



A Tradition of Stewardship  
A Commitment to Service

FILE # \_\_\_\_\_

**NAPA COUNTY**  
**PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**  
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

**APPLICATION FOR USE PERMIT**  
**EXCEPTION TO CONSERVATION REGULATIONS**

FOR OFFICE USE ONLY

ZONING DISTRICT: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
TYPE OF APPLICATION: \_\_\_\_\_ Date Published: \_\_\_\_\_  
REQUEST: \_\_\_\_\_ Date Complete: \_\_\_\_\_

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

PROJECT NAME: Burhenne Residence Use Permit

Assessor's Parcel #: 025-390-006 Existing Parcel Size: 0.40± acres

Site Address/Location: 1080 Greenfield Road St. Helena CA 94574  
No. Street City State Zip

Property Owner's Name: Mark & Roseann Burhenne

Mailing Address: 1080 Greenfield Road St. Helena CA 94574  
No. Street City State Zip

Telephone #: (408) 205 - 3168 Fax #: ( ) -  E-Mail: rburhenne@gmail.com

Applicant's Name: Same as Property Owner

Mailing Address: \_\_\_\_\_  
No. Street City State Zip

Telephone #: ( ) -  Fax #: ( ) -  E-Mail: \_\_\_\_\_

Status of Applicant's Interest in Property: Property Owner

Representative Name: Paul N. Bartelt, P.E., Bartelt Engineering

Mailing Address: 1303 Jefferson Street, 200 B Napa CA 94559  
No. Street City State Zip

Telephone #: (707) 258-1301 Fax #: (707) 258-2926 E-Mail: paulb@barteltengineering.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

[Signature] 4/10/19  
Signature of Applicant Date

[Signature] 4/10/19  
Signature of Property Owner Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: \$ \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

**SUPPLEMENTAL APPLICATION FORM**  
**USE PERMIT EXCEPTION TO CONSERVATION REGULATION**

**1. Please explain the reason for the exception request.**

The reason for this exception request is to allow for the continued use of existing structures, hardscape elements, retaining walls, an accessory structure, mechanical equipment, and solar equipment (all of which are hereafter referred to as "Improvements") that serve an existing residence but, were constructed without permits within a creek setback as identified in an Information and Notice Regarding Apparent Code Violation (Letter) dated June 19, 2018. On July 11, 1997 the Zoning Administrator approved (and later that year the Napa County Board of Supervisors denied an appeal of that approval) variance application #96503-VAR associated with a proposed residence on APN 025-390-006. Among other things, the 1997 variance granted a reduction to the standard stream setback from 55 feet to 20 feet from the top of bank, placement of a water storage tank five (5) feet from the top of bank, and placement of a well ten (10) feet from the top of bank. Subsequently, additional improvements outside the scope of the 1996 application were constructed within the 55 foot stream setback; however, rather than removing the offending Improvements, it is requested that they be allowed to remain following the approval of this request. The Improvements are shown on the Use Permit plans prepared by Bartelt Engineering. The "Barn" shown on the plans is within the stream setback and was permitted by Napa County Building Division under Permit B08-00206. Permit application B19-00535 is currently being reviewed by the Building Department to correct a code violation within the Barn. The above described Improvements (except the accessory structure and Barn Remodel improvements) were constructed by prior owners of this property and the noncompliance was not disclosed to the current owners during the real estate purchase until County Code Enforcement informed them.

**2. Are there any alternatives to the project which would not require an exception? Please explain.**

There are no alternatives to the project which would not require an exception because of physical and permitting constraints. The parcel (APN 025-390-006) is a 0.40 +/- acre triangle shaped piece of land with Greenfield Road running along two of the three sides and two (2) other parcels along the third. An unnamed drainage course runs through the parcel as well. The public road, drainage course, well, and septic system setbacks severely limit the amount of developable area available on the parcel. The remaining area available for improvements is further reduced by the location and size of the existing residence, driveway, well, septic system, parcel geometry, and topography; therefore, alternative locations for the offending Improvements on the parcel are deficient. Furthermore, complicating matters is the fact that the offending Improvements are existing. Removing and/or demolishing the existing Improvements would result in unnecessary impacts to the environment and potential degradation of the drainage course.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

**Section 18.108.040.A. Structural/road development projects**

- a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading: (Please describe).

The existing and proposed improvements that this application seeks to obtain an exception for followed/follow the natural landform and avoided/minimize excessive grading to the greatest extent possible. For example, the accessory structure entrance is at an elevation many feet below the residence finish floor elevation; therefore, it is accessed by a set of stairs that follow the existing natural slope of the drainage course bank. Furthermore, one of the offending sheds was constructed on piers rather than a slab minimizing the amount of fill needed for construction and access. Relocating the accessory or other structures would require earthwork activities that would generate much more soil cut and/or fill volumes and would be in conflict with the natural landscape. Additionally, leaving the structures where they exist will alleviate the need for earthwork activities within the drainage course setback thereby removing the threat of potential harm to the environment as a result of demolition activities.

See following Sections for additional description of the proposed project.

- b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

- i. Multiple-floor levels which follow existing, natural slopes;
- ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;
- iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

As stated above, the Improvements were built to limit the amount of grading and earthmoving activities to the greatest extent possible. The accessory structure portal entrance is at an elevation which is many feet below the natural ground and the residence and barn finish floor elevations; therefore, it is accessed by a set of stairs that follow the existing natural slope. One of the two sheds was constructed on piers minimizing fill while the other one was constructed at grade. The additional water tank was constructed next to the existing water tank which was on an elevated pad that established an acceptable pad elevation alleviating excessive grading. All the building footprints and mechanical pads were kept small to minimize the grading required for construction. Finally, all of the buildings were aligned to the south property line to maintain visual fidelity throughout the parcel.

- c. The development project minimizes removal of existing vegetation , incorporates existing

vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

Previous and proposed vegetation removal was and is limited to the areas necessary to construct the improvements.

Integration of the accessory structure into the side of the vegetation-barren bank rather than in a location where there was/is vegetation minimized vegetation removal. The proposed energy dissipation devices connected to the ends of the stormdrain pipes that discharge into the drainage course utilize wood logs rather than concrete or rocks. There is limited area for replacement vegetation due to the constraints identified previously (setbacks, available area, parcel geometry, etc.). Native vegetation was left untouched when and where possible (ie. adjacent to the drainage course and road).

**4. Adequate fire safety measures have been incorporated into the design of the proposed development.**

The existing structures will incorporate fire safety measures compliant with current California Building Code requirements.

**5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.**

Disturbances to streams and watercourses were not observed but the impact and encroachment to the stream and into the setback appears to be limited to those Improvements identified in the Letter. Proposed encroachments and disturbances will be limited to minor excavation of the bank to allow for the installation of energy dissipation devices, erosion control blankets, and wood logs as described in the California Department of Fish and Wildlife Notification of Lake or Streambed Alteration (1602), minor excavation and construction of a fire truck-turn out as described in the Napa County Encroachment Permit applications (copies included) associated with this application and a generator pad. No other encroachments into the stream setback are proposed and the reduced 20 foot setback shall be retained per the approved Use Permit Variance application (#96503-VAR). If this application is not approved then encroachment into the setback will be necessary to perform demolition activities of the offending existing Improvements.

**6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.**

It is unknown whether the Improvements adversely impacted plant or animal habitats designated by state or federal agencies with jurisdiction and/or identified on the county's environmental sensitivity maps as threatened or endangered because no assessment associated with the Improvements was found in the record. However, a county environmental sensitivity map dated March 4, 2019 does show the area where the Improvements are and the area where the proposed improvements are to be as being void of sensitive plant or animal habitats. Neither a biological assessment or research into state and federal agency databases for such habitats has been conducted but it appears the existing and proposed improvements addressed by this application did and do not adversely impact any threatened or endangered plant or animal habitats as identified on the County's environmental sensitivity map.

**Section 18.108.040.B. Agricultural projects, or Agricultural roads as defined by Planning, Building, and Environmental Services, Engineering Division**

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the Natural Resource Conservation Service for the soil type, topography and climatic conditions in which the project is located; (Please attach a copy of the USLE worksheet used to determine the erosion rate).

Section 18.108.040.B does not apply. The exception request is not for an agricultural project.

8. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained.

Section 18.108.040.B does not apply. The exception request is not for an agricultural project.

9. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.


Section 18.108.040.B does not apply. The exception request is not for an agricultural project.


## INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

  
\_\_\_\_\_  
Applicant

  
\_\_\_\_\_  
Property Owner (if other than Applicant)

4/10/19  
\_\_\_\_\_  
Date

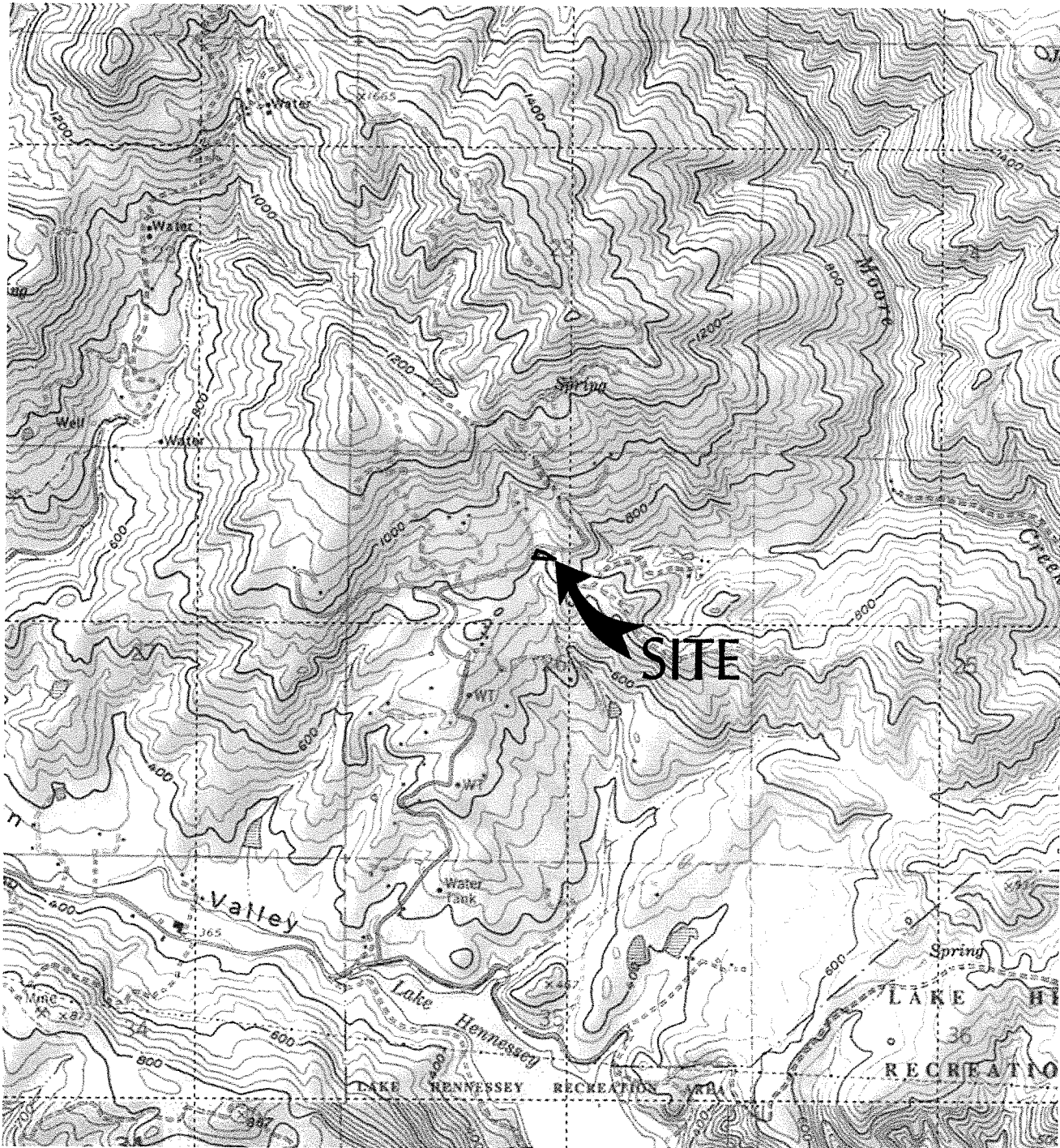
\_\_\_\_\_  
Project Identification

# TOPOGRAPHIC SITE LOCATION INFORMATION



USGS 75 MINUTE QUADRANGLE "SAINT HELENA"

Scale: 1" = 2000'



R. 5 W.

T. 8 N.

## BARTELT

**ENGINEERING**  
CIVIL ENGINEERING · LAND PLANNING  
1303 Jefferson Street, 200 B, Napa, CA 94559  
[www.barteltengineering.com](http://www.barteltengineering.com)  
Telephone: 707-258-1301

Burhenne Residence  
1080 Greenfield Road  
Saint Helena, CA 94574  
APN 025-390-006

Job No. 95-35



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## AGENT AUTHORIZATION

County of Napa  
Building Department

*Only the Owner, Contractor or their Authorized Agent may submit plans for permits. To authorize a third party agent, the agent must bring this signed form, or a wet signed letter, which identifies them and the person they are representing, and for what jobs they may obtain permits. The letter must contain all the information requested on this form.*

*This form must accompany ALL applications that are being filed by an Authorized Agent.*

### **Faxes Are Not Accepted.**

As the owner of the property, I understand that the application for any permit (i.e. Building, Plumbing, Mechanical and/or Electrical) must be signed by the Owner of the property, his/her duly Authorized Agent, or licensed Contractor. This procedure also applies to the Contractor's Agents.

I understand that I may designate a third party, such as a tenant or person in my employ, to sign the application for a permit on my behalf. I further understand that the person's only responsibility or function is to acquire a permit on my behalf.

I am aware that the responsibility for the construction and compliance to codes and ordinances is entirely mine and I accept the same.

Therefore, as the owner or contractor of the above listed property,

I do hereby authorize (Please Print) Bartelt Engineering

To apply/obtain a building permit for Mark & Roseann Burhenne

in my name by affixing my name followed by their Signature on the application.

OWNER/CONTRACTOR'S SIGNATURE: 

OWNER/CONTRACTOR'S ADDRESS: 1080 Greenfield Road, St. Helena, CA 94574

OWNER/CONTRACTOR'S PHONE #: (408) 205-3168

CONTRACTOR'S STATE LICENSE #: \_\_\_\_\_