



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

Wednesday October 21, 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, 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**

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

Clerk of the Commission requests approval of minutes for meetings held on:
June 3, 2009 - All Commissioners present
June 17, 2009 - All Commissioners present

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****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.

Staff Contact: John McDowell, 299-1354, jmcdowel@co.napa.ca.us

**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, 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.

Staff Contact: Chris Cahill, 253-4847 or ccahill@co.napa.ca.us

**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.

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

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.

Staff Contact: John McDowell, 299-1354, jmcadowel@co.napa.ca.us, or Hillary Gitelman, 253-4805, hgitelman@co.napa.ca.us

10. ADMINISTRATIVE ITEMS - None

11. DEPUTY DIRECTOR'S REPORT

- DISCUSSION OF THE NOVEMBER 4, 2009 CDPD MEETING, CANCELLATION OF NOVEMBER 4TH, 2009 ALUC 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, 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