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Use Permit and Variance Application Forms and Project Narrative

NAPA COUNTY

Planning, Building and Environmental Services

A Tradition of Stewardship
A Commitment to Service

USE PERMIT/MAJOR MODIFICATION APPLICATION
WINERY USES

A Tradition of Stewardship
A Commitment to Service

Planning, Building, & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559
Main: (707) 253-4417
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PLANNING APPLICATION FORM

Applicant Information

Applicant Contact

Name: Steve McPherson
Mailing Address: 2004 Sage Canyon Road
City: Saint Helena State: CA Zip: 94574
Phone: 707.936.6053
E-Mail Address: steve@promisewine.com

Property Owner Contact

Name: Promise Wine, LLC
Mailing Address: same as applicant contact
City: State: Zip:
Phone:
E-Mail Address:

Agent Contact

Name: Joshua Devore and Thomas Adams, DP&F
Mailing Address: 1500 First Street, Suite 200
City: Napa State: CA Zip: 94559
Phone: 707.261.7000
E-Mail Address: jdevore@dpf-law.com; tadams@dpf-law.com

Other Representative Contact

☐ Engineer ☐ Architect ☑ Agent

Name: Josh Stehling
Mailing Address: 917 CHarter Oak Ave
City: Saint Helena State: CA Zip: 94574
Phone: 707.501.0632
E-Mail Address: josh@redgatedevelopment.com

Property Information

Project Name: Promise Winery - Use Permit (Resubmittal of project file no. P22-00384)

Project Address: 2004 Sage Canyon Road

Assessor's Parcel Number(s): ~~032-520-008-000 and~~ 032-520-009-000

Size of site (acreage and/or square footage): ~~101.45 total~~ 62.56 acres

General Plan Designation: AWOS Zoning: AW (Agricultural Watershed)

Application Type[1]

File No(s)

Administrative	Planning Commission/ALUC/BOS	Zoning Administrator
Erosion Control Plan: ☐ Track I ☐ Track II ☐ Admin Viewshed ☐ Fence Entry Structure Permit ☐ Land Division/Mergers ☐ Site Plan Approval/Modification ☐ Winery Administrative Permit ☐ Other Very Minor Modification ☐ Addressing ☐ Signs **Temporary Event:** ☐ 51-400 ☐ 401+ ☐ Late Application Submittal ☐ Application Entitled to Fee Waiver ☐ Other:	**Major Modification:** ☐ Winery ☐ Other **Use Permit:** ☑ Winery ☐ Other ☐ Viewshed ☐ AG Preserve Contract ☐ Development Agreement ☐ Airport Land Use Consistency Determination ☐ General, Specific or Airport Land Use Plan Amendment ☑ Variance **Variance application was submitted with original application. ☐ Zoning Map/Text Amendment ☑ Road Exception ☐ Con. Reg. Exception ☐ Other:	☐ Certificate of Legal Non Conformity ☐ Other Minor Modification ☐ Road Exception ☐ Small Winery Exemption ☐ Winery Minor Modification ☐ Variance ☐ Viewshed ☐ Other: **Misc. Services** ☐ Use Determination ☐ Status Determination ☐ Other:

[1]: **Include corresponding submittal requirements for each application type.**

Checklist of Required Application Materials

Please make sure that the following documents are complete and legible. Consistent with the State Permit Streamlining Act and Departmental policy, the Planning, Building and Environmental Services (PBES) Department will make an application completeness determination within thirty days of application submittal and the payment of all required initial fees.

☑ **General Application Form:** The attached General Application Form must be completed in full and signed by the property owner or their authorized agent. Corporations, partnership, and the like have special signature requirements as noted on the Form.

☑ **Application Fee: (Please refer to the following link for applicable application fees per permit type:** Fees & Payments | Napa County, CA (countyofnapa.org)

Use Permit/Major Modification (All Uses): Total Fees are based on actual time and materials and flat fees. A deposit in the amount of **$10,000. Check made payable to County of Napa.**

Micro-Winery Use Permit: Total Fees are based on actual time and materials and flat fees. A deposit in the amount of $10,000. Check made payable to County of Napa.

Small Winery Exemption (Winery Uses): Total fees are based on actual time and materials and flat fees. A deposit in the amount of $5,000. Check made payable to County of Napa.

Minor Modification (Winery Uses): Total fees are based upon flat rates with exception to Engineering Services which are based on actual time and materials for project review and Roads & Street Standards evaluation. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.

Administrative Permit (Winery Uses): Total Fees are based on actual time and materials and flat fees. A deposit in the amount of $1,500. Check made payable to County of Napa.

Minor Modification (Non-Residential & Residential Uses): Total fees are based upon flat rates. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.

Very Minor Modification (Non-Residential & Residential Uses): Total fees are based upon flat rates. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.

☑ **Read and Sign the Hourly Fee Agreement**

☑ **Read and Sign Certification and Indemnification Form**

☑ **Read and Sign Initial Statement of Grape Source Form or Micro Winery Grape Source Form**

☑ **Provide Adjoining Property Owners List for Courtesy Notice and Public Hearing Notice Mailouts**

☑ **Detailed Project Description:** The Project Description should address all of the applicable items listed below:

1. Existing site conditions and uses.
2. Proposed type of development and size, proposed uses/business, development phases, changes or alterations to the property or building including new/modified improvements and off-site improvements.
3. Days of the week and hours of operation.
4. Maximum number of employees per shift and hours of shifts.
5. Are there additional licenses and/or approvals from outside agencies needed from a Special District, Regional, State, Federal?
6. What is your water supply? How/where is liquid/solid waste disposed?

☑ **To-Scale Site Development Plans (ALL plans must be to an identified architect's or engineer's scale and shall be legible):**

Submit **three (3)** 24″ X 36″ and **one** 11″ x 17″copies of plans consistent with information contained in the ***Building Division – Design Information - Sample Site Plan Handout:*** Sample-Site-Plan-PDF (countyofnapa.org)

☑ **To-Scale Floor Plans (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**

Submit **three (3)** 24″ X 36″ and **one** 11″ x 17″copies of plans with the following information and details:

1. Dimensions and area of all rooms, hallways and covered or partially enclosed outdoor areas.
2. Use of each area within each structure/building.
3. Location of emergency exists.

☑ **To-Scale Building Elevations (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**

Submit **three (3)** 24″ X 36″ and **one** 11″ x 17″ copies of plans with the following information and details:

1. All relevant dimensions.
2. Exterior materials.

3. Exterior colors.
4. Existing grade.
5. Finished grade.
6. Finished floor level.
7. Building height consistent with Figure 209-1 of the 1997 UBC Handbook.

☑ **Technical Information and Reports**

The following technical information and studies are generally required unless waived by County Planning Staff at or following a Pre-Application Review Meeting. Please see County Planning Staff for a list of pre-qualified consultants.

1. FOR WINERY PROJECTS: Additional submittal information is necessary and should be included with the submittal packet consistent with the Winery Use Permit Supplemental Submittal Requirements.
2. FOR MICRO-WINERY PROJECTS: Additional submittal information is necessary and should be included with the submittal packet consistent with the Micro-Winery Use Permit Supplemental Submittal Requirements.
3. Traffic Study consistent with Traffic Impact Study (TIS) Guidelines. Please fill out the enclosed current Trip Generation Sheet for existing and proposed project to determine the need for the preparation of a Traffic Impact Study. Study (TIS). If it is determined that a TIS is not required, physical traffic improvements (such as a left turn lane) or a site distance analysis may be required as determined by the Director of Public Works. Please consult with the Department of Public Works and the current version of the Napa County Road and Street Standards, which can be found following this link: Napa County Road & Street Standards (countyofnapa.org)
4. Archeological/Cultural Resources Study (consistent with *Guidelines for Preparing Cultural Resource Surveys* and State of California requirements)
5. Historic Resources Study (consistent with State Office of Historic Preservation requirements)
6. Biological Study – Includes Special Status Survey (consistent with *Guidelines for Preparing Biological Resources Reconnaissance Surveys* and *Guidelines for Preparing Special-Status Plant Studies*)
7. Water Availability/Groundwater Study (consistent with the *WAA Guidance Document* adopted by the Board 5/12/2015). Please refer to the following link: .Attachment-D---Water-Availability-Analysis-Guidelines-5-12-15-PDF (countyofnapa.org)
8. For projects located within Sensitive Domestic Water Supply Drainages and/or within the Agricultural Watershed (AW) zoning district, please provide vegetation coverage removal and retention information/analysis based on 1993 Vegetation totals and parcel configuration, including a map or figure that includes the following information:

   Tree canopy coverage:

   Tree canopy cover (1993): no change _____acres

   Tree canopy cover to be removed: _____acres _____%

   Tree canopy cover to be retained: _____acres _____%

   Understory (i.e. brush, shrubs, grasses):

   Understory cover (1993): no change _____acres

   Understory to be removed: _____acres _____%

   Understory to be retained: _____acres _____%

   This information may be provided as part of the Biological Report if one is required for your project. Guidance on how to prepare vegetation removal and retention calculations can be found in the County's Water Quality & Tree Protection Ordinance Implementation Guide, located on our website: Water-Quality-and-Tree-Protection-Ordinance-Implementation-Guide (countyofnapa.org)
9. Special Studies (The following may be required on a project-specific basis at the discretion of the PBES Director.)

   ☐ Noise Study (demonstrating consistency with Napa County Code Chapter 8.16).
   ☐ Aviation Compatibility Study (consistent with Airport Land Use Compatibility Plan requirements)
   ☐ Visual Impacts Study (Photographic simulations)
   ☐ Geological/Geotechnical Hazard Report – Alquist Priolo Act
   ☐ Hydraulic Analysis (flood impact) if within Floodplain and/or Floodway
   ☑ Stormwater Control Plan (consistent with Napa County BASMAA Post Construction Manual)
   ☐ Other: _____
   ☐ Other: _____

10.Voluntary Best Management Practices Checklist – Please fill out enclosed form.

☑ **Additional Information Required by the Environmental Health Department:**

1. Soil Evaluation Report if an on-site septic system is proposed.
2. Septic Feasibility Report for any new or upgraded septic systems or any expansion of use relying on an existing septic system.
3. Water System Feasibility Report if the water supply system will serve 25 or more people inclusive of employees, visitors, and residents or if kitchen is proposed. See enclosed handout provided by Environmental Services.
4. Water and/or Sewage Disposal Easement if an off-site spring, well, reservoir, storage tank, or individual sewage disposal system is proposed.
5. Completed Business Activities form
6. Solid Waste & Recycling Storage area location and size included on overall site plan.
7. Cave setback plan if a cave is proposed.

Please click on Other Information tab at https://www.countyofnapa.org/1904/Environmental-Health-Division for forms and handouts related to use permit application submittal.

☑ **Additional Information Required by the Engineering Services:**

2021Napa County Road & Street Standards

Napa County Road & Street Standards (countyofnapa.org)

Project Guidance for Stormwater Compliance

https://www.countyofnapa.org/DocumentCenter/View/3778/Project-Guidance-for-Stormwater-Quality-Compliance-PDF

BASMAA Post-Construction Stormwater Management Manual

https://www.countyofnapa.org/DocumentCenter/View/3780/Bay-Area--Stormwater-Management-Agencies-Association-BASMAA-Post-Construction-Manual-PDF

Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) Erosion and Sediment Control Plan Guidance

https://www.countyofnapa.org/DocumentCenter/View/3780/Bay-Area--Stormwater-Management-Agencies-Association-BASMAA-Post-Construction-Manual-PDF

☑ **Additional Information Required by the Fire and Building for Wine Cave Design:**

Proposed or Modified Winery Caves – Please include a description of uses to be conducted in the Cave. A cave floor plan shall be provided identifying where all production and hospitality uses will be conducted. Please identify how exiting requirements will be met pursuant to Building and Fire Codes.

☑ ***Please Note***

While this checklist includes all information generally required to process a Use Permit/Major Modification or other Use Permit related application, it is primarily focused on winery uses. Additional information may be required at the discretion of the PBES Director, and in particular in those cases where non-winery commercial uses (such as restaurants) or residential use related projects are proposed. **The Planning Division will make every effort to identify any additional required information at or directly following the Pre-application Review Meeting.**

☑ **Please contact the Planning Division Staff at the following email address: Planning@countyofnapa.org to obtain a PBES Cloud link to upload application materials and to process filing payment.**

WINERY OPERATIONS

Please indicate whether the activity or uses below are already legally **EXISTING**, whether they exist and are proposed to be **EXPANDED** as part of this application, whether they are **NEWLY PROPOSED** as part of this application, or whether they are neither existing nor proposed (**NONE**).

Retail Wine Sales	☐ Existing	☐ Expanded	☒ Newly Proposed	☐ None
Tours and Tasting- Open to the Public	☐ Existing			
Tours and Tasting- By Appointment	☐ Existing	☐ Expanded	☒ Newly Proposed	☐ None
Food at Tours and Tastings	☐ Existing	☐ Expanded	☒ Newly Proposed	☐ None
Marketing Events*	☐ Existing	☐ Expanded	☒ Newly Proposed	☐ None
Food at Marketing Events	☐ Existing	☐ Expanded	☒ Newly Proposed	☐ None
Will food be prepared…	☐ On-Site?	☒ Catered?		
Public display of art or wine-related items	☐ Existing	☐ Expanded	☐ Newly Proposed	☒ None
Wine Sales/Consumption – AB 2004	☐ Existing		☒ Proposed	☐ None

** For reference please see definition of "Marketing," at Napa County Code §18.08.370* - http://library.municode.com/index.aspx?clientId=16513

Production Capacity *

Please identify the winery's…

Existing permitted production capacity: 0 gal/y Per permit : _____ Permit date: _____

Current maximum actual production: 0 gal/y For what year? _____

Average 3 year production: 0 gal/y

Proposed production capacity: 5,000 gallons per year (Phase 1); 30,000 gallons per year (Phase 2)

** For this section, please see "Winery Production Process".*

Visitation and Operations

Please identify the winery's…

Maximum daily tours/tastings visitation:	none existing	8 people/day(Phase 1); 15 people/day (Phase 2) proposed
Maximum weekly tours/tastings visitation:	none existing	56 visitors per week (Phase 1); 105 visitors per week (Phase 2 proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	n/a existing	M-Su, 9am-6pm proposed
Production days and hours[1]:	n/a existing	M-Su, ~~9am-6pm~~ 8am - 6pm proposed

[1] It is assumed that wineries will operate up to 24 hours per day during crush.

Grape Origin

All new wineries and any existing (pre-WDO) winery expanding beyond its winery development area must comply with the 75% rule and complete the attached "Initial Statement of Grape Source". See Napa County Code §18.104.250 (B) & (C). The project description should include information on location and quantity of grapes.

See narrative.

Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, hours, location/facilities to be used, food service details, etc. Provide a site plan showing where the marketing event activities will occur, including overflow/off-site parking. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

See narrative.

On-Site Consumption

If requesting On-Site Consumption, please provide a site plan showing where such activities will occur.

See narrative.

Food Service

Please describe the nature of any proposed food service including type of food, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Please differentiate between existing and proposed food service and existing type of commercial kitchen (low, medium or high risk) and/or food preparation areas authorized by the County Environmental Health Division. (Attach additional sheets as necessary.)

See narrative.

Winery Coverage and Accessory/Production Ratio

Winery Development Area. Consistent with the definition at "a.," and with the marked-up site plans included in your submittal, please indicate your proposed winery development area. If the facility already exists, please differentiate between existing and proposed.

Existing 0 sq. ft. 0 acres

Proposed ~~17,322~~ 17,384 (Phase 1); ~~23,040~~ 23,105 (Phase 2) sq. ft. 0.40 acres (Phase 1); 0.53 acres (Phase 2) acres

Winery Coverage. Consistent with the definition at "b.," and with the marked-up site plans included in your submittal, please indicate your proposed winery coverage (maximum 25% of parcel or 15 acres, whichever is less).

~~53,904~~ 53,966 (Phase 1); ~~59,705~~ 59,767 (Phase 2) sq. ft. 1.24 (Phase 1); 1.37 (Phase 2) acres 3% (Phase 1); 3.4% (Phase 2) % of parcel

Production Facility. Consistent with the definition at "c.," and the marked-up floor plans included in your submittal, please indicate your proposed *production* square footage. If the facility already exists, please differentiate between existing and proposed.

Existing 0 sq. ft. Proposed ~~2,692~~ 3,279 (Phase 1); ~~10,235~~ 10,822 (Phase 2) sq. ft.

Accessory Use. Consistent with the definition at "d.," and the marked-up floor plans included in your submittal, please indicate your proposed *accessory* square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing 0 sq. ft. 0 % of production facility

Proposed ~~845 (Phase 1); 1,167 (Phase 2)~~ 907 (Phase 1); 1,230 (Phase II) sq. ft. ~~31.4% (Phase 1); 11.4% (Phase 2)~~ ~~33.6% (Phase I); 14.2% (Phase 2)~~ 27.7% (Phase I); 13.4% (Phase 2) % of production facility

Caves and Crush pads

If new or expanded caves are proposed, please indicate which of the following best describes the public accessibility of the proposed and existing cave space: Please denote on cave floor plans the location of existing and proposed cave type/activities and identify location of on-site cave spoils on a site plan.

Existing Cave:

- [ ] None – no visitors/tours/events (**Class I**)
- [ ] Guided Tours Only (**Class II**)
- [ ] Public Access (**Class III**)
- [ ] Marketing Events and/or Temporary Events (**Class III**)

Expanded or New Cave:

- [x] None – no visitors/tours/events (**Class I**)
- [ ] Guided Tours Only (**Class II**)
- [ ] Public Access (**Class III**)
- [ ] Marketing Events and/or Temporary Events (**Class III**)

Please identify the winery's…

Cave area (total)	Existing: 0 sq. ft.	Proposed: 5,000 (Phase 2) sq. ft.
Cave area (Production)	Existing: 0 sq. ft.	Proposed: 5,000 (Phase 2) sq. ft.
Cave area (Accessory)	Existing: 0 sq. ft.	Proposed: 0 sq. ft.
Covered crush pad area	Existing: 0 sq. ft.	Proposed: 1,235 (Phase 2) sq. ft.
Uncovered crush pad area	Existing: 0 sq. ft.	Proposed: 0 sq. ft.
Cave Spoils total:		Proposed: 5,000 (Phase 2) cy.

Cave Spoils Use: [x] Onsite [ ] Offsite

WINERY TRIP GENERATION WORKSHEET

Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559-3082
(707) 253-4417

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Clear Form

PROJECT DESCRIPTION

Winery Name: Promise Winery - Use Permit (Resubmittal of project file no. P22-00384) **Date Prepared:** 12/15/23

Existing Entitled Winery		Harvest	Non-Harvest
Number of Full Time Employees*	Weekday	0	0
	Weekend	0	0
Number of Part Time Employees*	Weekday	0	0
	Weekend	0	0
Maximum Daily Visitation	Weekday	0	0
	Weekend	0	0
Annual Gallons of Production		0	0
Annual Tons of Grape Haul		0.0	N/A
Number of Visitors at the Largest Event that occurs two or more times per month, on average	Weekday	0	0
	Weekend	0	0

Proposed Winery		Harvest	Non-Harvest
Number of Full Time Employees*	Weekday	2	2
	Weekend	2	2
Number of Part Time Employees*	Weekday	3	3
	Weekend	3	3
Maximum Daily Visitation	Weekday	15	15
	Weekend	15	15
Annual Gallons of Production		30,000	30,000
Annual Tons of Grape Haul		187.5	N/A
Number of Visitors at the Largest Event that occurs two or more times per month, on average	Weekday	0	0
	Weekend	0	0

*Number of full time and part time employees should represent the max number of employees that will be working on any given day (including all vendors and contractors employed for the largest event that occurs two or more times per month on average).

Promise Winery - Use Permit (Resubmittal of project file no. P22-00384)

TRIP GENERATION

Existing Winery					Harvest	Non-Harvest
Maximum Daily Weekday Traffic (Friday)						
	Harvest	*Non-Harvest*				
FT Employees	0	0	3.05 one way trips/employee	FT Employee Daily Trips	0.0	0.0
PT Employees	0	0	1.9 one way trips/employee	PT Employee Daily Trips	0.0	0.0
Max Visitors	0	0	2.6 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	0.0	0.0
Max Event	0	0	2.6 visitors/vehicle for 2 one way trips	Max Event Daily Trips	0.0	0.0
Gallons of Production	0		0.000018 truck trips	Production Daily Trips	0.0	0.0
Tons of Grape Haul#	0.0		0.013889 truck trips	Grape Haul Daily Trips	0.0	0.0
				Total Weekday Daily Trips	0	0
				Total Weekday Peak Hour Trips*	0	0
Maximum Daily Weekend Traffic (Saturday)						
	Harvest	*Non-Harvest*				
FT Employees	0	0	3.05 one way trips/employee	FT Employee Daily Trips	0.0	0.0
PT Employees	0	0	1.9 one way trips/employee	PT Employee Daily Trips	0.0	0.0
Max Visitors	0	0	2.8 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	0.0	0.0
Max Event	0	0	2.8 visitors/vehicle for 2 one way trips	Max Event Daily Trips	0.0	0.0
Gallons of Production	0		0.000018 truck trips	Production Daily Trips	0.0	0.0
Tons of Grape Haul#	0.0		0.013889 truck trips	Grape Haul Daily Trips	0.0	0.0
				Total Weekend Daily Trips	0	0
				Total Weekend Peak Hour Trips*	0	0
Maximum Annual Traffic						
				Total Annual Trips**	0	

Proposed Winery					Harvest	Non-Harvest
Maximum Daily Weekday Traffic (Friday)						
	Harvest	*Non-Harvest*				
FT Employees	2	2	3.05 one way trips/employee	FT Employee Daily Trips	6.1	6.1
PT Employees	3	3	1.9 one way trips/employee	PT Employee Daily Trips	5.7	5.7
Max Visitors	15	15	2.6 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	11.5	11.5
Max Event	0	0	2.6 visitors/vehicle for 2 one way trips	Max Event Daily Trips	0.0	0.0
Gallons of Production	30,000		0.000018 truck trips	Production Daily Trips	0.5	0.5
Tons of Grape Haul#	187.5		0.013889 truck trips	Grape Haul Daily Trips	2.6	0.0
				Total Weekday Daily Trips	27	24
				Total Weekday Peak Hour Trips*	10	9
Maximum Daily Weekend Traffic (Saturday)						
	Harvest	*Non-Harvest*				
FT Employees	2	2	3.05 one way trips/employee	FT Employee Daily Trips	6.1	6.1
PT Employees	3	3	1.9 one way trips/employee	PT Employee Daily Trips	5.7	5.7
Max Visitors	15	15	2.8 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	10.7	10.7
Max Event	0	0	2.8 visitors/vehicle for 2 one way trips	Max Event Daily Trips	0.0	0.0
Gallons of Production	30,000		0.000018 truck trips	Production Daily Trips	0.5	0.5
Tons of Grape Haul#	187.5		0.013889 truck trips	Grape Haul Daily Trips	2.6	0.0
				Total Weekend Daily Trips	26	24
				Total Weekend Peak Hour Trips*	12	10
Maximum Annual Traffic						
				Total Annual Trips**	8,969	

Net New Trips		Harvest	Non-Harvest
Maximum Weekday Traffic (Friday)			
If total net new daily trips is greater than 40, a TIS is required	**Net New Weekday Daily Trips**	27	24
	Net New Weekday Peak Hour Trips*	10	9
Maximum Weekend Traffic (Saturday)			
If total net new daily trips is greater than 40, a TIS is required	**Net New Weekend Daily Trips**	26	24
	Net New Weekend Peak Hour Trips*	12	10
Maximum Annual Traffic			
A Traffic Impact Study is NOT Required	**Net New Annual Trips****	8,969	

#Trips associated with Grape Haul represent harvest season only.

*Weekday peak hour trips are calculated as 38% of daily trips associated with visitors and production plus one trip per employee. Weekend peak hour trips are calculated as 57% of daily trips associated with visitors and production plus one trip per employee.

**Annual trips represent a conservative calculation that assumes 11 weeks of harvest, all weekdays are Fridays, all weekends are Saturdays, and assumes that the largest event that occurs two or more times per month on average occurs every day.

Planning, Building & Environmental Services - Hillary Gitelman, Director
1195 Third Street, Napa, CA 94559 - (707) 253-4417 - www.countyofnapa.org

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Project name & APN: Promise Winery - Use Permit; 032-520-008 & -009
Project number if known: P22-00384
Contact person: Steve McPherson
Contact email & phone number: steve@promisewine.com 707.963.6053
Today's date: 12/15/23

Voluntary Best Management Practices Checklist for Development Projects

Napa County General Plan Policy CON-65 (e) and Policy CON-67 (d) requires the consideration of Greenhouse Gas (GHG) emissions in the review of discretionary projects and to promote and encourage "green building" design. The below Best Management Practices (BMPs) reduce GHG emissions through energy and water conservation, waste reduction, efficient transportation, and land conservation. The voluntary checklist included here should be consulted early in the project and be considered for inclusion in new development. It is not intended, and likely not possible for all projects to adhere to all of the BMPs. Rather, these BMPs provide a portfolio of options from which a project could choose, taking into consideration cost, co-benefits, schedule, and project specific requirements. Please check the box for all BMPs that your project proposes to include and include a separate narrative if your project has special circumstances.

Practices with Measurable GHG Reduction Potential

The following measures reduce GHG emissions and if needed can be calculated. They are placed in descending order based on the amount of emission reduction potential.

Already Doing	Plan To Do	ID #	BMP Name
☐	☐	BMP-1	**Generation of on-site renewable energy**

If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calcuate how much electrical energy your project may need.

The project covers a minor renovation to two existing facilities. Unsure as to whether or not a roof-mounted PV system would be feasible without major costly construction. Owner will review during the building permit phase.

☑	☐	BMP-2	**Preservation of developable open space in a conservation easement**

Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.

3.12 acres were deed restricted for ECP P17-00348. No additional conservation under this permit which proposes minimal changes to site.

Already Doing	Plan To Do		
☐	☐	**BMP-3**	**Habitat restoration or new vegetation (e.g. planting of additional trees over 1/2 acre)**

Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO2e and add the County's carbon stock.

None anticipated.

☐ ☐ **BMP-4** **Alternative fuel and electrical vehicles in fleet**

The magnitude of GHG reductions achieved through implementation of this measure varies depending on the analysis year, equipment, and fuel type replaced.

Number of total vehicles Not applicable for a winery of this scale.
Typical annual fuel consumption or VMT
Number of alternative fuel vehicles
Type of fuel/vehicle(s)
Potential annual fuel or VMT savings

☐ ☐ **BMP-5** **Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 2**

The California Building Code update effective January 1, 2011 has new mandatory green building measures for all new construction and has been labeled CALGREEN. CALGREEN provides two voluntary higher levels labeled CALGREEN Tier I and CALGREEN Tier II. Each tier adds a further set of green building measures that go above and beyond the mandatory measures of the Code. In both tiers, buildings will use less energy than the current Title 24 California Energy Code. Tier I buildings achieve at least a 15% improvement and Tier 2 buildings are to achieve a 30% improvement. Both tiers require additional non-energy prerequisites, as well as a certain number of elective measures in each green building category (energy efficiency, water efficiency, resource conservation, indoor air quality and community).

None expected for Phase 1. Owner will review options for Phase 2 during the detailed design phase.

☐ ☐ **BMP-6** **Vehicle Miles Traveled (VMT) reduction plan**

Selecting this BMP states that the business operations intend to implement a VMT reduction plan reducing annual VMTs by at least 15%.

Tick box(es) for what your Transportation Demand Management Plan will/does include:

- ☐ employee incentives
- ☐ employee carpool or vanpool
- ☐ priority parking for efficient transporation (hybrid vehicles, carpools, etc.)
- ☐ bike riding incentives
- ☐ bus transportation for large marketing events
- ☐ Other:

Not applicable for a winery of this scale. However, two of three employees (winery owners) reside on site, as such, 2/3 of trips are eliminated.

Estimated annual VMT

Potential annual VMT saved
% Change

Already Doing	Plan To Do		
☐	☐	**BMP-7**	**Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1** *See description below under BMP-5.* Owner plans to review CALGREEN Tier 1 feasibility at the Winery building (renovated agriculture barn) during the building permit phase.
☐	☐	**BMP-8**	**Solar hot water heating** *Solar water heating systems include storage tanks and solar collectors. There are two types of solar water heating systems: active, which have circulating pumps and controls, and passive, which don't. Both of them would still require additional heating to bring them to the temperature necessary for domestic purposes. They are commonly used to heat swimming pools.* Not intended. Hot water heating systems are already installed at both facilities covered by this permit.
☑	☐	**BMP-9**	**Energy conserving lighting** *Lighting is approximately 25% of typical electrical consumption. This BMP recommends installing or replacing existing light bulbs with energy-efficient compact fluorescent (CF) bulbs or Light Emitting Diode (LED) for your most-used lights. Although they cost more initially, they save money in the long run by using only 1/4 the energy of an ordinary incandescent bulb and lasting 8-12 times longer. Typical payback from the initial purchase is about 18 months.* All lights are LED, and new lights at the new Winery and wine cave will also be LED.
☐	☐	**BMP-10**	**Energy Star Roof/Living Roof/Cool Roof** *Most roofs are dark-colored. In the heat of the full sun, the surface of a black roof can reach temperatures of 158 to 194 °F. Cool roofs, on the other hand, offer both immediate and long-term benefits including reduced building heat-gain and savings of up to 15% the annual air-conditioning energy use of a single-story building. A cool roof and a green roof are different in that the green roof provides living material to act as a both heat sink and thermal mass on the roof which provides both winter warming and summer cooling. A green (living) roof also reduces storm water runoff.*
☐	☑	**BMP-11**	**Bicycle Incentives** *Napa County Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040). Incentives that go beyond this requirement can include on-site lockers for employees, showers, and for visitor's items such as directional signs and information on biking in Napa. Be creative!* Owner will install bike racks near both the Tasting Room and the Winery.
☐	☐	**BMP-12**	**Bicycle route improvements** *Refer to the Napa County Bicycle Plan (NCPTA, December 2011) and note on the site plan the nearest bike routes. Please note proximity, access, and connection to existing and proposed bike lanes (Class I: Completely separated right-of-way; Class II: Striped bike lane; Class III: Signed Bike Routes). Indicate bike accessibility to project and any proposed improvements as part of the project on the site plan or describe below.* This doesn't seem feasible given the site location on HWY 128.

Already Doing	Plan To Do		
☐	☑	**BMP-13**	**Connection to recycled water**

Recycled water has been further treated and disinfected to provide a non-potable (non-drinking water) water supply. Using recycled water for irrigation in place of potable or groundwater helps conserve water resources.

A packaged recycled water system will be installed during Phase 2 construction for irrigation purposes.

☐ ☑ **BMP-14** **Install Water Efficient fixtures**

WaterSense, a partnership program by the U.S. Environmental Protection Agency administers the review of products and services that have earned the WaterSense label. Products have been certified to be at least 20 percent more efficient without sacrificing performance. By checking this box you intend to install water efficient fixtures or fixtures that conserve water by 20%.

Owner plans to install efficient fixtures but these may or may not be certified by WaterSense.

☐ ☐ **BMP-15** **Low-impact development (LID)**

LID is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Please indicate on the site or landscape plan how your project is designed in this way.

LIDs will be reviewed during the detailed design stage for Phase 2.

☐ ☑ **BMP-16** **Water efficient landscape**

If your project is a residential development proposing in excess of 5,000 sq. ft. or a commercial development proposing in excess of 2,500 sq. ft. The project will be required to comply with the Water Efficient Landscape Ordinance (WELO).

Please check the box if you will be complying with WELO or If your project is smaller than the minimum requirement and you are still proposing drought tolerant, zeroscape, native plantings, zoned irrigation or other water efficient landscape.

Owner will adhere to WELO for the building permit if applicable.

☐ ☐ **BMP-17** **Recycle 75% of all waste**

Did you know that the County of Napa will provide recycling collectors for the interior of your business at no additional charge? With single stream recycling it is really easy and convenient to meet this goal. To qualify for this BMP, your business will have to be aggressive, proactive and purchase with this goal in mind.

Already Doing	Plan To Do		
☐	☐	**BMP-18**	**Compost 75% food and garden material** *The Napa County food composting program is for any business large or small that generates food scraps and compostable, including restaurants, hotels, wineries, assisted living facilities, grocery stores, schools, manufacturers, cafeterias, coffee shops, etc. All food scraps (including meat & dairy) as well as soiled paper and other compostable - see http://www.naparecycling.com/foodcomposting for more details.*
☐	☐	**BMP-19**	**Implement a sustainable purchasing and shipping programs** *Environmentally Preferable Purchasing (EPP) or Sustainable Purchasing refers to the procurement of products and services that have a reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. By selecting this BMP, you agree to have an EPP on file for your employees to abide by.*
☐	☐	**BMP-20**	**Planting of shade trees within 40 feet of the south side of the building elevation** *Well-placed trees can help keep your building cool in summer. If you choose a deciduous tree after the leaves drop in autumn, sunlight will warm your building through south and west-facing windows during the colder months. Well-designed landscaping can reduce cooling costs by 20%. Trees deliver more than energy and cost savings; they are important carbon sinks. Select varieties that require minimal care and water, and can withstand local weather extremes. Fruit or nut trees that produce in your area are great choices, providing you with local food as well as shade. Please use the site or landscape plan to indicate where trees are proposed and which species you are using.* There are existing trees that achieve this result.
☐	☐	**BMP-21**	**Electrical Vehicle Charging Station(s)** *As plug-in hybrid electric vehicles (EV) and battery electric vehicle ownership is expanding, there is a growing need for widely distributed accessible charging stations. Please indicate on the site plan where the station will be.*
☐	☐	**BMP-22**	**Public Transit Accessibility** *Refer to http://www.ridethevine.com/vine and indicate on the site plan the closest bus stop/route. Please indicate if the site is accessed by transit or by a local shuttle. Provide an explanation of any incentives for visitors and employees to use public transit. Incentives can include bus passes, informational hand outs, construction of a bus shelter, transportation from bus stop, etc.*

Already Doing	Plan To Do		
☐	☐	**BMP-23**	**Site Design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave.** *The amount of energy a cave saves is dependent on the type of soil, the microclimate, and the user's request for temperature control. Inherently a cave or a building burned into the ground saves energy because the ground is a consistent temperature and it reduces the amount of heating and cooling required. On the same concept, a building that is oriented to have southern exposure for winter warmth and shading for summer cooling with an east-west cross breeze will naturally heat, cool, and ventilate the structure without using energy. Please check this box if your design includes a cave or exceptional site design that takes into consideration the natural topography and sitting. Be prepared to explain your approach and estimated energy savings.*
☐	☐	**BMP-24**	**Limit the amount of grading and tree removal** *Limiting the amount of earth disturbance reduces the amount of CO2 released from the soil and mechanical equipment. This BMP is for a project design that either proposes a project within an already disturbed area proposing development that follows the natural contours of the land, and that doesn't require substantial grading or tree removal.*
☐	☐	**BMP-25**	**Will this project be designed and built so that it could qualify for LEED?**

BMP-25 (a)	☐	**LEED™ Silver** (check box BMP-25 and this one)
BMP-25 (b)	☐	**LEED™ Gold** (check box BMP-25, BMP-25 (a), and this box)
BMP-25 (c)	☐	**LEED™ Platinum** (check all 4 boxes)

Practices with Un-Measured GHG Reduction Potential

☐	☐	**BMP-26**	**Are you, or do you intend to become a Certified Green Business or certified as a"Napa Green Winery"?** *As part of the Bay Area Green Business Program, the Napa County Green Business Program is a free, voluntary program that allows businesses to demonstrate the care for the environment by going above and beyond business as usual and implementing environmentally friendly business practices. For more information check out the Napa County Green Business and Winery Program at www.countyofnapa.org.*
☐	☐	**BMP-27**	**Are you, or do you intend to become a Certified "Napa Green Land"?** *Napa Green Land, fish friendly farming, is a voluntary, comprehensive, "best practices" program for vineyards. Napa Valley vintners and growers develop farm-specific plans tailored to protect and enhance the ecological quality of the region, or create production facility programs that reduce energy and water use, waste and pollution. By selecting this measure either you are certified or you are in the process of certification.*

Already Doing	Plan To Do		
☐	☐	**BMP-28**	**Use of recycled materials** *There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.*
☐	☐	**BMP-29**	**Local food production** *There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.*
☐	☐	**BMP-30**	**Education to staff and visitors on sustainable practices** *This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.*
☑	☐	**BMP-31**	**Use 70-80% cover crop** *Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.*
☑	☐	**BMP-32**	**Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site** *By selecting this BMP, you agree not to burn the material pruned on site.*
☐	☐	**BMP-33**	**Are you participating in any of the above BMPS at a 'Parent' or outside location?** Not applicable to this project.
☐	☑	**BMP-34**	**Are you doing anything that deserves acknowledgement that isn't listed above?** Primary focus on converting small, existing structures for the intended use. To handle added production in Phase 2, a wine cave will be constructed rather than a new winery structure, reducing the visibility and potential risks of fire.

Comments and Suggestions on this form?

FILE #_____

A Tradition of Stewardship
A Commitment to Service

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

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT

PROJECT NAME: Promise Wine Micro-Winery

Assessor's Parcel #: 032-520-009-000 Existing Parcel Size: 50.2 Acres

Site Address/Location: 2004 Sage Canyon Road, Saint Helena, CA 94574
No. Street City State Zip

Property Owner's Name: Promise Wine, LLC

Mailing Address: 2004 Sage Canyon Road, Saint Helena, CA 94574
No. Street City State Zip

Telephone #: (707) 963 - 6053 Fax #: (____)_____-_____ E-Mail: steve@promisewine.com

Applicant's Name: Promise Wine, LLC

Mailing Address: 2004 Sage Canyon Road, Saint Helena, CA 94574
No. Street City State Zip

Telephone #: (707) 963 - 6053 Fax #: (____)_____-_____ E-Mail: steve@promisewine.com

Status of Applicant's Interest in Property: _____

Representative Name: Dickenson, Peatman and Fogarty; Joshua S. Devore

Mailing Address: 1500 First Street, Suite 200, Napa, CA 94559
No. Street City State Zip

Telephone # (707) 261-7000 Fax #: (____) _____ E-Mail: jdevore@dpf-law.com

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

11/9/22

Signature of Property Owner Date Signature of Applicant Date

Steve McPherson, Promise Wine, LLC

Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
Total Fees: $_____ Receipt No. _____ Received by: _____ Date: _____

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

   See accompanying project narrative

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

   See accompanying project narrative

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

   See accompanying project narrative

VARIANCES:

A variance is a constitutional safety valve to prevent a property from becoming unusable if the zoning code were strictly applied. It protects against an unconstitutional taking by allowing the owner to seek a deviation from the applicable zoning so as to enjoy the benefits (i.e., property rights) afforded to other properties in the vicinity and under the same zoning designation.

The findings for a variance must satisfy each prong of a four-prong test. Specifically, an applicant must demonstrate that: 1) they will suffer practical difficulties and unnecessary hardships in the absence of the variance; 2) these hardships result from special circumstances relating to the property that are not shared by other properties in the area; 3) the variance is necessary to bring the applicant into parity with other property owners in the same zone and vicinity; and 4) the proposed variance will not be contrary to public interest, safety, health, and welfare.

GENERAL:

1. Courts view variances as an exception rather than the rule. The requirements for variances under California law are very strict.

2. Variance findings should be as detailed as possible, and provide specific facts and rationale to support each of the factors.

3. The justification for a variance shall be based solely on comparative information describing the disparities between the subject property and surrounding properties.

4. The burden of demonstrating that the variance findings are met shall be the responsibility of the applicant. Depending on the request, the applicant may need the assistance of professional engineers and attorneys to develop the necessary data and facts supporting their request.

5. Profit motive, benefit to community, practical difficulty, superior building standards, lack of opposition, operational efficiencies and attractive architectural features all may have value and be desirable from a planning perspective, but these factors are legally irrelevant when considering a variance application.

6. A variance cannot be granted to allow a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel or property.

7. An applicant must provide sufficient information to ensure that granting the variance does not result in a special privilege to the applicant and a method of doing that is through comparison to other properties within the vicinity under the same zoning designation. It is not a valid legal argument that a neighboring property received a variance in the past.

DEFINITIONS:

Unnecessary Hardship. Hardship is generally evaluated based on economics and effective use. If the property can be put to effective use, consistent with its existing zoning, without the deviation sought, it is not significant that the variance sought would make the applicant's property more valuable, or that it would enable the applicant to recover a greater income, nor that it would relieve the applicant from undesired costs in compliance with the existing restrictions. An unnecessary hardship occurs where the natural condition or topography of the land, such as peculiarities of the size, shape or grade of the parcel, places the landowner at a disadvantage vis-à-vis other landowners in the area. The hardship must relate to a unique condition of the property and not be self-induced or pertain to the plight or desires of the owner. The hardship must be specific to the property; not personal to the owner or applicant.

Special Circumstances. An applicant must show special circumstances applicable to their property as compared to other properties in the vicinity and with the same zoning designation. Special circumstances can be documented through the use of GIS mapping to show the conditions of properties in the vicinity *compared* to the conditions of an applicant's property. Without such a comparison or other evidence in the record showing the conditions of surrounding properties, this finding cannot be made.

Parity. Variances are intended to bring the property up to parity with such other properties and must not amount to a grant of special privileges over and above those privileges enjoyed by such other properties in the vicinity and zone. Parity is based on equality of the property rather than equality of the owners. There must be an affirmative showing that the subject property differs substantially and in relevant aspects from other parcels in the zone, otherwise the granting of a variance would amount to a "special privilege."

Effect of Variance on Public Welfare. Any decision to grant or deny a variance must be consistent with public interest, safety, health, and welfare, and must not be contrary to the intent or spirit of the general plan or the zoning ordinance. This factor requires staff to consider whether the applicant's project serves other policy goals, including non-zoning regulations or policies. These non-zoning regulations may also contribute to the applicant's hardship by placing other restrictions that do not relate to zoning, but which might render a particular use impossible under current zoning regulations.

INDEMNIFICATION AGREEMENT

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

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

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

Applicant Steve McPherson	Property Owner (if other than Applicant)
11/9/22	
Date	Project Identification

Revised October 30, 2025

Promise Winery Use Permit and Variance Project Narrative

P22-00384

APN 032-520-009

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michael@gouldarchitecture.com

This is an application for a development permit. The owners of an existing family vineyard at 2000 & 2004 Sage Canyon Rd., Steve and Jennifer McPherson, proprietors of Promise Wine, LLC, seek to establish a small estate winery. This application was previously submitted under the Micro Winery Ordinance. However, the application is now revised to seek approval of a Winery as a two-phase project. Promise Wine proposes to first construct a very limited winery operation under Phase 1, with the approved right to continue to Phase 2 when conditions allow, as summarized below:

Phase 1 - Development of limited winery operation using existing structures:

- Establish a winery within existing structures using a co-production model which will gradually increase production from estate vineyards to eventually ferment up to 5,000 gallons of wine on the property;

- Remodel and slightly expand an existing barn to provide 2,794 sq. ft. of wine production space;
- Convert an existing second dwelling to provide 845 sq. ft. of accessory space and 432 sq. ft. of production space;
- Add a small accessory structure adjacent to the existing second dwelling for an accessible restroom and covered parking;
- Provide for daily visitation of 8 people per day, or 56 per week;
- Have two marketing events per year of up to 25 people;
- Visitation hours of 9 a.m. to 6 p.m.;
- Have (1) employee in addition to the two (2) owners that live on site;
- Provide four (4) parking spaces, including two (2) accessible spaces;
- Provide retail wine sales;
- Provide on-site consumption; and
- Provide limited catered or pre-prepared food pairings.

Phase 2 – Continued development of winery facility

- Expanded winery production to 30,000 gallons;
- Construct a 5,000 sq ft. cave for winery operations and barrel storage;
- Construct a 1,235 sq. ft. covered crush pad at one cave portal;
- Remodel the Phase 1 winery building to relocate some winery operations to the new winery structures;
- Install a water recycling, biological processed waste system package unit;
- Increase visitation to 15 people per day max/105 per week;
- Increase marketing events to seven per year, comprised of six (6) events at 25 people max, and one (1) event at 100 people max;
- Provide five (5) total employees (3 part-time and 2 full-time); and
- Provide eight (8) parking spaces (2 ADA, 6 regular).

This document sets forth the Detailed Project Description called for in the Checklist of Required Materials, as well as the narrative sections of the Use Permit Application form for Wine Production Process, Grape Origin, Marketing Program and Food Service. Pursuant to the pre-application meeting, no special studies are required for the project.

This document also sets forth the justification of a variance from the 600-foot setback for state highways. The project proposes to use existing structures – a barn and second dwelling – on the property, which is heavily wooded and steep. The existing structures, while approximately 345 and 488 feet, respectively, from the road and not visible, are less than 600 feet from Sage Canyon Road (SR-128). The flatter portions of the property that are beyond 600 feet are already developed or designated for vineyard, and the remainder is densely vegetated and steep. As such, conversion of the existing structures preserves the ability of applicant to use the property for a winery, while avoiding unnecessary hardships and preserving the environment.

We appreciate your consideration of these requests. Please advise us as to any additional information you require to process this application.

I. DETAILED PROJECT DESCRIPTION:

1. EXISTING SITE CONDITIONS AND USES

Promise Wine was established in 2004 by the McPhersons and produces approximately 1,000 cases of wine annually via custom crush. The McPhersons currently have approximately one acre under vine on their property, with approval for approximately four acres total under an existing ECP (P17-00348-ECPA.) The property consists of two adjacent parcels totaling 101.45 acres, which are protected by "Type 'H'" Williamson Act contracts. The property is accessed by a short private driveway on the south side of Sage Canyon Road just east of Lake Hennessy. The parcels each have permitted wells and waste disposal systems. The property is located at the base of Pritchard Hill. The rear of the property is heavily wooded and slopes steeply towards neighboring developed vineyards and wineries. A 2018 declaration of restrictive covenants protects 3.12 acres of Oak Woodlands on the property.

The winery will be located on the eastern parcel (-009) in an existing permitted agricultural barn (Permit #46991) built in 1990. The barn will be converted to winery production commercial occupancy and expanded. An existing permitted second dwelling built in 2016 will be converted to commercial use for winery accessory uses, case storage and employee restroom. The winery parcel also has a primary residence which is the McPherson's home and will remain a residence. An existing home occupation permit (P16-00032-HO) for the McPherson's residence will be abandoned upon activation of the winery permit.

There are also primary and secondary residences on the western parcel (-008.) The existing primary and secondary dwellings on the two parcels are accessed via a shared private driveway. As standard analysis provides for 10 ADT per residence, the four dwellings thus currently are allocated a total of 40 ADT on the driveway (although actual usage is much lower). One of the dwelling units will be converted to winery use, with no more than 10 trips per day. As such, there will be no change in driveway trips as a result of Phase 1 of the project.

2. PROPOSED USES

In November 2022, Promise applied under the then-new Micro Winery Ordinance for establishment of a micro winery on the property. Despite the intent of the Micro Winery Ordinance to streamline winery approvals, the application was subject to plenary review by the County equivalent to a standard winery. During that processing, the County revised its Road and Street Standards, eliminating the exemption that would have applied to the Micro Winery which was below the 40 ADT trigger. Promise notes it is concerned about the process that led to that revision and whether such revision was made legally or with due consideration of the applicable standards.

Following extensive discussions with Staff, Promise determined that a Micro Winery project simply was not a rational investment. Promise thus hereby is reapplying for a full winery use permit.

Because of the intense effort of permitting and developing a winery, and the Micro Winery Ordinance's prohibition of modifications to those permits for a period of time, Promise is now instead applying for a phased development of a standard Winery. The first phase is similar to its original Micro Winery proposal. Promise estimates it will cost at least $2 million just to get through Phase 1, and is thus a significant investment in the property and is intended to vest the phased permit fully. Phase 2 would be a substantial ($10M+) additional investment that would proceed only once conditions permit that expansion to be feasible.

A. Winery

Phase 1:

The winery will initially be housed in existing structures. As the first phase of development, the existing approximately 1,700 sq. ft. agricultural barn (including its covered outdoor area) will be converted to winery production use. An addition of approximately 1,000 sq. ft will allow for installation of an employee restroom and improving the utility of the existing structure. The existing second residence will be converted to 845 sq. ft of accessory use, including tasting room and guest restroom, and production storage for case goods and an employee restroom. A small accessory structure adjacent to the new tasting room will provide for an ADA accessible restroom and covered parking. As such, only minimal exterior change to the property will be required, none of which is visible from off-site.

Outdoor tasting space is available on the existing covered patio. In addition, visitors will be able to walk around the property to view the vineyard and views. An on-site consumption (AB 2004) area is designated on the existing covered patio adjacent to the proposed tasting room. (See sheet A1.2.)

The winery access road would be improved to meet the current Road and Street Standards to the maximum extent feasible given the constraints on the property. Minor exceptions to the RSS are set out in the accompanying road exception request prepared by Applied Engineering. The exceptions provide the same overall practical effect as the RSS while avoiding grading on steep slopes and other environmental obstacles.

Phase 2:

The second phase of development would construct a 5,000 sq. ft. cave located behind the Phase 1 winery building. An additional small 1,235 sq. ft. covered crush pad would be adjacent to one of the cave portals. The developed Phase 1 winery would also undergo modest remodeling. A water recycling, biological processed waste package system would be added to recycle winery process water for vineyard irrigation.

B. Wine Production Process

The property currently has an Erosion Control Plan (ECP) for approximately 4.5 acres (3.56 net acres) of vineyards approved in 2018. Approximately one acre is already planted. Near and longer-term plans provide for planting the remainder of the approved ECP acreage, as well as permitting additional acres on the western parcel. All grapes will continue to be harvested and hauled to a custom crush facility. Production on site is projected to ramp up over time to the requested initial Phase 1 winery size of 5,000 gallons per year.

Applicant does not anticipate reaching the 5,000 gallon production for some time. Initially, pursuant to a co-production model, at least 201 gallons of juice produced from the estate grapes at an off-site facility will be returned to the property for fermentation annually. Only barrel fermentation and aging will take place on site during Phase 1. All other production steps will occur at the co-production facility. As such, no process wastewater will be generated on site in Phase 1. (The property will have a functioning wastewater system for domestic waste, and any incidental wastewater would be handled by the existing system.)

Phase 2 would allow for continuation of the winery growth up to 30,000 gallons, by installing a cave for wine production and barrel aging. As part of Phase 2, a water-recycling process waste system will be installed to eliminate the co-production steps and bring all production on site. A covered crush pad will be located adjacent to one of the cave portals. Other than minor interior remodeling of the Phase 1 winery building, there will be no other structural changes at Phase 2.

C. Road Improvements and Exception

As set forth in detail in the accompanying Road and Street Standards exception request, as part of Phase 1 the existing access driveway will be improved to meet the Road and Street Standards for commercial roads to the extent possible. In light of the constraints that exist due to the setbacks from Sage Creek and steep slopes, the driveway will be improved with limited exceptions for width in certain areas.

In addition, based on the findings in the Vehicle Sight Distance and Mitigation Report, improvements and mitigation measures are planned to be implemented to improve sight distance and driver awareness at the driveway intersection with Sage Canyon Road, which is located at the end of an existing bridge within an easement:

- Existing vegetation on the south side of Sage Canyon Road, both east and west of the driveway, will be trimmed.
- The driveway apron will be re-striped to provide clear inbound/outbound paths to include a driveway center-line and stop-bar. In addition, a stop-sign will be installed for outbound vehicles.
- Warning and Cross-Traffic Ahead signs will be installed on Sage Canyon Road both east and west of the driveway.

- A winery directional sign will be installed for motorists approaching the driveway from the west on Sage Canyon Road.
- The existing mailboxes will be relocated further back in the shoulder to provide additional vehicle sight distance sighting to the west.
- LED blinking warning signs will be installed on Sage Canyon Road.

These improvements and mitigation measures are intended to improve overall driver awareness at the intersection of the existing driveway and Sage Canyon Road.

3. DAYS OF THE WEEK AND HOURS OF OPERATION

The winery proposes visitation seven (7) days per week, between 9 a.m. and 6 p.m. daily.

Office and production hours will be 8 a.m. to 5 p.m. daily, except during harvest.

4. EMPLOYEE HEAD COUNT

Phase 1:

The winery will have up to three (3) employees including the proprietors. The two (2) proprietors live on site, and one (1) employee will commute.

Phase 2:

The winery will add two (2) part time employees, to total three (3) full time and two (2) part time. The two (2) proprietors will continue to live on site, and one (1) FT and two (2) PT employees will commute.

5. ADDITIONAL LICENSES OR APPROVALS

Promise Wines currently holds a Type 02 winery license for its production at its custom crush facility. Standard additional alcohol beverage licenses (ABC and TTB) including an additional Type 02 for the new winery facility will be required.

6. WATER SUPPLY AND WASTE HANDLING.

A. Water Availability

As set forth in the accompanying water availability analysis prepared by CMP Engineering, the Phase 1 winery will use a negligible amount of water, and the Phase 2 winery, which will use a wastewater recycling system, will also use an immaterial amount of water.

The current vineyard was established by an ECP in 2017 that showed a conservative allocation of 24.5 ac-ft/yr of water available. The vineyard uses on-site water from wells as its primary water source. Total existing use is calculated 2.68 ac-ft/yr.

No process water will be used by the facility in Phase 1. Any production steps requiring cleaning of equipment will occur offsite. The only additional structure in Phase 1 is to construct the ADA restroom accessory structure, while the existing guest house will be converted to winery use. As such the actual expected winery use is insignificant in Phase 1, and the project will result in a net decrease in water use by abandoning the guest house.

In Phase 2, while production volume and accessory use would increase, a water recycling process waste system will be installed to recycle the process wastewater to vineyard irrigation. As such, even with an increase in visitation, the project will have a net reduction in water use as shown in the accompanying Water Availability Analysis prepared by CMP.

Water will be supplied by the existing well on site. Because the project calls for a net decrease in water use, no additional well analysis is required. Water usage will be well below the threshold for a public water system.

An additional water storage tank has been approved for the property under separate permit (BR25-00800) to store water for the vineyards as well as the future winery fire suppression. A fire pump house near existing tanks will serve the fire suppression system. The new tank will be served from the existing project well and will provide storage but not itself result in any change in water use. Winery domestic water will be stored in the existing tank near the barn.

B. Wastewater

Under the co-production model, applicant does not propose to undertake any processing beyond fermentation and barrel aging on site. Thus, no process water will be generated on site during Phase 1.

Under Phase 2, a process waste package system using a biological treatment system will be installed. Wastewater will be recycled to vineyard irrigation use.

In both phases, Domestic waste will be handled on site by the existing septic field which is more than adequate as shown in the accompanying wastewater feasibility study prepared by CMP.

C. Solid Waste

Solid waste will be minimal and stored on site in standard closed-lid receptacles. No uncovered waste will be stored on site. In Phase 2, covered solid waste containers would be stored in the covered crush area.

II. ADDITIONAL APPLICATION SECTION DISCUSSIONS

1. Grape Sourcing

Phase 1:

Grapes will be sourced almost exclusively from the existing vineyard on the property. A minimal amount of other non-estate fruit may be acquired for blending purposes as needed. Crush will occur at a custom crush facility to avoid significant processing facilities or use of process water. At least 201 gallons, and eventually up to 5,000 gallons will then be fermented on site.

Phase 2:

Grapes will continue to be sourced from vineyards developed on the property. Additional grapes may also be acquired consistent with any applicable grape source rules.

2. Marketing Program

Phase 1:

Marketing on site will consist primarily of tours and tastings for up to eight (8) visitors per day as defined by code. Two marketing events per year will be held at the property of no more than 25 guests each.

Phase 2:

Tours and tastings visitation will expand to 15 visitors per day/105 per week. Marketing events will expand to seven (7) per year, comprised of six (6) events at 25 people, and one (1) event at 100 people.

3. Food Service

Food service will be limited to food and wine pairings consistent with N.C.C. 18.08.620. Food service will consist of crackers, pretzels, or pre-packaged non-potentially hazardous foods; or will be catered. No on-site food preparation will be conducted.

III. VARIANCE

As noted above, the property borders Sage Canyon Rd (SR-128), which is designated a state highway and thus is subject to a 600-foot setback. As the project calls for conversion of existing structures less than 600 feet from the road, a variance is required.[1] Applicant requests reduction

[1] The building permit for the barn converted by the Project was finalized on May 23, 1990, thus missing the setback exemption in 18.104.230 C for existing structures by just a few months.

of the setback to 344 feet to accommodate the expansion of the existing barn for installation of an employee restroom and production area. All other winery structures will be more than this distance from the road. The cave portals will not be visible from the road.

The narrative responses for the variance application are set forth below.

1. *Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.*

The property is zoned AW and located at the base of Pritchard Hill. It is generally steeply sloped and has limited flatter areas for development. Those flatter areas are largely within the 600-foot setback. As shown on accompanying plan sheet C1, the property has existing structures – the barn and second dwelling – in the flatter portions of the property within 600 feet of the road. The barn is currently approximately 345 feet from the centerline, and the second dwelling is approximately 488 feet from the centerline. Such setbacks would be sufficient were the property located on almost any other road in the County. However, the property is located on a curve in a rural portion of Sage Canyon Road, which places much of the developable portions of the property within 600 feet of the road.

The limited flatter portions of the property beyond 600-feet from the road are already developed with an existing residence or approved agriculture. Thus, development of a winery in new structures elsewhere on the property beyond the 600-foot setback is essentially impossible. Even if a location could be identified that was within an allowable slope, it would require extensive removal of trees and vegetation and extensive grading.

Other properties located on State Highways such as Highway 29 or the up-valley portion of Highway 128, which are flatter, can accommodate 600-foot setbacks. However, Promise's property cannot accommodate the imposed 600-foot setback due to its shape, topography and vegetation. Thus, the strict application of the setback would deprive Promise's property of privileges enjoyed by other similar properties in the vicinity and under identical zoning classification.

2. *Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.*

The property is zoned AW and a winery is allowed with a use permit. Promise has a substantial interest in development of a winery on its property, has established vineyards and plans for additional vineyard development, and a long-running wine brand that requires approval of a winery for it to enjoy its property for winemaking, hosting onsite tastings, and direct to consumer sales.

Conversion of existing structures on the property for winery purposes is necessary given the lack of other developable portions of the property, and environmentally preferrable. If Promise is not able to use the existing structures, there is no other feasible developable portion of the property for winery purposes, and Promise would be deprived of substantial property rights as a result.

3. *Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.*

The intent of the 600-foot winery setback is to avoid impacts to views and noise of a winery on major thoroughfares and neighbors. Promise proposes to initially use existing structures on its property. Those structures already are not visible from any neighboring properties nor the road. The slight expansion of the barn to accommodate an employee restroom will also not be visible or noticeable. Further development of a covered crush pad and cave will be located behind the existing structures and pushed up against and into the steep slope to further minimize impact to the property. As such, only denial of the variance could potentially adversely affect its neighbors by requiring substantial construction elsewhere on the property.

No external noise will be produced as there is no proposed external production in Phase 1, and most activities in Phase 2 will be within the cave. Rather, denial of the variance would require new structures to be built that would require grading and removal of trees and vegetation. Only were the variance denied would such activities need to be undertaken that would be potentially noticeable to the neighbors. As such, approval of the variance benefits the health or safety of persons residing or working in the neighborhood. The variance provides a benefit to the public welfare by avoiding construction impacts or vegetation removal.

Thus, for the above reasons, approval of a variance to allow conversion of the existing structures and expansion of the barn within the 600-foot setback is appropriate.

IV. CONCLUSION

The McPhersons appreciate your attention to their vision of enhancing their family farm and establishing a winery on the property with the least impact possible.