

**CITY OF CALISTOGA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES DRAFT**

**Wednesday, May 13, 2009  
5:30 PM  
Calistoga Community Center  
1307 Washington St., Calistoga, CA**

**Chairman Jeff Manfredi  
Vice- Chairman Clayton Creager  
Commissioner Carol Bush  
Commissioner Paul Coates  
Commissioner Nicholas Kite**

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

Among 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).

1 **Chairman Manfredi** called the meeting to order at 5:42 PM.  
2

3 **A. ROLL CALL**

4 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioners Carol Bush,  
5 Paul Coates, and Nicholas Kite. **Staff Present:** Charlene Gallina, Planning and Building Director,  
6 and Kathleen Guill, Planning Commission Secretary. **Absent:** Erik Lundquist, Associate Planner,  
7 and Ken MacNab, Senior Planner.  
8

9 **B. PLEDGE OF ALLEGIANCE**

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11 **C. PUBLIC COMMENTS**

12  
13 **D. ADOPTION OF MEETING AGENDA**

14 There was motion by **Commissioner Bush**, seconded by **Commissioner Creager** to approve the  
15 agenda as submitted. **Motion carried. 5-0-0-0.**  
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17 **E. COMMUNICATIONS**

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19 **F. CONSENT CALENDAR**

20 Planning Commission Minutes for the regular meeting of April 22, 2009.  
21

22 There was motion by **Chairman Manfredi**, seconded by **Commissioner Bush** to approve the  
23 Planning Commission Minutes of April 22, 2009 as submitted. **Motion carried: 5-0-0-0.**  
24

25 **G. TOUR OF INSPECTION**

26  
27 **H. PUBLIC HEARING**

28 1. Consideration of a Municipal Code Amendment (CMC 2009-01) initiated by the City of  
29 Calistoga for a text amendment to Title 19, Environmental Protection specifically, Chapter 19.02  
30 Growth Management System of the Calistoga Municipal Code to clarify and improve program  
31 implementation. No further environmental review is required in accordance with Section  
32 15061(b)(3) of the CEQA Guidelines. *(This item was continued from the regular Planning*  
33 *Commission meeting of April 22, 2009.)*  
34

35 **Director Gallina** provided an overview of THE proposal to amend the Growth Management  
36 Allocation system (GMA) ordinance, reporting during the meeting of April 22, 2009 the Planning  
37 Commission had expressed the desire to add provisions to give preference to projects that will go  
38 beyond the City adopted Green initiatives and/or utilize the local climate action program

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39 recognizing goals and objectives and the Build It Green and Leed programs. The second issue  
40 was to regulate residential subdivision proposals to ensure that units are constructed in an  
41 expeditious manner after recordation of a final map and not banked by the sub-divider waiting for a  
42 higher economic value. The original method has allowed subdivisions to get allocations as they  
43 record, example the Pestoni Subdivision, because when we do adopt a subdivision it is growth in  
44 itself and should be counted. Director Gallina noted should the Planning Commission want to  
45 place a restriction she has provided draft language that could be incorporated using a three year  
46 timeline to ensure they get their building permit and it will fit within the five year allocation timeline.  
47

48 **Commissioner Coates** requested clarification of Exhibit A, page 7 of 12, item K. and stated isn't it  
49 "5 or less lots" instead of "3 or fewer lots".  
50

51 **Director Gallina** stated the recommendation is "three or fewer" lots to make it easier for those  
52 coming in to obtain one or two additional lots when there is an existing home on the property. She  
53 suggested adding "not more than two newly recorded lots" into the recommended ordinance for  
54 council.  
55

56 **Vice-Chairman Creager** referenced the Staff Report, page 2 of 4, suggesting the rationale for  
57 granting and counting the approval against the 1.35 growth rate referred back to when we were in  
58 a moratorium, and how we should go forward. He disagreed with the analogy stating they were  
59 brought forward because we didn't want to penalize them, but many were not counted against the  
60 "GMA" rate.  
61

62 **Director Gallina** stated they were counted against the 1.35%, but each one could not go forward  
63 during the moratorium, so with "GMA" they had to apply for an allocation, and at that time they  
64 were counted.  
65

66 **Vice-Chairman Creager** recalled there had been an emergency ordinance and there was a group  
67 of them that were not counted in the growth at that time.  
68

69 **Director Gallina** acknowledged he was correct, but the Pestoni Subdivision wasn't included in  
70 those at that time.  
71

72 **Vice-Chairman Creager** stated that case speaks to the reasoning for not granting things, and if  
73 we continue he was concerned we will not meet the City's housing element. He stated three years  
74 provided too much leeway to banking allocations. Vice-Chairman Creager proposed adding  
75 another preference giving top priority to developers if they will act on development within the first  
76 year, and if they don't the allocation would be revoked.  
77

78 **Commissioner Kite** stated when an allocation is granted it is something that has value. He  
79 suggested alignment with the economics. Lots are recorded, why not pay hook up fees then.  
80 People are less likely to delay when there are costs involved. This could discourage people from  
81 sitting on allocations, and if they expire then a renewal fee is applicable, with a 50% premium.  
82

83 **Vice-Chairman Creager** supported payment of fee's upfront to drive an incentive to build.  
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85 **Director Gallina** suggested a subdivision is growth in itself.

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**Vice-Chairman Creager** stated they should not split lots unless they are going to develop the property. Counting subdivision as growth was a failure of our housing policy, and the door is closed if we allow a submarket to develop without a real intent to develop and they hold the property as an investment, because we will be creating a scarcity. If we let these go through we doom any market based affordable housing.

**Chairman Manfredi** noted he understood the concern, but what he didn't see were projects preventing allocations in the existing system. Chairman Manfredi acknowledged in a more fluid economy this would have an affect though. He did not think three years was too much time because for sure one year was insufficient.

**Commissioner Kite** was in agreement with the recommended change for administrative approval and asked why not subdivisions.

**Commissioner Coates** stated it was because there would be no guarantee of City services. Without a guarantee of City services there is no financing available to developers.

**Commissioner Coates** suggested there should be a way within the first twelve months after an allocation to monitor performance and after twelve months the developer has to put in some money. That should be enough time for a bank to put money on a project. We need some balance.

**Vice-Chairman Creager** did not agree with the three year time frame and does not want to allow these properties to become commodities using the system counter affectively due to scarcity. If a developer does not make a significant commitment he has to understand the allocation can be revoked within the time frame.

**Vice-Chairman Manfredi** suggested a combination, you have a three year window to perform. After 18 months there will be a financial obligation with some payment required to retain your allocation.

**Director Gallina** reported payment of water and wastewater fee's is generally \$45 to \$55 thousand per household/lot.

**Commissioner Kite** asked if the 18 months was from the date of allocation or the date of recordation.

**Director Gallina** suggested after recordation, then 18 months, 3 years to process.

**Vice-Chairman Creager** noted concern with the two years - plus three years. Stating if we don't meet the 1.35% growth it is lost because it does not roll over into the next cycle five year window. He stated we need commitment prior to that fifth year so we can give the allocation to someone else. It needs to be tangible that they are going to make it happen.

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131 **Chairman Manfredi** suggested payment of a percentage of the water and sewer allocation fee,  
132 maybe 25% would be reasonable. He questioned the Vineyard Oaks/Nagel project asking if the  
133 fifteen lots have been recorded and counted toward GMA.

134 **Director Gallina** advised yes they were counted and noted the project has a five year  
135 development agreement. Their allocation is good for five years.

136  
137 **Vice-Chairman Creager** suggested the applicable fee could be scaled to the size of the  
138 subdivision, either a percentage of the number of water and sewer allocations or equivalent fees  
139 expended for technical studies, thus showing a commitment of money on other aspects going  
140 forward at 18 months, they must demonstrate financing and commitment.

141  
142 **Director Gallina** directed attention to the possibility they could say yes I'll pay and sit on the lots,  
143 recouping their investment by increased value of lot.

144  
145 **Commissioner Kite** again noted they are acquiring something of value and it should be straight  
146 economics, resulting in Director Gallina's market theory breaking down.

147  
148 **Commissioner Coates** suggested including a section providing a right to appeal for issues with  
149 the burden of money, allowing the developer to come back and ask for relief.

150  
151 **Vice-Chairman Creager** suggested considering the idea of providing a priority to those that can  
152 provide a monetary commitment to perform prior to the three years.

153  
154 **Director Gallina** questioned if subdivisions are a desire in itself. Wouldn't we want mixed use  
155 projects, or condo's downtown, which involves a subdivision. This would be in line with the  
156 General Plan with single family home subdivisions on the fringe.

157  
158 **Commissioner Coates** shared concern that allocations will be overridden through the  
159 Development Plan process.

160  
161 **Director Gallina** stated a lot more people will go that avenue for any large developments.

162  
163 **Director Gallina** restated the Commissions intent for clarification:

164 Three year timeline;  
165 18 months, payment of 30% sewer and water fees;  
166 a provision they can ask for relief.

167  
168 The Commissioners concurred.

169  
170 **Chairman Manfredi** asked we somehow stress that just because there are not a lot of requests,  
171 we don't have to grant everything, we can wait for a great project.

172  
173 There was motion by **Vice-Chairman Creager**, seconded by **Chairman Manfredi** to adopt  
174 Resolution PC 2009-08 recommending to the City Council adoption of an Ordinance amending  
175 Title 19, Environmental Protection specifically, Chapter 19.02 Growth Management System of the  
176 Calistoga Municipal Code to further clarify, streamline and improve program implementation as  
177 amended. **Motion carried: 5-0-0-0.**

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**Director Gallina** reported the Growth Management Item will be forwarded to City Council for review and adoption on Tuesday, May 19.

**I. NEW BUSINESS**

**J. MATTERS INITIATED BY COMMISSIONERS**

**K. DIRECTOR'S COMMENTS/PROJECT STATUS**

**Director Gallina** announced Ken MacNab would be at Cal Mart Friday afternoon and at the Farmers Market, on Saturday, from 8:30 AM to noon, distributing housing surveys. She reminded Commissioners to please fill out their housing survey.

**J. ADJOURNMENT**

There was motion by **Vice-Chairman Creager**, seconded by **Chairman Manfredi** to adjourn to the Planning Commission regular meeting of May 27, 2009. The meeting adjourned at 6:28 PM. .

**Motion carried: 5-0-0-0**

The next regular meeting of the Planning Commission is scheduled for Wednesday, May 27, 2009 at 5:30 PM.

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Kathleen Guill,  
Secretary to the Planning Commission