

MINUTES OF THE MEETING OF THE
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
COUNTY OF NAPA

February 1, 2006

1. Call to Order.
THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION OF THE COUNTY OF NAPA MET IN REGULAR SESSION, WEDNESDAY, FEBRUARY 1, 2006 AT 9:00 A.M. THE MEETING WAS CALLED TO ORDER BY CHAIR FIDDAMAN AT 9:01 A.M.
2. Roll Call.
THE FOLLOWING MEMBERS WERE PRESENT: CHAIR BOB FIDDAMAN, COMMISSIONERS RICH JAGER, TERRY SCOTT, DAVID GRAVES AND JIM KING.
3. Pledge of Allegiance.
KAY PHILLIPAKIS OF ST. HELENA LED THE SALUTE TO THE FLAG.
4. Citizen Comments and Recommendations.
NONE
5. Approval of Minutes.
NONE
6. Director's Report / Deputy Director's Report.
DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING HILLARY GITELMAN REPORTED THAT THE BOARD OF SUPERVISORS HAD RECENTLY APPROVED THE CHANGES TO THE TEMPORARY EVENTS ORDINANCE AND THE MONTALCINO PROJECT.

DIRECTOR GITELMAN ALSO REPORTED THAT THE GENERAL PLAN STEERING COMMITTEE HAD BEEN DISCUSSING LAND USE ISSUES. SEVERAL PUBLIC WORKSHOPS TO FURTHER DISCUSS THE ISSUE WERE ALSO BEING PLANNED FOR LATE FEBRUARY/EARLY MARCH.

DIRECTOR GITELMAN FURTHER REPORTED THAT THE BUDGET PROCESS FOR NEXT FISCAL YEAR HAD STARTED. SHE WOULD PRESENT A SUMMARY OF THE DEPARTMENT'S WORK PROGRAM AND BUDGET AT THE NEXT COMMISSION MEETING.

DEPUTY PLANNING DIRECTOR STEVE LEDERER REPORTED THAT THE BOARD OF SUPERVISORS HAD RECENTLY CONSIDERED TWO APPEALS WHICH HAD SIGNIFICANCE ON PROJECTS THAT COME BEFORE THE COMMISSION. ONE APPEAL DEALT WITH A LOT LINE ADJUSTMENT. THE OTHER DEALT WITH ROADWAY ISSUES.

7. Agenda Review.
SUPERVISING PLANNER ROBERT NELSON NOTED THE FOLLOWING CHANGES TO THE AGENDA:
- **ITEM #9 COULD BE MOVED TO THE CONSENT CALENDAR, PUBLIC HEARING CLOSED AND REMOVED FROM THE AGENDA FOR RENOTICING; AND,**
 - **THE BAYLEAF RESTAURANT UPDATE WOULD BE HEARD BEFORE THE PUBLIC HEARINGS.**

Public Hearings

8. Items to be Decided without Additional Testimony.
SEE ITEM #9
9. **PROPOSED ORDINANCE #P06-0002-ORD** Amending Sections 18.16.030 and 18.20.030 (To Allow Certain Small Agricultural Processing Facilities in the Agricultural Preserve (Ap) and Agricultural Watershed (Aw) Zoning Districts Upon Grant of a Use Permit) and Section 18.104.090 (To Allow Storage, Warehousing and Manufacturing of Less Than 200 Gallons of Wine Under a Home Occupation Permit); adding new Sections 18.104.400 (Hot Air Balloon Launching Site - Findings) and 18.116.043 (Signs For Viticulture-Based 501(c)(3) Non-Profit Environmental Associations Representing Appellation or Watershed Specific Geographical Locations); amending Section 18.120.010 (To Allow Balloon Launching Sites in any Zone Upon Grant of a Use Permit); and amending Sections 18.126.030 and 18.126.060 (Relating To Issuance of Administrative Permits For Signs) of the Napa County Code.
CEQA STATUS: Categorically Exempt pursuant to Section 15305 of the California Environmental Quality Act. (Class 5 - Minor Alterations in Land Use Limitations) [See 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.] Upon receipt of the Planning Commission's recommendation on the proposed ordinance, if the Board of Supervisors decides to approve the proposed ordinance, it may have a first reading and adoption of the proposed ordinance on February 28, 2006. (Only the portions of the proposed ordinance relating to signs will be discussed at this meeting; the remainder will be separated into two separate ordinances and re-noticed for the February 15, 2006 meeting) (Continued from January 18, 2006)
PUBLIC HEARING CLOSED

**ITEM REMOVED FROM THE AGENDA FOR RENOTICING.
TS-DG-RJ-JK-BF**

10. **PRESCOTT & KRISTINE ASHE / ASHE VINEYARD, LLC. / ASHE VINEYARDS & WINERY – USE PERMIT REQUEST #P05-0373-UP**
Request: Approval of a Use Permit to establish a 2,500 gallon per year winery to include the following: (1) conversion of the 1,529 square foot lower level of an existing ±5,200 square foot single family residence to be used for fermentation, barrel storage, case goods storage, and laboratory for a winery totaling 1,529 square feet; (2) one parking space and one loading space; (3) one part-time employee; (4) installation of a waste disposal system and a "Hold and Haul" tank; (5) improvements to the project access road (widening and paving); and, (6) installation of a

10. Continued.

water storage tank for fire protection. The project is located on a 35.33 acre parcel on the east side of St. Helena Highway (State Highway 29), approximately ½ mile southeast of its intersection with Oakville Cross Road, within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel #: 031-080-018) 7688 St. Helena Highway, Napa (in the Oakville vicinity).

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 impact in the following area: cultural resources.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE COMMISSION ADOPTED THE MITIGATED NEGATIVE DECLARATION AND ADOPTED THE ATTACHED MITIGATION MONITORING REPORTING SYSTEM BASED ON FINDINGS #1 THROUGH #6.

JK-DG-RJ-TS-BF

THE COMMISSION APPROVED USE PERMIT #P05-0373-UP BASED ON FINDINGS #10 THROUGH #14 AND SUBJECT TO THE REVISED CONDITIONS OF APPROVAL #1 THROUGH #19.

JK-TS-DG-RJ-BF

THE COMMISSION RECOMMENDED THAT THE BOARD OF SUPERVISORS REVISE OR DELETE THE DEFERRED AGREEMENT.

JK-DG-RJ-TS-BF

11. **VIEWSHED ORDINANCE** – Commission to hold public hearing on sections of the Viewshed Ordinance per the Commission's workplan (adopted at the January 4th meeting) for clarifying (but not making weaker or stronger) the subject Ordinance.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

12. **CONSIDERATION OF REVOCATION OF USE PERMIT #P04-0551-UP ISSUED ON JULY 20, 2005 TO JAYSON WOODBRIDGE AND ONE TRUE VINE, LLC (1:30 p.m.)** Project approved was for the establishment of a 19,000 gallon per year winery to include: 1) use of 10,985 square feet of caves for winery production activities, crushing, fermentation, barrel aging and storage, bottling, case good storage, administration offices and laboratory for a winery totaling 10,985 square feet; 2) two full-time employees; 3) two parking spaces; 4) installation of a waste disposal system including a hold and haul program with vineyard application for processed wastewater; and, 5) improvements to the project access road, widening and paving located on a 40-acre parcel on the west side of Crystal Springs Road approximately one mile southeast of its intersection with Silverado Trail within an AW (Agricultural Watershed) zoning district, Napa County Assessor's Parcel Number 021-072-044, 565 Crystal Springs Road, St. Helena. Revocation of Use Permit No. P04-0551-UP is requested on the grounds that a person making use of the use permit is violating or has violated conditions thereof; the use for which the use permit was granted is being, or has been, exercised contrary to the terms or conditions of such approval; and the use for which the approval was granted is being exercised as to be detrimental to the public health, safety or general welfare. The purpose of the revocation hearing before the Napa County Conservation, Development and Planning Commission is to give staff, the permittee and members of the public an opportunity to present evidence as to whether or not the Commission should revoke the use permit or take other action it deems appropriate.

12. Continued.

Staff requests that the Planning Commission continue this matter to March 15, 2006, at 9:00 a.m. The permittee is expected to file an appeal to the Commission's decision to deny Woodbridge's motion to disqualify Commissioner Graves and the continuance to March 15th will give the Board time to hear and act on the anticipated appeal.

PUBLIC HEARING OPENED

PUBLIC HEARING CONTINUED TO MARCH 15, 2006 AT 9:15 A.M.

JK-RJ-DG-TS-BF

Other Business

13. City Referrals.

NONE

14. Commission requests an update from the owner of the Bayleaf Restaurant on various issues, (9:10 A.M.) including, but not limited to storage trailers, illegally constructed bathroom, lack of wastewater monitoring reports. (Continued from January 18, 2006)

UPDATE PRESENTED

15. Discussion of Items for the February 15, 2006 Meeting.

FEBRUARY 15, 2006 MEETING CANCELLED

16. Commissioner Comments.

NONE

17. Zoning Administrator Action for January 2006.

JANUARY 25, 2006 AGENDA ITEM APPROVED BY ZONING ADMINISTRATOR.

18. Future Agenda Items.

DEPUTY PLANNING DIRECTOR STEVEN LEDERER ADVISED THAT THE FOLLOWING MATTERS WOULD BE DISCUSSED:

- **FOLIE A DEUX WINERY;**
- **PRE REVOCATION DISCUSSION CONCERNING THE WRECKING YARD AT THE END OF GREEN ISLAND ROAD;**
- **CONTINUED DISCUSSION OF VIEWSHED ORDINANCE;**
- **PUBLIC WORKS TO GIVE AN UPDATE ON INGLEWOOD DRAINAGE;**
- **CONTINUED DISCUSSION OF PROPOSED ORDINANCE #P06-0002; AND,**
- **UPDATE BAYLEAF RESTAURANT ISSUE.**

Supplemental Agenda Item

19. Closed Session.

Conference with legal counsel – significant exposure to litigation pursuant to Government Code Section 54956.9(b): one case

CLOSED SESSSION HELD – NO REPORTABLE ACTION

20. Adjournment.

**ADJOURNED TO THE REGULAR MEETING OF THE CONSERVATION,
DEVELOPMENT AND PLANNING COMMISSION, WEDNESDAY, MARCH 1, 2006 AT
9:00 A.M.**

TERRY SCOTT, Chair

ATTEST: HILLARY GITELMAN, Secretary-Director

GLADYS I. COIL, Clerk

Key

Vote: DG = David Graves; JK = Jim King; TS = Terrence Scott; RJ = Rich Jager; BF = Bob Fiddaman;

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