



A Tradition of Stewardship  
A Commitment to Service

# AGENDA

## NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

**Wednesday      December 01, 2010**  
**9:00 AM**

### COMMISSION MEMBERS

<i>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>COMMISSIONER</i> <i>Bob Fiddaman</i> <i>District # 3</i>	<i>VICE-CHAIRPERSON</i> <i>Matt Pope</i> <i>District # 5</i>
<i>COMMISSION COUNSEL</i> <i>Laura Anderson &amp; Minh Tran</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.countyofnapa.org](http://www.countyofnapa.org)**

**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 - None****5. DIRECTOR'S REPORT**

- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES

**6. AGENDA REVIEW**

- ITEM 10.A TO BE HEARD TIME CERTAIN AT 9:10 A.M.

**7. DISCLOSURES****8. PUBLIC HEARING ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY****9. PUBLIC HEARING ITEMS****A. KRUPP FAMILY CEMETERY / JAN KRUPP - USE PERMIT #P10-00137-UP**

**CEQA Status:** The project is Categorically Exempt pursuant to Section 15304 of the California Environmental Quality Act (Class 4 - Minor public or private alterations to land) and Appendix B, Class 4 of the Napa County's Local Procedures for Implementing the California Environmental Quality Act. Class 4 exemption allows of minor alterations to the conditions of land under which this small private cemetery with a maximum 10 burial site qualify. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval to establish a small private cemetery to include the following: (1) 8,000 square feet (0.18-acre) earth interment area for a maximum of 10 burial plots; (2) no structures, landscaping, lighting or signage; and (3) replacement in-kind of trees and/or other natural vegetation on a one-one ratio of any existing vegetation removed. The cemetery site is located in the southeast corner of a 160-acre parcel approximately 2 miles northwesterly off of Soda Canyon Road, approximately 6 miles north of the Soda Canyon Road intersection with Silverado Trail and within the Agricultural Watershed (AW) zoning district. (Assessor's Parcel Number: 032-030-010) Soda Canyon Road, Napa, Ca. 94558

**Staff Recommendation:** Find the project categorically exempt and approve the Use Permit with proposed conditions of approval.

**Staff Contact:** Mary Doyle, 299-1350 or [mary.doyle@countyofnapa.org](mailto:mary.doyle@countyofnapa.org)

**B. VINEYARD 22 WINERY / TFC - VINEYARD 22 LLC - USE PERMIT EXCEPTION #P10-00180-UP,**

**VIEWSHED #P10-00181-VIEW, AND USE PERMIT #P10-00034-UP**

**CEQA Status:** A Mitigated Negative Declaration was previously adopted for the project site in conjunction with the approval of Agricultural Erosion Control Plan #P09-00465-ECPA (State Clearinghouse No. 2008012010 adopted July 28, 2010). The site is currently being developed with 9.7 acres of vineyard in reliance of #P09-00465-ECPA. The proposed winery project is consistent with the winery analyzed in the previously adopted Mitigated Negative Declaration, and therefore the requested actions are within the scope of the previously adopted Mitigated Negative Declaration. No new potential environmental effects have been identified that were not previously addressed in the Mitigated Negative Declaration, and therefore no further environmental documentation is necessary pursuant to State CEQA Guidelines Section 15162.

**Request:** This item requires three approvals:

**A.) Conservation Regulations Use Permit Exception (#P10-00180-UP)** to allow the construction of the proposed winery facility on a building site slope averaging 35.5% - pursuant to Napa County Code section 18.108.040 (B) a use permit is required for development on slopes of 30% or greater.

**B.) Viewshed Protection Program (#P10-00181-VIEW)** to allow the construction of the proposed winery facility on a building site with a slope greater than 15% that is visible from a designated viewshed road (Deer Park Road) - pursuant to Napa County Code section 18.106.030 (A).

**C.) Winery Use Permit (#P10-00034-UP)** to establish a new 10,000 gallon per year winery with: 1) approximately 10,050 sq. ft. of caves, 2) approximately 3,400 sq. ft. of outdoor work area, of which 1,400sq. ft would be covered, 3) approximately 1,565 sq. ft. of winery structures, 4) a 1,300 sq. ft. hospitality patio, 5) one full-time and two part-time employees, 6) a parking area that includes nine parking spaces, 7) installation of drainage improvements and subsurface detention facility, 8) by-appointment tours and tastings with a maximum of 15 visitors per day and 50 per week, 9) a marketing plan with nine 30-person marketing events, 10) installation of a winery access road, and 11) installation of a new domestic and process wastewater treatment systems with subsurface disposal. The proposed project would occur on a 22.61-acre parcel located on the east side of Deer Park Road approximately 0.75 miles north of its intersection with Sanitarium Road, within an Agricultural Watershed (AW) zoning district. Assessor's Parcel #021-420-015, 1156 Deer Park Road, Deer Park.

**Staff Recommendation:** Find the project within the scope of the previously adopted Mitigated Negative Declaration and approve the application as proposed, subject to the mitigation measures and conditions of approval.

**Staff Contact:** Donald Barrella (707) 299-1338 or [donald.barrella@countyofnapa.org](mailto:donald.barrella@countyofnapa.org)

**10. ADMINISTRATIVE ITEMS****ITEM 10.A - SET MATTER - 9:10 A.M.****A. PROMOTING HEALTHIER COMMUNITIES STUDY SESSION**

**Request:** Presentation by County Public Health Officer Karen L. Smith, M.D. M.P.H., and Commission discussion concerning land use planning and its relationship to public health.

**Staff Contact:** John McDowell, 299-1354 or [john.mcdowell@countyofnapa.org](mailto:john.mcdowell@countyofnapa.org)

**B. ADOPTION OF 2011 PLANNING COMMISSION MEETING CALENDAR**

**Staff Recommendation:** Adopt regular meeting schedule for 2011.

**Staff Contact:** John McDowell 299-1354 or [john.mcdowell@countyofnapa.org](mailto:john.mcdowell@countyofnapa.org)

## **11. DEPUTY DIRECTOR'S REPORT**

- CANCELLATION OF DECEMBER 15, 2010 COMMISSION MEETING
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

## **12. COMMISSIONER COMMENTS / COMMITTEE REPORTS**

## **13. FUTURE AGENDA ITEMS**

- #03457-UP, 1 year after opening - Kendall-Jackson (formerly Pecota) Winery
- #P09-00185-UP, 1 year after opening - Ca'Nani Winery
- #P06-0102-MOD, February 2011 - Frank Family Winery
- #P10-00123-MOD, August 2011 - MJA Vineyards
- #P06-01426-UP, September 2011- Pavitt Winery
- #P010-00177-MOD, December 2011 - Kelham Vineyards

## **14. ADJOURNMENT**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON (FILL IN DATE) BY (FILL IN TIME). A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Melissa Gray (By e-signature)  
Melissa Gray, Clerk of the Commission