



A Tradition of Stewardship  
A Commitment to Service

file No P14-00100-Mod

**Napa County**  
**Conservation, Development, and Planning Department**  
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**Use Permit Application**

*To be completed by Planning staff...*

Application Type: Major Mod

Date Submitted: 4/2/14 Resubmittal(s): \_\_\_\_\_ Date Complete: \_\_\_\_\_

Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Application Fee Deposit: \$ 5000.00 Receipt No. \_\_\_\_\_ Received by: TA Date: 4/2/14

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

*To be completed by applicant...*

Project Name: Markham Vineyards

Assessor's Parcel No: 022-200-005, 008, 013, 020 & 025 Existing Parcel Size: 9.97 +/- (Markham) ac.

Site Address/Location: 2812 St. Helena Highway No. St. Helena, California 94574  
No. Street City State Zip

Primary Contact:  Owner  Applicant  Representative (attorney, engineer, consulting planner, etc.)

Property Owner: Markham Vineyards

Mailing Address: P.O. Box 636 St, Helena California 94574  
No. Street City State Zip

Telephone No: (707) 302 - 2034 E-Mail: dflanary@markhamvineyards.com

Applicant (if other than property owner): David W. Flanary

Mailing Address: P.O. Box 636 St. Helena, California 94574  
No. Street City State Zip

Telephone No: ( ) - E-Mail: \_\_\_\_\_

Representative (if applicable): Jeffrey Redding

Mailing Address: 2423 Renfrew Street Napa, California 94558  
No. Street City State Zip

Telephone No: (707) 255 - 7375 E-Mail: jreddingaicp@comcast.net

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## Use Permit Information Sheet

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### Use

Narrative description of the proposed use (please attach additional sheets as necessary):

Markham Winery proposes to increase its wine production from 300,000 gallons to 429,000 gallons annually. The Winery is a member of the Joint Operating Agreement, established in 1980 to treat wastewater from Wine Country Inn and the Freemark Abbey Winery property on Lodi Lane. Inflow limitations for each business as well as maximum system capacity was included in the Agreement. In 1993, use permit #93006-UP allowed the construction of two additional treatment ponds and two evaporation ponds to accommodate flows from the Culinary Institute of America (CIA). County approval to increase the treatment system to 16.07 million gallons occurred in 2003 (#03205-UP).

The requested increase in production capacity will bring the winery into compliance with its 2013 production levels and provide for additional growth. Treatment and disposal of the proposed production waste will continue to occur in the existing approved pond systems and irrigation areas. The location of the pond and disposal system is shown on sheet UP-6 of attached plans. A wastewater feasibility report prepared by Summit Engineering is included with our submittal. This report confirms that the existing treatment and disposal system is adequate and permitted by the county to accommodate additional effluent from the expanded production.

What, if any, additional licenses or approvals will be required to allow the use?

District _____	Regional <u>ABC</u>
State <u>RWQCB</u>	Federal <u>TTB</u>

### Improvements

Narrative description of the proposed on-site and off-site improvements (please attach additional sheets as necessary):

Additional production can be accommodated within existing buildings and facilities

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## Certification and Indemnification

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Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information 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 his/her knowledge. Applicant and property owner 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.*

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.

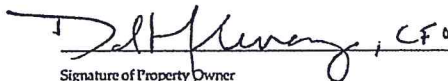
In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not 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.

MARKHAM VINEYARDS

Print Name of Property Owner

DAVID W. FLANARY

Print Name Signature of Applicant (if different)



Signature of Property Owner

4/2/14

Date



Signature of Applicant

4/2/14

Date

## Supplemental Application for Winery Uses

### 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	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Tours and Tasting- Open to the Public	<input checked="" type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...		<input type="checkbox"/> On-Site?	<input checked="" type="checkbox"/> Catered?	
Public display of art or wine-related items	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> 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 production capacity: 300,000 gal/y Per permit No: U-157879 Permit date: 2/79

Current maximum actual production: 350,148 gal/y For what year? 2013

Proposed production capacity: \_\_\_\_\_ gal/y

\* For this section, please see "Winery Production Process," at page 11.

### Visitation and Hours of Operation

Please identify the winery's...

Maximum daily tours and tastings visitation:	<u>public</u> existing	<u>no change</u> proposed
Average daily tours and tastings visitation <sup>1</sup> :	<u>public</u> existing	<u>no change</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>10:00am-5:30pm</u> existing	<u>No change</u> proposed
Non-harvest Production hours <sup>2</sup> :	<u>7:30am-5:00pm</u> existing	<u>No change</u> proposed

<sup>1</sup> Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.

<sup>2</sup> 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).

## Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, food service details, etc. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

### Existing (Pre-WDO) Marketing Program

81 annual events, held weekday and weekends, both during daytime and evenings. All events are held during off peak periods. Average attendance is 50; maximum attendance is 390. Total annual attendees: 7000 persons

No change to the existing marketing program is proposed at this time

## 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. (Attach additional sheets as necessary.)

Any food service for marketing events will be catered

## Winery Coverage and Accessory/Production Ratio

**Winery Development Area.** Consistent with the definition at "a.," at page 11 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	<u>26,956</u> sq. ft.	<u>.5</u> acres
Proposed	<u>26,956</u> sq. ft.	<u>.5</u> acres

**Winery Coverage.** Consistent with the definition at "b.," at page 11 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).

302,478 sq. ft.      6.9 acres      74 % of parcel

**Production Facility.** Consistent with the definition at "c.," at page 11 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	<u>59,800</u> sq. ft.	Proposed	<u>59,800</u> sq. ft.
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**Accessory Use.** Consistent with the definition at "d.," at page 11 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	<u>13,780</u> sq. ft.	<u>23</u> % of production facility
Proposed	<u>13,780</u> sq. ft.	<u>23</u> % of production facility

## Caves and Crushpads

If new or expanded caves are proposed please indicate which of the following best describes the public accessibility of the cave space:

- 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	Existing: <u>N/A</u> sq. ft.	Proposed: <u>N/A</u> sq. ft.
Covered crush pad area	Existing: <u>N/A</u> sq. ft.	Proposed: <u>N/A</u> sq. ft.
Uncovered crush pad area	Existing: <u>6,135</u> sq. ft.	Proposed: <u>6,135</u> sq. ft.

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**Initial Statement of Grape Source**

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Pursuant to Napa County Zoning Ordinance Sections 12419(b) and (c), I hereby certify that the current application for establishment or expansion of a winery pursuant to the Napa County Winery Definition Ordinance will employ sources of grapes in accordance with the requirements of Section 12419(b) and/or (c) of that Ordinance.

MARKHAM VINEYARDS *J Delaney, CFP* 3/24/14

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Owner's Signature

Date

*Letters of commitment from grape suppliers and supporting documents may be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public.*

## Water Supply/ Waste Disposal Information Sheet

### Water Supply

Please attach completed Phase I Analysis sheet.

	Domestic	Emergency
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	<u>City of St. Helena &amp; Onsite Well</u>	<u>City of St. Helena &amp; Onsite Well</u>
Name of proposed water supplier (if water company, city, district):	<u>50% City of St. Helena &amp; 50% Onsite Well</u>	<u>50% City of St. Helena &amp; 50% Onsite Well</u>
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current water use:	<u>5,035 (per WAA) gallons per day (gal/d)</u>	
Current water source:	<u>Same as proposed (City/Well)</u>	<u>City of St. Helena</u>
Anticipated future water demand:	<u>7,231 (per WAA) gal/d</u>	<u>Unchanged gal/d</u>
Water availability (in gallons/minute):	<u>100 (well yield) gal/m</u>	<u>Unchanged gal/m</u>
Capacity of water storage system:	<u>8,000 gal</u>	<u>72,000 gal</u>
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	<u>Existing storage tank</u>	

### Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	<u>sewage</u>	<u>process</u>
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	<u>pre-treatment/ponds</u>	<u>pre-treatment/ponds</u>
Name of disposal agency (if sewage district, city, community system):	<u>N/A - privately owned system</u>	<u>N/A - privately owned system</u>
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current waste flows (peak flow):	<u>675 gal/d</u>	<u>7,500 gal/d</u>
Anticipated future waste flows (peak flow):	<u>675 gal/d</u>	<u>10,725 gal/d</u>
Future waste disposal design capacity:	<u>675 gal/d</u>	<u>10,725 gal/d</u>

### Solid Waste and Recycling Storage and Disposal

Please include location and size of solid waste and recycling storage area on site plans in accordance with the guidelines available at [www.countyofnapa.org/dem](http://www.countyofnapa.org/dem).

### Hazardous and/or Toxic Materials

If your facility generates hazardous waste or stores hazardous materials above threshold planning quantities (55 gallons liquid, 500 pounds solid or 200 cubic feet of compressed gas) then a hazardous materials business plan and/or a hazardous waste generator permit will be required.

### Grading Spoils Disposal

Where will grading spoils be disposed of?

(e.g. on-site, landfill, etc. If off-site, please indicate where off-site): N/A - no spoils to be generated



## Winery Traffic Information / Trip Generation Sheet

### Traffic during a Typical Weekday

The only change in existing conditions is an increase in production

Number of FT employees: \_\_\_\_\_ x 3.05 one-way trips per employee = \_\_\_\_\_ daily trips.

Number of PT employees: \_\_\_\_\_ x 1.90 one-way trips per employee = \_\_\_\_\_ daily trips.

Average number of weekday visitors: \_\_\_\_\_ / 2.6 visitors per vehicle x 2 one-way trips = \_\_\_\_\_ daily trips.

Gallons of production: \_\_\_\_\_ / 1,000 x .009 truck trips daily<sup>3</sup> x 2 one-way trips = \_\_\_\_\_ daily trips.

**Total** = \_\_\_\_\_ daily trips.

(No of FT employees) + (No of PT employees/2) + (sum of visitor and truck trips x .38) = \_\_\_\_\_ PM peak trips.

### Traffic during a Typical Saturday

Number of FT employees (on Saturdays): \_\_\_\_\_ x 3.05 one-way trips per employee = \_\_\_\_\_ daily trips.

Number of PT employees (on Saturdays): \_\_\_\_\_ x 1.90 one-way trips per employee = \_\_\_\_\_ daily trips.

Average number of Saturday visitors: \_\_\_\_\_ / 2.8 visitors per vehicle x 2 one-way trips = \_\_\_\_\_ daily trips.

**Total** = \_\_\_\_\_ daily trips.

(No of FT employees) + (No of PT employees/2) + (visitor trips x .57) = \_\_\_\_\_ PM peak trips.

### Traffic during a Crush Saturday

Number of FT employees (during crush): No change x 3.05 one-way trips per employee = \_\_\_\_\_ daily trips.

Number of PT employees (during crush): No change x 1.90 one-way trips per employee = \_\_\_\_\_ daily trips.

Average number of Saturday visitors: No change 8 visitors per vehicle x 2 one-way trips = \_\_\_\_\_ daily trips.

Gallons of production: 100,000 inc / 1,000 x .009 truck trips daily x 2 one-way trips = D.B added daily trips.

Avg. annual tons of grape on-haul: \_\_\_\_\_ / 144 truck trips daily<sup>4</sup> x 2 one-way trips = 8.4 daily trips.

**Total** = 9.3 added daily trips.

### Largest Marketing Event- Additional Traffic

Number of event staff (largest event): \_\_\_\_\_ x 2 one-way trips per staff person = \_\_\_\_\_ trips.

Number of visitors (largest event): \_\_\_\_\_ / 2.8 visitors per vehicle x 2 one-way trips = \_\_\_\_\_ trips.

Number of special event truck trips (largest event): \_\_\_\_\_ x 2 one-way trips = \_\_\_\_\_ trips.

<sup>3</sup> Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

<sup>4</sup> Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).