

**CALISTOGA PLANNING COMMISSION
REGULAR MEETING AGENDA
August 14, 2013**



5:30 PM - Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi
Vice Chairman Paul Coates
Commissioner Carol Bush
Commissioner Walter Kusener
Commissioner Scott Cooper

California Courts have consistently upheld that development is a privilege, not a right.”¹

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

Public Comments is an opportunity to address the Planning Commission on items of interest to the public that do not appear on the agenda. Comments should be limited to three minutes. The Commission may not take action on items raised during Public Comments.

D. ADOPTION OF MEETING AGENDA

E. COMMUNICATIONS/CORRESPONDENCE

F. CONSENT CALENDAR

1. Draft minutes for the July 24, 2013 Planning Commission meeting

G. PUBLIC HEARINGS

1. **AT&T Foundation Repair Project CUP 2009-03:** Consideration of a Conditional Use Permit request to allow the stabilization of the equipment building by installing helical anchors and constructing a grade/beam retaining wall along the south side of the structure located at 1310 Lincoln. Once the foundation repair and hillside support is complete, the City of Calistoga will install a pathway by generally affixing decking to the new grade beam.
2. **Zoning Code Amendment ZO 2013-3:** Consideration of a recommendation to the Calistoga City Council on a text amendment to the Calistoga Municipal Code. This amendment was initiated by the City of Calistoga and would add protection for farmers who use accepted and standard farming practices against nuisance suits, even if the farming

¹Among the most cited cases for this proposition are Associated Home Builders, Inc. v. City of Walnut Creek, 4 Cal.3d633 (1971) (no right to subdivide), and Trent Meredith, Inc. v. City of Oxnard, 114 Cal. App. 3d 317 (1981) (development is a privilege).

practices harm or bother adjacent property owners or the general public. The ordinance would also require disclosure about the potential inconveniences and discomforts associated with agricultural operations.

H. MATTERS INITIATED BY COMMISSIONERS

I. DIRECTOR REPORT

J. ADJOURNMENT

The next meeting of the Planning Commission is scheduled for Wednesday, August 28, 2013, at 5:30 p.m.

I declare that a copy of this Planning Commission agenda was posted at City Hall, 1232 Washington Street, among other locations within the Calistoga city limits, on Friday, August 9, 2013 no later than 4:30 p.m.



Lynn Goldberg
Planning Commission Secretary

REPORTS: Planning Commission reports for items on this agenda are available online at www.ci.calistoga.ca.us. For additional information, please call the Planning and Building Department at 707-942-2827.

DECISION: For applications that require review by the City Council, the Commission's action is a recommendation to the Council. In cases where no other action is required, the action of the Commission is final unless appealed.

APPEALS: Anyone who does not agree with the Planning Commission's decision or the conditions that have been imposed by the Commission in approving an agenda item may appeal the Commission's action to the City Council. Appeals must be filed within ten (10) calendar days from the date of the Commission's action. Appeals may be limited to those issues raised at the public meeting. For additional information concerning the requirements for filing an appeal, please contact the Planning & Building Department, 1232 Washington Street, Calistoga or call (707) 942-2827.

NOTICE: If you challenge the City's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any City administrative decision may be heard only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

SPECIAL ASSISTANCE: Pursuant to Title II of the Americans with Disabilities Act (28 DFR 35.102-35-104 ADA Title II), if you need special assistance to participate in this meeting, please contact the Planning and Building Department at (707) 942-2827. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC COMMENTS: All speakers are asked to provide their name and subject of discussion. Presentations to the Commission are generally limited to three minutes. Additional time may be granted by the Commission Chair as appropriate to the scope of the project.