

AGENDA

NAPA COUNTY PLANNING COMMISSION

1195 Third Street, Ste. 305
Napa, Ca. 94558

Wednesday March 6, 2019
9:00 AM



A Tradition of Stewardship
A Commitment to Service

COMMISSION MEMBERS

VICE CHAIR

Dave Whitmer
District # 2

COMMISSIONER

Anne Cottrell
District # 3

CHAIR

Joelle Gallagher
District # 1

COMMISSIONER

Andrew Mazotti
District # 4

COMMISSIONER

Jeri Hansen
District # 5

COMMISSION COUNSEL

Laura Anderson

SECRETARY-DIRECTOR

David Morrison

COMMISSION CLERK

Lashun Fuller

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, Ste. 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. 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 305 in Napa. If you have any question concerning the appeals procedure, please call (707) 253 4580 and request assistance.

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

1. CALL TO ORDER / ROLL CALL**2. PLEDGE OF ALLEGIANCE****3. CITIZEN COMMENTS AND RECOMMENDATIONS**

The Commission invites Citizen comments and recommendations concerning current issues and future prospects of a planning nature which are within the jurisdiction of the 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

The Clerk of the Commission request approval of Minutes for the meeting held on:
February 20, 2019 (All Commissioners Present)

5. AGENDA REVIEW**6. DISCLOSURES****7. PUBLIC HEARING ITEMS****A. DRAFT WATER QUALITY AND TREE PROTECTION ORDINANCE**

CEQA Status: Consideration and possible adoption of Categorical Exemptions Class 7, Class 8, Class 4, Class 5 and the General Rule. 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. [See Categorical Exemption Class 7 (“Actions by Regulatory Agencies for Protection of Natural Resources”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15307]; Categorical Exemption Class 8 (“Actions by Regulatory Agencies for Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308]; Categorical Exemption Class 4 (“Minor Alterations to Land”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15304; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; Categorical Exemption Class 5 (“Minor Alterations in Land Use Limitations”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15305; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; and General Rule in that 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 CEQA 14 CCR 15061(b)(3)]. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Recommend that the Board of Supervisors adopt a County sponsored ordinance amending the Conservation Regulations (County Code Chapter 18.108) to increase protections for water quality and trees, and to implement the Napa County General Plan (2008) and the 2019-2022 Strategic Plan (adopted January 15, 2019).

Proposed Ordinance Title: An Ordinance of the Board of Supervisors of Napa County, State of California, Amending Sections 18.108.10 (Purpose), 18.108.020 (General provisions), 18.108.025 (General provisions - Intermittent/perennial streams), 18.108.027 (Sensitive domestic water supply drainages), 18.108.030 (Definitions), 18.108.040 (Exceptions), 18.108.050 (Exemptions), 18.108.060

(Slope regulations - Prohibited uses), 18.108.070 (Erosion hazard areas - Use requirements), 18.108.075 (Requirements for structural erosion control measures), 18.108.080 (Agricultural erosion control plans - Requirements and authorization to prepare - Field modifications), 18.108.090 (Requirements for vineyard replanting programs), 18.108.120 (Existing erosion control), 18.108.135 (Oversight and operations), and 18.108.140 (Security, violations, and penalties), and Related Sections and Adding a New Section 18.108.026 (General provisions - Wetlands), to Chapter 18.108 (Conservation Regulations) of Title 18 (Zoning) of the Napa County Code Regarding Water Quality and Tree Protection.

Staff Recommendation: Recommend that the Board of Supervisors find that the proposed project is exempt from CEQA and is consistent with the Napa County General Plan (2008), and adopt the proposed ordinance.

Staff Contact: David Morrison, Director, at (707) 253-4805 or david.morrison@countyofnapa.org.

CONTINUED DISCUSSION FROM THE FEBRUARY 20, 2019 COMMISSION MEETING. ITEM WAS RENOTICED ON FEBRUARY 22, 2019

NOTE: DISCUSSION OF REMAINING PUBLIC HEARING ITEMS WILL COMMENCE AT 1:00 P.M.

B. THOMAS KENEFICK / KENEFICK RANCH WINERY / USE PERMIT # P16-00021

CEQA Status : Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures (or MM's). MM's are proposed for biological resources. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit for a new 20,000 gallon per year winery to allow the following: a) Construct a 3,840 square foot two-story winery structure with a 900 square foot covered crush pad. The first floor would include a fermentation and storage room, tasting room, and restroom, with an office and lab on the second floor. The winery building will replace an existing agricultural storage building; b) Maximum annual permitted maximum production of 20,000 gallons; c) Hours of operation seven days a week: 7:00 AM to 5:00 PM (production hours, except during harvest) and 10:00 AM to 5:00 PM (visitation hours); d) Employment of: four employees (three full time and one part time) non harvest; e) Tours and tastings by appointment only for 12 visitors per day; weekly maximum of 84 visitors; f) Annual marketing plan – 10 events (maximum of 30 guests per event) and one event (maximum of 50 persons), catered food may be served at events; g) Construction of six parking spaces; h) Connect the winery to the existing septic system; i) Utilize an existing well; j) Improvement of the existing on site driveway (widening to 20 feet) to meet County Road and Street Standards; and k) Installation of one 20,000 gallon water storage tank. The project is located within the Agricultural Watershed (AW) and Agricultural Preserve (AP) zoning district on an approximately 44-acre site at the end of Pickett Road in Calistoga. 2200 Pickett Road, Calistoga, CA. APN: 020-340-007.

Staff Recommendation: Adopt the proposed Mitigated Negative Declaration and approve the Use

Permit as conditioned.

Staff Contact: Emily Hedge, Planner III; phone 707-259-8226; Emily.Hedge@countyofnapa.org

Applicant Contact: Thomas Kenefick, 2200 Pickett Road, Calistoga, CA 94515; phone 707-952-6159; or email tom@kenefickranch.com

Representative Contact: Lester Hardy; P.O. Box 667 St. Helena, CA 94574; phone 707-967-9610; or email lester@lfhardy.com

CONTINUED FROM THE FEBRUARY 20, 2019 COMMISSION MEETING.

C. DARMS LANE, LLC & 5XB VINEYARDS, LLC C/O LARRY J. BUMP / DARMS LANE WINEREY / USE PERMIT #P16-00017 & VIEWSHED #P18-00152

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially significant effects on Transportation/Traffic unless mitigation measures are adopted. 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 for a new 30,000 gallon per year winery to allow the following: (a) construction of a 5,583 sq. ft. two-story production building, with a 1,922 sq. ft. outdoor covered work area; (b) construction of a 3,303 sq. ft. two-story hospitality/administrative building, including a commercial kitchen, with a 1,173 sq. ft. covered porch; (c) construction of 11,743 sq. ft. of winery cave area; (d) installation of three water storage tanks totaling 135,000 gallons for domestic water, irrigation, and fire suppression; (e) on-site parking for 12 vehicles; (f) up to eight full and/or part-time employees; (g) hours of operation seven days a week: production 6:00 AM to 6:00 PM (non-harvest) and visitation 10:00 AM to 6:00 PM; (h) tours and tastings by appointment only for a maximum of 24 visitors per day, 150 maximum per week; (i) a marketing program, which may include catered events, to host two events per month for up to 12 guests at each event; two events per month with up to 24 guests at each event; four events per year with up to 75 guests at each event; and, two events per year with up to 125 guests at each event (1,414 guests per year); (j) on-premise consumption of wines produced on site in the tasting room and outdoor hospitality areas, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (k) on-site domestic and process wastewater treatment systems; and, (l) driveway, entry gate and landscape improvements. The request also includes a viewshed application to address construction of the winery buildings on slopes of 15% or greater. The winery is proposed on a 46.94 acre property, approximately 427 feet north of the terminus of Darms Lane within the Agricultural Preserve (AP) zoning district. Access is provided across a 2.32 acre property located at the terminus of Darms Lane, adjacent to the winery property. APN's: 034-190-034 (driveway) & 034-190-035 (winery), 1150 Darms Lane, Napa.

Staff Recommendation: Adopt the Mitigated Negative Declaration & Mitigation, Monitoring and Reporting Program (MMRP) and approve the Viewshed application and Use Permit, as conditioned.

Staff Contact: Sean Trippi, Principal Planner, (707) 299-1353 or sean.trippi@countyofnapa.org

Applicant: Patricia Bump Davis; (707) 224-4200 or tricia@darmslanewine.com

Applicant Representative: Donna Oldford, Plans4Wine; (707) 963-5832 or dboldford@aol.com

8. ADMINISTRATIVE ITEMS - None

9. PLANNING MANAGER'S REPORT

- DISCUSSION OF ITEMS FOR THE **MARCH 20, 2019 REGULAR MEETING**
- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

10. COMMISSIONER COMMENTS / COMMITTEE REPORTS

11. PROJECTS REQUIRING COMMISSION FOLLOW-UP REVIEW

Refer to "PBES Current Projects" Web Page <https://www.countyofnapa.org/591/Current-Projects>

12. 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 FEBRUARY 26, 2019 BY 5 PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Lashun Fuller (By e-signature)
Lashun Fuller, Clerk of the Commission