



A Tradition of Stewardship  
A Commitment to Service

# AGENDA

## NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

Wednesday December 02, 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](http://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 the meetings held on:

- October 6, 2009 (all Commissioners present)
- November 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****A. NAPA COUNTY REGIONAL PARK & OPEN SPACE DISTRICT / JOHN & JUDY AHMANN - BERRYESSA PEAK TRAIL USE PERMIT # P09-00472-UP**

**CEQA Status:** Negative Declaration has been prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

**Request:** Approval to allow construction and operation of an approximately 0.5-mile trail within a public right-of-way along the Blue Ridge, over Running Deer Ranch property, and to provide a pedestrian link between existing public land managed by the Bureau of Land Management & Department of Fish and Game. The project is located at 11080 Berryessa-Knoxville Road, across three parcels, 160.00, 27.68 and 520.00 acres in size, approximately 9,800 feet (1.85 miles) northeast of the intersection at Berryessa-Knoxville Road and Eastside Road, within the AW (Agricultural Watershed) zoning district, (Assessor's Parcel Numbers: 015-250-006, 015-260-004 and -010) Napa.

**Staff Recommendation:** Open public hearing and continue item to December 16, 2009 regular meeting.

**Staff Contact:** Ronald Gee, 707-299-1351, or [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org)

**TO BE CONTINUED TO DECEMBER 16, 2009**

## 9. PUBLIC HEARING ITEMS

### A. VACATION RENTAL ORDINANCE - ZONING ORDINANCE TEXT AMENDMENT P09-00485-ORD

**CEQA Status:** 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.] The project is also covered by the General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

**Request:** County-sponsored ordinance to clarify the County's prohibition on short term vacation rentals except in commercial zoning districts by clarifying the definition of a "dwelling unit" and adding a new section 18.104.410 explicitly prohibiting transient commercial occupancies of dwelling units.

**Ordinance Title:** AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTION 18.08.260 DEFINING DWELLING UNIT AND ADDING A NEW SECTION 18.104.410 PROHIBITING TRANSIENT COMMERCIAL OCCUPANCIES OF DWELLING UNITS TO THE NAPA COUNTY CODE

**Staff Recommendation:** That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors

**Staff Contact:** Hillary Gitelman, 253-4805, hgitelman@co.napa.ca.us

### B. VENGE WINERY / DIANNA & KIRK VENGE & ERIKA PHILLIPS – USE PERMIT REQUEST - #P08-00647-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: Hydrology and Water Quality. 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 establish a 20,000 gallon per year winery to include: (1) conversion of an existing 2,800 square foot residence to an administrative office / hospitality building; (2) construction of a 3,600 square foot barn-style production and fermentation building; (3) construction of up to 9,000 square feet of barrel storage either within a cave system or by expanding the production building to accommodate the barrel storage for a winery totaling a maximum of 15,400 square feet; (4) construction of 3,324 square feet of outdoor work areas; (5) two full-time & two part-time employees; (6) six parking spaces (incl. one ADA); (7) tours and tasting by prior appointment only with 20 visitors per day and a maximum of 140 visitors per week; (8) a marketing plan with: three private food and wine tasting events per year with 10 persons per event; five private food and wine tasting events per year with 30 persons per event; and participation in the Napa Valley Wine Auction Event as a Category 5 Temporary Event; (9) installation of one water tank totalling 12,000 gallons for fire protection; (10) improvements to the existing standard septic system for process and sanitary winery wastewater; (11) civil

improvements to widen the existing private road to the winery site; and, (12) approval of an Exception to the Napa County Road and Street Standards to allow: a reduction in the road width to the existing 10± foot wide paved road with 1± foot shoulders (20 ft road width required). The winery project is located on a 12.63 acre parcel off a private road on the northeast side of Silverado Trail approximately 1,188 feet northwest of its intersection from Dunawear Lane within the Agricultural Preserve (AP) zoning district. (Assessor Parcel #: 020-350-038) 4708 Silverado Trail, Calistoga. The proposed location of the Exception to the Napa County Road and Street Standards is the existing private road serving the proposed project site and four other parcels from Silverado Trail (Assessor Parcel #'s: 020-350-003,020-350-005,020-350-006, 020-350-037, and 020-350-038).

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Exception to Napa County Road and Street Standards and Use Permit as proposed with conditions of approval.

**Staff Contact:** Patricia Hornisher 299-1349 or thornish@co.napa.ca.us

**C. HUNNICUTT WINERY / JUSTIN HUNNICUTT STEPHANS - USE PERMIT MAJOR MODIFICATION #P09-00245**

**CEQA Status:** Subsequent Negative Declaration Prepared. According to the Subsequent Negative Declaration the proposed project would not have any potentially significant effects. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. The previously adopted Mitigated Negative Declaration relating to the project is on file in the Napa County Planning Department and available for public review in the Behrens' Winery File P06-01310-UP.

**Request:** Approval to modify previously approved but not yet constructed winery use permit P06-01310-UP to include the following; (1) increase annual production from 20,000 gallons per year to 60,000 gallons per year; (2) 4,799 square feet of hospitality and office area within two structures connected by an 885 square foot covered walkway; (3) 14,100 square feet of caves for fermentation, crush, barrel and case good storage, (4) 7,750 square feet of patio/terrace area; (5) 7,000 square foot loading area; (6) 18 parking spaces; (7) a winery wastewater with reserve surface drip irrigation system and sanitary wastewater system; (8) hours of operation Monday-Saturday from 7 a.m.-5 p.m.; (9) marketing plan of 48 private events with 40 guests per event, 4 wine trade events with 50 guests per event, participation in the Wine Auction; (10) tours and tastings by appointment only with a maximum of 32 visitors per day and 168 visitors per week; (11) 3 full time, 2 part time, and 3 seasonal employees; (12) pave an existing 12 foot path; and (13) demolition of the existing garage/second unit. The project is located on a 15.1 acre parcel on the east side of Silverado Trail approximately 2,750 ft. south of its intersection with Crystal Springs Road within an Agriculture Watershed (AW) zoning district. (Assessor's Parcel No. 021-410-019) 3524 Silverado Trail, St. Helena.

**Staff Recommendation:** Adopt Subsequent Negative Declaration with Mitigation Monitoring and Reporting Plan and approve the Use Permit with proposed conditions of approval.

**Staff Contact:** Mary Doyle, 299-1350 or mdoyle@countyofnapa.org

**D. AFFORDABLE HOUSING AND INCENTIVES ORDINANCE - ZONING ORDINANCE TEXT AMENDMENT P09-00501-ORD**

**CEQA Status:** The project is intended to implement some of the programs in the 2009 Housing Element Update and falls within the scope of the 2009 Housing Element Update adopted June 23, 2009 and the program-level Environmental Impact Report (EIR) prepared for the 2009 Housing

Element Update certified on June 23, 2009 adequately describes the activity for the purposes of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15168(c); General Rule: It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

**Request:** The ordinance would reorganize existing County Code provisions regarding affordable housing and incentives for affordable housing development. Ordinance amendments would: 1) require that 20 percent of new single-family homes and 17 percent of condominiums and townhomes be affordable to moderate-income households; 2) require that moderate-income homes be built on site for developments with 5 or more for-sale units; 3) require payment of housing impact fees for rental housing developments; 4) allow alternative affordable housing proposals; 5) add application requirements for affordable housing; 6) modify housing trust fund procedures; 7) amend provisions for density bonuses and other incentives as required by State law; and 8) continue to require the payment of housing fees with respect to nonresidential development projects.

**Ordinance Title:** AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, REPEALING CHAPTERS 15.60 (AFFORDABLE HOUSING) AND CHAPTER 18.107 (RESIDENTIAL DENSITY BONUS AND INCENTIVES) OF THE NAPA COUNTY CODE AND ADDING CHAPTER 18.107 (AFFORDABLE HOUSING AND INCENTIVES) TO IMPLEMENT THE 2009 HOUSING ELEMENT UPDATE OF THE NAPA COUNTY GENERAL PLAN AND MAKING VARIOUS ADDITIONAL TECHNICAL CHANGES

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

**Staff Contact:** Larry Florin, 253-4621 lflorin@co.napa.ca.us

#### E. RESOLUTION OF INTENT TO ADOPT PLANNING COMMISSION CONFLICT OF INTEREST CODE

**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:** Adoption of a Commission Conflict of Interest Code as required by Chapter 3, Division 1 of Title 7 of the Government Code which requires Commission members and specific staff to disclose certain investments, income, interest in real property and business positions that would disqualify them from making or participating in the making of governmental decisions affecting those interests.

**Staff Recommendation:** Adopt attached Commission Conflict of Interest Code.

**Staff Contact:** Laura Anderson, 259-8252 or laura.anderson@CountyofNapa.org, or Chris Apallas, 259-8248 or chris.apallas@CountyofNapa.org

### 10. DEPUTY DIRECTOR'S REPORT

- DISCUSSION OF ITEMS FOR THE **DECEMBER 2, 2009 REGULAR AND SPECIAL** CDPD MEETINGS
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

### 11. COMMISSIONER COMMENTS / COMMITTEE REPORTS

**12. 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

**13. ADJOURNMENT**