

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

March 15, 2006

1. Call to Order.
THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION OF THE COUNTY OF NAPA MET IN REGULAR SESSION WEDNESDAY, MARCH 15, 2006 AT 9:00 A.M. THE MEETING WAS CALLED TO ORDER BY CHAIR JAGER AT 9:00 A.M.
2. Roll Call.
THE FOLLOWING MEMBERS WERE PRESENT: CHAIR RICH JAGER, COMMISSIONERS BOB FIDDAMAN, DAVID GRAVES AND JIM KING. COMMISSIONER TERRY SCOTT WAS EXCUSED.
3. Pledge of Allegiance.
SUPERVISING PLANNER ROBERT NELSON LED THE SALUTE TO THE FLAG.
4. Citizen Comments and Recommendations.
NONE
5. Approval of Minutes.
APPROVED MINUTES OF MAY 4 AND MAY 18, 2005.
DG-JK-BF-TS-RJ
X
6. Director's Report / Deputy Director's Report.
CONSERVATION, DEVELOPMENT AND PLANNING DIRECTOR HILLARY GITELMAN INTRODUCED NEW CHIEF BUILDING OFFICIAL DARRELL MAYES.

DIRECTOR GITELMAN ALSO GAVE AN UPDATE ON THE GENERAL PLAN PUBLIC WORKSHOPS THAT HAD BEEN HELD.

CONSERVATION, DEVELOPMENT AND PLANNING DEPUTY DIRECTOR STEVE LEDERER UPDATED THE COMMISSION ON RECENT ACTIONS TAKEN BY THE BOARD OF SUPERVISORS.
7. Agenda Review.
SUPERVISING PLANNER ROBERT NELSON NOTED THE FOLLOWING CHANGES TO THE AGENDA:
 - **ITEMS #11 AND #14 MOVED TO THE CONSENT CALENDAR AND REMOVED FROM THE AGENDA TO BE RE-NOTICED FOR HEARING AT A FUTURE DATE; AND,**
 - **ITEM #12 MOVED TO CONSENT CALENDAR.**
8. Items to be Decided Without Additional Testimony.
SEE ITEMS #11, #12 AND #14.

Public Hearings

9. **CONSIDERATION OF REVOCATION OF WINERY USE PERMIT #P04-0551-UP ISSUED ON JULY 20, 2005 TO JAYSON WOODBRIDGE AND ONE TRUE VINE, LLC**
9:15 am - On July 20, 2005, the Commission approved a 19,000 gallon per year winery and; 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 on a 40-acre parcel located 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 including, but not limited, to adopting new conditions of approval or modifying existing conditions on the Project.

CEQA Status: Categorically Exempt pursuant to Sections 15302 and 15304 of the California Environmental Quality Act. (Class 2 - Replacement or Reconstruction) [See Guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15302; and (Class 4 - Minor Alterations to Land) [See Guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15304; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

Woodbridge has requested that this matter be continued until such time as all five members of the Commission are available to hear the matter. Staff has no objection to the continuance. Whether or not to continue this matter is in the Commission's discretion and will be the first order of business when this agenda item is heard. If the commission is inclined to grant the request for continuance, staff requests that the matter be continued to a Special Meeting scheduled at the earliest possible date. (Continued from February 1, 2006)

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

CONTINUED TO A SPECIAL MEETING ON MARCH 22, 2006 AT 1:30 P.M.

DG-BF-JK-TS-RJ

X

10. **PROPOSED ORDINANCE #P06-0060-RD** of the Board of Supervisors of the County of Napa, State of California, adding a new section 18.104.400 (hot air balloon launching site - findings) and amending sections 18.120.010, 18.126.030, 18.126.060 and 18.126.070 of the Napa County code to allow: (1) balloon launching sites in any zone upon grant of a use permit; and, (2) a maximum of thirty balloon launchings per year at the same location in any zone upon issuance of an administrative permit.

10. Continued.

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 March 21, 2006.(Continued from March 1, 2006)**HG PUBLIC HEARING HELD – TESTIMONY PRESENTED**

THE COMMISSION RECOMMENDED THE ORDINANCE BE FORWARDED TO THE BOARD OF SUPERVISORS FOR CONSIDERATION AND NOT TO ADOPT.

JK-DG-RJ-TS-BF

X N

11. **HONIG VINEYARD & WINERY, LLC. - USE PERMIT REQUEST #P05-0424-MODMJR**

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: aesthetics, hydrology & water quality and cultural resources.

Request: Approval to modify Use Permit #93271-MOD to allow an increase in the approved annual production from 150,000 gallons per year to 300,000 gallons per year and, (1) construct a 5,625 square foot barrel storage building with up to 15 portable outdoor storage tanks and related mechanical equipment and pads, add a 1,900 square foot mezzanine to the existing bottling building for storage and administrative support staff offices resulting in an approximately 30,000 square foot winery; (2) expand the existing crush pad area with a new awning cover; (3) increase full-time employees from 17 to 20 plus six part-time; (4) relocate and add 10 parking spaces for a total of 25; (5) increase daily visitation by appointment only from 10 to 25 people; and, (6) construct related improvements including new septic tank and leach fields and access road improvements. The project is located on a 67.0 acre parcel that is accessed off a private road on the north side of Rutherford Road (State Highway 128) approximately 1.25 mile east of St. Helena Highway (State Highway 29), within an AP (Agricultural Preserve) zoning district. (Assessor’s Parcel #: 030-090-003) 850 Rutherford Road, Napa (in the Rutherford vicinity). (Staff requests this item be removed from calendar and re-noticed for a future date)

ITEM DROPPED FROM THE AGENDA TO BE RE-NOTICED AT A LATER DATE.

12. **CUVAISON, INC. / CUVAISON CARNEROS WINERY – USE PERMIT MODIFICATION REQUEST #P05-0452-MOD**

CEQA Status: Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act. (Class 1 – Existing Facilities) [See Guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B.].

Request: Approval to modify Use Permit #01254-UP for an existing 340,000 gallon per year winery as follows: (1) institute limited tours and tasting, by appointment only with an average of 75 persons per day and a maximum of 525 persons per week; (2) utilize approximately 310 square feet of existing office and storage area for visitor tasting and retail sales; (3) increase full-time

12. Continued.

employees from eight persons to a total of ten persons and 12 persons during harvest; and, (4) approve a comprehensive sign plan. Neither an increase in production capacity nor a marketing plan is being proposed. The project is located on two parcels totaling 392.36 acres on the south side of Duhig Road approximately 800 feet west of Sonoma Highway (State Highway 12) within the AW (Agricultural Watershed) zoning district (Assessor's Parcel Numbers 047-120-005 & 047-120-006) 1221 Duhig Road, Napa.

THE COMMISSION FOUND THE PROJECT CATEGORICALLY EXEMPT FROM THE PROVISIONS OF CEQA PURSUANT TO SECTION 15301, CLASS 1 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND SECTION 504 OF NAPA COUNTY'S LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVED THE USE PERMIT MAJOR MODIFICATION #PO5-0452-MOD SUBJECT TO CONDITIONS OF APPROVAL #1 THROUGH #9.

JK-DG-BF-TS-JK

X

13. **CHECKERBOARD VINEYARDS / AURORA VINEYARDS, INC. - USE PERMIT REQUEST #P05-0404-UP**

CEQA Status: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following area: biological resources.

Request: Approval of a Use Permit to establish a new 15,000 gallon per year winery with: (1) a 1,500 square foot warehouse, 400 square feet of offices, approximately 3,900 square feet of accessory structures and 9,700 square feet of caves for a winery totaling approximately 15,500 square feet; (2) one full-time and one part-time employees; (3) four on-site parking spaces; (4) tours and tasting by appointment only with up to 75 visitors per week (22 maximum visitors in one day); (5) a marketing plan with six activities per year with a maximum of 25 people and one catered private food and wine pairing event with a maximum of 50 people; and, (6) a road exception for a reduced road width. The project is located on an 80 acre parcel that is accessed via a private road located on the south side of Springs Way, approximately 1,000 feet east of its intersection with Dunaweal Lane and approximately 1.2 miles south of St. Helena Highway North (State Highway 29) within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel #: 020-390-001) 4331 Springs Road, Calistoga.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE COMMISSION APPROVED ENVIRONMENTAL RECOMMENDATIONS #1 THROUGH # 6 AND ADOPTED THE MITIGATED NEGATIVE DECLARATION.

BF-DG-JK-TS-RJ

X

THE COMMISSION APPROVED USE PERMIT #P05-0404-UP BASED ON FINDINGS #6 THROUGH #10 AND SUBJECT TO CONDITIONS OF APPROVAL #1 THROUGH #22.

BF-DG-JK-TS-RJ

X

14. **MICHAEL FENNELL / FENNELL, HALL AND MCDEVITT / SUSCOL CREEK WINERY – USE PERMIT REQUEST #P05-0434-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: traffic, biological resources, hydrology and water quality.
Request: Approval of a Use Permit to establish a new 200,000 gallon per year custom-crush winery with: (1) a 61,281 square foot winery building to be constructed in two phases - Phase I consists of a 30,750 square foot barrel storage and fermentation building with a 15,306 square foot covered canopy including 2,000 square feet of office, a laboratory and an employee area; Phase II consists of adding an additional 12,600 square feet of barrel storage, and a 2,625 square foot office and tasting room; (2) 13 full-time employees, with three additional full-time and five part-time employees at harvest season; (3) 36 on-site parking spaces with a loading dock for three vehicles; (4) tours and tasting by appointment only; (5) a marketing plan with two weekly trade tastings for up to five persons per event; and two weekly catered lunches or dinners with up to 20 persons per event; and, (6) allowance of a waste water treatment pond, spray fields and access road within 75 feet of the 150 feet Suscol Creek setback, and environmental restoration of the remaining areas within 75 feet of the creek.. The project is located on a 10.32 acre parcel on the south side of Soscol Ferry Road approximately 1,400 feet west of its intersection with Napa-Vallejo Highway (State Route 12/29) within the Napa County Airport Industrial Area and a GI:AC (General Industrial: Airport Compatibility) combination zoning district. (Assessor's Parcel #: 057-170-018). (Staff requests this item be removed from calendar and re-noticed for a future date)
ITEM REMOVED FROM THE AGENDA TO BE RE-NOTICED FOR A LATER DATE.

Other Business

15. City Referrals.
NONE
16. 11:00 A.M. - Staff requests Planning Commission input and action to determine how best to meet noise discussion on the requirements for the Consentino Winery (APN 027-540-013) and possible direction to staff.
DISCUSSION HELD – NO ACTION TAKEN
17. Closed Session.
A. Conference with Legal Counsel – Significant Exposure to Litigation Pursuant to (GC §54956.9 (b) (1 case) :
CLOSED SESSION HELD – NO REPORTABLE ACTION
18. Discussion of Items for the April 5, 2006 Meeting.
DEPUTY PLANNING DIRECTOR STEVE LEDERER ADVISED THAT THE FOLLOWING ITEMS WOULD BE DISCUSSED:
- **WINERY FOR TOM GAMBLE ON COOK ROAD;**
 - **POETRY WINERY;**
 - **VARIANCE AND USE PERMIT EXCEPTION FOR RESIDENTIAL PROPERTY IN BERRYESSA ESTATES;**
 - **THIRD VERSION OF THE VIEWSHED ORDINANCE;**

18. Continued.

- **CARNEROS INN IMPROVEMENTS AND TRAFFIC LIGHT UPDATE;
AND,**
- **REAPPOINTMENT OF DAVID GRAVES TO WILDLIFE COMMISSION.**

19. Commissioner Comments.

COMMISSIONER FIDDAMAN ANNOUNCED THAT DISTRICT #3 COUNTY SUPERVISOR DIANE DILLON WAS RUNNING UNOPPOSED. AS HER NOMINEE ON THE COMMISSION, HE WOULD THEREFORE SERVE ANOTHER TERM AS PLANNING COMMISSIONER. HE ALSO ANNOUNCED THAT HE WOULD NOT BE PRESENT AT THE APRIL 5TH, APRIL 19TH AND MAY 3RD MEETINGS.

20. Future Agenda Items.

- #03409-UP, 5/17/06
MATCH WINERY
- #P04-0551-UP, 6/21/06
WOODBIDGE WINERY
- #03318-UP, 10/4/06
CALDWELL WINERY
- #02082-UP, 1 YEAR AFTER OPENING
DEL DOTTO WINERY
- #03457-UP, 1 YEAR AFTER OPENING
2 SISTERS WINERY

21. Adjournment.

ADJOURNED TO A SPECIAL MEETING OF THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION, WEDNESDAY, MARCH 22, 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