

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

September 21, 2005

1. Call To Order.
THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION OF THE COUNTY OF NAPA MET IN REGULAR SESSION, WEDNESDAY, SEPTEMBER 21, 2005 AT 9:00 A.M. THE MEETING WAS CALLED TO ORDER BY VICE-CHAIR KING AT 9:02 A.M.
2. Roll Call.
THE FOLLOWING MEMBERS WERE PRESENT: VICE-CHAIR JIM KING, COMMISSIONERS RICH JAGER, TERRY SCOTT AND DAVID GRAVES. CHAIR FIDDAMAN WAS EXCUSED.
3. Pledge Of Allegiance.
PLEDGE OF ALLEGIANCE DONE.
4. Citizen Comments and Recommendations.
NONE
5. Approval of Minutes.
NONE
6. Director's Report / Deputy Director's Report.
STEVE LEDERER, DEPUTY DIRECTOR OF CONSERVATION DEVELOPMENT AND PLANNING, REPORTED ON BOARD OF SUPERVISORS MEETING: THE HOUCK VIEWSHED MATTER WAS CONTINUED TO THE BOARD OF SUPERVISORS OCTOBER 25, 2005 MEETING. THE SUPERVISORS DISCUSSED ESTABLISHMENT OF A BALLON LAUNCHING FACILITY. THIS ITEM RETURNS TO THE BOARD ON OCTOBER 4, 2005 FOR FURTHER ACTION. THE BOARD ALSO PREPARED AND SUBMITTED A COMMENT LETTER TO THE REGIONAL WATER QUALITY CONTROL BOARD REGARDING THE RECENT TOTAL MAXIMUM DAILY LOAD (TMDL) STUDIES THAT WERE ISSUED. THE BOARD FEELS THAT THE TMDL STUDIES DO NOT ADEQUATLY REFLECT THE CURRENT SITUATION.
7. Napa Valley Vintners to Present Report on the "Economic Impact Of Wine and Vineyards in Napa County"
ITEM REMOVED FROM THE AGENDA AND CONTINUED TO OCTOBER 5, 2007.
8. Agenda Review.
 - **ITEM #10 - SPANOS BERBERIAN WINE PARTNERSHIP LLC IS WITHDRAWN.**
 - **ITEM #13 - RED BARN RANCH - MILES MCDONNELL IS RECOMMENDED TO BE PLACED ON THE AGENDA AS A CONSENT ITEM.**
 - **ITEMS #11 #12, #14, #15 AND #16 WILL BE HEARD.**

Public Hearings

9. Items to be Decided Without Additional Testimony - Item # 10.

THE COMMISSION APPROVED #13 WITHOUT ADDITIONAL TESTIMONY.

TS-DG-RJ-BF-JK

X

10. **RONALD BERBERIAN / SPANOS BERBERIAN WINE PARTNERSHIP LLC / USE PERMIT REQUEST #P04-0497-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 area: noise.

Request: Approval of a Use Permit to establish a helicopter landing area for private use by the property owners, their family and occasional invited guests. The pad would be used for an average of four landings per month and would not exceed 10 landings per month. The landing pad would be used during daylight hours except in case of an emergency. The helicopter would arrive and depart from a southwesterly direction. There will be no refueling, maintenance or storage of aircraft on the site. The helicopter pad will have a natural grass surface with a diameter of approximately 50-feet located within the approved vineyard area approximately 300-feet southwest of the former residence (a building permit has been issued for a new residence located within the same footprint as the previously demolished residence). An additional 15-foot safety area will be provided around the perimeter of the landing pad. No new construction is requested by the use permit and no other changes to the property are proposed. No new lighting will be required or authorized as part of this request. The project is located on a 42.1 acre parcel on Long Ranch Road, approximately ½ mile northeast of the Oakville Cross Road/Silverado Trail intersection and approximately one mile south of Lake Hennessey within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel # 032-010-071) 200 Long Ranch Road, St. Helena. (Continued from August 17, 2005) (Applicant has withdrawn proposal)

ITEM WITHDRAWN.

TS-DG-RJ-BF-JK

X

11. **CHRISTOPHER AND PAULINE TILLEY – USE PERMIT REQUEST #P04-0541-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: cultural resources and transportation/traffic.

Request: Approval of a Use Permit to establish a new 20,000 gallon per year winery pursuant to Section 18.104.245 (exceptions for pre-prohibition wineries) of the Napa County Code and approval of an exception to the Conservation Regulations in the form of a use permit to allow the existing barn and adjacent parking area located within the required stream setback to be used for winery use. The project will consist of: (1) conversion of the historic main residence to office, conference, shipping/receiving, equipment and dry storage, kitchen/employee break room, restrooms and lobby; the cellar and adjacent basement to barrel storage, bottle and bulk storage; and the barn & attached outbuilding to barrel storage, storage & restroom for a winery totaling approximately 6,087 square feet; (2) 1,629 square feet of outdoor tank and work areas; (3) two full and two part-time employees; (4) 20 parking spaces; (5) tours and tasting by appointment only (seven days per week with a maximum of 20 people per day); (6) retail sales by appointment only;

(7) a marketing plan with 12 events per year (two auction events with a maximum of 75 people per event, one private harvest event for a maximum of 75 people, one special holiday event for a maximum of 75 people, two wine trade open house events for a maximum of 75 people per event and six private wine & food trade events for a maximum of 20 people per event) (8) construction of a left-turn lane on State Highway 29; and, (9) the addition of one water storage tank for fire protection per Fire Department requirements. The project is located on a 7.85 acre parcel on the west side of St. Helena Highway North (State Highway 29) 100 feet north of its intersection with Ehlers lane within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel #022-080-025) 3199 St. Helena Hwy. North, St. Helena.

PUBLIC HEARING HELD – TESTIMONY PRESENTED.

THE COMMISSION HAS READ AND CONSIDERED THE MITIGATED NEGATIVE DECLARATION PRIOR TO TAKING ACTION ON SAID MITIGATED DECLARATION AND PROPOSED PROJECT AND FINDINGS 1 THROUGH 8 AND ADOPTED THE ATTACHED MITIGATED MONITORING REPORTING PROGRAM.

TS-DG-RJ-BF-JK

X

THE COMMISSION APPROVED USED PERMIT # P04-0541-UP BASED UPON FINDINGS 12 THROUGH 18 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL.

TS-DG-RJ-BF-JK

X

12. ROBERT AND ANNE ARNS – USE PERMIT REQUEST #P05-0004-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 an exception to the Conservation Regulations in the form of a use permit for required stream setbacks to allow construction of an addition to an existing dwelling at a setback of 38 feet where 55 feet is required on the west side of the residence, and a room expansion that would replace existing decking at an 11 foot setback where 65 feet is required on the east side of the dwelling. The project is located on a 6.07-acre parcel on the north side of East Third Avenue approximately 1,300 feet east of its intersection with Third Avenue within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel # 052-490-001). 4270 East Third Ave., Napa.

PUBLIC HEARING – TESTIMONY PRESENTED.

THE COMMISSION HAS READ AND CONSIDERED THE MITIGATED NEGATIVE DECLARATION PRIOR TO TAKING ACTION ON SAID MITIGATED DECLARATION AND PROPOSED PROJECT AND THE ENVIRONMENTAL FINDINGS 1 THROUGH 7.

TS-DG-RJ-BF-JK

X

THE COMMISSION APPROVED USE PERMIT #P05-0004-UP - CONCEPT B BASED ON FINDINGS 8 THROUGH 13 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL.

TS-DG-RJ-BF-JK

X

13. **RED BARN RANCH, LLC. / MILES McDONNELL – TENTATIVE PARCEL MAP REQUEST #P05-0268-LANDDIV**

CEQA Status: Categorically Exempt pursuant to State CEQA Guidelines Section 15315 (Class 15 – Minor Land Divisions)

Request: Approval to subdivide one existing parcel of 101.58 acres into two parcels of 61.46 and 40.12 acres. The project is located on the northwest side of Rutherford Road, approximately 600 feet west of Conn Creek Road (State Highway 128), within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel #030-090-032) 830 Rutherford Road, Napa (in the Rutherford area).

APPROVED AS A CONSENT ITEM.

TS-DG-RJ-TS-BF

X

14. **PROFILI / PROFILI AIRPARK, LLC. AND M&S&A FAMILY LIMITED PARTNERSHIP – SE PERMIT MINOR MODIFICATION REQUEST #P05-0300-MODMINOR**

CEQA Status: Categorically Exempt pursuant to State CEQA Guidelines Section 15301(g) Class 1 - Existing Facilities).

Request: Approval to modify Use Permit 95342-UP to establish a comprehensive sign program for the Napa Airport Centre. The project is located on a 9.99 acre parcel on the southeast corner of the intersection at Airpark Road and Airport Boulevard, within an IP:AC (Industrial Park: Airport Compatibility) combination zoning district and the Napa County Airport Industrial Area Specific Plan. (Assessor's Parcel #: 057-240-001) 600 Airpark Road, Napa.

PUBLIC HEARING HELD – TESTIMONY PRESENTED.

THE COMMISSION HAS FOUND THE PROJECT CATEGORICALLY UNIQUE TO CEQA GUIDELINE SECTIONS 15301 AND 15303, CLASS 3, NEW CONSTRUCTION OR CONVERSION TO SMALL STRUCTURES AS REVISED.

TS-DG-RJ-BF-JK

X

APPROVED USE PERMIT #P05-0300-MODMINOR BASED UPON FINDINGS 6 THROUGH 8 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL.

TS-DG-RJ-BF-JK

X

15. **PROPOSED ORDINANCE #P05-0327-ORD** Amending Various Sections of the Napa County Code as follows: Sections 17.02.050 (Regarding Advisory Agency as Administrator for Modifications/Elimination of Slope Easements), 17.26.060 (Regarding Amendments to Final or Parcel Maps), 18.10.020 (Regarding Zoning Administrator Duties), 18.104.080 (Regarding Criteria for Guest Cottages), 18.104.140 (Regarding Placement of Accessory Buildings and Solar Panels), 18.104.180 (Regarding Second Units), 18.104.275 (Regarding Setbacks for Entry Structures), 18.106.030 (Regarding Viewshed Protection Requirements in Small Lot Subdivisions), 18.112.090 (Regarding Exceptions to Road Setbacks), 18.112.115 (Regarding Exemptions to Road Setbacks), 18.112.120 (Regarding Issuance of Building Permits), 18.116.020 (Regarding Aggregate Area of Political Signs), 18.124.080 (Regarding Automatic Expiration of Use Permits), and 18.132.030 (Conditions for Continuance of a Legal Nonconformity). CEQA Status: Categorically Exempt pursuant to State CEQA Guidelines Section 15305 (Class 5 - Minor Alterations in Land Use Limitations)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE COMMISSION RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE AND REFERS THE ITEM TO THE BOARD OF SUPERVISORS FOR ADOPTION.

TS-RJ-DG-BF-JK

X

16. **PROPOSED ORDINANCE #P05-0328-ORD** Amending Various Sections of the Napa County Code as follows: Section 18.108.027 (Sensitive Domestic Water Supply Drainages), 18.108.050 (Exemptions), 18.108.060 (Slope Regulations--Prohibited Uses) and 18.108.140 (Security, Violations, And Penalties) of the Conservation Regulations as they Relate to Exemptions, Uses Prohibited Without An Exemption and Security Required For Erosion Control Plans. CEQA STATUS: Categorically Exempt pursuant to State CEQA Guidelines Section 15305 (Class 5 - Minor Alterations in Land Use Limitations)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE COMMISSION RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE AND REFERS THE ITEM TO THE BOARD OF SUPERVISORS FOR ADOPTION.

TS-DG-RJ-BF-JK

X

Other Business

17. City Referrals.
NONE
18. Discussion of Items for the October 5, 2005 Meeting.
**PRESENTATION BY NAPA VALLEY VINTNERS
MODIFICATION FOR DUCKHORN FACILITY**
19. Commissioner Comments.
**COMMISSIONER SCOTT REMINDED EVERYONE THAT HE WILL NOT BE
PRESENT FOR THE OCTOBER 5, 2005 MEETING.**

19. Continued.
COMMISSIONER GRAVES ANNOUNCED THAT THE WATERSHED INFORMATION CENTER AND CONSERVANCY (WICC) BOARD WILL BE MEETING THIS THURSDAY. HE ALSO REPORTED THAT THE WILDLIFE CONSERVATION COMMISSION PURCHASED A MOTORBOAT FROM DEPARTMENT OF FISH AND GAME.
20. Future Agenda Items.
- #02082-UP, 1 Year After Opening
 - #03457-Up, 1 Year After Opening
 - #03318-Up, 1 Year After Opening
 - #03409-Up, May 17, 2006
 - #P04-0551-Up 6 Months after Opening
 - Marketing Ordinance, October 19, 2005.
18. Adjournment.
ADJOURNED TO THE REGULAR MEETING OF THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION, WEDNESDAY, OCTOBER 5, 2005 AT 9:00 A.M.

JIM KING, Chairperson

ATTEST:

HILLARY GITEMAN
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