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APR 20 2017
CITY OF CALISTOGA

19 April 2017
Luvisi ranch 285 Rosedale rd.
Don and Clarence luvisi
Cell Don 661-319-8374

To Calistoga City council

Re: requirement to underground utility pole and associated utilities.

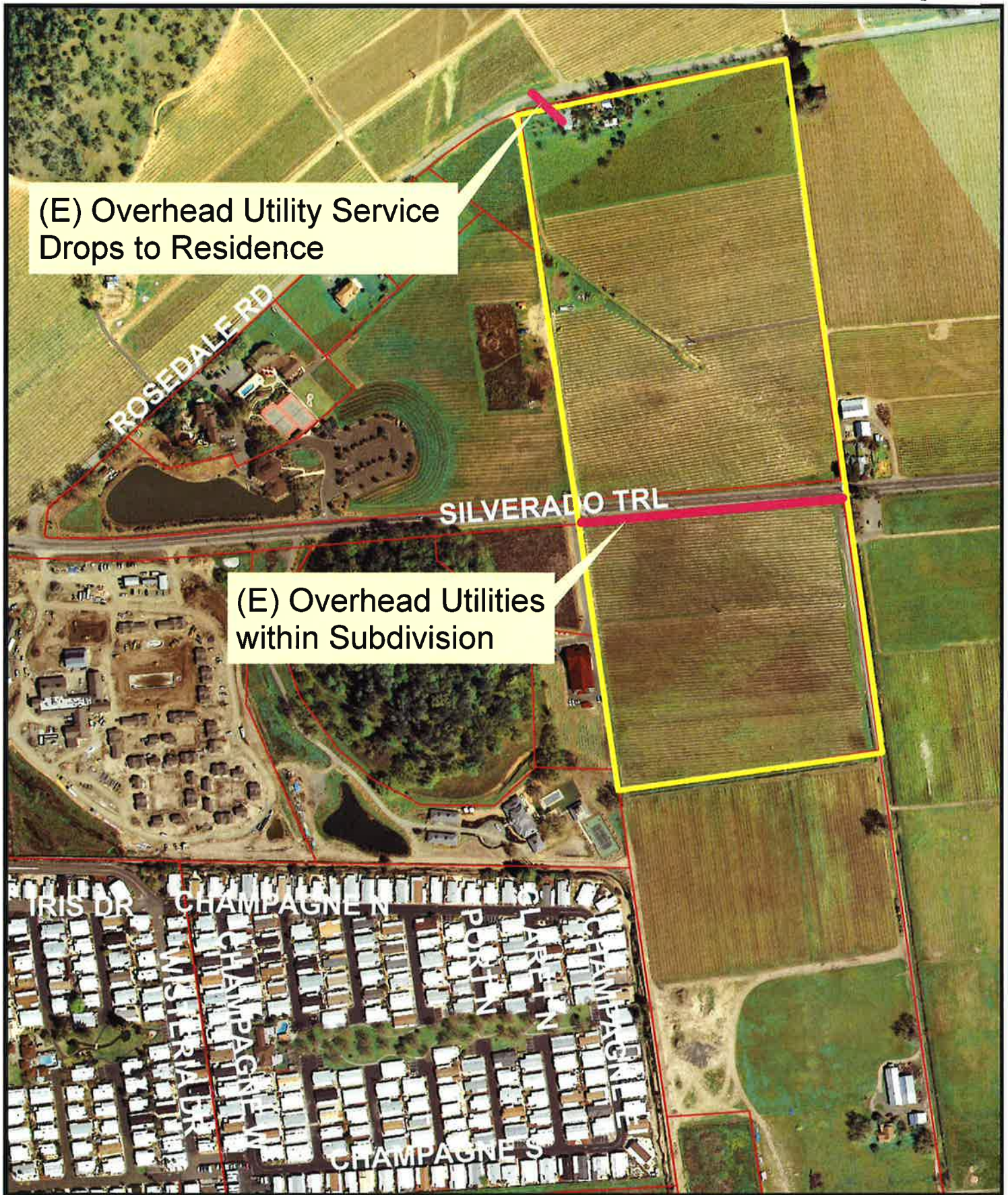
The Luvisi's request that the city council waive " the requirement to underground utilities along the Silverado trail including drop lines for the Luvisi house on Rosedale road and ag water well" be removed from the conditions on the parcel maps.

This condition of approval is financially burdensome and disproportionate when you consider that this parcel split is minor in nature and not related to proposed development. We are simply trying to get our estate planning affairs in order, and will continue farming the property. The utility poles were apparently installed at the request of the city to accommodate the two newer wineries, so it seems unjust to us for the city to now impose this huge financial burden of removing and under grounding the utilities.

Another factor is that we providing an important easement to the city, to benefit the adjacent development for the city. We are doing so without seeking compensation for this rather significant property right.

We realize that the waiver of this requirement is within the province of the city council, but it is important to signal concerns about this condition and recommend it be removed for the reasons stated above. Thank you for your service and your consideration of this issue.

Sincerely
Don and Clarence



LOCATION MAP



**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2017-6**

**APPROVING PARCEL MAP PM 2015-1 DIVIDING THE PROPERTY LOCATED AT 285
ROSEDALE ROAD (APNS 011-050-006 & -007) INTO 4 PARCELS**

WHEREAS, on July 23, 2015, the property owners submitted a parcel map to divide the property located at 285 Rosedale Road (APN 011-050-006 & -007) into 4 parcels; and

WHEREAS, the Planning Commission reviewed the parcel map during a public hearing on April 12, 2017. During its review, the Planning Commission considered the public record, including the staff report, findings, and written materials and testimony presented by the applicant and the public during the hearing; and

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA pursuant to Section 15315 (Minor Land Divisions) of the CEQA guidelines; and

WHEREAS, pursuant to Section 16.10.040 of the Calistoga Municipal Code, the Planning Commission has made the following findings for approval of the parcel map:

1. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, and other applicable provisions of this code.

Finding: The parcel map is consistent with the Rural Residential General Plan land use designation, which allows up to one dwelling unit per acre. The parcel map would divide the approximately 35-acre parcel into 4 parcels. Additionally, the project is consistent with the performance standards contained in the Rural Residential land use designation because the lot sizes are not in conflict with the rural character, open space and agricultural uses are preserved and the design is sensitive to Calistoga's character. In addition, the proposed parcels comply with the RR Rural Residential Zoning District's development standards regulating lot sizes. As such the project, together with its design and improvements, is consistent with the General Plan and the provisions of the Calistoga Municipal Code.

2. Except for condominium conversion projects, where no new structures are added, that the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.

Finding: The design of the parcel map provides, to the extent feasible, for future passive or natural heating or cooling opportunities. The lots are configured in a manner that will allow structures the ability to take advantage of southern exposure and local climates (i.e., summer breezes).

3. That the site is physically suitable for the type and density of development.

Finding: The properties are level and generally unconstrained with exception to proposed parcel 4, which is developed with an existing single-family residence. The proposed parcels for future single-family homes and light agricultural uses are consistent with neighboring agricultural lands within the County and provide a transition from the County into the City.

4. That the proposed subdivision has been reviewed in compliance with the California Environmental Quality Act (CEQA) and that the project will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare.

Finding: The project has been analyzed under CEQA and is exempt from the requirements of the CEQA pursuant to Section 15315 (Minor Land Divisions) of the CEQA guidelines.

NOW, THEREFORE, BE IT RESOLVED based on the above findings, the Planning Commission hereby approves Parcel Map PM 2015-1 creating four parcels, subject to the following conditions of approval:

1. The configuration of the parcel map may include minor amendments, provided that all proposed parcels comply with the Zoning Ordinance and General Plan, and the modification does not result in any increased environmental impact. Any modifications shall be subject to approval by the Planning and Building Department Director and the Department of Public Works Director.
2. The tentative parcel map shall expire two years from approval, unless an extension has been granted consistent with the City's Subdivision Code and the State Subdivision Map Act.
3. A final map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the City Engineer's Office. Upon recording of the map, the subdivision is valid.
4. Prior to recordation of the final map, all current and estimated taxes due for this property shall be paid to the County Tax Collector's office.
5. Prior to recordation of the final map, a note shall be added on the final map indicating that during ground-disturbing activities, a qualified cultural resource consultant and tribal member shall be present to monitor the site and activities. If archaeological, historical, paleontological resources or other human remains are encountered, all construction activity in the affected area shall cease and no materials shall be removed until the qualified professional surveys the site and mitigation measures can be proposed by the qualified professional to the satisfaction of the Planning and Building Department for approval and subsequent implementation. Agricultural activity and all related activities pursuant to standard farming practice are exempt from this requirement.

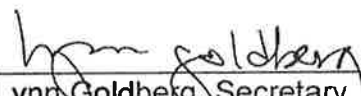
6. Prior to recordation of the final map, all parcel corners and angle points, and all right-of-way curve points shall be monumented, subject to the approval of the City Engineer.
7. The subdivider shall be responsible for the City's map check costs. The subdivider shall deposit funds into a developer deposit account upon the initiation of map check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual map check costs.
8. Existing overhead utilities of 26,000 volts or less and proposed utilities, both on-site and along project frontages, shall be placed underground in accordance with Title 16 of the Calistoga Municipal Code.
9. The subdivider shall secure all necessary rights-of-way and easements for both onsite and offsite improvements. Rights-of-way and easements shall be dedicated on the map or provided by separate grant deed. The subdivider shall prepare all necessary legal descriptions and deeds.

A 20-foot wide public utility easement (15-foot existing easement plus new 5-foot easement) shall be provided along the western property line of property south of Silverado Trail. A 15-foot wide public utility easement shall be provided on the western property line of the property north of Silverado Trail, between Silverado Trail and Rosedale road. A 40-foot wide access and utility easement shall be provided along the eastern property line of proposed parcel 4 in favor of proposed parcel 3.

ADOPTED by the Planning Commission of the City of Calistoga at a regular meeting held this 12th day of April 2017, by the following vote:

AYES: Coates, Wilkes, McNair, Cooper
NOES: None
ABSENT: Abernathy
ABSTAIN: None


Paul Coates, Chair

ATTEST: 
Lynn Goldberg, Secretary