

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
MINUTES

NOVEMBER 18, 2009

1. CALL TO ORDER / ROLL CALL

Meeting was called to order by Chair Bob Fiddaman
Commissioners Phillips, Scott, Basayne, Pope, Fiddaman present.

2. PLEDGE OF ALLEGIANCE

Chris Cahill led the salute to the flag.

3. CITIZEN COMMENTS AND RECOMMENDATIONS (10 minutes)

None.

4. APPROVAL OF MINUTES

None.

5. DIRECTOR'S REPORT

Hillary Gitelman gave the report.

- BOARD OF SUPERVISORS ACTIONS

- ▶ The BOS adopted an update to the County's travel policy.
- ▶ The Department received a letter of request from the Lake Luciana applicants and appellants asking for a continuance.

- OTHER DEPARTMENT ACTIVITIES

- ▶ Staff is preparing a response to the states Housing Element letter.

6. AGENDA REVIEW

John McDowell gave the review.

7. DISCLOSURES

Commissioners reported.

8. PUBLIC HEARING ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY

None.

9. PUBLIC HEARING ITEMS

**A. MAURICE MARCIANO / NAPA VINELAND PROPERTIES / MARCIANO WINERY -
USE PERMIT P08- 00423-UP**

CEQA Status: Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following areas: Biological Resources and Geology and Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: Use Permit No. P08-00423-UP to establish a new 20,000 gallon per year winery with: 1.) a 2,795 sq. ft. single-story barrel storage building; 2.) a 7,314 sq. ft. two-story production, office, catering kitchen, and hospitality building; 3.) a 566 square foot mechanical building with adjoining mechanical yard; 4.) two full-time and two part-time employees; 5.) nine parking spaces; 6.) by-appointment tours and tastings with a maximum of 15 visitors per day and 75 per week; 7.) a marketing plan with six 50-person marketing events, one 75-person release event, and participation in Auction Napa Valley; 8.) improvement of an existing unpaved vineyard lane to winery road standards; 9.) new domestic and process wastewater treatment systems with subsurface disposal; and 10.) two new water tanks on an existing upslope gravel pad. The project is located on a 55 ½ acre parcel located on the south side of Sulphur Springs Avenue, approximately 1 mile southwest of its intersection with St. Helena Highway (State Route 29 or Main Street in the City of St. Helena) within the AW (Agricultural Watershed) zoning district. APN: 027-020-061. 2233 Sulphur Springs Avenue, St. Helena, Calif., 94574

Staff Recommendation: Adopt the mitigated negative declaration and mitigation monitoring and reporting plan and approve the requested use permit as conditioned. Commission voted to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for the Marciano Winery, based on findings 1-5 of Exhibit A and approve Use Permit P08-00423 based on findings 6-10 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).
TS-MB-HP-MP-BF

B. VACATION RENTAL ORDINANCE - ZONING ORDINANCE TEXT AMENDMENT P09-00485-ORD

CEQA Status: 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. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] The project is also covered by the General Rule. 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 California Environmental Quality Act, 14 CCR 15061(b)(3)].

Request: County-sponsored ordinance to clarify the County's prohibition on short term vacation rentals except in commercial zoning districts by clarifying the definition of a "dwelling unit" and adding a new section 18.104.410 explicitly prohibiting transient commercial occupancies of dwelling units.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTION 18.08.260 DEFINING DWELLING UNIT AND ADDING A NEW SECTION 18.104.410 PROHIBITING TRANSIENT COMMERCIAL OCCUPANCIES OF DWELLING UNITS TO THE NAPA COUNTY CODE

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors.

10. ADMINISTRATIVE ITEMS

A. DISCUSSION OF TEMPORARY EVENTS & THE WINERY DEFINITION ORDINANCE (WDO)

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: Hold a discussion regarding potential amendments to the temporary events ordinance (Napa County Code Section 5.36) and other strategies that might permit wineries more flexibility in scheduling events.

Staff Recommendation: Staff is seeking input from the Commission and stakeholders prior to developing a recommendation for consideration by the Planning Commission and the Board of Supervisors.

On October 6, 2009, the Planning Commission and the Board of Supervisors met in joint session to discuss the Winery Definition Ordinance (WDO) and suggestions that the ordinance be amended to permit cultural and social events at wineries. At the close of the meeting, the Board directed planning staff to:

1. quickly review any options that might exist for using our temporary events ordinance as a way to permit social and cultural events at wineries;
2. offer support to industry group discussions about potential changes to the WDO; and
3. assemble some data regarding regional economic conditions and characteristics of Napa County wineries.

Today's discussion focused on the first of these items and will be based on a memorandum dated October 26, 2009 which reviews some of the issues and options associated with permitting additional events at wineries. A final recommendation, along with the outcomes of items two and three, above, is not expected until January 2010.

B. RESOLUTION OF INTENT TO ADOPT PLANNING COMMISSION CONFLICT OF INTEREST CODE

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: Adoption of a resolution of Intent to adopt the Planning Commission Conflict of Interest Code and to: (1) Authorize the Commission Secretary to notify the Napa County Board of Supervisors of the Commission's intent to adopt its Conflict of Interest Code; (2) Authorize the Commission Secretary to publish in the Napa Register at least one time a Notice of Intention to adopt the Conflict of Interest Code and establishing a 10-day public review; (3) Authorize the Commission Secretary to give written notice of the proposed adoption of a Conflict of Interest Code to all Commission personnel affected by the proposed changes; and (4) Authorize the Commission to tentatively approve the Conflict of Interest Resolution and Exhibit 1 after the expiration of the 10-day public review period.

Staff Recommendation: Adopt attached resolution and direct Staff to implement required additional actions.

Commission voted to adopt the attached Resolution of Intent to adopt the Commission Conflict of Interest Code and to:

1. Authorize the Commission Secretary to notify the Napa County Board of Supervisors of the Commission's intent to adopt its Conflict of Interest Code;
2. Authorize the Commission Secretary to publish in the Napa Register at least one time a Notice of Intention to adopt the Conflict of Interest Code and establishing a 10-day public review;
3. Authorize the Commission Secretary to give written notice of the proposed adoption of a Conflict of Interest Code to all Commission personnel affected by the proposed changes; and
4. Authorize the Commission to tentatively approve the Conflict of Interest Resolution and Exhibit 1 after

the expiration of the 10-day public review period.
MB-TS-HP-MP-BF

C. BIG RANCH ROAD / OAK KNOLL AVENUE TRAFFIC REPORT

Request: Information item reporting on traffic conditions for Big Ranch Road and the intersection of Big Ranch Road and Oak Knoll Avenue responding to previous request from the Commission.

John McDowell gave the report.

D. DRAFT 2010 COMMISSION CALENDAR

Request: Discussion and possible direction to Staff on Commission's meeting calendar for next year.

Final Calendar to be adopted at December 16, 2009 regular meeting.

No action taken.

11. DEPUTY DIRECTOR'S REPORT

John McDowell gave the report.

- DISCUSSION OF ITEMS FOR THE **December 2, 2009** MEETING
 - ▶ Regional Park & Open space -Berryessa Peak Trail
 - ▶ Vacation Rental Ordinance
 - ▶ Venge Winery
 - ▶ Hunnicutt Winery
 - ▶ Affordable Housing Ordinance
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS

12. COMMISSIONER COMMENTS / COMMITTEE REPORT

13. FUTURE AGENDA ITEMS

- #00388-UP, 1 year after opening - Caldwell Winery
- #03457-UP, 1 year after opening - Kendall Jackson (formerly Pecota) Winery
- #P06-01426-UP, 1 year after opening - Pavitt Winery
- #02082-UP, September 2010 - Alpha Omega Winery
- #P06-0102-MOD, December 2010 - Frank Family Winery

14. ADJOURNMENT

Adjourned to the regular meeting of the Conservation Development and Planning Commission Meeting of December 2, 2009.

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BOB FIDDAMAN, Chairperson

ATTEST: HILLARY GITELMAN, Secretary-Director

MELISSA GRAY, Clerk

Key

Vote: MB = Mike Basayne; MP=Matt Pope; BF = Bob Fiddaman; TS = Terry Scott; HP = Heather Phillips;

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under vote: N = No; A = Abstain; X = Excused