



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

**Wednesday September 16, 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, on and after 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 (10 Minutes)**

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. WHEELER WINERY / KOHALA INVESTMENT WORKS INC. – VARIANCE REQUEST #P09-00347- VAR AND USE PERMIT REQUEST #P08-00672-UP**

CEQA Status: Negative Declaration prepared. According to the proposed Negative Declaration the proposed project would have no potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: (A) Approval of a Variance (#P09-00347-VAR) from the required road setbacks set forth in Napa County Code section 18.104.230 (A.) (1.) & (2.) to allow a winery to be constructed 200 ft. from the centerline of Zinfandel Lane where 600 ft. is required and 168 ft. from the centerline of a shared private easement where 300 ft. is required; and, **(B)** Approval of a Use Permit (#P08-00672-UP) to establish a new winery in two phases as follows: Phase I: Demolish three of the four existing on-site residential structures and in the same location, construct a new 50,000 gallon per year winery that includes: (1) a two-story fermentation building with a below ground barrel storage cellar totaling 14,479 sq. ft., a two-story administrative/hospitality building with a covered breezeway totaling 4,083 sq.ft., and a 2,680 sq.ft. covered crush pad for a winery totaling approx. 21,242 sq. ft.; (2) two full-time and two part-time employees; (3) six parking spaces; (4) Tours and Tasting By Appointment Only for a maximum of 32 visitors per day (224 per week); (5) a Marketing plan with four 24-person events per month, four 75-person events per year and participation in the Napa Valley Wine Auction; (6) installation of a pressure distribution type wastewater disposal system; (7) construction of a main access and a secondary access for winery production use only that includes an Exception to the Napa County Road and Street Standards to allow 12 ft. of surfaced roadway with 2 ft. shoulders (18 ft. of surfaced roadway plus two ft. shoulders required). Phase II: Construction of a separate 4,000 sq. ft. two-story barrel storage building located 70 feet to the east of the proposed Phase I winery structure bringing the winery total to approximately 25,242 sq. ft. The project is located on an 11.66 acre parcel on the northwest side of Zinfandel Lane approximately 2,200 ft. east of its intersection with St. Helena

Highway (St. Highway 29) and approximately 1.33 miles south of the City of St. Helena within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel #: 030-260-016). 588 Zinfandel Lane, St. Helena.

Staff Recommendation: Adopt the Negative Declaration and approve the Variance, the Exception to the Napa County Road & Street Standards and the Use Permit with the proposed Conditions of Approval.

Staff Contact: Patricia Hornisher, 299-1349 or thornish@co.napa.ca.us

B. MARKHAM VINEYARDS / DAVID FLANARY - TENTATIVE PARCEL MAP #P09-00150-PM

CEQA Status: Negative Declaration prepared. According to the proposed Negative Declaration, the proposed project does not have any potential for significant environmental impacts. 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 tentative parcel map to subdivide an existing 86.3 acre parcel into two parcels: one parcel of 42.7 acres and the other of 43.6 acres. The existing parcel is located at the north end of Napa Nook Road approximately 600 feet north of its intersection with Madison Avenue and within the Agricultural Preserve (AP) zoning district. (Assessor's Parcel Number: 027-411-001) Yountville.

Staff Recommendation: Adopt the proposed Negative Declaration and approve the Tentative Parcel Map with conditions of approval.

Staff Contact: Mary Doyle, 299-1350, mdoyle@co.napa.ca.us

C. MANSFIELD WINERY / MANSFIELD RICHARD & LESLIE - ZONING ORDINANCE TEXT AMENDMENT P09-00344-ZOA AND USE PERMIT P09-00171-UP

CEQA Status: Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, the project would have potentially significant environmental impacts within the areas of: Cultural 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: A) Proposal to amend Section 18.104.245 of County Code to reduce the minimum required parcel size for reestablishment of historically significant, pre-prohibition wineries from 5 acres to 2 acres; and **B)** Upon adoption of the zoning ordinance amendment, approval of a Use Permit for: (1) a 20,000 gallon per year historic, pre-prohibition winery within an existing three story 13,034 sq. ft. structure and a 2,054 sq. ft. existing barn to be rehabilitated in accordance with historic standards; (2) construction of a new 600 sq. ft. mechanical building; installation of a new waste water treatment system; (3) demolition of approximately 7,500 sq. ft. of non-historic structures; (4) relocation of an existing residential septic system located on the subject property to the residential property located directly across Conn Valley Road (1291 Conn Valley Road, Assessor's Parcel Number 024-180-029); (5) improvement of the two existing driveways and construction of 11 new parking spaces; (6) one part-time and two full-time employees; (7) Tours and Tasting By Appointment Only for a maximum of 20 visitors per day (120 per week); and (8) a Marketing plan with five 36-person private food and wine events per year, twelve 12-guest dinners per year, one 150-person release party per year and participation in the Napa Valley Wine Auction. The project site is located on the east side of Conn Valley Road, approximately 1.5 miles south of its intersection with Howell Mountain Road, on a ± 2 acre site within an Agricultural Watershed (AW) Zoning District. Assessor's Parcel Number: 025-180-017, St. Helena.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA,

STATE OF CALIFORNIA, AMENDING SECTION 18.104.245 OF TITLE 18 (ZONING) OF THE NAPA COUNTY CODE RELATING TO EXCEPTIONS FOR PRE-PROHIBITION WINERIES.

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

Staff Contact: Kirsty Shelton, Planner, (707) 299-1377 kshelton@co.napa.ca.us

10. ADMINISTRATIVE ITEMS - None

11. DEPUTY DIRECTOR'S REPORT

- | DISCUSSION OF THE **OCTOBER 7, 2009** CDPC 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
- | #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