



A Tradition of Stewardship  
A Commitment to Service

# AGENDA

## NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

**Wednesday April 07, 2010  
9:00 AM**

### COMMISSION MEMBERS

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<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 &amp; Minh Tran</i>		<i>SECRETARY-DIRECTOR</i> <i>Hillary Gitelman</i>	<i>COMMISSION CLERK</i> <i>Melissa Gray</i>	

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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](http://www.countyofnapa.org)**

**1. CALL TO ORDER****2. ROLL CALL****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 meeting held on:  
March 17, 2010 (Commissioners Scott excused)

**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. J CELLARS WINERY / J CELLARS INVESTMENTS, LLC - USE PERMIT P09-00174-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 Transportation/Traffic. 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. P09-00174UP to establish a new 30,000 gallon per year winery with: 1) a 4,702 sq. ft. two-story winery building with a 2,009 sq. ft. exterior deck; 2) 15,798 sq. ft. of caves ; 3) a new left turn lane on State Route 29 at the approach to Quail Mountain Lane; 4) four full-time and four part-time employees; 5) 28 parking spaces; 6) tours and tastings by prior appointment only with a maximum of 75 visitors per day and 525 per week open 10 am - 6 pm; 7) a marketing plan with 104, 40-person marketing events, one 200-person release event, and participation in Auction Napa Valley; 8) improvement of an existing access driveway to winery road standards; 9) new domestic and process wastewater treatment systems with subsurface disposal; and, 10) installation of a 40,000 gallon fire protection water tank and associated water line. The project is located on a 25.96 acre parcel located on the west side of State Route 29 at its intersection with Diamond Mountain Road, within the AW (Agricultural Watershed) zoning district. APN: 020-180-058. 4455 St. Helena Highway, Calistoga

**Staff Recommendation:** Adopt the revised mitigated negative declaration and revised mitigation

monitoring and reporting plan and approve the requested use permit subject to the **revised** conditions of approval.

**Staff Contact:** Kirsty Shelton, 299-1377 or kshelton@co.napa.ca.us

***CONTINUED FROM THE FEBRUARY 17, 2010 and MARCH 3, 2010 REGULAR MEETINGS***

**B. MUMM NAPA VALLEY WINERY / PERNOD RICARD – USE PERMIT MAJOR MODIFICATION REQUEST #P09-00455 MOD**

**CEQA Status:** Negative Declaration Prepared. According to the Negative Declaration the proposed project would not have any potentially significant effects. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. The previously adopted Negative Declaration (Mumm Napa Valley Winery, #P07-00872-MOD) relating to the project is on file and available for public review in the Napa County Planning Division.

**Request:** Approval of a Use Permit Modification to modify Use Permits #U-627687, #95675-MOD, #99375--MOD, #P07-00872-MOD, and P09-00392-VMM to establish a marketing plan for winery events with no structural changes, no changes to annual wine production, and no changes to the public tours and tasting. The proposed marketing plan will include 2 events per week with a maximum of 20 persons; 2 events per month with a maximum of 50 persons; 2 events per year with a maximum of 75 persons; 3 events per year with a maximum 100 persons; and 4 events per year with a maximum of 180 persons, with participation in the wine auction. The project is located on a 73.16 ac. parcel on the west side of Silverado Trail approximately 3,500 feet south of its intersection with Sage Canyon Road (State Route 128) within an Agricultural Preserve (AP) zoning district (Assessor's Parcel #: 030-200-039), 8445 Silverado Trail, St. Helena.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit Modification as conditioned.

**Staff Contact:** Kirsty Shelton 299-1377 kirsty.shelton@countyofnapa.org

**C. FEATHER HORSE WINERY / EDWARD FITTS - USE PERMIT MAJOR MODIFICATION #P09-00540-MOD**

**CEQA Status:** Subsequent Negative Declaration Prepared. According to the Subsequent Negative Declaration the proposed project would not have any potentially significant effects. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. The previously adopted Negative Declaration (Lake Ridge Winery, #P09-00039-UP) relating to the project is on file and available for public review in the Napa County Planning Division.

**Request:** Approval to modify previously approved but not yet constructed winery use permit P09-00039-UP to include the following: (1) relocate the facility from a knoll in the center of the property to a hillside on the southwest portion of the property, including relocation of the winery entrance and the winery waste and sanitary systems with no changes in annual production (10,000 gallons per year); (2) increase the winery structure footprint to 10,678 square feet; (3) increase the cave to 7,700 square feet; (4) increase the loading/outdoor work area to 5,612 square feet; (5) increase full time employees to 4, and part time employees to 4; (6) amend the marketing plan to allow 6 marketing events with 20 guests per event; (7) increase the winery hours of operation to 8 AM to 5 PM, tours & tastings hours of 10 AM to 4 PM and marketing events hours of 10 AM to 10 PM and (8) increase the parking spaces to 11. The project is located on a 42-acre parcel on the east side of Long Ranch Road approximately 1 mile from its intersection with Sage Canyon Road and within the Agricultural Watershed (AW) zoning district. APN: 032-010-088 (formerly 032-010-068) 90 Long Ranch Road, St Helena, Ca.

**Staff Recommendation:** Adopt the Subsequent Negative Declaration and approve the Major

Modification Use Permit with proposed conditions of approval.

**Staff Contact:** Mary Doyle, 299-1350 or mary.doyle@countyofnapa.org

## 10. ADMINISTRATIVE ITEMS

### 11. DEPUTY DIRECTOR'S REPORT

- | DISCUSSION OF ITEMS FOR THE **APRIL 21, 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
- | #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 MARCH 31, 2010 BY 5:00 PM. 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