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Agenda Date: 8/19/2009

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** RONALD GEE, PLANNER III - 707.253.4417  
**SUBJECT:** John Fisher Subdivision - Tentative Tract Map # P06-01290-TM

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### **RECOMMENDATION**

#### **JOHN FISHER SUBDIVISION / CLAIRE LOUISE FISHER 1997 TRUST- JILL RANDAL FISHER 1997 TRUST- JOHN FISHER - TENTATIVE MAP # P06-01290-TM**

**CEQA Status:** Mitigated Negative Declaration has been prepared. According to the Mitigated Negative Declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental effects in the following area: Biology, Geology & Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5

**Request:** Approval of a Tentative Map to subdivide three existing parcels (approximately 322.0, 428.2 and 391.79 acres) into six new parcels approximately 207.8, 165.6, 166.5, 188.7, 232.6 and 180.8 acres in size. The project is located on an approximately 1,141.99 acre parcel on the northeast and southwest sides of Partrick Road, approximately 0.53 mile south of the terminus of Partrick Road in the AW (Agricultural Watershed) Zoning District. (Assessor's Parcel Numbers: 050-010-024, -030 and -043) 2433 Partrick Road, Napa

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the Tentative Map with the recommended conditions of approval.

**Staff Contact:** Ronald Gee, 707-299-1351, or [rgee@co.napa.ca.us](mailto:rgee@co.napa.ca.us)

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

1. That the Planning Commission adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Fisher Tentative Map # P06-01290-TM based on findings 1-6 of attached Exhibit A.

2. That the Planning Commission approve Tentative Map # P06-01290-TM based on findings 7-13 of attached Exhibit A - Findings, and subject to attached Exhibit B - Conditions of Approval.

**Discussion:**

The proposal will subdivide three existing parcels (322.0, 428.2 and 391.79 acres) into six new parcels of approximately 207.8, 165.6, 166.5, 188.7, 232.6 and 180.8 acres in size. The vacant parcels are currently used for grazing. No new construction or structures are proposed as part of this application; however, proposed building envelopes for future single-family residences are designated on each new parcel that are located on knoll-tops, ridges and saddle areas outside 30% slopes and other potential, environmentally-sensitive areas.

A new, shared access road varying between 10-20 feet in width, with a shoulder turnout every 400 feet, will be constructed for Parcels 1, 2 and 3 on the northeast side of Partrick Road; individual access driveways along existing dirt roads are proposed for Parcels 5 and 6 on the southwest side of Partrick Road and for Parcel 4 on the northeast.

The project is located on both the northeast and southwest sides of Partrick Road, within the AW (Agricultural Watershed) zoning district and the Agriculture, Watershed & Open Space designation of the *2008 Napa County General Plan*. The minimum lot size for new parcels in the AW (Agricultural Watershed) zoning district is 160 acres. The proposed subdivision complies with all other requirements of the Napa County Subdivision Ordinance and 2008 Napa County General Plan. Recordation of a Joint Management Agreement for intra-family transfers will be required as part of the subdivision to comply with the "Type H" Napa County Agricultural Preserve Contacts on the three existing properties.

Staff is recommending approval of the proposed Tentative Map.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT****ENVIRONMENTAL DETERMINATION:**

Background studies for the environmental document include the following:

- 1) RGH Consultants, Inc., *Preliminary Geotechnical Study, Fisher Parcel Split – II, November 12, 2007*, which states that, "... we judge that the proposed building envelopes are currently outside of the mapped landslides. Thus, we judge it is geotechnically feasible to subdivide the property. Access roads to the proposed building envelopes are also feasible provided unstable areas are avoided." Their report recommended specific mitigation measures to develop the site;
- 2) Theodore Wooster, Consulting Biologist, *Raptor and Other Wildlife Report for the Fisher Parcel Division, Partrick Road, Napa County, June 21, 2003* identified sensitive habitat areas that include the man-made ponds which have attracted and hold numerous species of wildlife, the Montane hardwood-conifer forest in the north end of Parcel 1 and 2 and the east ends of Parcels 5 and 6, the riverine habitat of Carneros Creek and two known Northern Spotted Owl (NSO) activity centers located over 1,000 feet from the proposed Parcel 4 building site, on an adjacent 205 acre parcel, APN 050-010-022. He concludes that, "... proposed house pads and driveways for Lots (Parcels) 4, 5, and 6 will not have a negative effect on to any listed or unique natural resources. The house pads

and driveways for Lots 1, 2 and 3 could have a negative effect on the Montane hardwood-conifer forest habitat on the east side of Partrick Road and, in turn, the habitat (foraging and roosting areas) of existing Northern Spotted Owl activity center in the forest on the nearby Institute de La Salle property. Relocation of these structures to other parts of the lots would avoid these effects."

3. An update of the 2003 Wooster report, prepared by Kjeldsen Biological Consulting, *Special-Status Plant Survey Update, Review of Theodore W. Wooster May 2003 Wildlife Report, April 6, 2009* reviewed DF&G, CNDDDB, and F&WS database for any new critical habitat, or new listed species which could have potential or presence on the site; reviewed special-status databases for any new species distribution that may have occurred since 2007; reviewed the project for any changes in scope and their potential impacts; review Lots 1, 2 and 3 for their potential impact(s) to Montane hardwood-conifer forest habitats, and habitat for existing NSO activity. The report stated, "The project as proposed will not result in any significant removals of Montane hardwood-conifer forests and there is no reason to expect any negative impacts to Montane-conifer forest on the property. The proposed building envelopes are large and are designed to avoid removing large native trees. There is no reason given the size of the property and the extensive woodlands present to account for any impacts to NSO. The access road for the building envelopes is present (note: although not paved) and will not significantly impact NSO habitat by tree removal. The project as proposed will not have a significant impact to Montane hardwood-conifer forest and or the NSO (sic)."

4. Kjeldsen Biological Consulting prepared *Special-Status Animal Update, Review of Theodore W. Wooster May 2003 Wildlife Report, April 20, 2009* to update and review DF&G CNDDDB, and F&WS databases for any new listed animal species or species distribution that may have occurred since 2003 and to review special-status databases for any new animal species which could have potential presence on the site. They found no habitat within the project footprint that would dictate a need for species-specific surveys. The report states, "... There are no new NSO occurrences listed on the CNDDDB Owl Data Base close to the project sites. Theodore W. Wooster located a single male Owl in 2003 west of Lot 1. The proposed house sites are mainly open grassland and do not contain nesting or foraging habitat for the Northern Spotted Owl. There is no reason to expect any significant impacts on local or regional special-status animal species by the proposed project."

5. Botanists at Kjeldsen Biological Consulting, *Special-Status Plant Survey, Fisher Property, November 5, 2007*, stated that, "The property is presently managed for cattle grazing (and) consists of agrestal pasturelands, oak woodlands and conifer woodlands. Spring surveys did not identify any potential habitat or presence of special-status plant species on or near the proposed building sites or access roads."

## **BACKGROUND AND DISCUSSION**

**Owners:** Claire Louise Fisher 1997 Trust, Jill Randall Fisher 1997 Trust and John Fisher

**Applicant:** John Fisher

**Representative:** Jon Webb, Surveyor

**General Plan Designation:** Agriculture, Watershed & Open Space, 2008 Napa County General Plan

**Zoning:** AW (Agricultural Watershed) District

**Filed:** September 26, 2006 (revised June 11, 2009)

**Building Size:** No buildings are proposed as part of this application.

**Adjacent Zoning / Land Uses:**

North	Institutional (De La Salle Institute)	AW	454.7 acres (205.0 and 249.7 acres)
South	Agriculture, Rural Residential	AW	74.5 acres (13.0, 16.0 and 45.5 acres)
East	Agriculture, Rural Residential	AW	720.3 acres (209.0, 234.7, 41.5, 1.7, 9.0, 160.4 and 64.0 acres)
West	Agriculture, Rural Residential	AW	376.8 acres (88.2, 43.8, 6.3 and 238.5 acres)

### Property History:

In July 1982, Agricultural Contract #326/82, Type H was recorded for APN #050-010-003 (with subsequent amendments). In October 1997, Conditional Certificates of Compliance #97081, #97089, #97090 and #97091 were approved to recognize the subject parcels (and adjacent parcels) within APN #050-010-003 including 428.2 acres (-030), 469 acres (-043) and 322 acres (-024), respectively. According to terms within the three existing Napa County Agricultural Preserve Contracts on the project site, pursuant to Government Code Section 5230.1, the subdivision is subject to recordation of a Family Joint Management Agreement between the owners and the immediate family members of the owner who are parties to the proposed transfer of parcels to be created by the subdivision map. Concurrent recordation of this agreement is required with recordation of the Final Map. All new parcels will be subject to replacement Williamson Act / Napa County Agricultural Preserve contracts.

In June 2004, Lot Line Adjustment #1418 created the current configuration of the project site proposed for subdivision; -043 was reconfigured and reduced in size from 469 acres to 391.79 acres. In December 2005, the original 1982 Agricultural Contract was replaced by new, individual Agricultural Contracts for each parcel created by Conditional Certificates of Compliance: #02195-AGK for -024, #02208-AGK for -030 and #02210-AGK for -043.

### Zoning Compliance History:

The subject properties have no past record of zoning compliance issues.

### Discussion:

1. According to terms within the three existing Napa County Agricultural Preserve Contracts on the project site, pursuant to Government Code Section 5230.1, the subdivision is subject to recordation of a Family Joint Management Agreement between the owners and the immediate family members of the owner who are parties to the proposed transfer of parcels to be created by the subdivision map. Concurrent recordation of this agreement is required with recordation of the Final Map. All new parcels will be subject to replacement Williamson Act / Napa County Agricultural Preserve contracts.
2. The project is located on the both the northeast and southwest sides of Partick Road, within the AW (Agricultural Watershed) zoning district and the Agriculture Watershed & Open Space land use designation of the 2008 Napa County General Plan. The minimum lot size for new parcels in the AW (Agricultural Watershed) zoning district is 160 acres. The proposed subdivision complies with all other requirements of the Napa County Subdivision Ordinance and 2008 Napa County General Plan. No change to existing agricultural land use is proposed except for creation of approximately one-acre building envelopes for allowed single-family residential development. Subdivision of the project site conforms with the terms of existing Napa County Agricultural Preserve Contracts including concurrent recordation of a Family Joint Management Agreement for intra-family transfers with the Final Tract Map.
3. The attached Initial Study/Mitigated Declaration identified two potential environmental effects of the project including Biology, Geology/Soils. Three mitigation measures regarding the location of building envelopes and compliance with RGH Consultants, Inc.'s geotechnical development recommendations will reduce potential

environmental effects to less than significant levels. These measures have been included as part of the recommended Mitigation Monitoring & Reporting Program for the project.

4. The existing parcel configuration results in Partrick Road, a public road, bisecting parcels. This type of circumstance is not unusual in the County given historic lot and road alignments, however, it is problematic because it is ripe for illegal land division wherein property on either side of the road is deeded to separate entities without benefit of a subdivision map. The proposed subdivision resolves this concern.

#### **Consistency with Standards:**

All reviewing departments/agencies have found the project as proposed and conditioned to be consistent with their respective requirements and regulations. The proposed project is consistent with applicable standards as set forth below.

1. Zoning - The minimum lot size for parcels in the AW (Agricultural Watershed) District is a minimum 160 acres. Parcels 1 through 6 are approximately 207.8, 165.6, 166.5, 188.7, 232.6 and 180.8 acres in size, respectively, and comply with this requirement. The location of and approximate one-acre size of the proposed building envelopes will comply with all required road and yard setbacks. Proposed residential use of a one-acre portion of each new property is allowed by right in the AW District.
2. Building/Fire Code - The project as proposed does not include any requests for new buildings or construction. Any future development must comply with the California Building Code and will need to comply with applicable standards, regulations, codes such as Fire Code requirements; this will include but is not limited to emergency water supply, fire protection systems, and proper addressing as stated in September 12, 2006 comments.
3. Public Works - Standard conditions of approval are outlined in the attached June 24, 2009 Public Works Department comments addressing site improvements, stormwater and post-construction runoff management requirements.
4. Utility Services - The rural project site has no connections to municipal water or sewer utility services. Individual well and septic service will be required for each new parcel. As required by the March 2, 2009 Department of Environmental Management comments, notes on the Final Map regarding water supply and sewage system provision prior to issuance of building permits on each new parcel will be required.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Initial Study / Mitigated Negative Declaration
- D . Mitigation Monitoring & Reporting Program
- E . Biological Reports
- F . Botanical Reports
- G . Geotechnical Reports
- H . Fire Department Comments
- I . Department of Environmental Management Comments

J . Public Works Comments

K . Application Materials

L . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell