

# AGENDA

## NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION



A Tradition of Stewardship  
A Commitment to Service

# Wednesday May 06, 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, and a telephonic appearance by Commissioner Fiddaman from a Satellite Location: Loma Linda University Children's Hospital (Lobby), 11234 Anderson Street, Loma Linda, Ca.**

**92354.** 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**

Clerk of the Commission requests approval of Minutes for meetings held on:  
October 1, 2008 (Commissioners Scott, Fiddaman, King, Phillips and Jager present)  
October 15, 2008 (Commissioners Scott, Fiddaman, King, Phillips and Jager 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- None****9. PUBLIC HEARING ITEMS**

- A. PAVITT FAMILY VINEYARDS / SHANE & SUZANNE PAVITT - 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:** Approval of a use permit for a 10,000 gallon per year winery to include the following: (1) use of the existing 3,360 square foot agricultural structure for the winery operations and activities, an administrative office, restrooms, a 164 square foot laboratory, barrel & case good storage; (2) new construction of a 170 square foot outdoor crush pad to be located at the southeast corner of the existing agricultural structure; (3) installation/completion of a new winery waste water system, a pretreatment with drip irrigation to be in the vineyard and 3 holding 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 (Sunday-Saturday 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 Dunawear Lane within an AW (Agricultural Watershed) zoning district (Assessor's Parcel#: 020-350-026) 4660 Silverado Trail, Calistoga.

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

**Staff Contact:** Mary Doyle, 299-1350

**B. PROPOSED GENERAL PLAN AMENDMENT (2009 HOUSING ELEMENT UPDATE & CONFORMING AMENDMENTS TO OTHER SECTIONS OF THE GENERAL PLAN) AND PROPOSED IMPLEMENTING ORDINANCES**

**Title:** A RESOLUTION OF THE CONSERVATION, DEVELOPMENT & PLANNING COMMISSION OF THE COUNTY OF NAPA, STATE OF CALIFORNIA RECOMMENDING THAT THE NAPA COUNTY BOARD OF SUPERVISORS CERTIFY THE NAPA COUNTY HOUSING ELEMENT UPDATE FINAL EIR; AND A SECOND RESOLUTION RECOMMENDING THAT THE NAPA COUNTY BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS: (1) SUPERSEDE AND REPLACE THE EXISTING HOUSING ELEMENT WITH THE 2009 HOUSING ELEMENT UPDATE; (2) ADOPT CONFORMING AMENDMENTS TO OTHER SECTIONS OF THE NAPA COUNTY GENERAL PLAN; AND (3) AMEND THE NAPA COUNTY CODE TO IMPLEMENT PROGRAMS IN THE 2009 HOUSING ELEMENT UPDATE, INCLUDING PROGRAMS TO: (A) ALLOW SECOND UNITS IN THE AGRICULTURAL PRESERVE ZONING DISTRICT UNDER SPECIFIED CONDITIONS; (B) ALLOW EMERGENCY SHELTERS IN THE INDUSTRIAL ZONING DISTRICT; (C) CLARIFY THAT TRANSITIONAL AND SUPPORTIVE HOUSING ARE SUBJECT TO THE SAME RESTRICTIONS AS RESIDENTIAL DWELLINGS OF THE SAME TYPE; (D) REMOVE DENSITY STANDARDS FOR LARGE AND MEDIUM RESIDENTIAL CARE FACILITIES; (E) ALLOW SINGLE ROOM OCCUPANCY UNITS IN ZONES WHERE MULTIFAMILY HOUSING UNITS ARE ALLOWED; (F) ALLOW ACCESSORY DWELLING UNITS IN COMMERCIAL LIMITED AND COMMERCIAL NEIGHBORHOOD ZONES UNDER CERTAIN CONDITIONS; (G) CLARIFY THAT FARMWORKER ACCOMMODATIONS ARE ALLOWED IN CONFORMANCE WITH HEALTH AND SAFETY CODE SECTIONS 17021.5 AND 17021.6; (H) REMOVE THREE PARCELS IN THE MONTICELLO ROAD/ATLAS PEAK AREA FROM THE AFFORDABLE HOUSING COMBINATION DISTRICT AND ADJUST REQUIREMENTS FOR REMAINING PARCELS IN THE COMBINATION DISTRICT; AND (I) SIMPLIFY THE HOUSING ALLOCATION PROGRAM AND IMPLEMENTATION OF THE COUNTY'S GROWTH MANAGEMENT SYSTEM

**CEQA Status:** A Final Environmental Impact Report (EIR) has been prepared. Prior to adopting a resolution recommending adoption of the 2009 Housing Element Update, related amendments to other sections of the General Plan, and implementing ordinances, the Commission is required to review and consider the Final EIR and to recommend that the Board of Supervisors certify that the Final EIR has been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and local procedures for implementing CEQA, and that the Final EIR reflects the County's independent judgement and analysis.

**Request:** The General Plan Amendment would adopt the 2009 Housing Element Update and make other changes to the General Plan to ensure internal consistency and to comply with AB 162 from 2007; associated ordinances would implement programs in the 2009 Housing Element Update.

**Staff Recommendation:** Hold a public hearing and adopt the two attached resolutions recommending certification of the Final EIR, adoption of the 2009 Housing Element Update and associated general plan amendments and implementing ordinances.

**Staff Contact:** Hillary Gitelman 253-4805

**10. ADMINISTRATIVE ITEMS**

**A. 2009 NAPA COUNTY WATERSHED SYMPOSIUM ANNOUNCEMENT**

Brief information item announcing upcoming 2009 Napa County Watershed Symposium.

**Staff Contact:** Jeff Sharp, 259-5936 jsharp@co.napa.ca.us

**SET MATTER 9:00 A.M.****B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b)(3)(A) of Government Code Section 54956.9 (1 case)

**11. DEPUTY DIRECTOR'S REPORT**

- | DISCUSSION OF THE *MAY 20, 2009 CDPC & ALUC MEETINGS*
- | 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 - Kendall Jackson (formerly Pecota) Winery
- | #02082-UP, June 2009 - Del Dotto Winery
- | #P07-00869-UP, September 2010 Alpha Omega Winery
- | #P06-0102-MOD, December 2010 - Frank Family Winery

**14. ADJOURNMENT**