

# AGENDA

## NAPA COUNTY PLANNING COMMISSION

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

**Wednesday, June 07, 2017**  
**9:00 AM**



A Tradition of Stewardship  
A Commitment to Service

### COMMISSION MEMBERS

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<i>COMMISSIONER</i> <i>Joelle Gallagher</i> <i>District # 1</i>	<i>COMMISSIONER</i> <i>Michael Basayne</i> <i>District # 2</i>	<i>VICE CHAIR</i> <i>Anne Cottrell</i> <i>District # 3</i>	<i>COMMISSIONER</i> <i>Terry Scott</i> <i>District # 4</i>	<i>CHAIR</i> <i>Jeri Gill</i> <i>District # 5</i>
<i>COMMISSION COUNSEL</i> <i>Laura Anderson</i>		<i>SECRETARY-DIRECTOR</i> <i>David Morrison</i>		<i>COMMISSION CLERK</i> <i>Melissa Frost</i>

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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](http://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**

Clerk of the Commission requests approval of Minutes for the meeting held on:  
May 3, 2017 (All Commissioners present)  
May 17, 2017 (All Commissioners present)

**5. DIRECTOR'S REPORT**

- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES

**6. AGENDA REVIEW****7. DISCLOSURES****8. PUBLIC HEARING ITEMS****A. ANTHONY M. & JO ANN TRUCHARD / TRUCHARD FAMILY WINERY / USE PERMIT P14-00330-UP & VARIANCE P14-00331-VAR**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The property is on the California Environmental Protection Agency's list of hazardous sites (Government Code Section 65962.5), but is listed as a closed site. In 2005, there was a minor spill of chlorinated pesticides and/or hazardous material contamination in the soil. The spill was remediated and the site was closed in 2006, and is therefore not considered to have any potential significant environmental effect.

**Request:** Approval of a Use Permit to allow the construction of a new 100,000 gallon winery with the following characteristics: 1) Construction of a 33,702 sf winery building and a 1,200 sf attached covered crush pad; 2) Tours and tastings by appointment with a maximum of 40 visitors per weekday and 60 visitors on weekends/holidays for a maximum weekly total of 320 visitors; 3) A marketing program, which consists of two events per month for up to 30 people and four annual events for up to 150 people. Portable restrooms to be provided for events over 90 people; 4) Establishment of commercial catering kitchen for food and wine pairing activities; 5) Provision of food and wine pairings for the tours and tastings; 6) Employment of four full time and three part time employees; 7) Establishment of hours of operation: Monday through Sunday - visitation 10:00 a.m. – 6:00 p.m., and non-harvest production 8:30 a.m. - 5:30 p.m.; 8) On premises consumption of wines produced on site within the winery building and adjacent patio areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; 9) Construction of 13 parking spaces; 10)

Improvement of the southern existing driveway dedicated to winery visitors in conformance with the Napa County Road and Street Standards. The northern driveway to be dedicated for agricultural purposes, employees and production activities of the winery; 11) Construction of a new entry gate and winery signage for the southern driveway; 12) Replacement of the existing wooden bridge with a clearspan bridge in compliance with California Department of Fish and Wildlife and Napa County Conservation Regulations; 13) Construction of an on-site wastewater system with disposal of treated wastewater on vineyards on the adjacent 26 acre parcel (APN: 043-040-003); 14) On-site water storage tanks and utilizing the existing connection to the Congress Valley Water Department and/or well on the adjacent parcel (APN 043-061-022). A Variance application (P14-000331-VAR) is also requested to allow construction of the winery 178 feet within the 600 foot winery setback of Old Sonoma Road. The project is located on an approximately 11.52 acre parcel, within the AW: Agricultural Watershed zoning district approximately 1,320 feet south of Congress Valley Road and Old Sonoma Road intersection approximately 225 feet on the east side of the Old Sonoma Road located at 4062 Old Sonoma Road, Napa CA.; APN: 043-040-001. The project will rely on the adjacent 26 acre vineyard parcel (APN: 043-040-003) to dispose of the treated wastewater and utilize the existing connection to the Congress Valley Water Department and/or well on the adjacent parcel (APN 043-061-022).

**Staff Recommendation:** Drop the item from the agenda and re-notice for a future hearing date.

**Staff Contact:** Charlene Gallina, Supervising Planner, (707) 299-1355 or [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

**Applicant Contact:** Katherine Philippakis, Esq. and Kirsty Shelton Gerosa; Farella, Braun + Martel; 899 Adams Street, St. Helena, Napa, CA 94574; (707) 967-4000; [kgerosa@fbm.com](mailto:kgerosa@fbm.com) & [kp@fbm.com](mailto:kp@fbm.com)

**ITEM CONTINUED FROM THE MAY 3, 2017 PLANNING COMMISSION MEETING.**

**TO BE DROPPED FROM THE AGENDA AND RE-NOTICED FOR A FUTURE DATE.**

**B. VIGNERON PARTNERS / ROBERT BIALE VINEYARDS / USE PERMIT MAJOR MODIFICATION # P16-00396-MOD**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. 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 Major Modification to Use Permit #003088-UP and 03447-MOD, to allow: 1) an increase in the winery production capacity from 40,000 to 60,000 gallons; 2) an increase days of operation from five (5) to seven (7) days per week; 3) an increase employment from the approved seven (7) to a total 18 employees; 4) an increase in the expected by-appointment visitation from 4 to a maximum 21 weekdays and 45 visitors weekends; 5) the re-purpose of three existing structures (2,151 sq. ft. residence; 1,897 sq. ft. barn; 728 sq. ft. storage building) into winery use; 6) the addition of a food service kitchen for employees and caterers; 7) a modification of the marketing program to add events: 2/month (max. 25 persons); 2/year (max. 15 persons); 4/year (max. 50 persons); 2/year (max. 250 persons) for a total of 34 marketing events per year; no tours/tastings will be scheduled during larger marketing events (100 or more); 8) the use of portable toilets for events for over 100 persons; 9) on-premises consumption of wine in the tasting rooms and designated outdoor areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; 10); a revision of on-site vehicular circulation and the construction of a new driveway access to Big Ranch Rd.; 11) the addition of 18 on-site parking spaces, for a total 30 improved parking spaces; 12) the

construction of a paved outdoor patio on east side of existing winery; and, 13) installation of improvements to water supply, wastewater, and fire suppression facilities. The project is located on a 10.84 acre parcel on northeast side of Big Ranch Road, at its intersection with Salvador Ave. within the Agricultural Resource (AR) General Plan Designation and within the Agricultural Preserve (AP) zoning district; 4038 Big Ranch Road, Napa; APN: 036-190-007.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit Modification, as conditioned.

**Staff Contact:** Wyntriss Balcher, Planner II, (707) 299-1351 or [wyntriss.balcher@countyofnapa.org](mailto:wyntriss.balcher@countyofnapa.org)

**Applicant Contact:** Jeff Redding, Land Use Planning Services, (707) 255-7375, [jreddingaicp@comcast.net](mailto:jreddingaicp@comcast.net)

**C. LMR RUTHERFORD ESTATE WINERY / LMR WINE ESTATES LLC / USE PERMIT MODIFICATION #P16-00289-MOD AND VARIANCE REQUEST #16-00290-VAR**

**CEQA Status:** Consideration and possible adoption of an Addendum to the adopted Negative Declaration prepared for the winery in 2014. Pursuant to CEQA Guidelines Section 15164 an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in CEQA Section 15162 calling for preparation of a subsequent negative declaration have occurred. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of a Major Modification and Variance of Use Permit #P13-00167-UP to allow the following: 1) construction of an additional 5,878 sq. ft. building for barrel storage 160 feet from State Highway 29, 440 feet within the required 600 ft. winery setback; 2) increase the approved winery building total from 19,328 sq. ft. to 33,453 sq. ft., adding a barrel storage building, reducing the total interior space from 11,000 sq. ft. to 10,782 sq. ft., and increasing the covered exterior space from 8,328 sq. ft. to 22,671 sq. ft.; 3) the addition of 824 sq. ft. of covered outdoor porch space to the office building; 4) increase the winery equipment building from 816 sq. ft. to 1,016 sq. ft.; 5) add a 150 sq. ft. Fire Pump and Fire Equipment shed adjacent to the Visitor/Employee restrooms; and, 6) relocation of the four water storage tanks with an additional two water tanks, each 48,000 gallons and 25 feet in height, to the east side of winery building. No changes are proposed to production, employees, tours and tastings or marketing activities. The project is located on a ±30 acre project site on the east side of State Route 29, approximately ¼-mile north of the State Highway 128 / State Route 29 intersection. APN: 030-100-016. 1790 St. Helena Hwy South, Rutherford, CA 94573.

**Staff Recommendation:** Adopt the Addendum to the adopted Negative Declaration prepared for the winery, and approve the Use Permit Major Modification as conditioned.

**Staff Contact:** Wyntriss Balcher (707) 299-1351, [wyntriss.balcher@countyofnapa.org](mailto:wyntriss.balcher@countyofnapa.org)

**Applicant Contact:** Rob Anglin, (707)927-4280, [anglin@htralaw.com](mailto:anglin@htralaw.com)

**9. ADMINISTRATIVE ITEMS - None.**

**10. DEPUTY DIRECTOR'S REPORT**

- DISCUSSION OF ITEMS FOR THE **JUNE 21, 2017 REGULAR MEETING**

- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

**11. COMMISSIONER COMMENTS / COMMITTEE REPORTS**

**12. FUTURE AGENDA ITEMS**

ITEMS REQUIRED TO RETURN TO THE PLANNING COMMISSION FOR DISCUSSION BASED ON FUTURE PRIVATE CONSTRUCTION SCHEDULE

- #03457-UP, 1 year after occupancy - Kendall Jackson (formerly Pecota) Winery
- #P12-00347-UP, 1 year after occupancy - Diogenes Ridge Winery
- #P09-00185-UP, 1 year after occupancy - Ca' Nani Winery
- #P10-00206-UP, 1 year after occupancy for visitation - Caravan Serai Winery
- #P10- 00123-MOD, 1 year after occupancy - MJA Vineyards
- #P11-00464-MOD, 1 year after occupancy - Oakville Grocery
- #P13-00055-UP, 3 years after approval date for reporting on visitation and marketing - Bell Wine Cellars

**13. 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 6-1-17 BY 4:00 PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Melissa Frost (By e-signature)  
Melissa Frost, Clerk of the Commission