



A Tradition of Stewardship  
A Commitment to Service

# AGENDA

## NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

Wednesday December 17, 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](http://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
9. PUBLIC HEARING ITEMS

**A. PAVITT FAMILY VINEYARDS / SHANE & SUZANNE PAVITT - VARIANCE REQUEST #P06-01427 VAR AND USE PERMIT REQUEST #P06-01426 UP**

**CEQA Status:** Categorically exempt pursuant to Section 15303, Class 3 ("New Construction or Conversion of Small Structures") of the California Environmental Quality Act; and Appendix B, Class 3 ("New Construction or Conversion of Small Structures Item# 10: Small Wineries") of Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5

**Request:** (A) Approval of a variance to allow an existing 3,915 square foot, two story agricultural structure to be used as a winery to encroach 464 feet into the required winery setback of 600' from the centerline of Silverado Trail; and (B) Approval of a use permit for a 10,000 gallon per year winery to include the following: (1) use of the existing 3,915 square foot agricultural structure for the winery operations and activities, an administrative office and a 164 square foot laboratory; (2) new construction of a 170 square foot outdoor crush pad; (3) installation/completion of a new winery waste water system, a pretreatment with drip irrigation in the vineyard and 3 tanks totaling 30,000 gallons; (4) mobile bottling; (5) four parking spaces; (6) one full time and 2 part time employees; (7) tours and tasting by appointment only (Monday-Friday from 7 a.m.-5 p.m.) with a maximum of 10 visitors per week; (8) a marketing plan to include 8 private wine and food tastings for the wine trade with a maximum 10 people per event and one private Harvest event with a maximum of 30 guests. The project is located on a 22.84-acre parcel on the east side of Silverado Trail, approximately 600 feet north of its intersection from Dunaweal Lane within an AW (Agricultural Watershed) zoning district (Assessor's Parcel#: 020-350-026) 4640 Silverado Trail, Calistoga.

**Staff Recommendation:** Find the project categorically exempt and approve the variance and use permit with the proposed conditions of approval.

**Staff Contact:** Mary Doyle, 299-1350 or  
mdoyle@co.napa.ca.us [mdoyle@co.napa.ca.us](mailto:mdoyle@co.napa.ca.us)

**B. NOORZAY/OSMAN AUTO DISMANTLING/SALVAGE YARD - USE PERMIT #P06-01535-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: Hazards and Hazardous Materials; Hydrology/Water Quality; and Transportation/Traffic. 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 an auto dismantling/salvage business. The proposal includes 23 on-site parking spaces for employees and customers, fencing, landscaping, and a water storage tank. Proposed hours of operation are from 7:00 a.m. to 7:00 p.m., seven days a week with an estimated 4 full-time employees. Existing buildings with 740 and 400 square feet of floor area will be used for office and storage purposes, respectively. A new 5,000 square building would be constructed for dismantling operations, including draining oil and other fluids, storing waste fluids (oil, anti freeze, etc) and engines, transmissions, batteries and other salvaged parts. The proposed project is located on a 3.0 acre parcel on the north side of Green Island Road, approximately 2-1/2 miles west of State Highway 29 and ½ mile east of the Napa River in an General Industrial: Airport Compatibility (GI:AC) zoning district. APN: 058-060-004. 2600 Green Island Road, American Canyon.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and approve the Use Permit as conditioned.

**Staff contact:** Sean Trippi, (707) 299-1353

**C. LYNCH FAMILY VINEYARDS, LLC. / BENNETT LANE WINERY – USE PERMIT MAJOR MODIFICATION REQUEST # P07-00299-MOD**

**CEQA Status:** Negative Declaration Prepared and attached. 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:** Approval of a Major Modification to Use Permit #92452-UP to: (1) remodel the existing approximately 8,900 square foot winery building including expansion of the offices; (2) construct a new approximately 3,650 square foot tasting room with offices; (3) construct a new approximately 5,000 square foot barrel storage building with a commercial kitchen; (4) add an enclosed courtyard between buildings (for a winery totaling approximately 17,550 square feet); (5) relocate and expand the customer parking lot to 22 parking spaces; (6) increase tours and tasting by appointment only to 32 visitors per day, with 168 visitors average per week; (7) add a marketing plan with 48 private wine, food and harvest events per year with a maximum of 40 people per event, and four industry Open House events with a maximum of 50 people per event; and (8) three Napa Valley Wine Auction related events per year with a maximum of 125 people per event. No change to the annual production limit of 50,000 gallons per year is proposed. The project is located on a 10.0 acre parcel on the northeast side of State Highway 128, approximately 1,000 feet southeast from its intersection with Bennett Lane within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel #: 017-160-002). 3340 State Highway 128, Calistoga.

**Staff Recommendation:** Adopt negative declaration and approve project as proposed with conditions of approval.

**Staff Contact:** John McDowell 299-1354 (Bob Nelson 299-1355)

**D. 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 a future 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 southwest corner of Airport Boulevard and the Devlin Road terminus within an Industrial Park: Airport Compatibility (IP:AC) zoning district. APN: 057-090-069. American Canyon.

**Staff Recommendation:** Adopt Addendum to previous EIR and approve the use permit and tentative parcel map with the proposed conditions of approval.

**Staff Contact:** Sean Trippi 299-1353 or [strippi@co.napa.ca.us](mailto:strippi@co.napa.ca.us)

**E. CIMAROSSA WINERY / DINO DINA – USE PERMIT REQUEST - #P07-00719-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 areas: Biological Resources, and Utilities/Service Systems. 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 Permits to establish a new 10,000 gallon per year winery with: (1) a 3,613 square foot two-story winery building, a 902 square foot covered outdoor work area, 2,500 square feet of caves and conversion of an existing 1,360 square foot barn to wine barrel storage for a winery totaling 8,375 square feet; (2) two full-time and two part-time employees; (3) five parking spaces; (4) tours and tasting by appointment only with a maximum of eight visitors per day and 56 visitors per week; (5) a marketing plan with: two 20-person events per month; two 40-person events per year; and, two 100-person Wine Auction related events per year (all events to be catered); (6) installation of fire protection and winery use water tanks totaling 20,000 gallons on a 400 square foot concrete pad; (7) installation of a wastewater treatment system; and, (8) approval of an Exception to the County Road and Street Standards to allow: (A) improvements and routine maintenance to be made to Friesen Drive (an existing private road that is currently 10 to 16 feet wide serving the winery) and, (B) widening the existing private winery driveway to an average of 10 to 14 feet with a 2 foot shoulder and 2 fire turn-around areas (18 feet plus two foot shoulders required for both roads). The winery project is located on a 56.81 acre parcel on the south side of Friesen Drive approximately 1.25 miles northwest of its intersection with North White Cottage Road. Friesen Drive is accessed via Buckeye Lane which

begins 550 feet north of the intersection of Keyes Avenue and North White Cottage Road within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel #: 018-060-069). 1185 Friesen Drive, Angwin.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration, and approve the project as proposed with conditions of approval.

**Staff Contact:** Patricia Hornisher 299-1349

**F. NAPA VALLEY RESTAURANT GROUP, INC / BISTRO DON GIOVANNI - ACCESSORY USE EXPANSION FOR NON-CONFORMING USES ORDINANCE - PROPOSED ORDINANCE #P08-00368-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; and Section 15305 - Class 5, Minor Alteration to a Land Use Limitation.

**Request:** Proposal by the operators of Bistro Don Giovanni to amend County Zoning Ordinance Section 18.132.030 pertaining to Legal Nonconformities. The applicant requests that the ordinance be changed to allow for up to 500 sq. ft. of expansion to accessory uses, such as storage, associated with legal nonconforming uses.

**Ordinance Title:** *An Ordinance of the Board of Supervisors of the County of Napa, State of California, Amending Napa County Code Section 18.132.030 (Conditions for Continuance of Legal Nonconformities) allowing 500 square feet of cumulative surface area expansion for accessory uses for legal nonconforming parcels in existence on May 1, 2008.*

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

**Staff Contact:** John McDowell 299-1354 (Hillary Gitelman 253-4805)

## 10. ADMINISTRATIVE ITEMS

### A. ELECTION OF 2009 PLANNING COMMISSION OFFICERS

**Staff Recommendation:** Elect Chairperson and Vice-Chairperson for 2009 calendar year.

**Staff Contact:** John McDowell 299-1354

### B. ADOPTION OF 2009 PLANNING COMMISSION MEETING CALENDAR

**Staff Recommendation:** Adopt regular meeting schedule for 2009.

**Staff Contact:** John McDowell 299-1354

## 11. DEPUTY DIRECTOR'S REPORT

- DISCUSSION OF THE JANUARY 7, 2009 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
- #03457-UP, 1 year after opening - Kendal Jackson (formerly Pecota) Winery
- #P06-0102-MOD, 2 years after opening - Frank Family Winery
- #P07-00869-MOD, 6 months after opening - Alpha Omega Winery

**14. ADJOURNMENT**