



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

**Wednesday April 21, 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>Laura Anderson & 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 - 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 - None****9. PUBLIC HEARING ITEMS**

- A. 2009-2010 WINERY-RELATED ZONING ORDINANCE AMENDMENTS and ASSOCIATED INTERPRETIVE GUIDANCE RESOLUTION, COUNTY-INITIATED ZONING CODE TEXT AMENDMENT No. P10-00098-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 all parcels zoned and sized to allow wine production, a number of which are included on the lists of hazardous waste sites enumerated under Government Code §65962.5.
- Request:** County-sponsored ordinance to: 1.) amend Napa County Code §18.08.370 "Marketing of wine," to clarify existing limitations on where, when, how, and for whom allowed winery marketing may occur; 2.) amend Napa County Code §18.08.620 "Tours and tastings," to clarify existing limitations on food and wine pairings at wineries; and 3.) amend §18.16.030 (H) and §18.20.030 (J) to allow the sale of wine related products as a winery-accessory use within the AP (Agricultural Preserve) and AW (Agricultural Watershed) zoning districts. The project also includes adoption of a resolution establishing interpretive guidance related to winery activities within the AP and AW zoning districts.

Proposed Zoning Ordinance text amendments and associated policy interpretations would apply to unincorporated areas countywide, and in particular to those parcels zoned and sized to allow wine production. In staff's view, the proposal would update but not substantively change provisions of the Winery Definition Ordinance (WDO) adopted in 1990.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTIONS 18.08.370, 18.08.620, 18.16.030, AND 18.20.030 OF THE COUNTY CODE AS THEY RELATE TO THE MARKETING OF WINE, FOOD AND WINE PAIRINGS CONDUCTED AS PART OF TOURS AND TASTINGS AND THE MARKETING OF WINE RELATED PRODUCTS PERMITTED AT WINERIES IN THE AGRICULTURAL PRESERVE (AP) AND AGRICULTURAL WATERSHED (AW) ZONING DISTRICTS.

Resolution Title: *A RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, ESTABLISHING INTERPRETIVE GUIDANCE ON MARKETING ACTIVITIES FOR WINERIES.*

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: Chris Cahill, 253-4847, chris.cahill@countyofnapa.org or Hillary Gitelman, 253-4417, hillary.gitelman@countyofnapa.org

B. WALLIS FAMILY ESTATE WINERY / EDWARD & MARILYN WALLIS TRUST- USE PERMIT #P08-00197-UP

CEQA Status: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Aesthetics, Biological Resources, Cultural Resources and Hydrology & Water Quality. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

Request: Approval of a Use Permit, including application for a County Historical Landmark Designation, to establish a 30,000 gallon per year winery to include: (1) seismic retrofit, restoration and rehabilitation of the existing 6,711 sq. ft. historic Pacheteau's Castle for reuse as a wine barrel storage, office, tasting room and sales building and the existing 5,000 sq. ft. historic Carriage House for reuse as a winery production building and rehabilitation of an existing 1,200 sq. ft. concrete area for use as a crush pad for a winery totaling 12,911 sq. ft.; (2) two full-time and three part-time employees; (3) 27 parking spaces; (4) tours and tasting by prior appointment with a maximum of 18 visitors per day (maximum of 108 visitors in a proposed six day week); (5) a marketing plan with: three private food and wine tasting events per year with 75 persons per event (all food service to be catered by Napa County licensed operators) and participation in one Napa Valley Wine Auction Event; (6) installation of a new combined process and domestic wastewater system using a standard gravity distribution type septic disposal system; (7) alterations to the two existing wells to eliminate their interconnectivity; (8) widening the existing private driveway to the winery site; and, (9) a Lot Line Adjustment to bring the winery production and accessory buildings onto a single parcel. The winery project is located on two parcels of 33.49 and 12.34 acres (pending Lot Line Adjustment) with access off a private driveway on the north side of Pacheteau Road, approx. 680 feet northwest of its intersection with Diamond Mountain Road and about 1.5 miles west of the City of Calistoga within an Agricultural Watershed (AW) zoning district; Assessor's Parcel #: 020-450-013 SFAP, 020-450-014, 020-450-015 SFAP, 016 SFAP & 017 SFAP (pending a Lot Line Adjustment); 1670 Diamond Mountain Rd., Calistoga.

Recommendation: Adopt the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program, Use Permit and Landmark Designation as proposed with conditions of approval.

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

C. NAPA 34 HOLDINGS COMMERCE CENTER / BRIAN KAUFMAN / NAPA 34 HOLDINGS - USE PERMIT #P09-00329-UP & TENTATIVE PARCEL MAP #P09-00330-TPM.

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: Air Quality, Biological Resources, Hydrology and Water Quality, Public Services, Transportation/Traffic, and Utilities and Service Systems. 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 Use Permit to allow the construction and operation of an industrial park totaling 490,503 square feet of new development in eight buildings. Approximately 73% percent of the total development floor area would be dedicated to warehousing uses, while the remaining 27% would be utilized as office space. Access would be provided from three new driveways located off of an extension of Devlin Road and a single right-in right-out driveway off of Airport Boulevard. Roadway improvements and the preservation and enhancement of approximately 3 acres of existing on-site wetlands are also proposed. The project would connect to the City of American Canyon municipal water system and sewer service would be provided by the Napa Sanitation District. The following approvals are also requested: (1) Lot Line Adjustment to transfer 1.10 acres from the subject property (currently APN 057-210-056) to the property directly to the west (currently APN 057-210-055) to relocate the shared property line to the centerline of the extension of Devlin Road; (2) Tentative Parcel Map to allow the creation of eight industrial parcels ranging in size from 0.60 to 7.18 acres and three wetland/drainage parcels ranging in size from 0.23 to 5.35 acres. Dedication of the Devlin Road right-of-way is also proposed, as is the reduction of an existing utility easement at the abandoned Aviation Way right-of-way from 60' to 15' in width; (3) Use Permit Variation to Airport Industrial Area Specific Plan standards to allow driveway access onto Airport Boulevard and a reduced parking ratio at proposed parcel "F" (88 required, 78 proposed). The project is located in the Napa Airport Industrial Area on a 33.9 acre parcel located at the southwest corner of the intersection of State Route 29 and Airport Boulevard, within an IP:AC (Industrial Park: Airport Compatibility Zone D) zoning district. (Assessor's Parcel No.: 057-210-056). No Current Address, the Napa-Vallejo Highway, Napa, Calif. 94558

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

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

10. ADMINISTRATIVE ITEMS - None

11. DEPUTY DIRECTOR'S REPORT

- DISCUSSION OF ITEMS FOR THE MAY 5, 2010 PLANNING COMMISSION AND ALUC MEETINGS
- 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
- #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

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 THURSDAY, APRIL 15, 2010 BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE BOARD OF SUPERVISORS AND AVAILABLE FOR PUBLIC INSPECTION.

Melissa Gray (By e-signature)
Melissa Gray, Clerk of the Commission