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A Commitment to Service

Agenda Date: 12/21/2016

Agenda Placement: 8A

Continued From: 8/3/16

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Charlene Gallina, SUPERVISING PLANNER - 299-1355

**SUBJECT:** Adoption of 2017 Standard Conditions of Approval

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### **RECOMMENDATION**

#### **ADOPTION OF THE 2017 STANDARD CONDITIONS OF APPROVAL**

**CEQA Status:** 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:** Consideration of, and recommendation to, the Board of Supervisors regarding adoption of the updated 2017 Standard Conditions of Approval for: (1) Winery projects; (2) Other Non-Residential/Residential projects; and (3) Specific Plan Area (Napa Valley Business Park) projects. Upon adoption by the Board, the updated standard conditions will be applied to all new discretionary projects and to any future modifications in the County.

**Staff Recommendation:** Receive staff presentation on revised draft standard conditions of approval for Winery, Other NonResidential/Residential and Specific Plan Area (Napa Valley Business Park) projects, solicit any public comments, Commission discussion and final recommendation to the Board of Supervisors.

**Staff Contact:** Charlene Gallina, Supervising Planner, 299-1355 or [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

### **EXECUTIVE SUMMARY**

#### **Proposed Actions:**

1. Receive staff presentation on revised draft Standard Conditions of Approval for Winery, Other NonResidential/Residential Projects, Specific Plan Area (Napa Valley Business Park) projects;
2. Solicit any public comments; and

3. Commission discussion and final recommendation to the Board of Supervisors - OR -
4. Commission discussion, direction on additional revisions and continue item to January 4, 2017.

**Discussion:**

On August 3, 2016, staff presented the following new set of proposed standard conditions for Commission consideration and recommendation to the Board of Supervisors: (1) Winery projects; (2) Other Non-Residential/Residential projects; and (3) Specific Plan Area (Napa Valley Business Park) projects in an effort to make the conditions more streamlined and triggered by project milestones. A copy of the staff report and prior public comments have been provided for your review. In response to the comments received by stakeholders, the general public and elected/appointed officials, staff requested a continuance of this item to allow additional time to address comments received to date before the Commission makes its final recommendation. Furthermore, staff presented a proposed outline of how the conditions would be reorganized in order to get consensus from the Commission and the public on the new format before updating the draft standard conditions and presentation to the Commission for final consideration. A copy of this outline is also attached for your review. It should be noted that staff was directed by the Commission to follow this outline when updating conditions.

Regarding modifications to use permits, staff presented two options in lieu of the existing process which has a condition that simply incorporates by reference all prior use permit conditions of approval (whether still applicable or not). As presented, the first option involved a "consolidation" of all previous project conditions into one document regardless of duplication, inconsistencies, and/or conflicting information. The second option involved implementing a pilot program for major modification applications only in which staff would "integrate" all applicable operational and/or non construction conditions eliminating any duplicative, inconsistencies and/or conflicting information. The Commission directed staff to provide a condition that simply consolidates (or lists) conditions into one document, since it was less labor intensive with respect to staff resources and based upon project workload.

As presented, the proposed wording of the Standard Conditions have been modified to standardize language, ensure consistency and clarity, and to avoid any duplication. Furthermore, staff has standardize project specific conditions that have been applied to projects over the years, and have added conditions from the Building Division and Fire Department to provide more information regarding the permitting process and expectations when applying for such permits.

It should be further noted that staff on December 6, 2016 forwarded the revised proposed changes in "tracked change" format to our Development Stakeholders in addition to the Planning Commission to solicit feedback prior to this meeting. To date, comments were received from the Napa Valley Vintners & Winegrowers of Napa County (See Attached).

Although this item is not a public hearing, staff is recommending that the Commission receive testimony from any interested member of the public prior to Commission discussion and final recommendation to the Board of Supervisors.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

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)].

## **BACKGROUND AND DISCUSSION**

It is staff's intent that the Planning Commission recommend adoption and that the Board of Supervisors ultimately adopt a set of standard conditions that would apply to all winery related projects, as well as, all non-winery related projects located in the Specific Plan Area (Napa Valley Business Park) and other areas of the County such as: 1) a use permit for new or modified commercial, residential, institutional, and industrial development; 2) variance related requests; 3) conservation regulation exceptions; 4) viewshed projects; 5) road modifications in conjunction with use permits or a building permit; and 6) tentative parcel map applications. These standard conditions, once adopted by the Board, could not be changed on individual projects and would be applied on all future discretionary projects until such time as they are modified by the Board. Future modifications to the standard conditions except for project specific mitigation measures and/or conditions would only occur if adopted by the Board through a public process. Staff proposes that the conditions be reviewed every five (5) years or as needed by the Commission and Board. Once again, staff would appreciate feedback from the Commission regarding the frequency of this review period.

### **Proposed Format Changes:**

As presented, the attached proposed Standard Conditions have been reorganized based upon the Proposed Outline presented on August 3rd (Attachment D). The major categories are as follows:

#### **Introduction**

##### **Part 1**

1. Project Scope
2. Statutory & Code References
3. Monitoring Costs

##### **Part II**

4. Operational Characteristics of the Project

##### **Part III**

5. Payment of Fees - Prerequisite for Issuance of Permits
6. Grading/Demolition/Environmental/Building Permit/Other Permit Prerequisites
7. Project Construction
8. Temporary Certificate of Occupancy - Prerequisites
9. Final Certificate of Occupancy - Prerequisites

As revised, this format presents the permittee with the project scope and operational requirements up front followed by the logical sequence of preconstruction, construction, temporary and final occupancy requirements for a project. Therefore, prior draft standard conditions (dated June 21, 2016) have been reorganized, rewritten in tracked format, and inserted into these various categories. (Attachments A, B, & C)

As for any significant changes, staff has proposed new language for the "Ground Water Management – Wells" in response to stakeholder comments, as well as, modified other conditions to respond to stakeholder/public comments with exception to those requested changes that would incorporate new policy direction for projects. With respect to recent (December 13, 2016) Board of Supervisors approval of and authorization on the submittal of the Napa Valley Groundwater Sustainability - A Basin Analysis Report for the Napa Valley Subbasin to the California

Department of Water Resources (DWR), the Public Works Department is requesting that staff's proposed standard condition on "Ground Water Management – Wells" be further modified to clarify implementation responsibilities of staff, as well as, the permittee/property owner in providing groundwater well monitoring information to the County. Attachment F represents the Public Works Department proposed changes. Please note that these changes are tracked changed and typed in all caps.

Lastly, staff modified the proposed condition and procedure that would carry over previous conditions of approval for Major Modification applications only at this time based upon Commission direction received on August 3rd. This condition has been revised to implement the concept of "consolidation", which simply means that all previous use permit conditions will be compiled into a single document as part of a new use permit modification action. This would essentially be a sequential list of past entitlements incorporated into the conditions of the new entitlement. Duplicated conditions would remain. This option was selected, since it was less labor intensive with respect to staff resources and based upon project workload.

### **Response to Comments and Next Steps:**

Wording of the Standard Conditions has been modified to standardize the language, ensure consistency, provide clarity, and avoid duplication. Furthermore, they have been reorganized into project categories for ease of use by the property owner, the permittee, engineers/architects, contractors, and County staff. With regards to receipt of prior stakeholder and general public comments, staff has also revised conditions that provide more clarification. It should be noted that in instances where a comment requested a change in policy and/or Zoning Code regulation, such conditions were not revised and determined to be addressed through the processing of APAC recommendations. As for new comments received on December 13, 2016 in response to the updated draft conditions, staff will prepare an assessment of the requested changes and forward to the Commission before the meeting.

When the Commission has completed this review, the Commission's recommendation will be forwarded to the Board of Supervisors for final consideration and adoption. It is anticipated that the Board of Supervisors will consider this matter in January/February.

### **SUPPORTING DOCUMENTS**

- A . Draft Winery Standard Conditions of Approval, Dated 12-6-16
- B . Draft Other Project Standard Conditions of Approval, Dated 12-6-16
- C . Draft Specific Plan Area-NonWineryStandard Conditions of Approval, Dated 12-6-16
- D . Proposed Outline for Standard Conditions of Approval, Dated August 3, 2016
- E . Public Comments - Napa Valley Vintners & Winegrowers of Napa County
- F . Public Works Dept Revised Ground Water Management -Wells Standard Condition
- G . Previous Planning Commission Staff Report - August 3, 2016
- H . Previous Public Comments - August 3, 2016
- I . Adopted 2012 Winery & Other Project Standard Conditions, Dated 12-5-12

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina