

“C”

Previous Project Conditions



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

JEFFREY REDDING
Director

December 9, 1993

Assessor's Parcel # 22-200-03

William V. Ballentine
2820 St. Helena Hwy No.
St. Helena, CA 94574

Dear Mr. Ballentine:

Please be advised that Use Permit Application No. 93080-UP and Variance No. 93081-VAR have 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: December 8, 1993

EXPIRATION DATE: December 18, 1994

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board to the Variance or the Use Permit by another, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of a \$385.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions.

Very truly yours,

Handwritten signature of Michael Miller in cursive script.

MICHAEL MILLER

Deputy Planning Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

**CONDITIONS OF APPROVAL
93080-UP & 93081-VAR (Ballentine)**

1. The Use Permit shall be limited to the establishment of a 50,000 gallon per year winery in two structures. One is a 7,000 sq.ft. winery building and the other is a 400 sq.ft. office. The Variance is to allow the winery to be located approximately 310 feet from the centerline of State Highway 29 within the 600 foot setback. The project shall conform to the approved site plan, floor plan and elevations. Any expansion of production capacity, changes in use, construction or design shall be subject to the approval of the Planning Director, or if deemed necessary, the County Planning Commission.
2. Retail sales shall be limited to only persons with prior appointments. No drop-in retail sales shall be permitted.
3. The applicant shall comply with all applicable building codes, and requirements of various County departments and agencies, including those of the Department of Public Works dated Aug. 25, 1993 and Dec. 1, 1993, the Department of Environmental Health dated Aug. 24, 1993, and Caltrans dated Aug. 31, 1993.
4. At least 75% of the grapes used to make the winery's still wine, or the still wine used by the winery to make sparkling wine, shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of his approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. That report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.
5. Plans for any outdoor signs shall be submitted to the Planning Department for administrative review and approval. A sign shall be placed at the entrance reading "No Tours or Tasting -Retail sales by prior appointment only" if any winery identification sign is installed.
6. During winery construction, all construction equipment shall be properly and adequately muffled, and all outdoor noise producing activities shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.
7. The marketing events shall not exceed the two groups of up to five wine trade representatives per month. No outdoor sound amplification system shall be used for marketing events or for normal winery operations.
8. A detailed landscaping plan shall be submitted to the Department for review and approval indicating names and locations of plant materials along with the method of maintenance prior to the issuance of any building permits for the winery. To the greatest extent possible the plant materials shall be plants that are native to the valley. Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the approved landscaping plan.

9. The exterior color of both buildings shall blend with the surroundings and shall be subject to the approval of Planning Department, with the sole intent of minimizing the visual obtrusiveness of the new structures. Prior to issuance of a building permit, final plans shall be submitted for Department review and approval with attention to the exterior surface of all walls and roofs, and maintenance of all four sides of the structure with similar architectural treatment.
10. Any exterior lighting shall be the minimum necessary for operational and security needs only. All light fixtures shall be kept as low as possible and shall be designed to deflect light down and away from adjacent properties and roadways.
11. The parking spaces shall be limited to the five proposed, and parking shall not be allowed along the access driveway or in any other location.
12. All mechanical and electrical equipment and storage areas shall be screened from view.
13. If a gated entrance is used, it shall be designed to allow a large vehicle (such as a motorhome) to turn around without backing out onto the highway if the gate is closed.
14. All subsurface excavation work on the winery or the leach field shall be halted within 50 feet if any artifactual materials (i.e. worked stone, bone, charcoal, human remains, etc.) are encountered. Said work shall remain stopped until a qualified archaeologist has evaluated the find, developed and mitigation measures needed, prepared a report of his findings, and filed said report with the Napa County Planning Department. All mitigation measures suggested, with the concurrence of the Planning Director, shall be implemented. All contractors shall be informed of this condition before initiating any subsurface excavation.



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

August 23, 1994

Bill Ballentine
2820 St. Helena Hwy No.
St. Helena, CA 94574

RE: Modification of Use Permit #93080-UP
File # 94016-MOD (APN 22-200-03)

Dear Mr. Ballentine:

At the meeting of August 19, 1994, the Napa County Zoning Administrator **APPROVED** your request to modify previously-issued Use Permit #93080-UP to allow expansion of the winery office from 400 sq.ft. to 720 sq.ft. and attachment to the winery building, located on a 21.12 acre parcel on the east side of State Highway 29 within an Agricultural Preserve (AP) zoning district.

The modification is subject to the following conditions of approval:

1. This modification is to relocate the office building approximately 30 feet to attach it to the existing main winery building; there will be no increase in annual production, or any other aspect of the winery's approved operation. All conditions of Use Permit 93080-UP, not in conflict with these conditions, shall remain in effect.
2. The changes shall be consistent with the attached application materials and conform to the comments and requirements from the various departments and agencies attached including the Department of Environmental Management dated July 22, 1994, the Department of Public Works dated July 18, 1994, the State Department of Forestry dated July 21, 1994, and the Building Inspection Division dated July 18, 1994.
3. The design of the office addition to the main winery building, including the roof pitch and overhangs, shall match the existing building. The exterior materials and colors used shall also match the existing building.
4. The landscaping shall be installed in compliance with the revised landscaping plan prior to final building permit clearance and occupancy.

Ballentine
#94016-MOD
August 23, 1994
Page 2

Notice of this approval will be published on August 25, 1994 in the Napa County Record. Pursuant to Section 18.124.130(C) of the Napa County Code, this determination may be appealed to the Board of Supervisors within ten working days of the date of publication.

Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval. If you have any further questions, please call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Miller", with a long horizontal flourish extending to the right.

Michael Miller
Zoning Administrator

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator

mmp13



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone (707) 253-4416 Fax (707) 253-4336

October 15, 1997

Assessor's Parcel #22-200-003

William V. & Betty P. Ballentine
2820 St. Helena Hwy. North
St. Helena, CA 94574

Dear Mr. & Mrs. Ballentine:

Please be advised that **Use Permit Application Number 96661-MOD and Variance Request Number 97023-VAR** 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: October 15, 1997

EXPIRATION DATE: October 29, 1998

The use permit became effective ten (10) working days from the approval date since no appeal has been filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of a \$385.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Very truly yours,

JEFFREY REDDING

Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

**CONDITIONS OF APPROVAL
BALLENTINE WINERY
96661-UP & 97023-VAR
APN #22-200-003**

1. The Use Permit and Variance shall be limited to a variance to the winery setback of 600 feet to construct a 9600 sq.ft. barrel storage building to expand an existing winery with no increase in the 50,000 gal./yr. production capacity or other aspects of the winery operation (except for two full-time employees), consistent with the attached application and related materials. There shall be no change to the marketing plan, visitors, retail sales or more than the 2 additional employees. Any other expansions or changes in use, construction or design shall be subject to the approval of the Zoning Administrator or the County Planning Commission.
2. All previous use permit conditions shall remain in force, unless specifically modified or superseded by these conditions.
3. The design, materials and color of the new building shall match the existing winery building to comply with the General Plan policy for winery appearance. The new structure as proposed fulfills this requirement.
4. The applicant shall comply with all applicable building codes, and requirements of various County departments and agencies, including:
 - the Department of Public Works dated June 11, and July 30, 1997;
 - the Department of Environmental Management dated June 23, 1997;
 - the Building Division dated June 6, 1997;
 - the County Fire Dept. dated August 22, 1997.
5. A detailed landscaping plan for the new winery building area shall be submitted to the Department for review and approval indicating names and locations of plant materials along with the method of maintenance prior to the issuance of the building permit. The landscaping shall be installed prior to approval of the final occupancy permit. All landscaping shall be permanently maintained in accordance with the approved landscaping plans.
6. All staff costs associated with monitoring compliance with these conditions, previous use permit conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING COMMISSION

Charles Wilson
Secretary-Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

August 27, 2003

William V. and Betty P. Ballentine
2820 St. Helena Highway
St. Helena, CA 94574

RE: Request for Use Permit Modification #03215-MOD (APN: 22-200-003)

Dear Mr. and Mrs. Ballentine:

Please be advised that **Use Permit Modification Application #03215-UP** has been **APPROVED** by the Napa County Conservation, Development and Planning Commission on August 18, 2003 based on the attached amended conditions.

The permit becomes effective ten (10) working days from the approval date unless appealed 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 another files an appeal, you will be notified.

EXPIRATION DATE: August 18, 2005

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years from the approval date, or it shall automatically expire and become void.

Should you have any questions, please contact Naomi Beattie at (707) 253-4417.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve E. Lederer".

Steve E. Lederer
Deputy Planning Director

cc. John Tuteur, Assessor
Christine Secheli, Environmental Management
Steve Lederer, Deputy Planning Director
Larry Bogner, Public Works
Gabrielle Avina, Napa County Fire

**AMENDED CONDITIONS OF APPROVAL
BALLENTINE WINERY #03215-MOD
APN: 22-200-003**

1. **SCOPE:** The permit shall be limited to:
- Construction of a 3,750 square foot building for winery storage;
 - Convert an existing 570 square foot vineyard office to allow winery administrative office use and an existing 720 square foot winery office space to retail sales and tasting area;
 - Removal and relocation of an existing 3,750 square foot agricultural building.
 - Add wine tasting by prior appointment only for a maximum of 10 persons per week (No Tours);
 - Add 4 customer parking spaces;
 - Add 1 full-time employee.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

2. **EXISTING AGRICULTURAL STRUCTURE:** The applicant shall have twelve months to remove and replace the existing 3,750 square foot agricultural structure with a 3,750 square foot winery storage structure that matches the other existing winery structures. The existing 3,750 square foot structure shall be relocated to the rear of the parcel, used only for agricultural storage and painted to match the other existing winery structures. **No building permit for any new structure shall be issued until the existing 3,750 square foot agricultural storage structure has been painted and relocated. Additionally, no wine storage shall be permitted within the 3,750 square foot agricultural structure.**
3. **COLORS:** The colors used for the roof, exterior walls and built landscaping features of proposed winery building shall match existing winery buildings onsite. Highly reflective surfaces shall be prohibited. **The existing structure to be utilized in part as a winery administrative office and the existing 3,750 square foot agricultural structure shall be painted to match the existing winery structures within six (6) months of the approval date of Use Permit Modification #03215-MOD.**
4. **SIGNS:** Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval.

All signs shall meet the design standards as set forth on Section 18.116 of the County Code. **At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Retail Sales and Tasting by Prior Appointment Only"**.

5. **GATES/ENTRY STRUCTURES:** Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a large vehicles such as motorhomes to turn around if the gate is closed without backing into the public roadway and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according the County Code.
6. **LIGHTING:** All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery addition, two (2) copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.
7. **LANDSCAPING/PARKING:** Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view the structures. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

8. **OUTDOOR STORAGE/SCREENING:** All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

9. **RENTAL/LEASING:** No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

10. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:** The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

Department of Environmental Management as stated in their letter of July 18, 2003
Department of Public Works as stated in their letter of August 4, 2003
County Fire Department as stated in their letter of July 15, 2003
Building Division as stated in their letter of June 26, 2003

11. **WELLS:** The permittee may be required (at the permittee's expense) to provide well monitoring data if it is judged that water usage at the winery is, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of the permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

12. **NOISE:** Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Section 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on

the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings unless a special permit to that effect has been secured through the County.

13. **DUST CONTROL:** Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Construction activities shall not occur during windy periods.
14. **ARCHEOLOGICAL FINDING:** In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.
15. **TRAFFIC:** Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak (4-6 PM) travel times to the maximum extent possible.
16. **STORM WATER CONTROL:** For any construction activity that results in disturbance of greater than one acre of total land area, applicant shall file a Notice of Intent with the California Regional Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the applicant shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

17. **MONITORING COSTS:** All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the applicant and/or property owner. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant..



COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

Charles Wilson
Director

Patrick Lynch
Assistant Director

January 28, 2004

William Van and Betty Ballentine
2820 St. Helena Highway North
St. Helena, CA 94574

Re: Request for Use Permit Modification #04013-MOD, APN: 22-200-003

Dear Mr. and Mrs. Ballentine:

Please be advised that your request to modify Use Permit #03088-UP for Ballentine Winery has been administratively **APPROVED** (see attached comments).

The permit becomes effective unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. If others file an appeal, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, this approval must be activated within two years from the approval date, or it shall automatically expire and become void. No extensions are possible. This letter is your only notice regarding expiration.

This approval applies only to the modifications proposed in your letter dated January 8, 2004. All applicable building permits must be applied for and obtained prior to construction. Additionally, approval from the Fire Department, Public Works, and Environmental Management must be obtained and all conditions must be complied with as part of the Building Permit process. All conditions required by the original Use Permit, except as modified herein, remain in full effect.

Should you have any questions, please contact Naomi Beattie at nbeattie@co.napa.ca.us or a (707) 253-4416

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Lederer".

Steven E. Lederer
Assistant Deputy Director

Cc: file
Bob Nelson, Supervising Planner
Gabrielle Avina, County Fire Department
Christine Secheli, Environmental Management Department

**Conditions of Approval
Ballentine Winery
04013-MOD
APN: 022-200-003**

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

- Reduction in size of the 3,750 square foot winery storage building that was approved under modification #03088-MOD to 3,580 square feet.

The winery storage building shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

2. **LIGHTING:**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

3. **OUTDOOR STORAGE/SCREENING:**

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

4. **RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

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

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

County Fire Department as stated in their letter of July 15, 2003 (see #03088-MOD)

6. **COLORS:**

The colors used for the roof, exterior walls and built landscaping features of proposed winery building shall match existing winery buildings onsite. Highly reflective surfaces shall be prohibited.

**Conditions of Approval
Ballentine Winery
04013-MOD
APN: 022-200-003**

7. DUST CONTROL:

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Construction activities shall not occur during windy periods.

8. PREVIOUS CONDITIONS:

The permittee shall comply with all applicable conditions and measures which were included in the previously approved use permit **#03088-MOD**. (Any conditions that are in conflict with the requirements of this permit shall be null and void). Prior to receiving Final Occupancy, all conditions of approval of Use Permit **#03088-MOD** must be completed.

9. 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. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 Resolution **#95-77** or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). 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.



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH
Assistant Director

June 5, 2007

W. Van Ballentine
2820 St. Helena Highway N.
St Helena Ca 94574

Re: **Ballentine Vineyards, Inc. – TASTING ROOM REMODEL & OFFICE ADDITION**
Minor Modification #P07-00170-MODVMIN
Assessor's Parcel Number 022-200-003-000

Dear Mr. Ballentine:

Please be advised that your request for a Minor Modification (file number P07-00170-MODVMIN) to the Ballentine Winery Use Permit (file number 93080-UP) to remodel the tasting room area within the existing building footprint, convert 600 sq ft of agricultural storage to additional winery office space and bathrooms within the existing agricultural storage building footprint, with no changes to the production or marketing activities, has been **APPROVED** by the Director of Conservation, Development and Planning on June 5, 2007 based on the attached conditions of approval and applicable County regulations.

EXPIRATION DATE: June 5, 2009

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 Suzanne Gardner-Gambill, Project Planner at (707)299-1334 or e-mail at sgambill@co.napa.ca.us.

Sincerely,

Hillary Gitelman
Director



By: Suzanne Gardner-Gambill
Planning Technician

cc: John Tuter, Assessor
Darrell Mayes, Building Official

CONDITIONS OF APPROVAL

Ballentine Winery – Tasting Room Remodel and Office Addition

File # P07-00170-MODVMIN

APN: #022-200-003

1. SCOPE: The permit shall be limited to:

- Construct 600 square feet of office space and two bathrooms within an existing agricultural building.
- Remodel existing tasting room.
- No changes in production or marketing limits authorized by Use Permit 03215-UP

The winery offices 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 by the 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, including but not limited to:

- Department of Public Works as stated in their letter of May 1, 2007
- County Fire Department as stated in their letter of April 20, 2007

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. PREVIOUS CONDITIONS:

The permittee shall comply with all previous conditions of approval for Use Permit 02571-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.

4. 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.



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

October 16, 2015

Ballentine Vineyards
2820 St. Helena Hwy.
St. Helena CA 94574

Re: **Balentine Vineyards**
Very Minor Modification #P15-00281-VMM
Assessor's Parcel Number 022-200-003-000

Dear Mr. Ballentine:

Your request to modify the previously approved Use Permits (#93080-UP, 94016-Minor Mod, 96661-Major Mod, 03215-Major Mod, 04013-Minor Mod, and P07-00170-Very Minor Mod) has been considered by the Planning, Building and Environmental Services Director. The request consists replacing the winery's septic system with a Lyve system, which is a more environmentally sustainable system that will reduce the property's groundwater usage. Please be advised that your request has been **APPROVED** by the Director subject to the conditions of approval attached as Exhibit A, and as follows:

The Director has found that the proposed project is Categorical Exempt pursuant to Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA), Section 15302, Class 2, replacement of existing structure or facility having substantially the same purpose.

This approval 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.

EXPIRATION DATE: October 16, 2017

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

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. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION. Should you have any questions, please contact Terri Abraham, Project Planner at (707) 299-1331 or by e-mail at terri.abraham@countyofnapa.org.

Sincerely,

David Morrison
Director



By: Terri Abraham
Planner

cc: file
John Tuteur
Rob Anglin, Holman Teaque Roche Anglin LLP

EXHIBIT A
NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT
CONDITIONS OF APPROVAL
Ballentine Vineyards
Use Permit Modification (P15-00281-VMM)
Site address 2820 St. Helena Hwy., St. Helena
(APN: #022-200-003-000)

1. SCOPE:

- a) This approval is limited to the following:
 - Replacement of the winery's existing septic system with a Lyve system.
- b) The site improvements shall be designed in substantial conformance with the submitted site plan, floor plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions to all designers, contractors, and employees to ensure compliance is achieved. Any expansion or change in use, or project changes, which are necessitated by the requirements of other department or agencies, are subject to further County approval.
- c) The activities/improvements permitted on the site are limited to those shown on the plans and information submitted with the Modification application. Any substantial change in use is subject to review and approval as determined by the PBES Director in accordance with the Zoning Ordinance.
- d) The establishment of any use that would involve the storage or use of more than fifty-five gallons or five hundred pounds of hazardous, infectious wastes or any amount of extremely hazardous waste as defined in Health and Safety Code Sections 25115, 25117 and 25117.5, and Title 22, Division 4, Articles 9 and 11 of the California Administrative Code or hazardous material as defined in Health and Safety Code Section 25411(c) shall be subject to written approval by the County Department of Environmental Management and subject to issuance of a use permit by the Planning Commission prior to establishing the use.
- e) Plans submitted for building permits shall be in substantial compliance with the plans approved with this action, except as modified by these conditions of approval.

2. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with applicable development standards of the AP (Ag Preserve) zoning regulations and all other applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

- a) Engineering Department as stated in their Memorandum dated September 16, 2015
- b) Building Department as stated in their Memorandum dated September 16, 2015

- c) Environmental Division as stated in their memorandum of October 5, 2015.

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

3. LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

4. OUTDOOR STORAGE/SCREENING/UTILITIES

No outdoor storage is permitted as part of this action. Any proposal for outdoor storage is subject to separate review and approval by the PBES Director.

5. MECHANICAL EQUIPMENT

A. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The Planning, Building and Environmental Services Department Director may approve exceptions for solar equipment. All screening is subject to review and approval by the Director. Any skylights will be subject to review and approval by the Director prior to the issuance of building permits.

The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

- B. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the Planning, Building and Environmental Services Director.

6. COLORS

The colors used for the roof, exterior walls and built landscaping features of buildings shall be limited to earth tones that will blend the project into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

7. NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with Napa County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior mechanical equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

17. 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 resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or 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 Commission at some time in the future, the 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 so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

18. TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting

of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

COPY

MEMORANDUM

To: Teri Abraham, Planner	From: Kim Withrow, Environmental Health Supervisor
Date: 10/6/15	Re: Use Permit Application for Ballentine Vineyards Located at 2820 St. Helena Highway Assessor Parcel #022-200-003-000 Permit# P15-00281

Environmental Health Division staff has reviewed an application to construct a process waste treatment system. This Division has no objection to approval of the application with the following conditions of approval:

- 1) A permit to construct a Lyve treatment and reuse system must be secured from this Division upon approval of wastewater treatment plans currently under review.
- 2) The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
- 3) The applicant shall maintain regular monitoring of the above ground waste water treatment system as required by this Division which includes submitting quarterly monitoring reports. An annual operating permit is required for the waste water system.



A Tradition of Stewardship
A Commitment to Service

COPY

FILE #: 15-00281-VMA
Planning, Building, & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

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

David Morrison
Director

**PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS**

TO: Building Inspection

APPLICATION TITLE: Ballerine Vineyards APN: 22-200-003

DESCRIPTION OF PROJECT: Request to replace winery's existing septic system with a lye system. The old system is failing & the new system would allow the winery to re-use wastewater for vineyard irrigation onsite.

RESPONSE REQUEST DATE: 9/16/15 RESPONSE RETURN DATE: 9/30/15

PLEASE RESPOND VIA E-MAIL TO: terri.abraham@countyofnapa.org
OR FAX TO (707) 299-4075; TELEPHONE #: (707) 299-1331

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

- 1. Do you have any comments on this project? Yes No
- 2. Do you have jurisdiction by law over this project? Yes No
- 3. Attach your agencies comments, or list below: Comments attached Comments below

ENV. HEALTH APPROVAL REQUIRED, REVIEW PERMIT REQUIRED FROM BID

Name of contact person: Gray J. West

Telephone #: 4230

Email: _____

Title: CBO

Date: _____



A Tradition of Stewardship
A Commitment to Service

COPY

FILE #: P15-00281-VMR
Planning, Building, & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

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

David Morrison
Director

**PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS**

TO: Engineering

APPLICATION TITLE: Ballerino Vineyards APN: 22-200-003

DESCRIPTION OF PROJECT: Request to replace winery's existing septic system with a lye system. The old system is failing & the new system would allow the winery to re-use wastewater for vineyard irrigation onsite.

RESPONSE REQUEST DATE: _____ RESPONSE RETURN DATE: _____

PLEASE RESPOND VIA E-MAIL TO: terri.abraham@countyofnapa.org
OR FAX TO (707) 299-4075; TELEPHONE #: (707) 299-1331
This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

- 1. Do you have any comments on this project? Yes No
- 2. Do you have jurisdiction by law over this project? Yes No
- 3. Attach your agencies comments, or list below: Comments attached Comments below

Engineering approves the proposed UP mod. with the following conditions.
1. Applicant shall obtain a floodplain permit prior issuance of permit for septic system.
2. Septic system shall be designed to meet floodplain management requirements.

Name of contact person: NG Telephone #: 8371

Email: _____
Title: _____
Date: 9/16/15