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Previous Project Conditions



NAPA COUNTY

CONSERVATION—DEVELOPMENT AND PLANNING COMMISSION

JAMES H. HICKEY
Secretary-Director

1195 THIRD STREET • NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

September 21, 1984

Mr. & Mrs. Andreas Van Der Heyden
4057 Silverado Trail
Napa, Ca. 94558

Dear Mr. & Mrs. Van Der Heyden:

Your Use Permit Application Number #U-708384 to establish a 8,000 gallon/
year winery with no public tours and tasting.

~~on a 9.5 acre parcel on the west side of Silverado Trail approximately~~
located 800 feet north of Soda Canyon Rd., within an AP District.
has been approved by the Napa County Conservation, Development and Planning
Commission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: September 20, 1984

Your Use Permit becomes effective ten (10) working days from the approval date, provided all conditions of approval are met or assurances made to guarantee compliance. The ten (10) day waiting period is required to provide sufficient time for anyone wishing to appeal the action of the Commission in approving your Use Permit. In the event an appeal is made to the Board of Supervisors, you will be notified.

Should this Use Permit not be used within one (1) year after the date of approval, it shall be null and void without further action by the Commission or Department.

If you intend to request any time extension for your approved Use Permit, please note that any such request must be submitted to the Conservation, Development and Planning Department at least 30 days prior to the expiration of the present permit.

Very truly yours,

A handwritten signature in blue ink, appearing to read "James H. Hickey".

JAMES H. HICKEY
Secretary-Director

JHH:pm

cc: Bill L. Hall
Building Codes Administrator
County of Napa

39-390-16
4-708384-UP/APVL

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

USE PERMITS

DEPARTMENT REPORT AND RECOMMENDATION

Meeting of Sept 19, 1984

Agenda Item: 3

APPLICATION DATA:

APPLICANT: Sandra + Andreas Van Der Heyden (#U-708384, filed 6-21-84)

REQUEST FOR: To establish an 8,000 gallons/year winery with no public tours or tasting on a 9.3 acre parcel

LOCATION: on the west side of the Silverado trail, 800 feet north of Soda Canyon Road within an AP District (AP # 39-390-16)

FINDINGS: [All checked (X) Items Apply to This Application]

SPECIAL INFORMATION:

- 1. Details of the proposal are contained in the attached supplemental information sheet.
- 2. Comments and recommendations from various County departments and other agencies are attached.
- 3. See attached exhibit A

ENVIRONMENTAL ANALYSIS:

- 4. General Rule (Not Subject to CEQA).
- 5. Categorically Exempt pursuant to the California Environmental Quality Act (Class # _____).
- 6. Final Environmental Impact Report # _____ prepared by: _____
(See Agenda Item # _____).
- 7. The project is not anticipated to result in significant environmental effects, either individually or cumulatively. There are no unique or rare biological or physical resources that will be adversely effected. A Negative Declaration is recommended. See attached copy.
- 8. Denial Not Subject to CEQA.

Meeting Date: Sept 19, 1984

Use Permit # U-708384

PLANNING AND ZONING ANALYSIS:

- 9. The procedural requirements for Use Permit outlined in the Zoning Ordinance have been satisfied in regard to this application.
- 10. The submitted proposal is in general compliance with Ordinance requirements.
- 11. Approval of this proposal would not result in detrimental effects to the public health, safety or general welfare.
- 12. The proposal is in conformance with the General Plan designation of Agricultural Resource specified for the property.
- 13. The property is within the district boundary and/or the Sphere of Influence of the following districts:

American Canyon County Water District Within district Within Sphere
(See attached map).

American Canyon Fire Protection District Within district Within Sphere
(See attached map).

_____ _____ _____

- 14. This proposal should be denied pursuant to findings contained in the attached Exhibit _____.
- 15. _____

RECOMMENDATION:

- Continue to meeting of _____.
- Action

ENVIRONMENTAL:

- None Required.
- Adopt a Negative Declaration.
- Find that the _____ has read and considered the environmental documents relative to #U-_____.
- Certify Final EIR as adequate.

PLANNING:

- DENIAL based on Finding # _____.
- APPROVAL with Findings and subject to the attached Conditions of Approval.

CONDITIONS OF APPROVAL

Agenda Item: 3

Meeting Date: Sept 19, 1984

Use Permit: # U-708384

- 1. The permit be limited to: establishment of an 8,000 gallons/year winery with no public tours or tasting.

Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.

- Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the Building Permit. Landscaping, fencing and parking to be completed prior to finalization of Building Permit.

- 2. Provisions for a minimum of 2 off-street parking spaces on a dust free, all weather surface approved by Public Works.

- 3. Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.

- The applicant enter into an agreement with the County not to oppose annexation to an appropriate service district when deemed necessary by the County. The agreement to be reviewed by Environmental Health and approved by County Counsel.

- Annexation of the property to the following districts:

- American Canyon County Water District
- American Canyon Fire Protection District
- _____

- All open storage of _____ be screened from view of _____ and adjacent properties by a visual barrier. No open storage to exceed height of screening.

- The permit be limited to a _____ year period.

- 4. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.

- 5. Mitigation measures contained in the attached Negative Declaration.

- 6. The property owner shall erect a sign at the entrance of the property indicating no public tours or tasting. The sign shall be maintained in a readable condition.

EXHIBIT A

VAN DER HEYDEN (#U-708384)

SEPTEMBER 19, 1984

1. The proposal did not comply with the Small Winery Use Permit exemption criteria due to the winery's location less than 2,000 feet from another approved winery (Altamura, Use Permit #U-707879 - see attached map)
2. The Board of Supervisors at their July 24, 1984 meeting, approved an Indemnification Agreement (Contract #2159- attached) permitting the applicant to commence operation of the winery within an existing barn in advance of Use Permit consideration by the County.

ATTACHMENT I

Mitigation Measures for
van der Hayden Use Permit (#U-708384)

RECEIVED
AUG 14 1984

Napa County Conservation,
Development & Planning Department

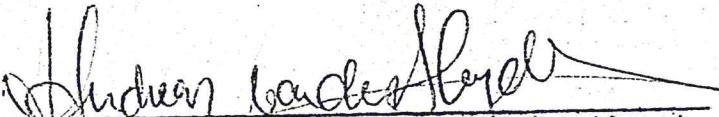
NOISE:

- 1) Place noisy stationary equipment, such as refrigeration and air conditioning compressors and pumps away from residentially developed areas off-site and/or provide acoustical shielding around such equipment.

AESTHETIC:

- 2) Installation of shields on all outdoor lights to direct all the illumination downward and away from nearby residences.
- 3) Installation of plantings, preferably species native to the Napa Valley, around the parking area and all outdoor use and storage areas of sufficient height and density to screen these areas from view from adjoining residences.

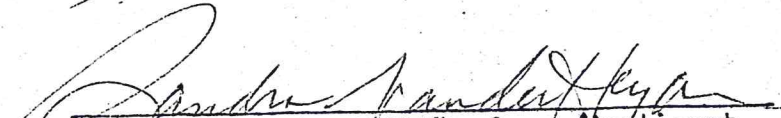
I AGREE TO INCLUDE THE ABOVE MITIGATION MEASURES IN MY PROJECT.



 ANDREAS van der HAYDEN, Owner/Applicant
 HEYDEN

8/9/84

 Date



 SANDRA van der HAYDEN, Owner/Applicant
 HEYDEN

8-9-84

 Date

*Please note
 Spelling* →

RETURN BY AUG 18 1984
 TO PLANNING COMM. OFFICE

P07-00823-UP/APVL



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

JOHN MCDOWELL
Deputy Planning Director

January 16, 2008

Andreas & Sandra Van Der Heyden
Van Der Heyden Vineyards Winery
4057 Silverado Trail
Napa, CA 94558

Re: **Van Der Heyden Vineyards Winery – Crush Pad Relocation**
Minor Modification #P07-00823-MODVMIN
Assessor's Parcel #: 039-390-016

Dear Mr. & Mrs. Van der Heyden:

Please be advised that your request for a very minor Modification (File #: P07-00823 MODVMIN) to the Van der Heyden Use Permit (File #:708384) as described in your final submittal letter (dated December 11, 2007) and plans (also dated December 11, 2007) to:

- 1) demolish the existing 2,750 sq. ft. uncovered crush pad between the winery and the tasting room and reconstruct it 37 feet north of the winery building for a total new, uncovered crush pad area of 2,440 sq. ft.;
- 2) replace the demolished crush pad area with a pervious surface such as crushed gravel or pavers;
- 3) remove and relocate the existing six (6) 1,620 gallon and six (6) 3,000 gallon wine storage tanks, now located on the existing crush pad, to the new crush pad; and,
- 4) install native vegetation to provide adequate screening for the new crush pad installation as required by previous Use Permit mitigation measures,

but with no changes to approved winery development area, production or marketing activities, has been **APPROVED** by the Director of Conservation, Development and Planning on January 16, 2008 based on the attached conditions of approval and applicable County regulations.

EXPIRATION DATE: January 15, 2010

Pursuant to Section 18.124.080 of the Napa County Code, this minor modification must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your minor modification permit. In addition, approval of this minor modification has no effect on the time limits in which to activate the original project use permit.

Please be advised that the Director of Conservation, Development and Planning has

determined that this minor modification is **Categorically Exempt** from the provisions of CEQA, the California Environmental Quality Act. Pursuant to CEQA Section 15301, Class 1, Existing Facilities, and Appendix B, Class 1, Existing Facilities of Napa County's Local Procedures for Implementing the California Environmental Quality Act, the project consists of a minor alteration to a previously approved project involving no expansion in production or marketing activities and is not located in an environmentally sensitive area.

The modification is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be noticed.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Should you have any questions, please contact John McDowell, Project Planner at (707)299-1349 or e-mail at thornish@co.napa.ca.us.

Sincerely,

Hillary Gitelman
Director



By: Patricia Hornisher
Planner III

Attmts: (Agency comments)

cc: File
John Tuteur, Assessor
Darrell Mayes, Chief Building Official
Rick Swinth, PE, Project Manager

CONDITIONS OF APPROVAL

Van der Heyden Crush Pad Modification

File # P07-00823-MODVMIN

APN: 039-390-016

1. **SCOPE:** The permit shall be limited to:

- demolishing the existing 2,750 sq. ft. uncovered crush pad between the winery and the tasting room and reconstructing it 37 feet north of the winery building for a total new, uncovered crush pad area of 2,440 sq. ft.;
- replacing the demolished crush pad area with a pervious surface such as crushed gravel or pavers;
- removing and relocating the existing six (6) 1,620 gallon and six (6) 3,000 gallon wine storage tanks, now located on the existing crush pad, to the new crush pad;
- installing native vegetation to provide adequate screening for the new crush pad installation as required by previous Use Permit mitigation measures.

The winery modification shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and the original use permit conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies. The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

3. **INDEMNIFICATION**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

4. **PREVIOUS CONDITIONS:**

The permittee shall comply with all previous conditions of approval for Use Permit 04046-UP, except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

5. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$125.00/hour as of July, 2006). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

APVL - 414-00973

39-390-016

Planning, Building, and Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

David Morrison
Director



A Tradition of Stewardship
A Commitment to Service

January 15, 2014

Mr. and Mrs. Andreas Van Der Heyden
4057 Silverado Trail
Napa Ca 94558

Re: Van Der Heyden Winery
#P14-00373 for Confirmation of "Tours & Tastings by Appointment Only" of Use
Permit #U-708384; 4057 Silverado Trail; (APN 039-390-016)

Dear Mr. Van Der Heyden:

This Letter is in response to your letter dated November 20, 2014, seeking confirmation that tours and tastings by appointment only were allowed under the current approved Use Permit (U-708384 at 4057 Silverado Trail). This request has been reviewed by the Planning Department. After careful review of all the documentation provided by you and the documentation in our office, The Direct of Planning, Building and Environmental Services has determined that tours and tastings have not been authorized in any entitlement (Use Permit) for the property.

The criteria in which your use permit was authorized was based on the Small Winery Design Criteria established with County Ordinance #629. This Ordinance required the County to review and expressly approve tours and tastings with the approval of a use permit or small winery exemption request. Your application in 1984 established no tours and tastings. No requests to establish visitation or marketing have been made subsequent to the original permit issuance. In 2007 Environmental Health authorized an expansion of the septic system for a future tasting room; however that system was not installed and the current septic system does not support tours and tastings. In addition a new tasting room would have required a Major Modification to your Use Permit. No other avenues researched that tours and tastings have been requested and authorized: the research included past application submittals; the approved use permits; existing septic system; assessor records; building records; associated ordinances and staff reports; neighboring use permits; and current state licensing.

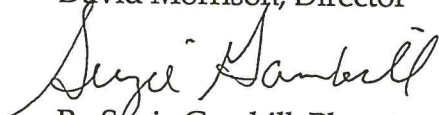
Please note, this would not preclude you from filing an application for a Use Permit Modification in the future. Winery owners have the right to expand to the extent the winery complies with the applicable provisions of the Napa County Code and other County requirements.

The determination becomes effective immediately unless an appeal is filed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

Should you have any questions, please contact me at suzie.gambill@countyofnapa.org or at (707) 299-1334.

Sincerely,

David Morrison, Director



By Suzie Gambill, Planner

cc: file



A Tradition of Stewardship
A Commitment to Service

Com - P14-00373
39-390-016

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

| | |
|------------------------------------|---|
| To: Suzie Gambill, Project Planner | From: Kim Withrow, Environmental Health Supervisor |
| Date: December 19, 2014 | Re: Van Der Heyden Winery – Use Determination APN 039-390-016 File #P14-00373 |

This division has reviewed an application for a use determination request to identify number of approved tasting visitors. A review of the assessor’s parcel file revealed the following information:

- November 1978 An existing septic system serving a 3 bedroom dwelling was repaired/replaced under permit.
- July 1984 Environmental Health staff issued conditions of approval for a new winery use permit. The application did not include any visitors. The owner was directed to obtain a permit for the sewage disposal system to serve the new winery. No permit was issued until 2007.
- Fall 1998 Owner applied for permit to build a guest house. The site plan included a two storage buildings, an existing home and the proposed guest unit. A new septic system serving the guest house was constructed under permit.
- November 2002 Winery wastewater was witnessed flowing from the crush pad onto the surface of the ground. Violation letter was sent to the property owners directing them to construct an onsite septic system for the winery wastewater.
- November 2007 Owner applied for a building permit to demolish the existing crush pad and construct a new crush pad. The site plan included with the crush pad permit included a building labeled tasting room and also included a future tasting room location. A septic system was constructed for the winery waste system under permit. Sanitary wastewater tanks for the future tasting room where shown on the septic plan but weren’t installed. A note on the plan states the tanks will be installed when the tasting room is constructed. The wastewater system was sized to accommodate 125 gallons of ~~domestic~~ waste daily.

~~Winery Wastewater~~