



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

Wednesday November 19, 2008
9:00 AM

COMMISSION MEMBERS

<i>COMMISSIONER</i> <i>Heather Phillips</i> <i>District # 1</i>	<i>COMMISSIONER</i> <i>Jim King</i> <i>District # 2</i>	<i>CHAIRPERSON</i> <i>Terry Scott</i> <i>District # 4</i>	<i>VICE-CHAIRPERSON</i> <i>Bob Fiddaman</i> <i>District # 3</i>	<i>COMMISSIONER</i> <i>Rich Jager</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
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. ALPHA OMEGA WINERY, LLC. / ALPHA OMEGA WINERY – VARIANCE AND USE PERMIT MAJOR MODIFICATION REQUEST #P08-00047 AND #P07-00869-MOD

CEQA Status: Subsequent Mitigated Negative Declaration Prepared. According to the proposed Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following area: transportation/traffic. 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 Variance: to allow a new production/barrel building to encroach a max. of 74 ft. into the required 300 foot setback from centerline of Mee Lane and a corner of the new covered porch addition on the existing winery building to encroach 127 ft. into the required 600 foot setback from centerline of St. Hwy. 29 and a Use Permit Modification: to modify Use Permits: #U-118081, #U-538485, & #95037-MOD in 2 phases: **Phase A:** (1) establish the size of the pre-Winery Definition Ordinance public tasting room; (2)(a) Public Tours and Tasting Visitors: recognize Public Tours and Tasting visitors without prior appoint. at a max. of 900 visitors/wk; (2)(b) By Appointment Tours and Tasting Visitors: establish Tours and Tasting by Appoint. Only Visitors and combine them with Marketing event visitors for max. of 450 visitors/wk. The total combined Public, By Appt. & Marketing visitors not to exceed a max. of 1,350 visits/wk; (3) increase employees to 19 f/t and 6 p/t with an additional 15 p/t, seasonal workers during Harvest; (4) establish a Marketing Plan to include: 7 events/mo. with a max. of 50 people/event, 10 annual events with a max. of 100 people/event, and 6 annual events with a max. 200 people/per event (2 for the Napa Valley Wine Auction). Events to be catered by off-site food service; (5) authorize the use of the covered patio and garden areas by visitors; (6) add a 2nd work shift during Harvest only; (7) increase parking to 63 auto & 2 bus spaces; and, (8) convert the existing wastewater pond to a dual domestic and process wastewater system. **Phase B:** (1) construct a new approx. 9,273 sq. ft. production/barrel building adjacent to the existing 6,298

sq.ft. winery structure totaling approx. 15,571 sq.ft.; (2) increase production from 50,000 gal. to 144,000 gal. The project is located on a 10.79 ac. parcel on the southeast side of Mee Lane approx. 760 ft. northeast of its intersection with St. Highway 29 & approx. 2 mi. south of the City of St. Helena. (Assessor's Parcel #: 030-080-046) 1155 Mee Lane, St. Helena.

Staff Recommendation: Adopt the Subsequent Mitigated Negative Declaration, and approve the Variance & Use Permit Modification as conditioned.

Staff Contact: Patricia Hornisher 299-1349

(Continued from the September 3, 2008 regular meeting)

(Continued from the October 1, 2008 regular meeting)

(Continued from the October 15, 2008 regular meeting)

(Continued from the November 5, 2008 regular meeting)

B. BOB KLEIS / JAMES E. VASSER JR. / VASSER WINERY - USE PERMIT #P07-00598-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 areas: Aesthetics and Biological Resources. 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 36,000 gallon per year winery with: 1) a 7,000 sq. ft. winery cave including production, storage, office, and tasting room facilities; 2) a 5,500 sq. ft. uncovered outdoor crush pad and loading area; 3) a winery/agricultural storage barn totaling 1,800 sq. ft. and including 900 sq. ft. of winery equipment storage; 4) two full-time and two part-time employees; 5) eleven parking spaces; 6) by-appointment tours and tastings with a maximum of 16 visitors per day and 36 per week; 7) a marketing plan with four 50-person max. marketing events and one 100-person max. wine auction event annually; 8) an exception to the Road and Street Standards to allow a new winery access road with widths between 14 and 18 ft. (18 ft. required); and 9) the construction of four turnouts on Chimney Rock Road. The project is located on a 42.4 acre parcel located on the west side of Soda Canyon Road, adjacent to its intersection with Chimney Rock Road, and within the AW (Agricultural Watershed) zoning district. APN: 039-630-011. 2001 Soda Canyon Road, Napa, CA 94559.

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

Staff Contact: Chris Cahill, 253.4847 or ccahill@co.napa.ca.us

(Continued from the October 15, 2008 regular meeting)

(Continued from the November 5, 2008 regular meeting)

C. PHILLIP SMITH/ INGLEWOOD BUSINESS PARTNERS, LLC / INGLEWOOD VILLAGE BUSINESS PARK - TENTATIVE PARCEL MAP APPLICATION #P08-00493-PM

CEQA Status: Categorically Exempt Section 15301 (Class 1(k) Existing Facilities - Subdivision of existing commercial or industrial buildings where no physical changes occur which are not otherwise exempt.)

Request: Approval of a tentative parcel map to create three commercial condominiums at the Inglewood Village commercial office development. The proposal would convert three existing commercial buildings to airspace condominium units with the ground area of the property designated

as common area. No new development or change of allowed uses is proposed as part of this application. The project is located on a 2.9 acre parcel located on the southeast side of Inglewood Avenue, adjacent to its intersection with the St. Helena Highway (CA-29), and within the CN (Commercial Neighborhood) zoning district. APN: 027-120-063. 1275 Inglewood Avenue, St. Helena, Calif., 94574.

Staff Recommendation: Find the project categorically exempt from CEQA and approve the tentative parcel map as conditioned.

Staff Contact: Chris Cahill, 253.4847 or ccahill@co.napa.ca.us

D. 11:00 a.m. - SET MATTER

SMALL LOT ANIMAL HUSBANDRY AND VEHICAL STORAGE ORDINANCE - PROPOSED ORDINANCE #P08-00612-ORD

Request: The County is considering an ordinance to establish animal keeping and vehicle densities on small parcels to reduce the impact on animals and neighboring properties due to excessive animal keeping, storage and unsanitary practices. Proposed amendments to the Zoning Code would: 1) Enable limited animal husbandry uses on any parcel less than 5 acres in size in unincorporated Napa County; 2) establish standards for animal husbandry uses on parcels less than 5 acres in size, including setting limits on the number of animals per acre and requiring setbacks from property lines for animal pens and enclosures located on small lots; 3) establish use permit procedures to allow animal concentrations greater than the proposed animals-per-acre standard on parcels less than 5 acres in size; 4) prohibit raising of roosters for exhibition or blood sport including establishment of an amortization schedule to cease any existing operations; and 5) establish limits on the number of vehicles stored on properties outside of enclosed structures, including establishment of an amortization schedule to cease any existing operations.

Ordinance Title: An Ordinance of the Board of Supervisors of the County of Napa, State of California, Amending Napa County Code Sections 18.08.040 (Include Certain Small Lot Animal Husbandry Uses Within the Definition of Agriculture and Exclude from the Definition of Agriculture the Raising of Roosters for Exhibition or Blood Sports), 18.52.020 (Provide for Agriculture as a Use Allowed Without a Use Permit in the Residential Single Zoning District) and 18.104.190 (Establish Restrictions on Outdoor Vehicle Storage); and Adding New Sections 18.08.424 (Defining Outdoor Vehicle Storage), 18.104.410 (Establishing Standards for Small Lot Animal Husbandry) and 18.132.062 (Establishing an Amortization Schedule to Terminate Outdoor Vehicle Storage, Small Lot Animal Husbandry Uses not in Conformance with Established Standards and the Raising of Roosters for Exhibition or Blood Sports)

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.

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

Staff Contact: Hillary Gitelman 253-4805

10. ADMINISTRATIVE ITEMS**A. AMENDMENT OF PLANNING COMMISSION BYLAWS**

Request: Resolution amending Planning Commission Bylaws concerning the date of officer elections, and adding disclosures as a standing item on agendas.

11. DEPUTY DIRECTOR'S REPORT

- | DISCUSSION OF THE **DECEMBER 3, 2008** REGULAR 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 - Kendal Jackson (formerly Pecota) Winery
- | #P06-0102-MOD, 2 years after opening - Frank Family Winery

14. ADJOURNMENT