

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
MINUTES

OCTOBER 21, 2009

1. CALL TO ORDER / ROLL CALL

Meeting was called to order by Chair Bob Fiddaman
Commissioners Phillips, Scott, Basayne, Pope, Fiddaman present.

2. PLEDGE OF ALLEGIANCE

Whitney Fisher led the salute to the flag.

3. CITIZEN COMMENTS AND RECOMMENDATIONS (10 minutes)

None.

4. APPROVAL OF MINUTES

Minutes for June 3, 2009 were approved as presented.
TS-MB-HP-MP-BF

Minutes for June 17, 2009 were approved as presented.
TS-MB-HP-MP-BF

5. DIRECTOR'S REPORT

Hillary Gitelman gave the report.

- BOARD OF SUPERVISORS ACTIONS

- ▶ Director Gitelman and County staff met with the staff of HCD in Sacramento to discuss their letter on the Housing Element. With the outcome of a probable Recommendation to the BOS to re amend the Housing Element.
- ▶ WDO discussions will be held through the end of January with industry groups and information gathered will be taken to the BOS at the end of January 2010.

- OTHER DEPARTMENT ACTIVITIES

- ▶ Special Napa Pipe evening meeting October 22, 2009 – The Draft EIR will be available on Friday October 23, 2009 with a 60 day comment period.

6. AGENDA REVIEW

John McDowell gave the review.

7. DISCLOSURES

Commissioners reported.

8. PUBLIC HEARING ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY

Commission voted to move item 9C to the consent calendar. See Item 9C.
HP-MB-MP-TS-BF

9. PUBLIC HEARING ITEMS

A. FISHER WINERY / FIV PARTNERS LP - USE PERMIT #P08-00346-UP

CEQA Status: Mitigated Negative Declaration prepared. According to the proposed mitigated negative declaration the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts to the following areas: Archaeology/Cultural Resources. The project site is listed as a closed hazardous waste site enumerated under Government Code section 65962.5.

Request: Approval of a use permit to establish a 30,000 gallon per year winery to include: (1) a 16,186 square foot winery building with laboratory, office space, hospitality area, conference room, offices, case and barrel storage, and a commercial kitchen; (2) installation of winery wastewater systems; (3) 2 full-time employees, 2 part-time employees and an additional 4 seasonal employees during harvest/crush; (4) 14 parking spaces for employees and visitors; (5) tours and tastings by-prior appointment for a maximum of 10 visitors per day and 50 visitors per week; and (6) 23 marketing events per year with a maximum of 25 visitors per event. The project is located on a 55.7-acre parcel on the southwest side of Silverado Trail approximately 350 ft. from its intersection with Pickett Road and within the Agricultural Preserve (AP) zoning district. APN: 020-150-004. 4771 Silverado Trail, Calistoga.

Staff Recommendation: Adopt the Negative Declaration and approve the Use Permit with proposed conditions of approval.

Commission voted to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Fisher Winery, based on findings 1-6 of Exhibit A; and approve the Fisher Winery Use Permit P08-00346-UP based on findings 7-11 of Exhibit A and subject to the recommended conditions of approval in Exhibit B.

MB-HP-MP-TS-BF

B. VIOLET GRGICH / GRGICH HILLS CELLAR / GRGICH HILLS ESTATE USE PERMIT MAJOR MODIFICATION No. P08-00648-MOD and VARIANCE No. P08-00656-VAR

CEQA Status: Subsequent Mitigated Negative Declaration Prepared. According to the proposed subsequent mitigated negative declaration, if mitigation measures are not included, the proposed project would have new potentially significant environmental impacts in the following areas: Agriculture Resources, Hazards and Hazardous Materials, and Transportation/Traffic. In addition, modifications to previously-adopted mitigation measures are proposed in the following areas: Noise, Aesthetics, Public Safety, and Traffic. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: Variance No. P08-00656-VAR

Approval of a Variance from required winery road setbacks to allow additions to an existing residence to create a winery hospitality center 285 feet from Hwy. 29 (600 feet required) and 250 feet from an unnamed private driveway (300 feet required) and additions to an existing barn to create a winery storage barn 360 feet from Hwy. 29 (600 feet required) and 110 feet from an unnamed private driveway 300 feet required).

Use Permit Major Modification No. P08-00648-MOD

Ministerial Lot Line Adjustment to convert a 3 acre parcel and a 21 ½ acre parcel into a 13 ¼ acre parcel and a 11 ¼ acre parcel and a discretionary modification to Use Permit No. U-407677, as previously modified by No. U-297980, No. U-28485, No. U-90-3, No. 94348-MOD, No. 95639-MOD, No. 98376-MOD, and No. 99528-MOD, to allow the following on the resulting 13 ¼ acre parcel: 1.) conversion of and renovations to an existing 2,500 square foot residence to create a winery hospitality center, including installation of a commercial kitchen; 2.) phased additions to the proposed hospitality center totaling 3,733 square feet (for an eventual building area of 6,200 square feet); 3.) conversion of approximately .15 acres of vineyard into a winery hospitality center

garden; 4.) conversion of and additions to an existing 1,800 square foot agricultural storage barn to create a 5,000 square foot barrel, case goods, and winery storage barn; 5.) widening and realignment of existing residential drives to provide access from the existing Grgich Hills Estate driveway entrance and to meet Napa County winery road standards (minimum 18 foot pavement widths); 6.) 3 new full time employees, legalization of 15 existing full time employees, and 2 new peak employees are proposed. (The resulting total employment would be 38 full time employees, 12 part time employees, and up to 2 peak/event employees); 7.) installation of a new sanitary sewage septic system; 8.) 22 additional parking spaces, for a total of 59; 9.) additional marketing events including three 75-person maximum private promotional tastings with meals per week, four 30-person maximum small private tastings with food pairings per week, and fifteen 100-person maximum private tasting events with meals annually; and 10.) updates and modifications to environmental mitigation measures and conditions of approval initially adopted with use permit U-90-3. The project is to be located on a lot line adjusted 13 ¼ acre parcel located on the west side of State Highway 29, approximately ½ mile north of its intersection with Rutherford Cross Road (State Highway 128) within the AP (Agricultural Preserve) zoning district. Current APNs: 027-470-005 (3 acres) and 027-470-024 (21 ½ acres). 1829 and 1849 St. Helena Highway, Rutherford, Calif. 94573

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

Commission voted to adopt the Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program for the Grgich Hills Estate Winery, based on findings 1-5 of Exhibit A; and approve Variance P08-00656 based on findings 6-11 of Exhibit A; and approve Use Permit Modification P08-00648 based on findings 12-16 of Exhibit A and subject to the recommended conditions of approval (Exhibit B) as revised.

TS-MB-HP-MP-BF

C. MARK CARTER & NILS VENGE/ENVY WINES LLC – USE PERMIT MAJOR MODIFICATION REQUEST #P09-00288-MOD

CEQA Status: Categorically Exempt. CEQA Guidelines Section 15303 (new construction or conversion of small structures). This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

Request: Approval to modify Use Permit # 01074 (Calistoga Partners LP) to allow the construction of a new 4,137 square foot barrel storage building with no increase in production, marketing, or employees. The project is located on an approximate 18.4 acre parcel accessed from an approximate 790 foot private drive on the south side of Tubbs Lane approximately one quarter of a mile from its intersection with St. Helena Highway (Highway 29) within an AP (Agricultural Preserve) zoning district. Located at 1170 Tubbs Lane, Calistoga; Assessor's Parcel # 017-210-27.

Staff Recommendation: Find the project categorically exempt from CEQA and approve the Use Permit Modification as conditioned.

Item 9C was moved and approved on the consent calendar.

Commission voted to find the project Categorically Exempt from CEQA, based on finding 1 of Exhibit A; and approve Use Permit Major Modification P09-00288 based on findings 2-6 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

TS-MB-HP-MP-BF

D. 2009 LOT LINE ADJUSTMENT ORDINANCE UPDATE - ZONING CODE TEXT AMENDMENT P09-00440- ORD

CEQA Status: Categorical Exemption Class 5: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental

resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 (“Minor Alterations in Land Use Limitations”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

Request: County-sponsored ordinance to: 1.) add a new chapter pertaining to voluntary mergers of parcels without reverting to acreage; 2.) update and revise approval standards and processing requirements for lot line adjustments; and 3.) clarify requirements and procedures for processing sequential lot line adjustments.

Ordinance Title: *AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, ADDING A NEW SECTION 17.02.225, AMENDING SECTIONS 17.02.360, AND 18.104.110, AMENDING CHAPTER 17.46, AND ADDING A NEW CHAPTER 17.51 OF THE NAPA COUNTY CODE PERTAINING TO LOT LINE ADJUSTMENTS AND VOLUNTARY MERGER OF PARCELS WITHOUT REVERTING TO ACREAGE.*

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors. Commission recommends the Board of Supervisors find that the project qualifies as a Class 5, Section 15305 Categorical Exemption under the provisions of the California Environmental Quality Act, general rule, local provisions; and finds the proposed Ordinance consistent with the Napa County General Plan and zoning regulations as set forth in the proposed Ordinance, and recommends Board of Supervisors adoption of the proposed Ordinance.

TS-MB-HP-BF-MP

N

Motion passes 4-1

10. ADMINISTRATIVE ITEMS

None.

11. DEPUTY DIRECTOR’S REPORT

John McDowell gave the report.

- THE **NOVEMBER 4, 2009** ALUC AND PLANNING COMMISSION MEETINGS WILL BE CANCELLED.
- DISCUSSION OF ITEMS FOR THE **NOVEMBER 18, 2009** MEETING
 - ▶ Conflict of Interest Code
 - ▶ Septic system
 - ▶ Permit process for commercial kitchens
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS

12. COMMISSIONER COMMENTS / COMMITTEE REPORT

13. FUTURE AGENDA ITEMS

- #00388-UP, 1 year after opening - Caldwell Winery
- #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

Adjourned to the special meeting of the Conservation Development and Planning Commission Meeting of November 4, 2009.

BOB FIDDAMAN, Chairperson

ATTEST: HILLARY GITELMAN, Secretary-Director

MELISSA GRAY, Clerk

Key

Vote: MB = Mike Basayne; MP=Matt Pope; BF = Bob Fiddaman; TS = Terry Scott; HP = Heather Phillips;

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under vote: N = No; A = Abstain; X = Excused