

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
MINUTES

DECEMBER 2, 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

George Bachich led the salute to the flag.

3. CITIZEN COMMENTS AND RECOMMENDATIONS (10 minutes)

None.

4. APPROVAL OF MINUTES

Minutes for the October 6, 2009 meetings were approved as presented.
MB-TS-HP-MP-BF

Minutes for the November 17, 2009 meeting were approved as presented.
MB-TS-HP-MP-BF

5. DIRECTOR'S REPORT

Hillary Gitelman gave the report.

• **BOARD OF SUPERVISORS ACTIONS**

- ▶ The BOS voted to continue the re-hearing of the Lake Luciana Golf Course to the meeting of January 25, 2010.
- ▶ The BOS considered the Planning Commission recommendation of the Lot Line Adjustment Ordinance and adopted a motion of intent.
- ▶ The BOS received an appeal on Napa Pipe requesting a longer comment period of the Draft EIR.

• **OTHER DEPARTMENT ACTIVITIES**

- ▶ Special Napa Pipe evening meeting December 16, 2009

6. AGENDA REVIEW

John McDowell gave the review.

7. DISCLOSURES

Commissioners reported.

8. PUBLIC HEARING ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY

A. NAPA COUNTY REGIONAL PARK & OPEN SPACE DISTRICT / JOHN & JUDY AHMANN – BERRYESSA PEAK TRAIL USE PERMIT # P09-00472-UP

CEQA Status: Negative Declaration has been prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant

environmental impacts. The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

Request: Approval to allow construction and operation of an approximately 0.5-mile trail within a public right-of-way along the Blue Ridge, over Running Deer Ranch property, and to provide a pedestrian link between existing public land managed by the Bureau of Land Management & Department of Fish and Game. The project is located at 11080 Berryessa-Knoxville Road, across three parcels, 160.00, 27.68 and 520.00 acres in size, approximately 9,800 feet (1.85 miles) northeast of the intersection at Berryessa-Knoxville Road and Eastside Road, within the AW (Agricultural Watershed) zoning district, (Assessor's Parcel Numbers: 015-250-006, 015-260-004 and -010) Napa.

Staff Recommendation: Open public hearing and continue item to December 16, 2009 regular meeting.

TO BE CONTINUED TO DECEMBER 16, 2009

Commission voted to continue the item to the December 16, 2009 meeting.

TS-MB-HP-MP-BF

9. PUBLIC HEARING ITEMS

A. 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.

Commission voted to recommend to the Board of Supervisors that they find the proposed ordinance exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 5 Categorical Exemption) as provided by Napa County's Local Guidelines for Implementing CEQA, and pursuant to the General Rule (CEQA Guidelines Section 15061(b)(3)) that CEQA does not apply where it can be seen with certainty that there is no possibility of a significant impact; and recommend to the Board of Supervisors that they find the proposed ordinance consistent with the Napa County General Plan

for the reasons articulated in this staff report and adopt the proposed ordinance.

MP-HP-BF-TS-MB

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Motion passes 3-2

B. VENGE WINERY / DIANNA & KIRK VENGE & ERIKA PHILLIPS – USE PERMIT REQUEST - #P08-00647- UP

CEQA STATUS: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Hydrology and Water Quality. 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 to establish a 20,000 gallon per year winery to include: (1) conversion of an existing 2,800 square foot residence to an administrative office / hospitality building; (2) construction of a 3,600 square foot barn-style production and fermentation building; (3) construction of up to 9,000 square feet of barrel storage either within a cave system or by expanding the production building to accommodate the barrel storage for a winery totaling a maximum of 15,400 square feet; (4) construction of 3,324 square feet of outdoor work areas; (5) two full-time & two part-time employees; (6) six parking spaces (incl. one ADA); (7) tours and tasting by prior appointment only with 20 visitors per day and a maximum of 140 visitors per week; (8) a marketing plan with: three private food and wine tasting events per year with 10 persons per event; five private food and wine tasting events per year with 30 persons per event; and participation in the Napa Valley Wine Auction Event as a Category 5 Temporary Event; (9) installation of one water tank totalling 12,000 gallons for fire protection; (10) improvements to the existing standard septic system for process and sanitary winery wastewater; (11) civil improvements to widen the existing private road to the winery site; and, (12) approval of an Exception to the Napa County Road and Street Standards to allow: a reduction in the road width to the existing 10± foot wide paved road with 1± foot shoulders (20 ft road width required). The winery project is located on a 12.63 acre parcel off a private road on the northeast side of Silverado Trail approximately 1,188 feet northwest of its intersection from Dunawear Lane within the Agricultural Preserve (AP) zoning district. (Assessor Parcel #: 020-350-038) 4708 Silverado Trail, Calistoga. The proposed location of the Exception to the Napa County Road and Street Standards is the existing private road serving the proposed project site and four other parcels from Silverado Trail (Assessor Parcel #'s: 020-350-003,020-350-005,020-350-006, 020-350-037, and 020-350-038).

Staff Recommendation: Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Exception to Napa County Road and Street Standards and Use Permit as proposed with conditions of approval. Commission voted to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Venge Winery, based on findings 1-6 of Exhibit A; and approve the requested Exception to the Napa County Road and Street Standards based on findings 7-9 of Exhibit A; and, approve Use Permit P08-00647-UP based on findings 10-14 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B) as revised.

TS-MB-HP-MP-BF

C. HUNNICUTT WINERY / JUSTIN HUNNICUTT STEPHANS - USE PERMIT MAJOR MODIFICATION #P09-00245

CEQA Status: Subsequent Negative Declaration Prepared. According to the Subsequent Negative Declaration the proposed project would not have any potentially significant effects. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. The previously adopted

Mitigated Negative Declaration relating to the project is on file in the Napa County Planning Department and available for public review in the Behrens' Winery File P06-01310-UP.

Request: Approval to modify previously approved but not yet constructed winery use permit P06-01310-UP to include the following; (1) increase annual production from 20,000 gallons per year to 60,000 gallons per year; (2) 4,799 square feet of hospitality and office area within two structures connected by an 885 square foot covered walkway; (3) 14,100 square feet of caves for fermentation, crush, barrel and case good storage, (4) 7,750 square feet of patio/terrace area; (5) 7,000 square foot loading area; (6) 18 parking spaces; (7) a winery wastewater with reserve surface drip irrigation system and sanitary wastewater system; (8) hours of operation Monday-Saturday from 7 a.m.-5 p.m.; (9) marketing plan of 48 private events with 40 guests per event, 4 wine trade events with 50 guests per event, participation in the Wine Auction; (10) tours and tastings by appointment only with a maximum of 32 visitors per day and 168 visitors per week; (11) 3 full time, 2 part time, and 3 seasonal employees; (12) pave an existing 12 foot path; and (13) demolition of the existing garage/second unit. The project is located on a 15.1 acre parcel on the east side of Silverado Trail approximately 2,750 ft. south of its intersection with Crystal Springs Road within an Agriculture Watershed (AW) zoning district. (Assessor's Parcel No. 021-410-019) 3524 Silverado Trail, St. Helena.

Staff Recommendation: Adopt Subsequent Negative Declaration with Mitigation Monitoring and Reporting Plan and approve the Use Permit with proposed conditions of approval.

Commission voted to adopt the Subsequent Negative Declaration and updated Mitigation Monitoring and Reporting Program based on findings 1-5 of Exhibit A; and approve Use Permit no. P09-00245 Major Mod based on findings 2-6 of Exhibit A and subject to the attached Conditions of Approval (Exhibit B) as revised. TS-MB-HP-MP-BF

D. AFFORDABLE HOUSING AND INCENTIVES ORDINANCE - ZONING ORDINANCE TEXT AMENDMENT P09-00501-ORD

CEQA Status: The project is intended to implement some of the programs in the 2009 Housing Element Update and falls within the scope of the 2009 Housing Element Update adopted June 23, 2009 and the program-level Environmental Impact Report (EIR) prepared for the 2009 Housing Element Update certified on June 23, 2009 adequately describes the activity for the purposes of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15168(c); 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: The ordinance would reorganize existing County Code provisions regarding affordable housing and incentives for affordable housing development. Ordinance amendments would: 1) require that 20 percent of new single-family homes and 17 percent of condominiums and townhomes be affordable to moderate-income households; 2) require that moderate-income homes be built on site for developments with 5 or more for-sale units; 3) require payment of housing impact fees for rental housing developments; 4) allow alternative affordable housing proposals; 5) add application requirements for affordable housing; 6) modify housing trust fund procedures; 7) amend provisions for density bonuses and other incentives as required by State law; and 8) continue to require the payment of housing fees with respect to nonresidential development projects.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, REPEALING CHAPTERS 15.60 (AFFORDABLE HOUSING) AND CHAPTER 18.107 (RESIDENTIAL DENSITY BONUS AND INCENTIVES) OF THE NAPA COUNTY CODE AND ADDING CHAPTER 18.107

(AFFORDABLE HOUSING AND INCENTIVES) TO IMPLEMENT THE 2009 HOUSING ELEMENT UPDATE OF THE NAPA COUNTY GENERAL PLAN AND MAKING VARIOUS ADDITIONAL TECHNICAL CHANGES

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

Commission voted to continue the item to the December 16, 2009 regular meeting.

TS-MB-HP-MP-BF

E. 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 Commission Conflict of Interest Code as required by Chapter 3, Division 1 of Title 7 of the Government Code which requires Commission members and specific staff to disclose certain investments, income, interest in real property and business positions that would disqualify them from making or participating in the making of governmental decisions affecting those interests.

Staff Recommendation: Adopt attached Commission Conflict of Interest Code. The Napa County Conservation, Development and Planning Commission is required by Government Code section 87200 to adopt a Conflict of Interest Code. The Commission previously adopted a resolution of intent to adopt a Conflict of Interest Code and published notice of its intent providing for a 10 day public comment period. The comment period is now closed and Staff requests adoption of the Code.

Commission voted to adopt the attached Commission Conflict of Interest Code.

MB-MP-TS-HP-BF

10. DEPUTY DIRECTOR'S REPORT

John McDowell gave the report.

- DISCUSSION OF ITEMS FOR THE *December 16, 2009* MEETING
 - ▶ Napa Pipe
 - ▶ Adoption of the 2010 Planning Commission Meeting calendar.
 - ▶ Election of Officers for 2010.
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS

11. COMMISSIONER COMMENTS / COMMITTEE REPORT

12. 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

13. ADJOURNMENT

Adjourned to the regular meeting of the Conservation Development and Planning Commission Meeting of December 16, 2009.

