

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

**NAPA COUNTY**  
**CONSERVATION, DEVELOPMENT & PLANNING COMMISSION**  
1195 Third Street, Room 210, Napa, California, 94559 (707) 253-4417

**APPLICATION FOR USE PERMIT**

**FOR OFFICE USE ONLY**

ZONING DISTRICT: \_\_\_\_\_

Date Submitted: 2-4-08

REQUEST: \_\_\_\_\_

Date Complete: \_\_\_\_\_

Date Published: \_\_\_\_\_

ZA CDPC BS APPEAL

Hearing \_\_\_\_\_

Action \_\_\_\_\_

**TO BE COMPLETED BY APPLICANT**

(Please print or type legibly)

Applicant's Name: M. Michael Smith, Esq. For Bennett Lane WineryDBOldford@aol.comTelephone #: (310) 496-5760Fax #: (310) 496-5761E-mail: mikesesq@aol.comMailing Address: 4640 Admiralty Way, Ste. 500-17 Marina del Rey CA 90292  
No Street City State ZipStatus of Applicant's Interest in Property: Representative for OwnerProperty Owner's Name: Lynch Family Vineyards LLCTelephone #: (707) 942-6684Fax #: (707) 942-6482DBOldford@aol.com  
E-mail: mikesesq@aol.comMailing Address: 3340 Hwy. 128 Calistoga CA 94515  
No Street City State ZipSite Address/Location: 3340 Hwy. 128 Calistoga CA 94515  
No Street City State ZipAssessor's Parcel #: 017-160-002 Existing Parcel Size: 10 acres

I certify that all the information in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site 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.

M. Michael Smith 1-15-08  
Signature of Applicant DateRandal W. Lynch 1-3-08  
Signature of Property Owner DateM. Michael Smith  
Print NameRandal W. Lynch  
Print Name

**TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT**

\*Application Fee Deposit: \$ \_\_\_\_\_ Receipt Nos. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

\*Total Fees will be based on actual time and materials.

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## INFORMATION SHEET

### I. USE

- A. Description of Proposed Use (attached detailed description as necessary) (including where appropriate product /service provided: Expand existing 50K gpy, 7,552 sq. ft. winery to total 15,805 sq. ft; expanded production areas, new offices, new commercial kitchen, new barrel storage building (attached) and covered loggia, upgraded exterior elevations. Includes revised Winery Marketing Plan.
- B. Project Phases: ☐ one ☒ two ☐ more than two (please specify) \_\_\_\_\_
- C. Estimated Completion Date for Each Phase: Phase 1: 2007 Phase 2: 2009
- D. Actual Construction Time Required for Each Phase: ☐ Less than 3 months  
☒ More than 3 months
- E. Related Necessary On- And Off-Site Concurrent or Subsequent Projects: N/A - None
- F. Additional Licenses/Approval Required: None  
District: \_\_\_\_\_ Regional: \_\_\_\_\_  
State: \_\_\_\_\_ Federal: \_\_\_\_\_

### II. BUILDINGS/ROADS/DRIVEWAY/LEACH FIELD, ETC.

- A. Floor Area/Impervious area of Project (in square ft):  
Proposed total floor area on site: 15,805 sq. ft.  
Total Development area (building, impervious, leach field, driveway, etc.): 84,764 sq. ft.  
New construction: 8,253  
existing structures or portions thereof to be utilized: 7,552  
existing structures or portions thereof to be moved: None
- B. Floor Area Devoted to each separate use (in square feet):  
living: 1,137 storage/warehouse: 7,153 offices: 1,667  
sales: 1,452 caves: N/A other: 4,396  
septic/leachfield: 1,200 roads/driveways: 54,973
- C. Maximum Building Height: existing structures: 33 ft. new construction: 33 ft.
- D. Type of New Construction (e.g., wood-frame): Wood frame and stucco, tile roof
- E. Height of crane necessary for construction of new buildings (airport environs): N/A
- F. Type of Exterior Night Lighting Proposed: Low-level and down-lit
- G. Viewshed Ordinance Applicable (See County Code Section 18.106) Yes ☐ No ☒
- H. Fire Resistivity (check one: If not checked, Fire Department will assume Type V – non-rated)

### III. PARKING

	Existing	Proposed
A. Total On-Site Parking Spaces:	<u>14</u>	<u>No Change</u>
B. Customer Parking Spaces:	<u>11</u>	<u>No Change</u>
C. Employee Parking Spaces:	<u>3</u>	<u>No Change</u>
D. Loading Areas:	<u>2</u>	<u>No Change</u>

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#### IV. TYPICAL OPERATION

	<u>Existing</u>	<u>Proposed</u>
A. Days of Operation:	<u>7</u>	<u>No Change</u>
B. Expected Hours of Operation:	<u>9:00 a.m.-5:30 p.m.</u>	<u>No Change</u>
C. Anticipated Number of Shifts:	<u>1</u>	<u>No Change</u>
D. Expected Number of Full-Time Employees/Shift:	<u>3</u>	<u>No Change</u>
E. Expected Number of Part-Time Employees/Shift:	<u>0</u>	<u>No Change</u>
F. Anticipated Number of Visitors		
• busiest day:	<u>75</u>	<u>125</u>
• average/week:	<u>110</u>	<u>168</u>
G. Anticipated Number of Deliveries/Pickups		
• busiest day:	<u>4</u>	<u>No Change</u>
• average/week:	<u>20</u>	<u>No Change</u>

#### V. SUPPLEMENTAL INFORMATION FOR SELECTED USES

N/A

##### A. Commercial Meeting Facilities Food Serving Facilities

- restaurant/deli seating capacity: \_\_\_\_\_
- bar seating capacity: \_\_\_\_\_
- public meeting room seating capacity: \_\_\_\_\_
- assembly capacity: \_\_\_\_\_

##### B. Residential Care Facilities (6 or more residents) Day Care Centers

- type of care: \_\_\_\_\_
- total number of guests/children: \_\_\_\_\_
- total number of bedrooms: \_\_\_\_\_
- distance to nearest existing/approved facility/center: \_\_\_\_\_

Existing

Proposed

## WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

### I. WATER SUPPLY

	<u>Domestic</u>	<u>Emergency</u>
A. Proposed source of Water (e.g., spring, well, mutual water company, city, district, etc)	<u>Well</u>	<u>Tank</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?	<u>N/A</u> Yes ___ No <u>X</u>	<u>N/A</u> Yes ___ No <u>X</u>
C. Current Water Use (in gallons/day): Current water source:	<u>475</u> <u>Well</u>	<u>N/A</u> <u>N/A</u>
D. Anticipated Future Water Demand (in gallons/day)	<u>1,000</u>	<u>N/A</u>
E. Water Availability (in gallons/minute):	<u>40 gpm</u>	<u>N/A</u>
F. Capacity of Water Storage System (gallons):	<u>10,000</u>	<u>10,000</u>
G. Nature of Storage Facility (e.g., tank, reservoir, swimming pool, etc.):	<u>Tank</u>	<u>Tank</u>

### II. LIQUID WASTE

	<u>Domestic</u> (sewage)	<u>Other</u> (please specify)
A. Disposal Method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	<u>On-site septic</u>	<u>Process: On-site Leach Field</u>
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	<u>N/A</u> Yes ___ No <u>X</u>	<u>N/A</u> Yes ___ No <u>X</u>
C. Current Waste Flows (peak flow in gallons/day):	<u>50</u>	<u>1,333</u>
D. Anticipated Future Waste Flows (peak flows in gallons/day):	<u>50</u>	<u>2,500*</u>
E. Future Waste Disposal Capacity (in gallons/day):	<u>50</u>	<u>2,500</u>

### III. SOLID WASTE DISPOSAL

A. Operational Wastes (on-site, landfill, garbage co., etc.)	<u>Private Company</u>	<u>N/A</u>
B. Grading Spoils (on-site, landfill, construction, etc.)	<u>N/A</u>	<u>N/A</u>

### IV. HAZARDOUS/TOXIC MATERIALS

A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc.):	<u>Private Company</u>	<u>N/A</u>
B. Name of Disposal Agency (if landfill, garbage co., private hauler, etc.):	<u>Upper Valley Disposal</u>	<u>N/A</u>

\*Crush

**Napa County Department of Environmental Management  
CUPA-Related Business Activities Form**

**Business Name:** Bennett Lane Winery

**Business Address:** 3340 Highway 128 Calistoga, CA 94515

**Contact:** Grant Hermann

**Phone #:** (707) 942-6684

**A. HAZARDOUS MATERIALS**

Have on site (for any purpose) hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in AST's and UST's or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70?

☐ YES ☒ NO

**B. UNDERGROUND STORAGE TANKS (UST'S)**

1. Own or operate underground storage tanks?

☐ YES ☒ NO

2. Intend to upgrade existing or install new UST's?

☐ YES ☒ NO

**C. ABOVE GROUND STORAGE TANKS (AST'S)**

Own or operate AST's above these thresholds:

- Any tank capacity with a capacity greater than 660 gallons, or
- The total capacity for the facility is greater than 1,320 gallons?

☐ YES ☒ NO

**D. HAZARDOUS WASTE**

1. Generate hazardous waste?

☐ YES ☒ NO

2. Recycle more than 220 lbs/month of excluded or exempted recyclable materials (per H&SC §25143.2)?

☐ YES ☒ NO

3. Treat hazardous waste on site?

☐ YES ☒ NO

4. Treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)?

☐ YES ☒ NO

5. Consolidate hazardous waste generated at a remote site?

☐ YES ☒ NO

**E. OTHER**

1. Does the business activity include car/fleet washing, mobile detailing, auto-body related activities?

☐ YES ☒ NO

2. Does the business handle Extremely Hazardous Substances in amounts that would qualify for the Risk Management Program? Some examples and their thresholds common to Napa County include: Ammonia – 500 lbs, Sulfur Dioxide – 500 lbs, Chlorine – 500 lbs.

**USE PERMIT APPLICATION**  
**SUPPLEMENTAL INFORMATION SHEET**  
**FOR WINERY USES**

1. **Operations.** (In the blank in front of each operation, place an "E" for Existing, a "P" for Proposed, an "X" for Expanding, or an "N" for None.)

- |  |   |
|--|---|
| a. <u>E</u> crushing                               | g. <u>E</u> underground waste disposal  |
| b. <u>X</u> fermentation                           | h. <u>N</u> above-ground waste disposal |
| c. <u>X</u> barrel ageing                          | i. <u>X</u> administration office       |
| d. <u>E</u> bottling                               | j. <u>X</u> laboratories                |
| e. <u>X</u> case goods storage                     | k. <u>N</u> day care                    |
| f. <u>N/A</u> caves:                               | l. <u>X</u> tours/tastings:             |
| use:   | <u>N</u> public drop-in                 |
| <u>  </u> barrel storage                           | <u>X</u> public by appointment          |
| <u>  </u> case goods storage                       | <u>E</u> wine trade                     |
| <u>  </u> Other <u>See project stmt.</u>           | m. <u>E</u> retail wine sales           |
| accessibility to public:                           | <u>N</u> public drop-in                 |
| <u>  </u> none – no visitors/tours/events          | <u>X</u> public by appointment          |
| <u>  </u> guided tours only                        | n. <u>X</u> public display of art or    |
| <u>  </u> public access – no guides/unescorted     | wine related items                      |
| <u>  </u> marketing events and/or temporary events | o. <u>X</u> food preparation            |

2. **Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets, if necessary) Revised Winery Marketing Plan requested: \_\_\_\_\_

Private tours & tastings: 4 per day, max. 8 persons each event

Food-and-Wine Pairings: 4 per month, max. 40 persons each event

Industry Open House Events: 4 per year, max. 50 persons each event

Auction-related Events: 3 per year, max. 125 persons each event (portable facilities)

See Winery Marketing Plan in Project Statement for details.

3. **Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary): \_\_\_\_\_

There is a commercial kitchen proposed for the winery.

Applicant is in the process of having the appropriate groundwater well drilled.

4. **Production Capacity. No Change**

a. existing capacity: 50,000 gpy date authorized: July 2, 2003

b. current maximum actual production (year): 50,000 gpy (          )

c. proposed capacity: No Change

5. **Grape Origin.** (Fill out a "Initial State of Grape Source" form if establishing a new winery or expanding an existing winery development area and include with application form.)

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**6. Winery Development Area.** (See a below – for existing winery facilities)

Will the project involve construction of additional facilities beyond the winery development area? No

**7. Total Winery Coverage.** (See b below – maximum 25% of parcel or 15 acres, whichever is less)

- a. square feet/acres: 84,764 sq. ft.
- b. percent of total parcel: 19.5 %

**8. Production Facility.** (See c below – include the square footage of all floors for each structure)

- a. square feet: 13,996 sq. ft.

**9. Accessory Use.** (See d below – maximum permitted 40% of the production facility)

- a. square feet: 4,356 sq. ft.
- b. percent of production facility: 31 %

**Marketing Definition** (paraphrased from County Code)

**Marketing of Wine** – Any activity conducted at the winery shall be limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine, which can be sold at the winery on a retail basis and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

**Coverage Definitions** (paraphrased from County Code)

- a. **Winery Development Area** – All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees.
- b. **Winery Coverage** – The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves), all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems.
- c. **Production Facility** – (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes.
- d. **Accessory Use** – The total square footage of areas within winery structures used for accessory uses related to a winery that are not defined as “production facility” which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production.

## WINERY CALCULATION WORKSHEET

### 1. WINERY COVERAGE

All paved or impervious ground surface areas of the production facility:		84,764
Footprint of all winery structures		15,805
Outside work areas		2,904
Tank areas		192
Storage areas (excluding caves)		7,153
All paved areas:		
Parking areas		8,682
Loading areas		280
Walkways		1,806
Access driveways to the public or private rd		54,973
Above-ground wastewater and run-off treatment systems:		1,200
Wastewater pond or SDS		N/A
Spray disposal field		1,200
Parcel size: 10 acres		Percent of winery coverage of parcel size:
Total winery coverage: 1.95 acres		19.5 %

### 2. PRODUCTION FACILITY

Total square footage within structures and caves utilized for the following:	
Crushing	3,218
Fermenting	2,619
Bottling	Mobile facility
Bulk & bottle storage	7,816
Shipping	N/A
Receiving	N/A
Laboratory	56
Equipment storage & maintenance facilities (excludes fire protection facilities)	159
Employee-designated restrooms	128
Total square footage of production facility: 13,996	

### 3. ACCESSORY USE

Total square footage within structures and caves utilized for the following:	
Office space	1,398
Lobbies/waiting rooms	N/A
Conference/meeting rooms	269
Non-production access hallways	648
Kitchens	310
Tasting rooms	1,452
Retail space areas	N/A
Libraries	N/A
Visitor restrooms	115
Art display areas	164
Any other areas within the winery structure not directly related to production Residential apt.	1,137 not counted as winery space-RES
Total square footage of accessory use space: 4,356	
Percent of accessory use to production use: 31 %	



**USE PERMIT APPLICATION**  
**SUPPLEMENTAL INFORMATION SHEET**  
**FOR WINERY USES**

1. **Operations.** (In the blank in front of each operation, place an "E" for Existing, a "P" for Proposed, an "X" for Expanding, or an "N" for None.)

- |   |   |
|---|---|
| a. <u>E</u> crushing                              | g. <u>E</u> underground waste disposal  |
| b. <u>E</u> fermentation                          | h. <u>N</u> above-ground waste disposal |
| c. <u>X</u> barrel ageing                         | i. <u>X</u> administration office       |
| d. <u>E</u> bottling                              | j. <u>X</u> laboratories                |
| e. <u>E</u> case goods storage                    | k. <u>N</u> day care                    |
| f. <u>N/A</u> caves:                              | l. <u>E</u> tours/tastings:             |
| <u>use:</u>                                       | <u>N</u> public drop-in                 |
| <u>N</u> barrel storage                           | <u>E</u> public by appointment          |
| <u>N</u> case goods storage                       | <u>E</u> wine trade                     |
| <u>N</u> Other <u>See project stmt.</u>           | m. <u>E</u> retail wine sales           |
| <u>accessibility to public:</u>                   | <u>N</u> public drop-in                 |
| <u>N</u> none – no visitors/tours/events          | <u>E</u> public by appointment          |
| <u>N</u> guided tours only                        | n. <u>X</u> public display of art or    |
| <u>N</u> public access – no guides/unescorted     | wine related items                      |
| <u>N</u> marketing events and/or temporary events | o. <u>X</u> food preparation            |

2. **Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets, if necessary): No change proposed from existing approved marketing plan. New commercial kitchen is proposed for wine and food pairing events.

3. **Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary):

See above (2)

4. **Production Capacity. No Change**

- a. existing capacity: 50,000 gpy date authorized: July 2, 2003
- b. current maximum actual production (year): 50,000 gpy (          )
- c. proposed capacity: No Change

5. **Grape Origin.** (Fill out a "Initial State of Grape Source" form if establishing a new winery or expanding an existing winery development area and include with application form.)

**6. Winery Development Area.** (See a below – for existing winery facilities)

Will the project involve construction of additional facilities beyond the winery development area? No

**7. Total Winery Coverage.** (See b below – maximum 25% of parcel or 15 acres, whichever is less)

- a. square feet/acres: 39,270 sq. ft.
- b. percent of total parcel: 9%

**8. Production Facility.** (See c below – include the square footage of all floors for each structure)

- a. square feet: 6,080 sq. ft.

**9. Accessory Use.** (See d below – maximum permitted 40% of the production facility)

- a. square feet: 4,090 sq. ft.
- b. percent of production facility: 40%

**Marketing Definition** (paraphrased from County Code)

**Marketing of Wine** – Any activity conducted at the winery shall be limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine, which can be sold at the winery on a retail basis and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

**Coverage Definitions** (paraphrased from County Code)

- a. **Winery Development Area** – All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees.
- b. **Winery Coverage** – The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves), all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems.
- c. **Production Facility** – (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes.
- d. **Accessory Use** – The total square footage of areas within winery structures used for accessory uses related to a winery that are not defined as “production facility” which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production.

## WINERY CALCULATION WORKSHEET

### 1. WINERY COVERAGE

All paved or impervious ground surface areas of the production facility:		
Footprint of all winery structures		10,170
Outside work areas		516
Tank areas		3,710
Storage areas (excluding caves)		4,370
All paved areas:	27,900 roads/park	
Parking areas		1,500
Loading areas		600 *Integrated
Walkways		340
Access driveways to the public or private rd		26,400
Above-ground wastewater and run-off treatment systems:		1,200
Wastewater pond or SDS		N/A
Spray disposal field		N/A
Parcel size: 10 acres	Percent of winery coverage of parcel size:	
Total winery coverage: 0.9 acres	9 %	

### 2. PRODUCTION FACILITY

Total square footage within structures and caves utilized for the following:		
Crushing		1,855
Fermenting		1,855
Bottling		Mobile facility
Bulk & bottle storage		360
Shipping		288
Receiving		732
Laboratory		472
Equipment storage & maintenance facilities (excludes fire protection facilities)		300
Employee-designated restrooms		218
Total square footage of production facility: 6,080		

### 3. ACCESSORY USE

Total square footage within structures and caves utilized for the following:		
Office space		1,402
Lobbies/waiting rooms		166
Conference/meeting rooms		287
Non-production access hallways		N/A
Kitchens		504
Tasting rooms		1,390
Retail space areas		N/A
Libraries		N/A
Visitor restrooms		53
Art display areas		166 (Integrated)
Any other areas within the winery structure not directly related to production		122
Total square footage of accessory use space: 4,090		
Percent of accessory use to production use: 40%		

parking area is adequate to continue serving the winery's needs. Larger marketing events will utilize vineyard rows for parking, as is typical for other wineries.

Exhibits in Support of Use Permit Modification Request

Included with this application submittal are revised site plans, floor plans and elevations, as well as some rendered sketches of the improvements proposed herein. These exhibits include full-scale plans as prescribed in the County's checklist for completeness and also reduced versions of such plans in an 11 X 17-inch format.

# MARKETING PLAN REVISION

## BENNETT LANE WINERY

### USE PERMIT MODIFICATION

The following represents a modification to the existing and approved Bennett Lane Winery Marketing Plan by way of request as part of the current major modification to the winery facilities. The revision is consistent with the marketing plans for other wineries of this production level and size. It is also reflective of the production level increase approved in the last use permit modification for this winery, although a change in the marketing plan was not requested at that time.

Private Tours & Tastings: The winery will host by-appointment-only tours and tastings.

A maximum of 4 tours daily, with a maximum of 8 persons at each tour/tasting.

Food-and-Wine Pairings: This is the serving of Bennett Lane Wines as paired with hors d'oeuvres or as a multi-course luncheon or dinner. On days that such an event is scheduled, tours and tastings will be limited to those attending the food-and-wine pairing.

A maximum of 4 such events per month, with a maximum of 40 persons attending.

Industry Open House Events: This type of event is typically for industry or trade representatives or events such as release dates.

A maximum of 4 such events per year, with a maximum of 50 persons attending. \*\*

Auction-related Events: These events are larger in scale and are associated with one of the major auction events held annually in the Napa Valley, such as the Napa Valley Wine Auction or Premiere Napa Valley. Portable facilities will be utilized at these events.

A maximum of 3 such events per year, with a maximum of 125 persons attending.

Special Events: These larger events, which are required to be open to the public, are not part of the winery marketing plan. Rather, application for such events will be made in accordance with County procedures, a minimum of 90 days from the date of the anticipated event.

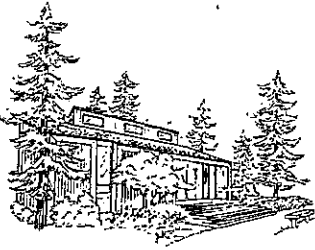
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\*\* Note: Wastewater system will handle up to 50 persons daily at the winery within any 24-hour period. Therefore, there is no need for portable facilities at these events.

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**LESCURE**  
ENGINEERS, INC.

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4635 Old Redwood Highway  
Santa Rosa, California 95403

September 5, 2007

Phone: (707) 253-4471

Napa County Department of Environmental Management  
1195 Third Street, Suite 101  
Napa County, CA 94559

ATTN: Christine Secheli, Assistant Director

Subject: 3340 Highway 128, Calistoga, CA  
APN: 070-160-002  
Napa County File #P07-00299  
**Engineering Feasibility Report**

Christine Secheli:

This letter is in response to your Memo dated May 14, 2007 to Steve Lederer in which you require an engineering feasibility report to address on-site food preparation for marketing at the subject property. I understand that the applicant has applied for a Major Use Permit Modification that includes a request for a commercial kitchen to be used for marketing events.

It is my opinion that the existing domestic Sanitary Disposal System (SDS) at the subject property, as it was originally designed and constructed, has adequate capacity for the requested use. I find it feasible for the existing SDS to serve the demands of the proposed use after a grease trap is added to the kitchen waste line.

#### Introduction

Lescure Engineers designed and observed the construction of the original domestic wastewater system in October of 1995 for the previous owner of the subject property, Vigil Vineyards. The domestic SDS design included a mound with a design capacity of 800 GPD to accommodate employees, visitors, and a 3 bedroom apartment above the winery. The 3 bedroom apartment above the winery was never constructed; consequently, there is an unused design capacity that now can be used for the requested use.

We have consulted with Donna Oldford, Bennett Lane Winery's planning consultant, regarding the expansion plans for the winery and proposed use of a commercial kitchen. In July 2007, we performed a site review of the existing system; visually inspected the mound, electrical system, septic tank, and sump tank; and reviewed the original design of the wastewater system.

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*... Civil Engineering, Land Planning, Surveying, Wastewater and Water Management Systems*

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Following the site review, we analyzed the existing system's adequacy for handling the proposed use, including peak loads from a commercial kitchen occasionally serving as many as 50 visitors in a day.

#### Wastewater System Capacity and Proposed Demand

The existing SDS was designed to handle peak flows of 800 gpd. Because the apartment is no longer part of the winery or the current Use Permit, there is approximately 450 gpd of excess capacity in the original design that is available for disposal of wastewater from the kitchen.

Assuming that a commercial kitchen is used during marketing events to prepare meals for a maximum of 50 visitors, and there is a maximum of three employees at the winery, the disposal demand on the wastewater system would be 795 gpd (Exhibit A). On days when the kitchen is not in use and there are 50 visitors to the tasting room or on tour, the disposal demand on the wastewater system would be 195 gpd. Bennett Lane Winery informs us that private tours and tasting will not coincide with marketing events when the kitchen is used to prepare group meals.

Therefore, the design capacity of the SDS (800 gpd) is adequate to meet the peak disposal demands (795 gpd) when the kitchen is used for marketing events. Exhibit B presents the wastewater system demand for the proposed uses.

#### Wastewater Treatment Capacity and Considerations

The installation of a commercial kitchen will require the addition of a grease trap. We have advised Bennett Lane Winery of routine maintenance and repairs to assure that the SDS operates as it was originally designed and constructed.

#### Conclusions

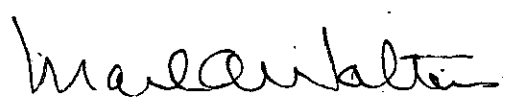
1. The SDS is adequately sized for the employees, visitors, and the addition of a commercial kitchen to prepare meals for up to 50 persons during marketing events, providing that visitation and marketing events do not occur on the same day.
2. Addition of a grease trap to the existing SDS is necessary for the addition of a commercial kitchen.

If you have any questions, please do not hesitate to contact Mark Walters, the Project Manager.

Sincerely,

  
Peter J. Lescure, PE  
Principal Civil Engineer  
RCE 28044



  
Mark A. Walters  
Project Manager  
CEG 991

Encl. Exhibit A

cc file Job #91045 NCDEM CS 090507  
M. Michael Smith  
Donna Oldford

**EXHIBIT B**  
**BENNETT LANE WINERY PEAK DOMESTIC WASTEWATER DEMAND**  
**WITH ADDITION OF COMMERCIAL KITCHEN FOR MARKETING EVENTS**

**Napa County Wastewater Demand by Occupancy Type**

Type of Occupancy	Persons/meals/bedrooms	Gallons Per Day (GPD)	Subtotal GPD Typical Visitor Day	Subtotal GPD Marketing Event Day	Comment
Winery Employees	3	15	45	45	
Commercial Kitchen					
Kitchen Waste (multi-use utensils)	50	5	0	250	
Kitchen Waste (disposable utensils)		3	0	0	
Sit Down	50	10	0	500	
Short Order		8	0	0	
Bar and Cocktail		3	0	0	
			0	0	
Visitors (non-marketing)	50	3	150	0	No private tours/tasting coinciding w/market events
Residential/Apartment	0	150	0	0	
<b>Total Demand</b>			<b>195 GPD</b>	<b>795 GPD</b>	

- 1.) \* see: Bennett Lane Wine Marketing Plan
- 2.) Items confirmed with Donna Oldford on July 5, 2007
- 3.) Original plans SDS capacity calculations based on 3 bedroom apartment

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**BENNETT LANE WINERY  
APPLICATION FOR MAJOR MOD  
USE PERMIT #92452-UP AND #94307-MOD  
APN 017-160-002  
3340 HIGHWAY 128 CALISTOGA, CA 94515**

The application is for a major modification to a winery use permit for an existing winery, Bennett Lane Winery, located on a 10-acre parcel at the above address. The General Plan land use designation for this parcel is Agriculture and the zoning is AP (Agricultural Preserve). The applicant is requesting approval of expanded winery production and accessory uses to accommodate the existing and approved operations of the winery. There is no request for an expansion of production for the winery; however, there is a proposal to increase the existing winery marketing plan. The existing marketing plan was that approved in association with the previous name of the winery, "Charter Oak Winery," when the production level was 30,000 gpy rather than the currently approved 50,000 gpy.

Background: The Bennett Lane Winery use permit was established under a previous owner for a 20,000 gallon per year winery, which had a small marketing plan. In 2003, and under a transfer of ownership of the winery, a use permit modification was approved which established a 50,000 gallon per year production level for the winery. No change the the existing marketing plan was proposed at that time. Since the winery is located on a State Highway (State Highway 128), CalTrans required a "minimum commercial standard" of highway improvements at the time of the use permit modification in 2003. The applicant worked diligently to provide such improvements and in July, 2005 was approved for an extension of the use permit due to the timing associated with construction of those highway improvement and final inspection by CalTrans. The improvements to S. H. 128 have been completed as of last year.

Environmental Review: A Mitigated Negative Declaration was done in association with the 2003 Use Permit Modification . The applicant agreed to a Project Revision Statement which translated into no significant impact associated with the requests in that application. There are no implications associated with this application but for added construction at the winery and a modest increase in marketing activities at the winery.

The GIS data base review for the winery parcel shows no environmental considerations other than the potential for archaeological resources in proximity to the site. The potential archaeological site locations are not located within the winery development envelope as defined in previous use permit applications nor is it now.

The winery improvements do not meet the threshold for analysis under the County's Viewshed Ordinance. All Winery Definition Ordinance setback requirements have been met on the property, as have creek setbacks for the small drainage way thereon.

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The water system and wastewater treatment systems are adequate for this winery, as both were approved as part of previous use permit applications and no increase in activity is proposed. The applicant has been advised that there will be a requirement for a Public Water Company filing consistent with their request to add a commercial kitchen for the winery. An update of the applicant's *Wastewater Feasibility Report* has been prepared by Lescure Engineering, in recognition of the changes proposed for the winery marketing plan. No expansion of the existing facilities is necessary, as the maximum 24-hour period has not been exceeded. The requirements for a commercial kitchen have also been met.

**Winery Facilities:** The winery facilities proposed in this modification request are primarily to more adequately accommodate the production increase from 2003, from the existing 30,000 gpy to the present 50,000 gpy. Bennett Lane Winery is holding their wines longer in barrels than originally anticipated, hence the necessity for greater barrel storage. An expansion of barrel storage is proposed herein. There is also a need for more office space at the winery, as previous space allocated for this use was minimal. There is a request for more lab space for winemaking purposes. Below are the proposed facilities improvements proposed.

The winery is currently approved with a total of 7,552 sq. ft. of production and accessory use areas. The proposal is for a total of 15,805 sq. ft. (minus road, parking and septic areas). The winery structure includes a previously approved residential unit or apartment, which is 1,137 sq. ft. in size. This use area has been counted in the overall square footage footprint for the winery but is not calculated as accessory use space.

The use permit application contains exhibits reflecting the existing site plan, floor plans and elevations for the winery, in addition to exhibits reflecting the proposed changes.

**Barrel Storage:** The basic reason for the expansion request is the need for additional barrel storage. The barrel building is proposed for construction connecting with walls of the existing building and includes a second story addition. There is a small area within the barrel storage area designated for accessory use, as some special tastings may occur in this area.

**Restrooms:** The winery previously did not have adequate restroom facilities for employees and visitors. Additional employee restrooms facilities are proposed and additional space for visitor restrooms.

**Mechanical/Storage:** A production space is proposed for housing mechanical facilities and possibly an emergency generator.

**Outdoor Loggia:** A 516-sq. ft. outdoor covered loggia/production area is proposed.

**Commercial Kitchen:** The existing kitchen in the winery is little more than an employee break area. This application proposes a small commercial kitchen where some of the food for wine-and-food pairing events will be prepared and served from. The commercial kitchen will also serve as a catering staging area for catered marketing events

where food is served. The kitchen is proposed within the winery barrel storage area. The applicant is in the process of drilling a new groundwater well, which will meet the State requirements related to a commercial kitchen.

**Offices:** Currently, there is only one office in the winery and this is inadequate to serve the administrative offices and laboratory office needs. For administrative needs, an expansion of office space is proposed, along with a minimal expansion of laboratory/winemaking space.. A conference room and gallery area are also proposed.

**Tasting Room:** The existing winery tasting room area is proposed for modification to allow for the new proposed offices. A new 1,452-sq. ft. winery tasting space is proposed, which includes the small space housed within the expanded barrel storage building. The new tasting room will be relocated south of the existing building and connected to it by an arcade.

**Gallery:** In association with other accessory uses, a 166-sq. ft. "gallery" space is proposed. This space will serve as an area for winery visitors to congregate and it may also house art and other wine-related exhibits at times.

Coverage Summary: As a result of the improvements reflected in this Major Modification request, the overall winery coverage will be nine percent of the total parcel area, considerably below the 25 percent allowable coverage under the County's Winery Definition Ordinance (WDO). The production/accessory coverage ratio resulting from the proposed improvements will be 31 percent, which is at the threshold level (of the same percentage) as required in the WDO. The accessory coverage does not exceed the 40 percent threshold.

**Water Supply and Wastewater:** A Phase One Water Report is on file with Napa County Department of Environmental Management. The applicant is advised that the addition of a commercial kitchen will translate into a requirement for a Public Water System filing with that agency. A new groundwater well meeting State requirements for a public water system is currently being provided for.

Existing wastewater treatment systems for sanitary and process wastewater will be adequate and approved plans are on file with NCEM for such systems. An update for the winery's *Wastewater Feasibility Report* has been prepared by Lescure Engineering, in recognition of the proposed expansion of the winery marketing plan. No expansion of the existing wastewater treatment system is necessary in order to accommodate this expansion of the marketing plan.

**Circulation and Parking:** The circulation and parking for the winery are adequate and there should be no impacts associated with this infrastructure. The applicant has recently complied with the CalTrans request for safety improvements on Highway 128 in front of the winery. There are currently 14 parking spaces located in an impervious parking court next to the winery. Given the numbers associated with winery employees and tasting

events, the parking area is adequate to continue serving the winery's needs. Larger marketing events will utilize vineyard rows for parking, as is typical with other wineries.

Exhibits in Support of Use Permit Modification Request

Included with this application submittal are revised site plans, floor plans and elevations, as well as some rendered sketches of the improvements proposed herein. These exhibits include full-scale plans as prescribed in the County's checklist for completeness and also reduced versions of such plans in an 11 X 17-inch format.

**DONNA B. OLDFORD**  
PLANS4WINE  
2620 PINOT WAY  
ST. HELENA, CALIFORNIA 94574

TELEPHONE 707-963-5832  
FAX 707-963-7556

December 14, 2007

Ms. Kirsty Shelton  
Planner III  
Dept. of Conservation, Development & Planning  
Napa County  
1195 Third Street, Room 210  
Napa, CA 94559

SUBJECT: BENNETT LANE WINERY USE PERMIT MODIFICATION  
(APN 017-160-002) and (# 94307-MOD)

Dear Kirsty:

This letter is to update you on a revised modification related to the Bennett Lane Winery currently pending use permit mod application. It is also intended to supercede my previous letter to you dated October 30, 2007. Below I have provided answers to the questions contained in your letter dated October 26, 2007 and have clarified a number of points discussed in our meetings since that time.

- (1) Community Water System: We are in receipt of the NCEM condition of approval related to the report and requirements for a Community Water System for the winery, particularly due to the proposal for a commercial kitchen. Please be advised that the applicant is in the process of having a new groundwater well drilled, one that meets the requirements of the State of California as relates to water quality. We will submit the short-form Community Water System sheet prior to our hearing and the necessary Community Water System report will be completed and submittal for approval prior to issuance of any building permits on the project.
- (2) Status of Residential Unit at Winery: The applicant wishes to keep the currently approved 1,137-sq. ft. residential unit, which is used for the owners or persons associated with winery operations. The unit will not be rented or used in connection with winery marketing events. The applicant recognizes that this unit serves as a primary residential unit at this time. We have prepared revised floor plans that show the residential unit. The residential unit has been included in the overall footprint calculations for the winery structure, for purposes of clarity. Since it is a residential use, it has not been calculated as winery accessory use.
- (3) Winery Marketing Plan: Per our discussion, the applicant wishes to revise the existing marketing plan to be consistent with the production increase of some two years back and in keeping with the proposal for new marketing plans in this use

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permit mod. The revised marketing plan is consistent with the existing wastewater treatment system, per the enclosed Feasibility Report from Lescure Engineering.

- (4) Winery Floor Area/Uses: The square footages associated with various winery uses have been updated from the original submittal, most notably with a significant expansion of the barrel storage area. The resulting accessory use for the winery, as compared with production uses, is 31 percent. You will note that the mechanical room has been calculated as production square footage, as is standard with wineries in the County. The same is true of "laboratory" (production) uses, which differ from administrative offices (accessory). I have shown areas such as stairways, hallways, and storage spaces as being either production or accessory in nature as those areas correspond to the adjacent uses.
- (5) Phasing of Winery Construction: In the use permit application form; we have indicated two phases of construction for purposes of operations/disruption. However, it has never been the intent of the applicant to have one phase of the construction inspected for final occupancy prior to other portions of the project being constructed. Typically, we have addressed phasing of a winery's construction in the floor plan exhibits only if that interim occupancy is anticipated. Please be advised that there is no phasing plan associated with this winery construction project and the Project Statement has been amended to omit reference to same.
- (6) Picnic Facilities within Creek Setback: The picnic tables within 35 feet of the top of closest bank of the creek have been removed from the setback area. The applicant does not wish to apply for an exception to the County's *Conservation Regulations* for purposes of having the picnic tables located there.
- (7) Digital Copies of Exhibits: The architect, Hall & Bartley Architects of Santa Rosa, is in the process of preparing all final revised exhibits (site plan, floor plans, elevations and photographs of the site) in a digital format. These materials will be e-mailed directly to Jeff Tangen's attention well in advance of the hearing.

The following comments respond to the last paragraph in your letter.

- (1) The applicant does propose a change in the marketing plan (see attachment), and this has been evaluated in the update report by Lescure Engineering.
- (2) The commercial kitchen remains a proposed use and has been evaluated in the report by Lescure Engineering, as has the revised marketing plan.
- (3) Reduced-scale and full-scale revised drawings are submitted with this project revision request and should replace all materials submitted earlier as part of this mod request.

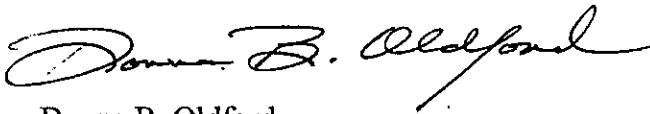
Finally, I am submitting a revised cover sheet, page one of the County use permit modification application. It changes the name of the holding entity of Bennett Lane Winery and revises some of the contact names and numbers. Please insert this updated page for purposes of our pending application and for the files at the County.

Thank you for your efforts on this project. My client is eager to move ahead towards a hearing before the County Planning Commission, with all use permit issues resolved prior to the hearing. If you have any further questions or needs relative to this application, please contact me direct at (707)963-5832. When documents are ready for the project, we would appreciate receiving them via e-mail because my client and his other representatives are located in different places. These e-mail addresses are as follows:

[mikesesq@aol.com](mailto:mikesesq@aol.com)

[DBOldford@aol.com](mailto:DBOldford@aol.com)

Sincerely,



Donna B. Oldford  
Planning Consultant

cc: M. Michael Smith, Esq., Legal Counsel to Bennett Lane Winery  
Scott Bartley, Hall & Bartley Architects

Enclosures: Revised *Wastewater Feasibility Report* from Lescure Engineering  
Revised Winery Marketing Plan (Attachment)  
Revised Exhibits – site plan, floor plans, elevations, rendering  
Revised Use Permit Application Forms  
Revised Project Statement  
Revised/updated cover sheet for use permit mod application

**DONNA B. OLDFORD**  
PLANNING CONSULTANT  
2620 PINOT WAY  
ST. HELENA, CALIFORNIA 94574

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**MAY 12 2008**

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

May 9, 2008

TELEPHONE (707)963-5832  
FAX (707)963-7556

Ms. Kirsty Shelton  
Planner III  
Napa County Dept. of Conservation, Development & Planning  
1195 Third Street, Room 210  
Napa, CA 94559

SUBJECT: BENNETT LANE WINERY MAJOR MOD APPLICATION

Dear Kirsty:

I am in receipt of your most recent letter requesting certain materials related to the Bennett Lane Winery Use Permit Modification request and am responding to same.

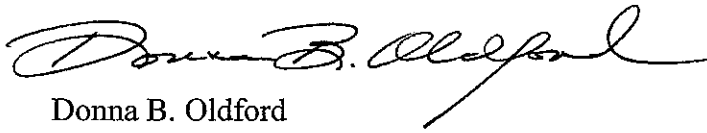
- (1) Community Water System Feasibility Report: This has been completed and is included with this letter of response. I have sent a copy to NCEM, as well. My client is in the process of drilling a new groundwater well that will meet the requirements of the Community Water System specs and they will comply with all other requirements related to the Community System, as well.
- (2) Updated Wastewater Feasibility Report: At the time the initial winery use permit mod was filing, I submitted three (3) copies of the report prepared by Lescure Engineering. These should be in the files and it was my understanding that your department would provide copies to Christine Secheli down at NCEM. Please let me know at your earliest convenience if you cannot locate these bound reports in your project files and I will have them reprinted and delivered, both to you and Christine separately.
- (3) Coverage Calculations and Accessory/Production Ratio: After our initial submittal of floor plans, you recalculated the numbers on different assumptions. This included calculating the electronic structures area and lab space as accessory rather than production use, as is typical for wineries. I explained this in our subsequent meeting so that the accessory/production ratio was just under the 40 percent threshold, not the 51 percent that your calculations reflected. After this, we decided to add space in the barrel storage area which increased our production area by a rather considerable amount. That was the focus of the updated project revision to the mod previously filed. Please see my cover letter with the revised numbers, which will place the accessory use associated with the winery improvements quite a bit lower than the 40 percent threshold. The numbers are contained in the original use permit application and amended with the project revision request. These numbers are also reflected in a matrix on the full-scale set of revised drawings provided by the architects.



For your and Bob Nelson's information, my client has sent a letter to all three neighbors who submitted letters of their own to the County, as well as to those on our noticing list. The letter explains what he is attempting to do with the winery use permit modification and invites each neighbor to meet with us so that we can answer any questions or clarify any points to their satisfaction. We will be going through this process over the next few weeks.

Per my discussions with Bob Nelson, there is a tentative hearing date of June 4 before the Planning Commission. Please let me know at your earliest convenience if this date is not possible for any reason. We are very eager to proceed to completion with this mod. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna B. Oldford". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Donna B. Oldford  
Planning Consultant

cc: Randal Lynch, Owner of Bennett Lane Winery  
Michael Smith, Legal Counsel  
Christine Secheli, NCEM

Enclosure: Community Water Company Feasibility Report  
Copy of Original Winery (Vigil Winery) Phase One Water Report

Received May 12-01

## NEW COMMUNITY AND NON-COMMUNITY WATER SYSTEMS

### Technical, Managerial and Financial Capacity Worksheet

(Use Permit Applications and Financial Capacity Worksheet)

1. **Water System Name:** Bennett Lane Winery Water Company
2. **Name of person(s) who prepared the report:** Donna B. Oldford, Planning Consultant
3. **Technical Capacity**

(A) **System Description:** The water source for the project is a groundwater well, one of which is used for irrigation and a new well which will be used as a potable water source, should the County find that a Public Water Company is a requirement under the existing use permit. Water will be drawn from the wells, treated at the source to the required level for potable water, then stored in on-site water storage tanks before being conveyed to the service connections on-site. The existing well can provide water for irrigation and emergency fire protection purposes.

Water service connections will be at the single winery structure located on-site and at connection points for the irrigation system. Additional connections may be provided in proximity to agricultural buildings. All winery structures, including water storage tank areas, are reflected in the site plan associated with the winery use permit.

The operations plan for the system will include the following components and tasks:

- (i) Residual chlorine test in kitchen and at pressure tank.
- (ii) Check water tank water levels for half-full.
- (iii) Maintain hypo chlorite supply in moisture-proof container.
- (iv) Test chlorine feed pump operation at well
- (v) Obtain well test sample for lab pickup twice annually.
- (vi) Test backflow device every six (6) months.
- (vii) Read meter daily and record per requirements of NCEM.

(B) **Ten Year Projection:** The 10-year projection for water demand is feasible. The current water availability from the existing well is 40 gallons per minute. A water feasibility study filed with the applicant's use permit concludes that there is adequate water available to meet the needs of the winery and associated water use, as proposed. The water feasibility study takes into account the status of the groundwater conditions in this area.

## **Source Adequacy**

\* **Groundwater:** The existing well has a 25-ft. sanitary seal. Either the existing well will be retrofitted with the required 50-ft. seal with 3-in. annular space, or a new well will be drilled which complies with these requirements. Water storage from the two wells will be accommodated in separate tanks.

\* **Surface Water Treatment:** All water sources are groundwater from wells, so no surface water treatment is envisioned.

\* **Water Supply Capacity:** The water system can supply the minimum 3 gallons per minute for at least 24 hours for each service connection. The existing well delivers 40 gallons per minute and a similar delivery would be anticipated for a new well, should one be necessitated. A total of no more than five (5) separate water service connections are anticipated for the water delivery system.

\* **Water Quality:** The test results from the existing water well are available and will be forwarded to NCEM as part of the Public Water Company filing, should this be required after a review of these and other materials associated with the use permit. With the appropriate water treatment system, there is no problem anticipated with meeting the standards associated with established drinking water standards.

\* **Consolidation with Other Water Systems:** There is no anticipated consolidation with other (existing) water systems and no other water systems exist on or near the site within a half-mile radius. The closest water system would be that of the City of Calistoga. There is and will be no connection between the winery water system and the City's system.

## **4. Managerial**

(A) **Organizational Ability:** The water system will be managed by an employee of the winery, personnel that has received the requisite training and certification required to oversee the system. Management of the water system will be part of the job description of the winery employee so assigned. The personnel working with the system will attend classes in distribution systems for certification at Solano Community College (or other suitable school) and will maintain a working knowledge of changes in codes and requirements associated with the water system. A certified operator will be retained to oversee the water system, either through hiring of winery personnel or retention of a private firm with the appropriate credentials. Routine water testing of the system will be conducted twice yearly, or as required by the County and the State.

In the event that routine testing (or by other method) provides evidence of contamination in the water system, all guests, visitors, and employees served by the system will be notified immediately in several ways. The first method will be by verbal communication and the second will be by signage at all distribution points. Remedial measures will be

taken immediately upon receipt of evidence of contamination. This will be followed by testing and follow-up to confirm that the contamination problem has been rectified and the water determined safe for human consumption. Potential users on-site will be verbally notified and all signage removed only when the water quality has been restored to required levels and confirmed via follow-up test results.

All lands that are part of the water system are owned by the property owner and no additional lands will be served by the system.

**(B) Water Rights:** The water rights of on-site well(s) will belong exclusively to the property owner. There are no additional water rights or rights to water from existing streams or rivers.

**5. Financial:** The total anticipated revenues from the winery have been estimated at \$2,140,913 (2006) gross. The estimated annual operating budget for the winery in the corresponding year should be approximately \$1,598,649 gross. It is estimated that the total operating costs associated with the water system will be approximately \$10,200 annually, including employee allocated time, training, facilities, and maintenance. This amount falls well within the difference between the gross revenues and gross operations costs associated with the winery.

The water company will generate no revenue of its own. Its expenses are covered as part of the general fund for winery operations. Most of the capital expenditures over a 10-year period will be minor. Annual maintenance and repair will be accomplished by on-site winery personnel, assisted by a private operation (such as Oakville Pump) and will be covered in the winery general fund. The expenses associated with water testing will also be covered as part of the general fund. Tests will be conducted by a private testing company (such as CalTest or Brelje and Race Laboratory).

Line item costs associated with the water system are estimated as follows:

Sampling and testing: \$100 per month (twice annual testing spread over one year)

Contractors (as needed): Average \$150 per month.

Hourly breakdown of monthly on-site staff time: \$ 600 or average 10 hrs/week = 40 hrs/mo.

Total Operating Costs: Approximately \$850 per month or \$10,200 per year

Following approval of the winery use permit modification request, the applicant understands that the Napa County Department of Environmental Management may require a Public Water System Plan, including emergency plans, to be filed and approved by NCEM prior to issuance of any building permits associated with the winery.

## PHASE ONE WATER AVAILABILITY ANALYSIS, DATED AUGUST 12, 2002

Vigil Winery is located at 3340 Highway 128 in Calistoga and is a permitted 20,000-gallon wine production facility on the ten-acre property. The existing winery is approximately 7,552 sq. ft. and contains facilities for winemaking, wine storage, a tasting and sales room, offices and a 600 sq. ft. dwelling with one bathroom.

The winery had been producing (under previous ownership) approximately 18,000 cases (43,000 gallons) of wine each year for at least three years of which 12,000 cases were red wine and 8,000 cases were white wine. They crushed grapes and had bulk wine delivered to the winery for aging and bottling. They operated a four-person cellar crew, including winemaker.

We propose to produce 50,000 gallons of wine each year or approximately 20,000 cases of premium wine. The emphasis will be on red varietals that use less water than whites. We will use a cellar crew of three including our winemaker.

Water will be used daily in the winemaking process to clean tanks, barrels and winemaking equipment and to wash down floors. We will use eight tanks that are cleaned a total of approximately 32 times each year. Tanks are cleaned by re-circulating a sanitizing agent and rinsing with water. Our barrels will be cleaned on average two times each year during racking. Equipment will be cleaned on an as needed basis with most of the cleaning taking place during harvest when the bladder press and crusher/destemmer are cleaned daily. We estimate that we use six gallons of water to produce one gallon of wine or .92 ac-ft/year. (This is more than our current usage in producing wine at Whitehall Lane Winery in St. Helena.)

The winery also operates a tasting and retail sales room that sees on average 100 visitors each week. There is one full time employee in the tasting room and one person in the office. Water is used to clean wineglasses, for the lunchroom kitchen and for bathroom use.

There are approximately seven acres that are being replanted to cabernet sauvignon vines on the property, primarily on 6 x 10 spacing or approximately 5,150 vines. Table #1 that follows explains proposed vineyard water usage. The vines will be on a watering schedule during the growing season. Watering will occur during pre-dawn.

With the proposed increase from 20,000 to 50,000 gallons, we do not need to increase the size of the winery. We expect to decrease the number of workers in the cellar to only two full-time people with only one part-time, seasonal employee. We will also use a more efficient barrel washing system that will utilize less water than the previous owners used.

The well at Vigil Winery is located in the vineyard in the north east quadrant. The well is approximately 200 ft. deep and has a six-inch casing. There is not a meter on the well. The water is pumped to a 10,000 gallon holding tank. There is a separate 10,000 gallon holding tank for fire emergency only.

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Table #1  
VINEYARD WATER USE PER YEAR – 5,150 VINES ON 7 ACRES

		WATER USED	
MAY	6 GAL/VINE X 4WK	123,600	
JUNE	8GAL/VINE X 4WK	164,800	
JULY	10GAL/VINE X 4WK	206,000	
AUGUST	10GAL/VINE X 4WK	206,000	
SEPTEMBER	6GAL/VINE X 4WK	123,600	
OCTOBER	10 GAL/VINE X 2WK	206,000	
Total Gallons Used		1,030,000	3.16 AC-FT/YR

Table #2  
PROJECTED WATER USE FOR VIGIL WINERY PROPERTY

VINEYARD	3.16 AC-FT/YR
WINERY PROCESS	.92 AC-FT/YR
WINERY DOMESTIC	.13 AC-FT/YR
DWELLING	.75 AC-FT/YR
TOTAL USAGE	4.96 AC-FT/YR