (ALUC). Review of future residential development will ensure continued compatibility with the ALUCP.

Greenhouse Gas Emissions – Though this project proposes no new development, as discussed in the project's Negative Declaration, it is foreseeable that it could result in a net increase of three single-family residences, three accessory dwelling units, three 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 greenhouse gas emissions. The Bay Area Air Quality Air District (BAAQMD) CEQA Guidelines Updated May 2017 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 Operational-Related Criteria Air Pollutants and Precursors 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 greenhouse gas emissions to a level of less than significant.

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of Tentative Parcel Map P19-00456-TPM with conditions of approval as described in Option one (1) below. Decision making options also include a no project alternative and a continuance option.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of a Tentative Parcel Map (P19-00456-TPM). Staff recommends this option as the request is consistent with the Zoning Ordinance, the Subdivision Ordinance, applicable General Plan policies, and other County regulations as presented in the Recommended Findings (Attachment A).

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Reduced Density Proposal

Disposition – This option provides the Planning Commission the ability to further reduce potential project impacts by reducing the requested number of parcels. This could be accomplished by potentially reducing the number of proposed parcels to reduce the project's development density. If the Planning Commission elects to pursue this option, the recommended conditions of approval would need to be amended to reflect the revised lot configuration.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require the reduction of the number of parcels. If major revisions of the conditions of approval are required, the item will need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of the Tentative Parcel Map, Commissioners should articulate what aspect or aspects of

the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Tentative Parcel Map is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings, based upon the Commission's statements. Staff would return to the Commission with the findings or denial on a specified date.

Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . General Plan Consistency Analysis
- D . Tentative Parcel Map Application
- E . Biological Resources Assessment
- F . Geotechnical Feasibility Report
- G . Graphics

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona