



A Tradition of Stewardship  
A Commitment to Service

# AGENDA

## NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

**Wednesday September 03, 2008  
9:00 AM**

### COMMISSION MEMBERS

|   |   |   |   |   |
|---|---|---|---|---|
| <i>COMMISSIONER</i><br><i>Heather Phillips</i><br><i>District # 1</i> | <i>COMMISSIONER</i><br><i>Jim King</i><br><i>District # 2</i> | <i>CHAIRPERSON</i><br><i>Terry Scott</i><br><i>District # 4</i> | <i>VICE-CHAIRPERSON</i><br><i>Bob Fiddaman</i><br><i>District # 3</i> | <i>COMMISSIONER</i><br><i>Rich Jager</i><br><i>District # 5</i> |
| <i>COMMISSION COUNSEL</i><br><i>Laura Anderson</i>                    |   | <i>SECRETARY-DIRECTOR</i><br><i>Hillary Gitelman</i>            |   | <i>COMMISSION CLERK</i><br><i>Melissa von Loesch</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. 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
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
9. PUBLIC HEARING ITEMS

A. **BURKE RESIDENCE / BRIAN BURKE, MANALIRI INC. / SETBACK VARIANCE, FILE # P07-00793-VAR, AND CONSERVATION REGULATIONS USE PERMIT EXCEPTION, FILE #P07-00792-UP**

**Ceqa Status:** Negative Declaration Prepared. This project site is not on one of the lists of hazardous waste sites enumerated under Government code section 65962.5.

**Request:** Approval of a building setback Variance and Use Permit Exception to the County Conservation Regulations to allow the construction of an approximately 2,500 sq. ft. single family residence with attached garage on a vacant wooded hillside property west of the Napa Valley floor. The setback Variance will allow the residence to encroach six (6) feet into the required twelve (12) foot northern side yard setback and twenty-four (24) feet into the required combined forty-eight (48) foot road and front yard setback. The Conservation Regulations Use Permit Exception will allow the residence on slopes averaging 42% and to encroach 70 feet into the required 150 foot Stream Setback for an unnamed intermittent creek located on the northern portion of the site. The scope of this project also includes the execution of a septic easement on the adjacent parcel to the east, and the grant of an Exception to the County's Road Standards to reduce required road widths in order to preserve existing mature trees. The project is located on a .38-acre parcel on the north side of Tucker Road where it intersects with Summit Drive and is approximately 1/4 mile west of Tucker Road's intersection with State Route 29 with an (AW) Agricultural Watershed Zoning Designation. APN: 020-262-015 (project site)(formerly 020-262-010); 020-262-016 (septic) (formerly 020-262-011).

**Staff Recommendation:** Adopt the negative declaration and approve the project with attached conditions of approval.

**Staff Contact:** Kirsty Shelton 299-1377; John McDowell 299-1354

**B. ALPHA OMEGA WINERY, LLC. / ALPHA OMEGA WINERY – VARIANCE AND USE PERMIT MAJOR MODIFICATION REQUEST #P08-00047 AND #P07-00869-MOD**

**CEQA Status:** Subsequent Mitigated Negative Declaration Prepared. According to the proposed Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following area: transportation/traffic. 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 Variance: to allow a new production/barrel building to encroach a max. of 74 ft. into the required 300 foot setback from centerline of Mee Lane and a corner of the new covered porch addition on the existing winery building to encroach 127 ft. into the required 600 foot setback from centerline of St. Hwy. 29 and a Use Permit Modification: to modify Use Permits: #U-118081, #U-538485, & #95037-MOD in 2 phases: Phase A: (1) establish the size of the pre-Winery Definition Ordinance public tasting room; (2)(a) Public Tours and Tasting Visitors: recognize Public Tours and Tasting visitors without prior appoint. at a max. of 900 visitors/wk; (2)(b) By Appointment Tours and Tasting Visitors: establish Tours and Tasting by Appoint. Only Visitors and combine them with Marketing event visitors for max. of 450 visitors/wk. The total combined Public, By Appt. & Marketing visitors not to exceed a max. of 1,350 visits/wk; (3) increase employees to 19 f/t and 6 p/t with an additional 15 p/t, seasonal workers during Harvest; (4) establish a Marketing Plan to include: 7 events/mo. with a max. of 50 people/event, 10 annual events with a max. of 100 people/event, and 6 annual events with a max. 200 people/per event (2 for the Napa Valley Wine Auction). Events to be catered by off-site food service; (5) authorize the use of the covered patio and garden areas by visitors; (6) add a 2nd work shift during Harvest only; (7) increase parking to 63 auto & 2 bus spaces; and, (8) convert the existing wastewater pond to a dual domestic and process wastewater system. Phase B: (1) construct a new approx. 9,273 sq. ft. production/barrel building adjacent to the existing 6,298 sq. ft. winery structure totaling approx. 15,571 sq. ft.; (2) increase production from 50,000 gal. to 144,000 gal. The project is located on a 10.79 ac. parcel on the southeast side of Mee Lane approx. 760 ft. northeast of its intersection with St. Highway 29 & approx. 2 mi. south of the City of St. Helena. (Assessor's Parcel #: 030-080-046) 1155 Mee Lane, St. Helena.

**Staff recommendation:** Adopt subsequent mitigated negative declaration and approve the project with attached conditions of approval.

**Staff Contact:** Patricia Hornisher 299-1349

**10. ADMINISTRATIVE ITEMS****A. NAPA REDEVELOPMENT PARTNERS, LLC / NAPA PIPE - GENERAL PLAN AMENDMENT #P07-00230. APN's: 046-400-030 & 046-412-005, 1025 Kaiser Road, Napa.****PROJECT STATUS UPDATE**

Presentation and discussion regarding the status of the Napa Pipe development proposal.

**Staff recommendation:** No action is requested at this time.

**Staff Contact:** Sean Trippi 253-1353

**11. DEPUTY DIRECTOR'S REPORT**

DISCUSSION OF ITEMS FOR THE **SEPTEMBER 17, 2008** MEETING  
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  
#02082-UP, December 2008 - Del Dotto Winery  
#03457-UP, 1 year after opening - Kendall Jackson (formerly Pecota) Winery  
#P06-0102-MOD, 2 years after opening - Frank Family Winery

**14. ADJOURNMENT**