

**CITY OF CALISTOGA
PC RESOLUTION 2008-13**

**A RESOLUTION GRANTING A SIX (6) MONTH EXTENSION TO
CONDITIONAL USE PERMIT (U 2006-17) FOR THE TEMPORARY BULK
TRANSFER OF GEOTHERMAL WATER FROM THE CALISTOGA BEVERAGE
COMPANY LOCATED AT 865 SILVERADO TRAIL, WITHIN THE “I”,
INDUSTRIAL AND “CC-DD”, COMMUNITY COMMERCIAL-DESIGN DISTRICT
OVERLAY ZONING DISTRICT TO A BOTTLING FACILITY LOCATED IN
HEALDSBURG, CALIFORNIA (APN 011-050-024)**

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2 **WHEREAS**, on November 20, 2006, an application was submitted by
3 Calistoga Beverage Company requesting an amendment to Calistoga Mineral
4 Water’s Use Permit adopted May 23, 1990, specifically Condition #18, which
5 prohibited the bulk transfer of geothermal water from their current facility to now
6 permit the bulk transfer of geothermal water from their Calistoga facility to a
7 suitable bottling facility capable of producing a sparkling juice product located in
8 Healdsburg, California for a temporary period of time;
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10 **WHEREAS**, on January 24, 2007, the Planning Commission considered
11 this request and approved Conditional Use Permit (UP 2006-17) authorizing the
12 temporary bulk transfer of geothermal water from Calistoga Beverage Company
13 limited to two (2) tanker trucks per day not to exceed 6,000 gallons per truck for a
14 total of 12,000 gallons per day for a period of one (1) year from the date of use
15 commencement, subject to eight (8) conditions of approval (Resolution No. PC
16 2007-07);
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18 **WHEREAS**, Calistoga Beverage Company’s bulk transfer of geothermal
19 water commenced on March 26, 2007;
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21 **WHEREAS**, Condition #1 of Resolution No. PC 2007-07 authorized the
22 ability for a one-time extension, not to exceed six (6) months to be reviewed and
23 approved by the Planning Commission;
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25 **WHEREAS**, on December 12, 2007, Calistoga Beverage Company
26 provided the Planning Commission a project status update regarding the delays
27 in launching of their sparkling juice production and their desire to submit a
28 request for an additional 18 month extension to the temporary bulk transfer of
29 geothermal water;
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31 **WHEREAS**, on February 26, 2008 a formal request for an eighteen (18)
32 month extension was submitted to the City for Planning Commission
33 consideration;
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35 **WHEREAS**, the Planning Commission reviewed and considered this
36 application at its regular meeting on March 12, 2008, and prior to taking action on
37 the application, the Commission received written and oral reports by the Staff,
38 and received public testimony;

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40 **WHEREAS**, the Planning Commission finds that the following project
41 findings contained in PC Resolution 2007-07 and, as modified herein, essentially
42 remain the same in response to the requested extension:

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44 1. The proposed development, together with any provisions for its design
45 and improvement, is consistent with the General Plan, any applicable
46 specific plan and other applicable provisions of the Zoning Code including
47 the finding that the use as proposed is consistent with the historic, rural,
48 small-town atmosphere of Calistoga;

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50 Response: Although the General plan prohibits bulk transfer of geothermal
51 waters outside the City limits, the proposed project is a request for a
52 temporary transfer to accommodate the design, purchase, and installation
53 of a juice bottling line at the permanent facility located in the City of
54 Calistoga. Conditions applied to the project will ensure that such transfer
55 will be limited in volume, frequency and through hours of operation for an
56 additional period of six (6) months.

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58 2. The site is physically suitable for the type and density of development;

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60 Response: The site is physically suitable for accommodating the use and
61 on-site circulation of 2 bulk tanker trucks with a capacity of 6,000 gallons.

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63 3. The proposed development has been reviewed in compliance with the
64 California Environmental Quality Act (CEQA) and the project will not result
65 in detrimental or adverse impacts upon the public resources, wildlife or
66 public health, safety and welfare;

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68 Response: The project is exempt from environmental review pursuant to
69 Section 15301 of the CEQA Guidelines.

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71 4. Approval of the use permit application will not cause adverse impacts to
72 maintaining an adequate supply of public water and an adequate capacity
73 at the wastewater treatment facility;

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75 Response: The proposal will not create any demand for public water or
76 sewer.

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78 5. Approval of the use permit application shall not cause the extension of
79 service mains greater than 500 feet;

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Response: The project will not require the extension of service mains.

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

Response: The proposal will not create any demand for public water or sewer.

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

Response: The site is already developed with a building and parking lot. The proposal is for temporary bulk transfer of geothermal water for an additional six (6) month period in order to accommodate the processing of a new Conditional Use Permit for the installation and operation of a permanent sparkling juice production line.

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

Response: The granting of this Use Permit will allow an existing business to continue operations outside the City limits on a temporary basis in order to accommodate the design, purchase and installation of a juice bottling line at their permanent facility located in Calistoga.

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

Response: No construction is planned.

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and has been determined Categoricaly Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (b) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based upon the above findings, the Planning Commission approves Conditional Use Permit Extension (UP 2006-17) which authorizes a six (6) month extension for the bulk transfer of geothermal water from Calistoga

124 Beverage Company to their temporary bottling facility located in Healdsburg,
125 California, subject to the following seven (7) conditions:
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- 127 1. This permit authorizes an extension to Conditional Use Permit (U 2006-
128 17) to allow the temporary bulk transfer of geothermal water from the
129 Calistoga Beverage Company located at 865 Silverado Trail, within the "I",
130 Industrial, and "CC-DD", Community Commercial – Design District Zoning
131 Districts (APN 011-050-024) to a bottling facility located in Healdsburg,
132 California for a period of six (6) months. Transfer shall be limited to two
133 (2) tanker trucks per day not to exceed 6,000 gallons per day per truck for
134 a total of 12,000 gallons per day. Approval of this Conditional Use Permit
135 is based on the presentation of materials kept on file by the Planning and
136 Building Department. Operations authorized by this permit may only be
137 changed with the approval of an amendment to the Use Permit application
138 approved by the Planning and Building Director, through the process
139 established in the City of Calistoga Zoning Ordinance. Failure to comply
140 with all conditions may result in a City-initiated amendment or revocation
141 of the permit to protect the public health, safety and general welfare of the
142 community, as set forth in the City's Zoning Ordinance.
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- 144 2. Planning Department staff shall continue to review the Conditional Use
145 Permit approval during the course of this six (6) month extension to
146 address any unforeseen problems.
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- 148 3. The hours of operation of two tanker transfers shall be limited 7:00 am to
149 5:00 pm daily.
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- 151 4. The Calistoga Beverage Company tankers shall utilize the transit route as
152 follows: Northwest on Silverado Trail; turn right onto CA-29; turn left onto
153 Tubbs Lane; turn right onto CA-128 North. No tankers shall be authorized
154 to route through the center of the City (via Lincoln Ave.).
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- 156 5. The granting of any extension for additional time shall be accompanied
157 with the submittal of a new Use Permit application for the installation of the
158 permanent juice bottling line at the Silverado facility.
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- 160 6. The applicant shall submit to the Planning & Building Department the
161 following information on a quarterly basis: metering data of the transferred
162 geothermal water; status on the testing and condition of existing on-site
163 geothermal wells, status report on the submittal of a new Use Permit
164 application; and a project timeline and progress report on the design,
165 purchase, and construction of the on-site juice bottling line. Furthermore,
166 prior to testing of the on-site existing geothermal well, the applicant shall
167 notify other local geothermal well owners of the scheduled well test date
168 and hours of testing. The applicant shall submit to the Planning & Building

169 Department any changes in tanker truck identification information to be
170 used for Police Department enforcement.

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172 7. This permit shall be valid until it expires six (6) months from the date of
173 Planning Commission, or if the use is abandoned for a period of 180 days
174 or is revoked pursuant to the terms of this permit and/or Chapter 17 of the
175 Calistoga Municipal Code.

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177 **PASSED, APPROVED, AND ADOPTED** on March 12, 2008, by the
178 following vote of the Calistoga Planning Commission:

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180 AYES:

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182 NOES:

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184 ABSENT/ABSTAIN:

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186 _____
187 Jeff Manfredi, Chairman

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189 ATTEST: _____
190 Kathleen Guill
191 Secretary to the Planning Commission