

MINUTES OF THE MEETING OF THE
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
COUNTY OF NAPA

August 17, 2005

1. Call To Order.
THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION OF THE COUNTY OF NAPA MET IN REGULAR SESSION, WEDNESDAY, AUGUST 17, 2005 AT 9:00 A.M. THE MEETING WAS CALLED TO ORDER BY CHAIR FIDDAMAN AT 9:02 A.M.
2. Roll Call.
THE FOLLOWING MEMBERS WERE PRESENT: CHAIR BOB FIDDAMAN, COMMISSIONERS TERRY SCOTT, RICH JAGER, AND JIM KING. COMMISSIONER GRAVES WAS PREVIOUSLY EXCUSED HOWEVER, ARRIVED AT THE MEETING AT 9:04 A.M.
3. Pledge of Allegiance.
BETH PAINTER LED THE SALUTE TO THE FLAG.
4. Citizen Comments and Recommendations.
VINCENT BLAKE, OF 1548 MILTON ROAD, SPOKE REGARDING THE 1998 PUBLIC NUISANCE SUIT FILED AGAINST HIM AND THE ADDITIONAL REQUIRED PERMIT FEES BEING IMPOSED. HE REQUESTED DIRECTION FROM THE COMMISSION ON HOW TO APPLY PREVIOUS PERMIT FEES TO THE CURRENTLY REQUIRED PERMIT FEES BEING IMPOSED.
5. Approval Of Minutes.
NONE
6. Director's Report / Deputy Director's Report.
Board of Supervisors Actions.
(Houck / Mondavi Appeals/ Other items)
Compliance Report.
(Director Gitelman to provide an update)
Other Department Activities.
HILLARY GITELMAN, DIRECTOR, CONSERVATION, DEVELOPMENT AND PLANNING, REPORTED ON THE FIRST MEETING OF THE GENERAL PLAN STEERING COMMITTEE. SHE ANNOUNCED THAT PETER MCCRAY WILL SERVE AS CHAIR AND TOM ANDREWS WILL SERVE AS VICE-CHAIR. THE SECOND MEETING WILL BE HELD ON AUGUST 31, 2005. ALL MEMBERS WERE INVITED TO ATTEND.

SHE FURTHER REPORTED ON THE RECENT ACTIONS TAKEN BY THE BOARD OF SUPERVISORS. ONE WAS THE APPEAL OF AN EROSION CONTROL PLAN. THE END RESULT WAS A LAST MINUTE SETTLEMENT BETWEEN THE PARTIES

6. Continued.

WHICH WAS APPROVED BY THE BOARD ON AUGUST 16, 2005. SHE ALSO REPORTED ON THE HOUCK VIEWSHED PERMIT HEARD BY THE BOARD OF SUPERVISORS. THE END RESULT WAS THAT THE BOARD APPROVED THE PROJECT WITH THE SUGGESTED MODIFICATIONS PRESENTED BY THE PROPONENT.

ON AUGUST 23, 2005 , THE BOARD WILL HEAR THE CONTRACT AND SCOPE OF WORK FOR THE GENERAL PLAN CONSULTANT. THEY ARE ALSO PRESENTING TO THE BOARD OF SUPERVISORS A STATUS REPORT ON THE CODE ENFORCEMENT PROCEDURES FOR THE PLANNING AND BUILDING DEPARTMENTS. MS. GITELMAN GAVE AN OVERVIEW OF WHAT WILL BE PRESENTED. THEY WILL BE ASKING THE BOARD TO LOOK AT THE COST OF ADMINISTERING CITATIONS, ALSO HAVE THE BOARD LOOK AT THE PENALTIES FOR WORK WITHOUT PERMITS AND SET ASIDE FUNDS FOR ABATEMENT WORK.

CHAIR FIDDAMAN COMMENTED ON THE HOUCK APPEAL ISSUE. HE EXPRESSED A PREFERENCE THAT THE BOARD WOULD HAVE REFERRED THE MATTER BACK TO THE COMMISSION. COMMISSIONER KING CONCURRED AND REPORTED ON HIS ATTENDANCE AT THE BOARD MEETING.

7. Agenda Review.

**AGENDA REVIEWED – IT IS REQUESTED THAT ITEM 9 BE CONTINUED TO SEPTEMBER 21, 2005. ITEMS 11 AND 12 WILL BE HEARD CONCURRENTLY.
JK-TS-RJ-DG-BF**

Public Hearings

8. Items to be Decided Without Additional Testimony - Item # 9.

9. **RONALD BERBERIAN / SPANOS BERBERIAN WINE PARTNERSHIP LLC/ USE PERMIT REQUEST #P04-0497-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 area: noise.

Request: Approval of a Use Permit to establish a helicopter landing area for private use by the property owners, their family and occasional invited guests. The pad would be used for an average of four landings per month and would not exceed 10 landings per month. The landing pad would be used during daylight hours except in case of an emergency. The helicopter would arrive and depart from a southwesterly direction. There will be no refueling, maintenance or storage of aircraft on the site. The helicopter pad will have a natural grass surface with a diameter of approximately 50-feet located within the approved vineyard area approximately 300-feet southwest of the former residence (a building permit has been issued for a new residence located within the same footprint as the previously demolished residence). An additional 15-foot safety area will be provided around the perimeter of the landing pad.

9. Continued.

No new construction is requested by the use permit and no other changes to the property are proposed. No new lighting will be required or authorized as part of this request. The project is located on a 42.1 acre parcel on Long Ranch Road, approximately ½ mile northeast of the Oakville Cross Road/Silverado Trail intersection and approximately one mile south of Lake Hennessey within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel # 032-010-071) 200 Long Ranch Road, St. Helena.

CONTINUED TO SEPTEMBER 21, 2005.

JK-TS-RJ-DG-BF

10. **PAUL AND NANCY PELOSI / PELOSI WINERY - USE PERMIT REQUEST #P04-0499**

CEQA Status: Categorically Exempt pursuant to Section 15303 of the California Environmental Quality Act (Class 3-New Construction or Conversion of Small Structures).

Request: Approval of a Use Permit to establish a new 5,000 gallon per year winery with:

(1) 1,000± square feet of caves and construction of a 2,100 square foot structure for a winery totaling 3,100± square feet; (2) a maximum of five employees; (3) a total of 10 visitors per week with a maximum of eight visitors per day; and, (4) two annual marketing events with a maximum of 25 attendees and no temporary events. The project is located on the north side of Zinfandel Lane adjacent to the west bank of the Napa River, ± 750 feet southwest of Silverado Trail within an AP (Agricultural Preserve) zoning district (Assessor's Parcel # 030-250-004) 11 Zinfandel Lane, St. Helena.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE COMMISSION FINDS THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 15303 OF THE CEQA GUIDELINES (CLASS 3: NEW CONSTRUCTION OF SMALL STRUCTURES) AND NAPA COUNTY'S LOCAL PROCEDURES IMPLEMENTING CEQA, APPENDIX B SECTION 10: SMALL WINERIES.

JK-TS-RJ-DG-BF

APPROVE THE USE PERMIT BASED ON FINDINGS 1 THROUGH 5 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL AS MODIFIED.

JK-DG-TS-RJ-BF

11. **J. CHARLES SAWYER TRUST / SAWYER WINERY EXPANSION – VARIANCE REQUEST #P04-0540-VAR**

CEQA Status: See Item #12.

Request: Approval of a Variance to allow construction of a 12,786 square foot addition to the rear of an existing 7,830 square foot winery building located within the 600 foot road setback for wineries. The proposed addition would be located 350 feet from centerline of State Highway 29. The project is located on a 39.78 acre parcel on the east side of State Highway 29 approximately 3,900 feet south of its intersection with Rutherford Road within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel # 030-190-004) 8350 St. Helena Highway, Rutherford.

Item #11 And #12 will be heard together.

ITEM HEARD CONCURRENTLY WITH ITEM 12.

12. **J. CHARLES SAWYER TRUST / SAWYER WINERY EXPANSION – USE PERMIT MODIFICATION REQUEST #P04-0539-MOD**

CEQA Status: According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following area: traffic.

Request: Approval to modify Use Permit #95183 to construct a 12,786 square foot addition to an existing 7,830 square foot winery building resulting in a winery totaling 35,181 square feet with an increase in production capacity from 10,000 gallons per year to 20,000 gallons per year and; (1) increase full-time employees from two to four persons and increase part-time employees from one to two persons; (2) increase on-site parking from 13 to 15 spaces; (3) authorize an existing tasting room within the original building; (4) increase tours and tasting by appointment only from 25 persons per week average with 25 persons maximum per day to 350 persons per week average with 50 persons average per day; (5) increase the marketing plan as follows: a) from 10 events per year with 10 person maximum (6 average) to one event per week with a maximum of 25 persons; b) from four private dinners per year with up to 18 persons (12 average) to four events per year with a maximum of 50 persons; c) from two wine auction events for up to 25 persons to two events with a maximum of 150 persons per event; and, (6) two wine club events with a maximum of 150 persons per event. The project also requests an amendment to the recorded deed and easement agreement with County to allow this expansion. This project is located on a 39.78 acre parcel on the east side of St. Helena Highway (State Highway 29) approximately 3,900 feet south of its intersection with Rutherford Road within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel # 030-190-004) 8350 St. Helena Highway, Napa.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION AND APPROVAL OF MODIFICATION P04-0539 AND VARIANCE UP P04-0540 AND AMEND THE DEED EASEMENT AGREEMENT ACCORDINGLY BASED ON FINDINGS 10 TO 19.

JK-TS-RJ-DG-BF

13. **NAPA VALLEY CROSSROADS, LLC – USE PERMIT REQUEST #P05-0069-UP**

CEQA Status: Mitigated Negative Declaration. According to the Mitigated Negative Declaration, the proposed project would have if mitigation measures are not included, a potentially significant environmental impact in the following area: transportation.

Request: Approval of a Use Permit to construct two 35-foot high concrete tilt-up industrial buildings totaling 313,249 square feet for flexible warehousing, light manufacturing, and ancillary office uses and including installation of 320 parking spaces. The project is located on approximately 15.6 acres (after a lot line adjustment) of a 22.83 acre site at the northwest corner of Jameson Canyon Road (State Highway 12) and North Kelly Road within an IP:AC (Industrial Park: Airport Compatibility Combination) zoning district. (Assessor's Parcels #057-190-007 & 008).

PUBLIC HEARING HELD – TESTIMONY PRESENTED.

THE COMMISSION ADOPTS THE MITIGATED NEGATIVE DECLARATION AND APPROVE THE PROJECT.

DG-TS-RJ-JK-BF

13. Continued.

**THE COMMISSION APPROVED USE PERMIT P05-0069-UP BASED ON FINDINGS 9 THROUGH 13 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL
DG-TS-RJ-JK-BF**

Other Business

14. City Referrals.
NONE

15. Discussion of Items for the September 7, 2005 Meeting.
MR. LEDERER ADVISED OF THE FOLLOWING:

USE PERMIT MODIFICATIONS FOR DUCKHORN WINERY,

CELL PHONE TOWER REQUESTS FOR METRO PCS,

USE PERMIT MODIFICATION AND VARIANCE OF HOUSE ON ANNA PERNA PROPERTY.

DISCUSSION OF THE VIEW SHED ORDINANCE BE ON THE AGENDA AS WELL, SHOULD THE COMMISSION DESIRE.

16. Commissioner Comments.

COMMISSIONER FIDDAMAN ANNOUNCED THAT HE WILL BE OUT OF THE COUNTRY SEPTEMBER 19 THROUGH OCTOBER 6 AND THEREFORE WILL MISS TWO MEETINGS. HE REQUESTED THAT THE COMMISSIONERS BE THINKING ABOUT SUGGESTED TOPICS TO BE DISCUSSED AT THE JOINT MEETING ON THE GENERAL PLAN ON OCTOBER 11, 2005.

17. Zoning Administrator Actions for June And July 2005.

V. SATTUI WINERY REQUESTED TO LEGALIZE WEDDINGS. WINERY DOES NOT HAVE PROPER USE PERMIT. ZONING ADMINISTRATOR DENIED THE ACTION.

18. Future Agenda Items.

- #02082-UP, 1 Year After Opening.
- #03457-UP, 1 Year After Opening.
- #03318-UP, 1 Year After Opening.
- Viewshed Ordinance Review.
- Joint Meeting with Board of Supervisors, October 11, 2005.
- #03409-UP, May 17, 2006
- #P04-0551-UP 6 Months After Opening.

19. Adjournment.

**ADJOURNED TO THE REGULAR MEETING OF THE CONSERVATION,
DEVELOPMENT AND PLANNING COMMISSION, WEDNESDAY,
SEPTEMBER 7, 2005 AT 9:00 A.M.**

JIM KING, Chairperson

ATTEST:

HILLARY GITELMAN
Secretary-Director

GLADYS I. COIL, Clerk

Key

Vote: DG = David Graves; JK = Jim King; TS = Terrence Scott; RJ = Rich Jager; BF = Bob Fiddaman;

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