



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

**Wednesday January 07, 2009
9:00 AM**

COMMISSION MEMBERS

<i>VICE-CHAIRPERSON</i> <i>Heather Phillips</i> <i>District # 1</i>	<i>COMMISSIONER</i> <i>Jim King</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

- A. **TELECOMMUNICATION FACILITIES ORDINANCE UPDATE - PROPOSED ORDINANCE P08-00594-ORD**
CEQA Status: The project is Categorically Exempt from the provisions of California Environmental Quality Act pursuant to Section 14 CCR 15061(b)(3) - General Rule; Section 15305 - Class 5, Minor Alteration to a Land Use Limitation; and Section 15308 - Class 8, Action by Regulatory Agencies for the Protection of the Environment.
Request: Technical changes to the County Telecommunication Facilities Ordinance to comply with changes to State Law specifically related to simplifying processing requirements for new antennas collocated on existing facilities and eliminating the security deposit for removal of abandoned facilities.
Ordinance Title: *An Ordinance of the Board of Supervisors of the County of Napa, State of California, Amending Chapter 18.08.605 and 18.199.015 section 18.120.010 and 18.120.010 and 18.126.060 of the Napa County Code as they relate to the regulation of Telecommunication Facilities.*

Staff Recommendation: Continuance requested to the regular meeting of February 4, 2009.

Staff Contact: John McDowell 299-1354

9. PUBLIC HEARING ITEMS

- A. **LAIRD FAMILY ESTATE WINERY / USE PERMIT MAJOR MODIFICATION REQUEST P08-00564-MOD AND RESCISSION OF PREVIOUSLY APPROVED USE PERMIT MAJOR MODIFICATION P07-00587-MOD**
CEQA Status: Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project would have no potentially 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: (A) Approval of Use Permit Major Modification P08-00564-MOD to Use Permit Nos. 97526-UP through 02193-UP to: (1) increase maximum total production capacity from 650,000 gallons per

year to 900,000 gallons per year; (2) construction of a new 34,437 sq. ft. production building with an approximately 18,500 sq. ft. covered roof work area surrounding the building; (3) installation of a recessed loading dock on the east side of the new building; (4) addition of a covered outdoor work area on the east side of the existing barrel storage building; (5) construction of a new mechanical pad on the west of the existing barrel storage building; and (6) removal of the condition of approval regarding alternating proprietor/custom crush clients. **(B) Adoption of a Resolution Rescinding Approval of Use Permit Modification No. P07-00587-MOD** and the Related Negative Declaration. The project site is located on a 40.06-acre parcel on the west side of Solano Avenue approximately 700 feet north of its intersection with Oak Knoll Avenue at SR 29 within an Agricultural Preserve (AP) zoning district (Assessor's Parcel Number 034-031-031) 5055 Solano Avenue, Napa.

Staff Recommendation: Staff requests that the item be continued to January 21, 2009 or February 4, 2009.

Staff Contact: John McDowell, 299-1354 and Mary Doyle, 299-1350

CONTINUED FROM THE DECEMBER 3, 2008 REGULAR MEETING.

**B. NAPA COMMERCE CENTER / HEADWATERS CONSTRUCTION, INC. (Douglas Pope)
- USE PERMIT #P07-00412-UP & TENTATIVE PARCEL MAP #P08-00131-PM**

CEQA Status: Addendum to the Final EIR, certified on April 9, 2002, for the Beringer Wine Estates Devlin Road Facility (State Clearinghouse No. 00034043). (CEQA Guidelines Section 15164.)

According to the Initial Study the proposed project would have similar or lesser impacts than the project analyzed by the previously certified Final EIR and therefore no additional environmental review is required. The adopted mitigation measures are still applicable for the potentially significant impacts identified in the previous Final EIR that apply to the proposed project. 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 Use Permit to construct a wine warehousing/storage and distribution facility with approximately 646,734 square feet of floor area with ancillary office areas. Parking for up to 376 vehicles is provided on-site in addition to truck loading docks. The proposal also includes the extension of Devlin Road with a grade separated crossing of the railroad tracks adjoining the east property line of the site. Approximately 120,000 cubic yards of fill from the adjacent airport property would be imported to construct the Devlin Road overcrossing and building pad. The extension of Devlin Road would terminate near the southwest corner of the building allowing future connection to Green Island Road through the property to the south. A new road is proposed off the extension of Devlin providing access to the building site, access to a sewer pump station west of the building site and connection to the Napa County airport. A proposed spur line will provide rail access to loading docks on the east side of the building. The request also includes a tentative parcel map to subdivide the project site into two (2) parcels; an approximate 38-acre lot for the proposed building and associated improvements and a 180-acre lot for the remainder of the property. The proposed project is located on a 218 acre site on the south of the Napa County Airport, west of the Union Pacific railroad tracks. within an Industrial Park: Airport Compatibility (IP:AC) zoning district. APN: 057-090-069. American Canyon.

Staff Recommendation: Consider the previously certified Final EIR and Mitigation Monitoring and Reporting Program (as revised) and the associated addendum, and readopt the CEQA Findings of Fact and Rationale and Statement of Overriding considerations contained in the Board of Supervisors resolution No. 02-72, and approve the use permit and tentative parcel map with the proposed conditions of approval.

Staff Contact: Sean Trippi, (707) 299-1353 or strippi@co.napa.ca.us

CONTINUED FROM THE DECEMBER 17, 2008 REGULAR MEETING.**C. PAUL SAVIEZ / SAVIEZ VINEYARDS WINERY - USE PERMIT MINOR MODIFICATION REQUEST P07-00436-MOD**

CEQA Status: Categorically Exempt, Section 15303 of the CEQA Guidelines (Class 3 - New Construction or Conversion of Small Structures) and Napa County's Local CEQA Procedures, Appendix B, Section 3 (Class 1 - Minor Modifications to Existing Wineries).

Request: Approval of Use Permit Minor Modification No. P07-00436-MOD, modifying Use Permit No. 01099-UP, to allow: 1) the conversion of approximately 836 square feet of an existing residence to winery office and tasting room use and 2) conversion of approximately 2,700 square feet of approved (but yet to be completed) winery office, laboratory, and tasting room space to winery storage use. The project is located on a 114.3 acre parcel on the east side of the Silverado Trail, approximately 600 feet south of its intersection with Larkmead Lane, within an Agricultural Watershed (AW) zoning district. Assessor's Parcel No. 021-010-003, 4060 Silverado Trail, Calistoga.

Staff Recommendation: Find the project categorically exempt from CEQA and approve the requested minor modification as conditioned.

Staff Contact: John McDowell, 299-1354 or jmcdowel@co.napa.ca.us
Chris Cahill, 253-4847 or ccahill@co.napa.ca.us

D. CUNAT PREMIUM VINEYARD / MATERRA WINERY - USE PERMIT #P08-00428-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 area: Transportation. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5

Request: Approval of a Use Permit to establish a new 50,000 gallon per year winery with: 1) 17,115 sq. ft. total winery in 2 separate buildings, one structure of 15,371 sq. ft. to include production activities, storage, office, and a second structure of 5,094 sq. ft. for a tasting room facility; 1,545 sq ft uncovered outdoor crush pad and 3,600 sq. ft loading area; 2) three full-time, three part-time employees and 2-4 seasonal employees ; 3) 24 parking spaces; 4) by-appointment tours and tastings with a maximum of 18 visitors per day and 40 per week; 5) a marketing plan of 12 wine trade events annually with a maximum of 25-persons, 12 annual events with a maximum of 50 persons and 2 Harvest events annually with a maximum of 100 persons; 6) winery waste water and septic systems; and 7) the relocation of an existing driveway for the winery entrance. The project is located on a 50 acre parcel located on the east side of Big Ranch near its intersection with Oak Knoll Avenue, and within the Agricultural Preserve (AP) zoning district. APN: 036-160-003. 4324 Big Ranch Road, Napa, CA 94558.

Staff Recommendation: Adopt the mitigated negative declaration and approve the use permit with the proposed conditions of approval.

Staff Contact: Mary Doyle, 299-1350

E. DEL DOTTO WINERY ONE YEAR STATUS REPORT - USE PERMIT P07-00278-MOD

Ceqa Status: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Request: Use Permit compliance review and possible action for the Del Dotto Winery located on the west side of State Highway 29 south of Zinfandel Lane, 1445 St. Helena Highway. Pursuant to the

project's adopted conditions of approval, a public hearing status report before the Planning Commission is required one year after opening of the facility.

Staff Recommendation: Take public testimony, evaluate the project's compliance with standards, and provide direction to staff on any outstanding compliance issues

Staff Contact: Robert Nelson 299-1355

10. ADMINISTRATIVE ITEMS

A. WILDLIFE CONSERVATION COMMISSION APPOINTMENT

Commission discussion and recommendation to the Board of Supervisor concerning appointment of a Planning Commissioner representative on the Wildlife Conservation Commission.

Staff Recommendation: That the Commission recommend to the Board of Supervisors a member of the Planning Commission to serve on the Wildlife Conservation Commission.

Staff Contact: John McDowell, 299-1354

11. DEPUTY DIRECTOR'S REPORT

- | DISCUSSION OF THE JANUARY 21, 2009 REGULAR CDPC MEETING
- | CODE COMPLIANCE REPORT
- | ZONING ADMINISTRATOR ACTIONS
- | OTHER PENDING PROJECTS' STATUS

12. COMMISSIONER COMMENTS / COMMITTEE REPORTS

13. FUTURE AGENDA ITEMS

- | #00338-UP, 1 year after opening - Caldwell Winery
- | #02082-UP, December 2008 - Del Dotto Winery
- | #03457-UP, 1 year after opening - Kendall Jackson (formerly Pecota) Winery
- | #P06-0102-MOD, 2 years after opening - Frank Family Winery

14. ADJOURNMENT