

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2014-__**

**APPROVING USE PERMIT UP 2014-10 ALLOWING CONSTRUCTION OF A
RECYCLED WATER STORAGE POND ON CITY PROPERTY, WHICH IS
ASSOCIATED WITH THE CITY'S WASTEWATER TREATMENT PLANT LOCATED
AT 1100 DUNAWEAR LANE**

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2 **WHEREAS**, the City is in need of additional effluent storage capacity; and

3 **WHEREAS**, on January 7, 2014, the City Council authorized and directed the
4 City Manager to execute a contract with URS for engineering, design services, special
5 inspections and environmental review of a new 16-million gallon storage pond on the
6 City-owned properties, commonly referred to as APN 011-050-018 & -019; and

7 **WHEREAS**, the properties are within the P Public Zoning District, which allows
8 water and wastewater facilities with a use permit; and

9 **WHEREAS**, this action has been reviewed for compliance with the California
10 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
11 pursuant to Section 15301 of the CEQA guidelines; and

12 **WHEREAS**, the Planning Commission considered the request at its regular
13 meeting of October 8, 2014. Prior to taking action on the application, the Planning
14 Commission received written and oral reports by the staff, and received public
15 testimony; and

16 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made
17 the following Conditional Use Permit findings for the project:

18 1. Finding: The proposed use, together with any provisions for its design and
19 improvement, is consistent with the General Plan, any applicable specific plan
20 and other applicable provisions of the Zoning Code including the finding that the
21 use as proposed is consistent with the historic, rural, small-town atmosphere of
22 Calistoga.

23 Supporting Evidence: The properties are designated Public/Quasi-Public in the
24 General Plan Land Use Element. The Public/Quasi-Public designation is applied
25 to existing and planned public facilities. The proposed storage pond is consistent
26 with the land use designation.

27 The properties are within the P Public Zoning District. Water and wastewater
28 facilities are allowed in the P District with a use permit. The low-profile design of
29 the pond would not affect the City's historic, rural, small-town atmosphere.

30 2. Finding: The site is physically suitable for the type and density of development.

31 Supporting Evidence: The expansion of the effluent storage pond on this site
32 would involve minor alteration of the existing use as an intermittent irrigation field
33 to a permanent wastewater storage pond.

34 3. Finding: The proposed development has been reviewed in compliance with the
35 California Environmental Quality Act (CEQA) and the project will not result in
36 detrimental or adverse impacts upon the public resources, wildlife or public
37 health, safety and welfare.

38 Supporting Evidence: This project is exempt from CEQA under Section 15301.

39 4. Finding: Approval of the use permit application will not cause adverse impacts to
40 maintaining an adequate supply of public water and an adequate capacity at the
41 wastewater treatment facility.

42 Supporting Evidence: The proposed project will have positive impacts on the
43 wastewater treatment plant because it involves construction of an effluent
44 storage pond to increase the City's effluent storage capacity at the wastewater
45 treatment facility.

46 5. Finding: Approval of the use permit application shall not cause the extension of
47 service mains greater than 500 feet.

48 Supporting Evidence: Approval of this use permit application will not require the
49 extension of service mains greater than 500 feet.

50 6. Finding: An allocation for water and/or wastewater service pursuant to Chapter
51 13.16 CMC (Resource Management System) shall be made prior to project
52 approval. Said allocation shall be valid for one year and shall not be subject to
53 renewal.

54 Supporting Evidence: A water and wastewater allocation is not required for this
55 infrastructure project.

56 7. Finding: The proposed development presents a scale and design which are in
57 harmony with the historical and small-town character of Calistoga.

58 Supporting Evidence: The low-profile design of the pond would not affect the
59 City's historic, rural, small-town character.

60 8. Finding: The proposed development is consistent with and will enhance
61 Calistoga's history of independent, unique, and single location businesses, thus
62 contributing to the uniqueness of the town, which is necessary to maintain a
63 viable visitor industry in Calistoga and to preserve its economy.

64 Supporting Evidence: The increased storage capacity would provide the
65 necessary infrastructure to support a viable visitor industry.

66 9. Finding: The proposed development complements and enhances the
67 architectural integrity and eclectic combination of architectural styles of Calistoga.

68 Supporting Evidence: The pond design is similar to other storage ponds in the
69 area and will complement the surrounding vacant and light agriculture properties.

70 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
71 Commission that based on the above findings, the Planning Commission approves the
72 proposed project, subject to following conditions of approval:

73 1 The use hereby permitted shall substantially conform to the project plans prepared
74 by URS dated September 5, 2014, except as noted in the permit conditions. This
75 use permit allows the construction of a recycled water storage pond on City
76 property, which is associated with the City's wastewater treatment plant located
77 at 110 Dunaweal Lane.

78 2 This permit shall be null and void if not used within a year, or if the use is
79 abandoned for a period of one hundred and eighty (180) days. This permit is not
80 transferable to a new use or business owner and shall expire in the event the
81 business closes or is sold.

82 3 This use permit does not abridge or supercede the regulatory powers or permit
83 requirements of any federal, state or local agency, special district or department
84 which may retain regulatory or advisory function as specified by statute or
85 ordinance. The applicant shall obtain permits as may be required from each
86 agency.

87 4. During ground-disturbing activities, a qualified cultural resource consultant and
88 tribal member shall be present to monitor the site and activities. If archaeological,
89 historical, paleontological resources or other human remains are encountered, all
90 construction activity in the affected area shall cease and no materials shall be
91 removed until the qualified professional surveys the site and mitigation measures
92 can be proposed by the qualified professional to the satisfaction of the Planning
93 Division for approval and subsequent implementation.

94 5. Prior to any grading or building permit issuance, the developer shall have a
95 Qualified Stormwater Developer prepare an approved Storm Water Pollution
96 Prevention Plan (SWPPP) as required by the most recent NPDES Construction
97 General Permit provided by the State Water Resources Control Board. This shall
98 include a Notice of Intent. The developer will also be responsible for
99 implementing all aspects of the SWPPP throughout construction activities and
100 through Notice of Termination. The Developer shall hire a person certified as a
101 Qualified Stormwater Practitioner (QSP). The QSP shall provide all the
102 inspecting/testing/training and reporting as required by the Construction General
103 Permit, throughout the duration of the project.

104 6. Prior to construction, a final drainage and erosion control plan shall be submitted
105 for review and approval by the City.

106 7. The project construction shall incorporate the Best Management Practices
107 described in the Planning Commission staff Report dated October 8, 2014.

108 8. All fill shall be compacted to at least a 95% relative density.

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ADOPTED on October 8, 2014 by the following vote of the Calistoga Planning
Commission:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jeff Manfredi, Chair

ATTEST: _____
Lynn Goldberg
Secretary to the Planning Commission