

# AGENDA

## NAPA COUNTY PLANNING COMMISSION

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

**Wednesday, September 16, 2015**  
**9:00 AM**



A Tradition of Stewardship  
A Commitment to Service

### COMMISSION MEMBERS

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<i>CHAIR</i> <i>Heather Phillips</i> <i>District # 1</i>	<i>COMMISSIONER</i> <i>Michael Basayne</i> <i>District # 2</i>	<i>COMMISSIONER</i> <i>Anne Cottrell</i> <i>District # 3</i>	<i>COMMISSIONER</i> <i>Terry Scott</i> <i>District # 4</i>	<i>VICE - CHAIR</i> <i>Vacant</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 problems 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 - None****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. MATERRA, CUNAT PREMIUM VINEYARDS – USE PERMIT MAJOR MODIFICATION # P15-00071-MOD**

**CEQA Status:** Consideration and possible adoption of a Subsequent Negative Declaration in accordance with CEQA Guidelines Section 15162(b). According to the previously-adopted Mitigated Negative Declaration (2009), the then-proposed winery would have, if mitigation measures were not included, potentially significant environmental impacts in the area of Traffic and Transportation. The mitigation measure, which required re-alignment of the access driveway to the winery from Big Ranch Road, was implemented with the recently-built site improvements. Analysis of the current modification proposal to increase annual wine production identified no new significant impacts of the current project proposal. 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 Major Modification (P15-00071 – MOD) to: 1) Increase in the winery's permitted annual production from 50,000 gallons of wine to 85,000 gallons of wine; and 2) Modify the existing septic system on-site to include a new, 2,000-gallon, below-ground septic tank alongside the 5,000-gallons of underground tank storage area behind (east of) the new winery production building, in order to accommodate the additional process waste water from the proposed increase in production. The winery buildings and outdoor processing areas on-site would not and do not need to be expanded for sake of the production increase, and the project applicant is not requesting any increases be made to the winery's approved parking, employment, or visitation and marketing programs. The 50-acre parcel on which the winery sits is located on the east side of Big Ranch Road near Oak Knoll Avenue, north of the City of Napa. The parcel is zoned AP (Agricultural

Preserve) District; Assessor's Parcel No. 036-160-003.

**Staff Recommendation:** Adopt the Subsequent Negative Declaration and approve the requested Major Modification to the previously approved use permit, as conditioned.

**Staff Contact:** Dana Ayers, Planner III, phone 707-253-4388 or email [dana.ayers@countyofnapa.org](mailto:dana.ayers@countyofnapa.org)

**Applicant:** Cunat Premium Vineyards, LLC, phone 815-385-3871 or email [bgcunat@gmail.com](mailto:bgcunat@gmail.com)

**Applicant's Representative:** Beth Painter, Balanced Planning, phone 707-287-9089 or email [beth@bnapa.com](mailto:beth@bnapa.com)

## B. DALLA VALLE VINEYARDS - USE PERMIT P14-00121 & VIEWSHED P15-00198

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed negative declaration, the project would not have any potentially significant environmental impacts. The project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Approval of a Use Permit to encompass the existing Dalla Valle Vineyards Winery, approved under a 1985 Small Winery Use Permit Exemption, and to allow the construction of a new barrel storage building. The Use Permit would allow the following activities: 1) Construction of a new 5,400 sq. ft. barrel storage building that includes a barrel room, work room, lab, entryway, foyer, vestibule, work room, chemical storage, mechanical room, crush equipment storage, restroom, vineyard storage, and conference/blending room; 2) Construction of a covered outdoor production area approximately 1,270 sq. ft.; 3) Construction of a pump house and utilities enclosure; 4) Removal of approximately 1,300 sq. ft. of existing outdoor production area approved under Minor Modification P07-00553; 5) Removal of 0.25 acres of vineyards; 6) Installation of approximately 2,800 sq. ft. of new landscaping; 7) Upgraded fire turn around; 8) Continuation of existing asphalt driveway along proposed barrel building to replace existing gravel driveway; 9) Proposed 56,000 gallon water tank to be used for domestic and process water; 10) Relocation of existing power lines to accommodate the location of the proposed barrel building; and 11) Two new wells. The project includes a review of the proposed new barrel storage building under the Viewshed Protection Program (Chapter 18.106 of the Napa County Code) to review the visibility of the new construction from County designated Viewshed roads. The project also includes a request for an exception to the Napa County Road and Streets Standards (RSS). The exception proposes a reduced horizontal curve radius at one existing location, three existing nonstandard turnouts, and nonstandard turnout spacing at two locations as described in the letter from Delta Consulting & Engineering dated May 2, 2014. The road modification request is due to legal constraints (construction outside the existing easement), to avoid grading on steep slopes, and to preserve mature native trees that would otherwise have to be removed. All sections of the common driveway and private driveway not requesting a road exception will meet the Napa County Road and Street Standards. See exception request for additional detail. The proposed project site is located at 7776 Silverado Trail, Napa, on a 26.61-acre site, in the Agricultural Watershed (AW) District. Assessor's Parcel No. 031-060-027.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit, Viewshed Application, and Roads & Street Standard Exception request as conditioned.

**Staff Contact:** Emily Hedge, Planner II, (707) 259-8226, or [emily.hedge@countyofnapa.org](mailto:emily.hedge@countyofnapa.org)

**Applicant Contact:** Naoko Dalla Valle, Property Owner, (707) 944-2676

**Applicant's Representative:** Lester Hardy, Attorney, (707) 967-9610 or [lester@lfhardy.com](mailto:lester@lfhardy.com)

## 10. ADMINISTRATIVE ITEMS

### A. 2014 WINERY PRODUCTION COMPLIANCE REVIEW

**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:** Presentation, discussion and direction to staff regarding the outcome of a confidential review of wine production and visitation at wineries selected randomly by the Planning Commission in 2014.

**Staff Recommendation:** Review and comment on the results of the 2014 winery use permit monitoring program/compliance review.

**Staff Contact:** Linda St. Claire, 299-1348; [Linda.StClaire@countyofnapa.org](mailto:Linda.StClaire@countyofnapa.org)

### B. PROPOSED METHOD FOR EVALUATING FUTURE WINERY VISITATION PROPOSALS

**CEQA Status:** Feasibility and planning studies for possible future actions are Statutorily Exempt under 14 California Code of Regulations 15262 (State CEQA Guidelines) and CEQA is not applicable. These recommendations, in and of themselves, do not have a potential for resulting in a direct, physical change in the environment or a reasonably foreseeable indirect physical change, and therefore are not considered to be a project under 14 California Code of Regulations 15378 (State CEQA Guidelines). Also, 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 pursuant to the General Rule contained in the Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3).

**Request:** The Planning Commission has previously requested that staff provide a framework that would allow a more informed and detailed discussion of comparing applications for winery visitation.

**Staff Recommendation:** Take public comment on and provide direction regarding the proposed draft guidelines.

**Staff Contact:** David Morrison, Director; (707) 253-4805; [david.morrison@countyofnapa.org](mailto:david.morrison@countyofnapa.org)

**CONTINUED DISCUSSION FROM THE MAY 15, 2015, JUNE 17, 2015, JULY 1, 2015  
& SEPTEMBER 2, 2015 REGULAR MEETINGS**

### C. PRESENTATION & TENTATIVE ACTION ON FINAL AGRICULTURAL PROTECTION ADVISORY COMMITTEE (APAC) RECOMMENDATIONS

**CEQA Status:** Feasibility and planning studies for possible future actions are Statutorily Exempt under 14 California Code of Regulations 15262 (State CEQA Guidelines) and CEQA is not applicable. These recommendations, in and of themselves, do not have a potential for resulting in a direct, physical change in the environment or a reasonably foreseeable indirect physical change, and therefore are not considered to be a project under 14 California Code of Regulations 15378 (State CEQA Guidelines). Also, 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 pursuant to the General Rule contained in the Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3).

**Request:** The Resolution adopted by the Board of Supervisors that formed the Agricultural Advisory Committee (APAC) directed the Committee to report its final recommendations to the Planning Commission by September 2, 2015. Ted Hall, the Chair of the APAC, will present the Final Report to the Commission and will be available to answer any questions about the APAC's work and recommendations.

**Staff Recommendation:** Ask any clarifying questions, take public comment, discuss the Final Report, and take tentative action on APAC recommendations 3 and 13.

**Staff Contact:** David Morrison, Director; (707) 253-4805; [david.morrison@countyofnapa.org](mailto:david.morrison@countyofnapa.org)

**CONTINUED DISCUSSION FROM THE SEPTEMBER 2, 2015 REGULAR MEETING**

**THIS ITEM IS SET TO BE DISCUSSED AT 1:30 PM**

**D. ELECTION OF 2015 PLANNING COMMISSION OFFICERS**

**Staff Recommendation:** Elect a Vice-Chairperson for the remaining 2015 calendar year.

**Staff Contact:** Melissa Frost 299-1380 or [melissa.gray@countyofnapa.org](mailto:melissa.gray@countyofnapa.org)

**11. DEPUTY DIRECTOR'S REPORT**

- DISCUSSION OF ITEMS FOR THE **SEPTEMBER 30, 2015 SPECIAL MEETING & OCTOBER 7, 2015 REGULAR MEETING**
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

**12. COMMISSIONER COMMENTS / COMMITTEE REPORTS**

**13. 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

**14. 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 9-9-15 BY 5:30 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