

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION



A Tradition of Stewardship
A Commitment to Service

**Wednesday
November 03, 2010
9:00 AM**

COMMISSION MEMBERS

<i>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>COMMISSIONER</i> <i>Bob Fiddaman</i> <i>District # 3</i>	<i>VICE-CHAIRPERSON</i> <i>Matt Pope</i> <i>District # 5</i>
<i>COMMISSION COUNSEL</i> <i>Minh Tran</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.countyofnapa.org

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

Clerk of the Commission requests approval of Minutes for the meetings held on:
September 15, 2010 (All Commissioners present)
October 6, 2010 (All Commissioners present)
October 20, 2010 (All Commissioners present)

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****A. SUSANNA ROGERS KELHAM TR/ KELHAM VINEYARDS - KELHAM VINEYARDS WINERY USE PERMIT MODIFICATION #P010-00177-MOD**

CEQA Status: Negative Declaration has been prepared. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

Request: Approval of a major modification to Use Permit # 98372-UP to 1) convert an existing 1,576 sq. ft. residence to be used for wine tasting, sales, and marketing; 2) convert 1,641 sq. ft. of second floor area of the existing winery to be used as a residence; 3) include a 1,254 sq. ft. outdoor trellised area for wine tasting and marketing; and 4) adoption of a marketing plan that proposes ten additional visitors per day, for a maximum of 20 per day/140 per week for food and wine pairing, and six events per year for up to 80 people. The project site is located on a 10.9 acre parcel on the north side of Zinfandel Lane, approximately 0.75 of a mile east of its intersection with State Route 29 within an Agricultural Preserve (AP) Zoning District (Assessor's Parcel Number 030-260-029) 360 Zinfandel Lane, St. Helena.

Staff Recommendation: Continue item to November 17, 2010 hearing.

Staff Contact: Kirsty Shelton, Project Planner, 707-299-1377, or kirsty.shelton@countyofnapa.org

(CONTINUED FROM OCTOBER 20, 2010 REGULAR COMMISSION MEETING)

(TO BE CONTINUED TO NOVEMBER 17, 2010 REGULAR COMMISSION MEETING)

9. PUBLIC HEARING ITEMS

A. SMALL WIND ENERGY SYSTEM ZONING ORDINANCE, COUNTY-INITIATED ZONING CODE TEXT AMANDMENT P10-00243-ORD

CEQA Status: Negative Declaration Prepared. According to the proposed negative declaration, the project would not have any potentially significant environmental impacts. This project is applicable to parcels greater than 2 acres in size zoned Agricultural Preserve (AP), Agricultural Watershed (AW) and Industrial District (I), a number of which are included on the lists of hazardous waste sites enumerated under Government Code §65962.5.

Request: First reading and recommendation of adoption of an ordinance, as provided for under California Assembly Bill 45 (Blakeslee. Distributed generation: Small Wind Energy Systems (2009)), permitting the installation of small wind energy systems in the unincorporated areas of Napa County that are outside urbanized areas, on parcels greater than 2 acres in size in the AP, AW, I zoning districts. The ordinance establishes a process for the issuance of administrative and conditional use permits for these systems, subject to specified conditions regarding aspects of the system's location so as to be protective of Napa County's unique and diverse environmental resources. By providing for the safe and effective use of small wind energy systems to foster the local production of renewable energy, there should be reduced local consumption of centralized utility-supplied electricity.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, REPLACING REPEALED CHAPTER 18.117 WITH A NEW CHAPTER 18.117 TO TITLE 18 OF THE NAPA COUNTY CODE REGULATING THE INSTALLATION AND USE OF SMALL ENERGY WIND SYSTEMS OUTSIDE URBANIZED AREAS IN THE UNINCORPORATED PORTIONS OF NAPA COUNTY

Resolution Title: A RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, ESTABLISHING PROCESSING FEES FOR PERMITTING SMALL WIND ENERGY SYSTEMS IN THE UNINCORPORATED PORTIONS OF NAPA COUNTY

Staff Recommendation: That the Planning Commission conduct a public hearing and recommend that the Board of Supervisors adopt the proposed negative declaration, adopt the proposed ordinance, and adopt the proposed resolution.

Staff Contact: Jeff Sharp, (707) 259-5936, jeff.sharp@countyofnapa.org or Hillary Gitelman, (707) 253-4805, hillary.gitelman@countyofnapa.org

(CONTINUED FROM THE OCTOBER 20, 2010 REGULAR COMMISSION MEETING)

10. ADMINISTRATIVE ITEMS

A. ALPHA & OMEGA WINERY, LLC./ ONE YEAR STATUS REPORT USE PERMIT #P07-00869-MAJ MOD & #P08-00047 VAR

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

Request: Use Permit compliance review and possible action for Alpha Omega Winery located on the southeast side of Mee Lane approximately 760 feet northeast of its intersection with St Helena Highway (St Hwy 29) at 1155 Mee Lane, St Helena (APN: 030-080-046). Pursuant to the project's adopted conditions of approval, a compliance audit is required one year after completion of the facility subject to review by the Planning Commission.

Staff Recommendation: Take public testimony, evaluate the project's compliance with standards, and provide direction to staff on any outstanding compliance issues.

Staff Contact: Trish Hornisher 299-1349 or Patricia.Hornisher@CountyofNapa.org

B. PROPOSED USE PERMIT MODIFICATION FACTSHEET

Request: Informational item and Commission input on the proposed text of a factsheet addressing use permit modifications. While much of the document is a restatement of the Zoning Code and/or longstanding Departmental policy, the factsheet also addresses recent changes to the Winery Definition Ordinance (for example, new language allowing food pairings for winery tours and tastings visitors) and the ways in which the County proposes to process those requests. Staff is soliciting Commission feedback on the draft document.

Staff Recommendation: Informational item. Commission direction is welcomed.

Staff Contact: Chris Cahill, 253-4847 or chris.cahill@countyofnapa.org

C. PLANNING FOR GREEN HOUSE GAS EMISSIONS REDUCTIONS

Request: Information item and discussion concerning planning for green house gas (GHG) emissions reductions in unincorporated Napa County. Staff will provide an overview of regional and local planning efforts and next steps.

Staff Recommendation: Information item and discussion.

Staff Contact: Hillary Gitelman 253-4805 or hillary.gitelman@countyofnapa.org

11. DEPUTY DIRECTOR'S REPORT

- DISCUSSION OF ITEMS FOR THE **NOVEMBER 17, 2010 PC MEETING**
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

12. COMMISSIONER COMMENTS / COMMITTEE REPORTS

13. FUTURE AGENDA ITEMS

- #03457-UP, 1 year after opening - Kendall Jackson (formerly Pecota) Winery
- #P09-00185-UP, 1 year after opening - Ca' Nani Winery
- #P06-0102-MOD, December 2010 - Frank Family Winery
- #P10-00123-MOD, August 2011 - MJA Vineyards
- #P06-01426-UP, September 2011 - Pavitt Winery

14. ADJOURNMENT

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON OCTOBER 27, 2010 BY 5:00 PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Melissa Gray (By e-signature)

Melissa Gray, Clerk of the Commission