



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/3/2016
Agenda Placement: 10A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355
SUBJECT: Adoption of 2016 Standard Conditions of Approval

RECOMMENDATION

ADOPTION OF THE 2016 STANDARD CONDITIONS OF APPROVAL

CEQA Status: 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: Consideration of and recommendation to the Board of Supervisors regarding adoption of the updated 2016 Standard Conditions of Approval for: (1) Winery projects; (2) Other Non-Residential/Residential projects; and (3) Specific Plan Area (Napa Valley Business Park) projects. Upon adoption by the Board, the updated standard conditions will be applied to all new discretionary projects and to any future modifications in the County.

Staff Recommendation: Receive staff presentation, solicit any public comments, conduct Commission discussion and continue the item to August 17, 2016 for final recommendation.

Staff Contact: Charlene Gallina, Supervising Planner, 299-1355 or charlene.gallina@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. Take public comment and continue the item to the regular Planning Commission Meeting of August 17, 2016 for final recommendation.

Discussion:

Since the mid-1980's, the County has relied upon a template of standard conditions of approval for applying uniform requirements to development approvals consistent with current standards. Since the majority of use permit applications processed by the County pertain to wineries, over time this template has evolved into a set of standard conditions for wineries. The last update to the conditions occurred in December 2012, primarily to reflect the Department's structural reorganization, clarify regulatory intent, and improve overall disclosure for customers. A set of standard conditions was also adopted for other (non-winery related) projects associated with commercial, residential, institutional, and industrial development. Since 2012, there have only been minor changes to the standard conditions in response to the new 2015 Water Availability Analysis (WAA) Policy and direction from the Board in connection with appeal hearings on winery projects.

In an effort to make the conditions more streamlined and triggered by project milestones, staff has reorganized the conditions and is proposing that a new set of standard conditions be adopted for: (1) Winery projects; (2) Other Non-Residential/Residential projects; and (3) Specific Plan Area (Napa Valley Business Park) projects. On June 22, 2016, the proposed restructured conditions were transmitted to regular customers of the Napa County Planning, Building and Environmental Services (Stakeholder List) to solicit feedback and comment prior to this meeting. The Planning Commission and Board of Supervisors were also included in this outreach. As presented, the attached proposed Standard Conditions have been reorganized into project milestones for ease of use by contractors, engineers, the permittee, property owners, and County Staff. Furthermore, proposed wording has been modified to ensure consistency and clarity, and to avoid duplication. Staff has also incorporated standardized project-specific conditions that have been applied to projects over the years, and has added conditions from the Building Division and Fire Department to provide more information regarding the permitting process and expectations when applying for such permits. The only significant changes proposed relate to the "Well" condition and how prior conditions of approval for winery use permit modifications will be brought forward. Staff has renamed the "Well" condition to "Ground Water Management – Wells" and updated the condition to address implementation of the Water Availability Analysis (WAA) assessments thereby requiring monitoring activities on all discretionary projects. In light of comments received to date on the proposed "well" condition, for the Commission meeting on August 17th, staff will be proposing two standard conditions for wells instead of the one attached herein. One condition will require groundwater monitoring activities within "hillside" areas, the "Carneros" area, "all other parcels" or questionable groundwater areas (i.e., Calistoga, Northeast Study Area). The other condition will give the County the ability to request monitoring in the future if the water usage is impacting nearby wells or groundwater supplies but monitoring would not be required outright. This condition will generally apply to those discretionary projects located on the Napa Valley Floor. Regarding modifications to winery use permits, Staff proposes that in lieu of the existing process which has a condition that simply incorporates by reference all prior use permit conditions of approval (whether still applicable or not), instead only the applicable prior operational and non-construction conditions of approval would be carried forward or "integrated" into the current approval documents. The prior conditions would be specifically listed which would alleviate the need for applicants and Staff to try and decipher which prior conditions remain applicable. Integration of prior conditions will prevent inconsistencies and conflicting requirements between old and new use permit conditions of approval, streamline the entitlement process and remove inefficiencies. Staff proposes that this pilot integration process initially be applied to Major Modification applications only as it will be time consuming, labor intensive and require cooperation and input from applicants. Staff further proposes that after one year, staff will report to the Board and the Commission about the pilot integration process, including any feedback received from permittees on the process and ways to improve it before applying it to applications for Minor and Very Minor Modifications.

This item is not a public hearing, however, staff is recommending that the Commission receive testimony from any interested member of the public prior to Commission discussion. In response to the comments received to date by stakeholders and elected/appointed officials, staff is requesting continuance of this item to August 17th to allow additional time to address comments received to date before the Commission makes its final recommendation.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

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)].

BACKGROUND AND DISCUSSION

It is staff's intent that the Planning Commission recommend adoption and that the Board of Supervisors ultimately adopt a set of standard conditions that would apply to all winery related projects as well as all non-winery related projects located in the Specific Plan Area (Napa Valley Business Park) and other areas of the County such as: 1) a use permit for new or modified commercial, residential, institutional, and industrial development; 2) variance related requests; 3) conservation regulation exceptions; 4) viewshed projects; 5) road modifications in conjunction with use permits or a building permit; and 6) tentative parcel map applications. These standard conditions, once adopted by the Board, could not be changed on individual projects and would be applied on all future discretionary projects until such time as they are modified by the Board. Future modifications to the standard conditions except for project specific mitigation measures and/or conditions would only occur if adopted by the Board through a public process. Staff proposes that the conditions be reviewed every five (5) years or as needed by the Commission and Board. Staff would appreciate feedback from the Commission regarding the frequency of this review period.

Proposed Format Changes:

As presented, the attached proposed Standard Conditions have been reorganized into nine (9) project milestones for ease of reference as follows:

1. Project Scope
2. Compliance with Other Departments and Agencies
3. Payment of Fees as Prerequisite For Issuance of Permits
4. Prior to Issuance of a Grading Permit and/or Building Permit
5. Project Construction
6. Prior to Authorization of a Temporary Certificate of Occupancy
7. Prior to Issuance of a Final Certificate of Occupancy
8. Operational Characteristics of the Project
9. Miscellaneous

This format was proposed as it follows the logical sequence of preconstruction, construction and ultimately operational requirements for a project. Therefore, former standard conditions have been rewritten, reorganized and inserted into these various categories or milestones.

Proposed Language Wording Changes:

Wording of the Standard Conditions has been modified to standardize the language, ensure consistency, provide clarity, and avoid duplication. They have been reorganized into project milestones for ease of use by contractors,

engineers, the permittee, property owners, and County Staff. Staff has also incorporated standardized project specific conditions that have been applied to projects over the years, and has added conditions from the Building Division and Fire Department to provide more information regarding the permitting process and expectations when applying for such permits. The only significant changes proposed relate to the "Well" condition and how prior conditions of approval for winery use permit modifications will be brought forward. Staff has renamed the "Well" condition to "Ground Water Management – Wells" and updated the condition to address implementation of the Water Availability Analysis (WAA) assessments thereby requiring monitoring activities on all discretionary projects. In light of comments received to date on the proposed "well" condition, for the Commission meeting on August 17th, staff will be proposing two standard conditions for wells instead of the one attached herein. One condition will require groundwater monitoring activities within "hillside" areas, the "Carneros" area, "all other parcels" or questionable groundwater areas (i.e., Calistoga, Northeast Study Area). The other condition will give the County the ability to request monitoring in the future if the water usage is impacting nearby wells or groundwater supplies but monitoring would not be required outright. This condition will generally apply to those discretionary projects located on the Napa Valley Floor. Both conditions would include special provisions for imported water and require the permittee to participate in including their well in the County's Groundwater Monitoring program upon the County's request.

Proposed Application of Previous Conditions of Approval:

Lastly, Staff is proposing a condition and procedure that would carry over previous non-construction and/or operational conditions of approval for Major Modification applications only at this time. There are thousands of private properties within County jurisdiction that contain some form of existing discretionary land use entitlement. The most common entitlements are winery use permits. Many of these land use entitlements are quite complex involving companion actions such as a parcel map, viewshed, road and/or conservation exception, and/or variance. Layered entitlements are also quite common where a use permit has subsequently been modified with major, minor and/or very minor use permit modifications, with many instances of multiple subsequent modifications.

Generally (and obviously), the older and larger a project becomes, the more complex its land use entitlement will become, which raises a general customer service question of how to best manage this inevitability. Presently, the County looks at each subsequent entitlement independently. As such, it is typical for a subsequent use permit modification to contain a condition of approval declaring that if a conflict exists between a newer condition and a previous condition, then the newer condition prevails. This approach has worked for the County for decades as there are certain efficiencies in simply acting on the new entitlement request without comprehensively evaluating the degree of impact the new update has on the applicability of old conditions. After all, many use permit modifications are in themselves one dimensional having little to no bearing on many aspects of the overall entitlement, such as a modification to add a crush pad cover to an existing crush pad. The crush pad cover has no nexus affecting previously approved visitation and/or marketing levels. Thus, in that case, it is efficient for staff to simply look at the crush pad without exploring visitation/marketing aspects. This approach does have its downsides. The most evident downside is the common appearance of conflicting information found spanning several use permit modification files. For example, an original use permit may indicate 10 employees, and a subsequent crush pad cover modification application might restate that number as 20 employees. Similarly, conditions of approval may state in one action that no outdoor activities are allowed and another one may state that they are allowed. Often, this results in considerable effort for staff and applicants to try and determine which condition or project description applies and which one has been superseded, often resulting in interpretational differences. Lastly, it is quite common for standardized conditions of approval to be repeated, either verbatim or in slightly altered next generation wording, from approval to approval. It is possible to have a series of use permit modifications over a period time each with a slightly different condition regarding storage of hazardous materials.

Given this, staff is looking into the possibility of changing how use permit modifications and other subsequent land use actions could be improved to reduce these downsides. Two concepts are under evaluation. First is the concept of "consolidation", which simply means that all previous use permit conditions will be compiled into a

single document as part of a new use permit modification action. This would essentially be a sequential list of past entitlements incorporated into the conditions of the new entitlement. Duplicated conditions would remain. The second concept of "integration" involves a labor intensive effort to systematically update all previously adopted conditions to eliminate duplicative information, eliminate inconsistencies/conflicting information, and refine conditions into a single more manageable document. The concept of integration provides the greatest degree of clarity, but is expected to be a substantial work effort that will force discussion on interpretational differences that now only occur when a particular activity is at issue as part of the entitlement.

No action is requested by the Commission on this particular topic at this time, but comments on the concepts of "consolidation" and "integration" are solicited. In moving forward, Staff anticipates returning to stakeholders and the Commission in the fiscal year with a formal proposal as to how each concept would be implemented.

Public Comments & Next Steps:

On June 22, 2016, the proposed draft conditions were transmitted to the Development Stakeholders in addition to the Planning Commission and Board of Supervisors to solicit feedback prior to this meeting. In response, comments were received from the Napa Valley Vintners & Wine Growers, and Bernadette Brooks (See Attached).

In response to receiving these comments as well as any Commission and public feedback received at the Commission Meeting, Staff is requesting that action on this item be continued to August 17th to allow Staff to address specific comments and reformat the proposed conditions to make the document even more user-friendly. It should be noted that staff proposes to provide a redlined/tracked changes version of such changes.

When the Commission has completed review, the Commission's recommendation will be forwarded to the Board of Supervisors for final consideration and adoption. It is anticipated that the Board of Supervisors will consider this matter in September.

SUPPORTING DOCUMENTS

- A . Draft Winery Standard Conditions of Approval
- B . Draft Other Project Standard Conditions of Approval
- C . Draft Specific Plan Area-NonWineryStandard Conditions of Approval
- D . Public Comment - Napa Valley Vintners & Wine Growers
- E . Public Comment - Bernadette Brooks

Napa County Planning Commission: Approve

Reviewed By: John McDowell