



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

Wednesday November 18, 2009
9:00 AM

COMMISSION MEMBERS

<i>VICE-CHAIRPERSON</i> <i>Heather Phillips</i> <i>District # 1</i>	<i>COMMISSIONER</i> <i>Michael Basayne</i> <i>District # 2</i>	<i>COMMISSIONER</i> <i>Terry Scott</i> <i>District # 4</i>	<i>CHAIRPERSON</i> <i>Bob Fiddaman</i> <i>District # 3</i>	<i>COMMISSIONER</i> <i>Matt Pope</i> <i>District # 5</i>
<i>COMMISSION COUNSEL</i> <i>Laura Anderson</i>		<i>SECRETARY-DIRECTOR</i> <i>Hillary Gitelman</i>		<i>COMMISSION CLERK</i> <i>Melissa Gray</i>

The Commission welcomes you to its meeting which is regularly scheduled the first and third Wednesday of the month. The Commission meets at 1195 Third Street, Suite 305, Napa. The following information is provided to ensure your understanding and participation in the Commission's meeting and decision making process. Your comments and participation in the meeting are invited and would be welcomed. It is our desire to give everyone an opportunity to speak and be heard in a timely manner and within an atmosphere of respect and diplomacy. These procedures are meant to foster an atmosphere of respect. Assistive listening devices are available for the hearing impaired from the office of the Clerk of the Board. If an ASL interpreter or any other special arrangement is required, please provide the Clerk of the Commission with 24-hour notice by calling 253-4417.

ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY:

Items listed under this section on the agenda are regular items which are recommended for approval or continuance by staff with the applicant's consent concerning conditions of approval, when the applicant has signed any required project revision statement and when no member of the Commission or public indicates a desire to comment or ask questions about the item. These items regardless of their agenda assigned number will be acted upon by the Commission in one motion at the beginning of the meeting. Applicants having items so listed need not speak unless they disagree with the staff recommendation or wish to comment. If an Item requires discussion, it will be heard in the numerical order listed on the agenda.

PERSONS WISHING TO SPEAK CONCERNING AN AGENDA ITEM:

If you wish to speak on an item on the Agenda and under discussion by the Commission, you may do so upon receiving recognition from the Chairperson. After being recognized by the Chairperson, please step to one of the microphones and state your name and address and make your presentation. No comment or testimony shall be shouted from the audience. All comments are to be directed to the Commission, including inquiries requiring staff response. Time limitations shall be at the discretion of the Chair or Commission.

APPEAL PROCEDURE:

If you do not agree with the Commission's decision or the conditions that may have been imposed by the Commission in approving an agenda item, you may appeal the Commission's action to the Napa County Board of Supervisors. Appeal must be filed within ten (10) working days from the date of the Commission's action. Appeals may be limited to those issues raised at the public hearing relating to the agenda item or to written

correspondence delivered to the Planning Commission at or prior to the public hearing. For additional information concerning the County's Ordinance requirements for filing an appeal or to obtain the required forms to file an appeal, please stop at the front counter in the County Executive Office/Clerk of the Board, 1195 Third Street, Suite 310 in Napa. If you have any question concerning the appeals procedure, please call (707) 253 4580 and request assistance.

DISCLOSURE – CONFLICT OF INTEREST:

State law requires agency officers (Commissioners, Directors, Board members) to disclose, and then be disqualified from participation in, any proceeding involving a license, permit, or other entitlement for use, if the officer has received from any participant in the proceeding an amount exceeding \$250 within the prior 12 month period. State law also requires any participant in a proceeding to disclose on the record any such contributions to an agency officer.

All materials relating to an agenda item for an open session of a regular meeting of the Planning Commission which are provided to a majority or all of the members of the Commission by Commissioners, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, AT THE time of such distribution, in the office of the Clerk of the Planning Commission, 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Commission at the meeting will be available for public inspection at the public meeting if prepared by the members of the Commission or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Agenda available on line at www.co.napa.ca.us

1. **CALL TO ORDER / ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN COMMENTS AND RECOMMENDATIONS**

The Commission invites Citizen comments and recommendations concerning current problems and future prospects of a planning nature which are within the jurisdiction of the Conservation, Development & Planning Commission. Anyone who wishes to speak to the Commission on such a matter, if it is not on the agenda, may do so at this time.

4. **APPROVAL OF MINUTES - None**

5. **DIRECTOR'S REPORT**

- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES

6. **AGENDA REVIEW**

7. **DISCLOSURES**

8. **PUBLIC HEARING ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY**

9. **PUBLIC HEARING ITEMS**

- A. **MAURICE MARCIANO / NAPA VINELAND PROPERTIES / MARCIANO WINERY - USE PERMIT P08-00423-UP**

CEQA Status: Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following areas: Biological Resources and Geology and Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: Use Permit No. P08-00423-UP to establish a new 20,000 gallon per year winery with: 1.) a 2,795 sq. ft. single-story barrel storage building; 2.) a 7,314 sq. ft. two-story production, office, catering kitchen, and hospitality building; 3.) a 566 square foot mechanical building with adjoining mechanical yard; 4.) two full-time and two part-time employees; 5.) nine parking spaces; 6.) by-appointment tours and tastings with a maximum of 15 visitors per day and 75 per week; 7.) a marketing plan with six 50-person marketing events, one 75-person release event, and participation in Auction Napa Valley; 8.) improvement of an existing unpaved vineyard lane to winery road standards; 9.) new domestic and process wastewater treatment systems with subsurface disposal; and 10.) two new water tanks on an existing upslope gravel pad. The project is located on a 55 ½ acre parcel located on the south side of Sulphur Springs Avenue, approximately 1 mile southwest of its intersection with St. Helena Highway (State Route 29 or Main Street in the City of St. Helena) within the AW (Agricultural Watershed) zoning district. APN: 027-020-061. 2233 Sulphur Springs Avenue, St. Helena, Calif., 94574

Staff Recommendation: Adopt the mitigated negative declaration and mitigation monitoring and reporting plan and approve the requested use permit as conditioned.

Staff Contact: Chris Cahill, 253-4847 or ccahill@co.napa.ca.us

B. VACATION RENTAL ORDINANCE - ZONING ORDINANCE TEXT AMENDMENT P09-00485-ORD

CEQA Status: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] The project is also covered by the General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

Request: County-sponsored ordinance to clarify the County's prohibition on short term vacation rentals except in commercial zoning districts by clarifying the definition of a "dwelling unit" and adding a new section 18.104.410 explicitly prohibiting transient commercial occupancies of dwelling units.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTION 18.08.260 DEFINING DWELLING UNIT AND ADDING A NEW SECTION 18.104.410 PROHIBITING TRANSIENT COMMERCIAL OCCUPANCIES OF DWELLING UNITS TO THE NAPA COUNTY CODE

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors

Staff Contact: Hillary Gitelman, 253-4805, hgitelman@co.napa.ca.us

10. ADMINISTRATIVE ITEMS**A. DISCUSSION OF TEMPORARY EVENTS & THE WINERY DEFINITION ORDINANCE (WDO)**

CEQA Status: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Request: Hold a discussion regarding potential amendments to the temporary events ordinance (Napa County Code Section 5.36) and other strategies that might permit wineries more flexibility in scheduling events.

Staff Recommendation: Staff is seeking input from the Commission and stakeholders prior to developing a recommendation for consideration by the Planning Commission and the Board of Supervisors.

Staff Contact: Hillary Gitelman 253-4805 hgitelman@co.napa.ca.us, or Chris Cahill 253-4847 ccahill@co.napa.ca.us

B. RESOLUTION OF INTENT TO ADOPT PLANNING COMMISSION CONFLICT OF INTEREST CODE

CEQA Status: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Request: Adoption of a resolution of Intent to adopt the Planning Commission Conflict of Interest Code and to: (1) Authorize the Commission Secretary to notify the Napa County Board of Supervisors of the

Commission's intent to adopt its Conflict of Interest Code; (2) Authorize the Commission Secretary to publish in the Napa Register at least one time a Notice of Intention to adopt the Conflict of Interest Code and establishing a 10-day public review; (3) Authorize the Commission Secretary to give written notice of the proposed adoption of a Conflict of Interest Code to all Commission personnel affected by the proposed changes; and (4) Authorize the Commission to tentatively approve the Conflict of Interest Resolution and Exhibit 1 after the expiration of the 10-day public review period.

Staff Recommendation: Adopt attached resolution and direct Staff to implement required additional actions.

Staff Contact: Laura Anderson, 259-8252 or laura.anderson@CountyofNapa.org, or Chris Apallas, 259-8248 or capallas@CountyofNapa.org

C. BIG RANCH ROAD / OAK KNOLL AVENUE TRAFFIC REPORT

Request: Information item reporting on traffic conditions for Big Ranch Road and the intersection of Big Ranch Road and Oak Knoll Avenue responding to previous request from the Commission.

Staff Contact: John McDowell, 299-1354 or jmcdowell@co.napa.ca.us or Mary Doyle, 299-1350 or mduoye@co.napa.ca.us

D. DRAFT 2010 COMMISSION CALENDAR

Request: Discussion and possible direction to Staff on Commission's meeting calendar for next year. Final Calendar to be adopted at December 16, 2009 regular meeting.

Staff Contact: John McDowell, 299-1354 or jmcdowell@countyofnapa.org

11. DEPUTY DIRECTOR'S REPORT

- DISCUSSION OF ITEMS FOR THE DECEMBER 2, 2009 CDPD MEETING
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

12. COMMISSIONER COMMENTS / COMMITTEE REPORTS

13. FUTURE AGENDA ITEMS

- #00388-UP, 1 year after opening, Caldwell Winery
- #03457-UP, 1 year after opening, Kendall-Jackson (formerly Pecota) Winery
- #P06-01426-UP, 1 year after opening, Pavitt Winery
- #02082-UP, September 2010, Alpha Omega Winery
- #P06-0102-MOD, December 2010, Frank Family Winery

14. ADJOURNMENT