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FILE # P25-00088

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

**APPLICATION FOR USE PERMIT**  
**EXCEPTION TO CONSERVATION REGULATIONS**

FOR OFFICE USE ONLY

ZONING DISTRICT: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
TYPE OF APPLICATION: \_\_\_\_\_ Date Published: \_\_\_\_\_  
REQUEST: \_\_\_\_\_ Date Complete: \_\_\_\_\_

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

PROJECT NAME: The Winery at Mt. Veeder. An application for a development permit

Assessor's Parcel #: 034-230-029 Existing Parcel Size: 114+/- acres

Site Address/Location: 1300 Mt Veeder Road  
No. Street City State Zip

Property Owner's Name: Melvin Pearl dba P & M Vineyards Holdings LLC

Mailing Address: 1730 Trancas Street #143 Napa, CA. 94558  
No. Street City State Zip

Telephone # (707)-695-1837 Fax #: ( ) - E-Mail: mel@lifetimedevopments.com

Applicant's Name: Melvin Pearl dba P & M Vineyard Holdings LLC

Mailing Address: 1730 Trancas Street #143 Napa, CA. 94558  
No. Street City State Zip

Telephone #: (707) 695-1837 Fax #: ( ) - E-Mail: \_mel@lifetimedevopments.com

Status of Applicant's Interest in Property: Owner

Representative Name: Land Use Planning Services

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

Telephone # (707) 255-7375 Fax #: ( ) E-Mail: jreddingaicp@comcast.net

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, plot plan, floor plan, building elevations, water supply/waste disposal system plot 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.

Signature of Applicant

Date

Signature of Property Owner

Date

Print Name

Print Name

**SUPPLEMENTAL APPLICATION FORM**  
**USE PERMIT EXCEPTION TO CONSERVATION REGULATION**

1. Please explain the reason for the exception request.

The project area straddles a heavily wooded saddle overlooking Pickle Canyon. The site is steeply sloping with very little contiguous land with slopes less than 30%. Existing development including an existing residence and accessory building occupy the existing saddle where the winery is also proposed. Locating the production facility inside a proposed cave minimizes visual impacts as well as grading and tree removal.

An existing gravel road provides access to the existing improvements. When improved it will continue to provide access to the existing residence and the proposed winery crush pad and production area, fire department turnaround and parking areas. As shown on the sheet UP5, portions of the existing road and road improvements required as part of the proposed winery encroach into portions of the property that exceed 30% slope and into required stream setbacks

2. Are there any alternatives to the project which would not require an exception? Please explain.

No. This exception to conservation regulations is necessary to improve the winery access road even to the reduced road section that is proposed as part of the road and street exception that accompanies this application. The existing road alignment already transverses slopes that exceed 30%. And already encroaches into stream setbacks in 18.108.025 adopted after the current road alignment was adopted in 1991 and 2021. Alternative road alignments would disturb portions of the property not previously disturbed, resulting in new crossings of headwater streams and new earthmoving activities and tree removal with concomitant impacts on site environmental resources. Project biologists have carefully assessed the proposed project including road and bridge replacement. Solecology will reduce all identified impacts to less than significant impacts with mitigation measures recommended in the April 2022 biological assessment prepared. Locating the winery in caves rather than above ground takes advantage of the more developable, more level portions of the property and avoids steep wooded slopes when compared to an above ground project.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

The project statement that accompanies the use permit application includes detailed discussions of how the project as designed and sited meet the findings described in section 18.104.040(A) of the zoning ordinance

**Section 18.108.040.A. Structural/road development projects**

- a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading: (Please describe).

Please see the project statement that accompanies the use permit application.

- b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

- i. Multiple-floor levels which follow existing, natural slopes;
- ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;
- iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

Please see the project statement that accompanies the use permit application.

- c. The development project minimizes removal of existing vegetation , incorporates existing vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

Please see the project statement that accompanies the use permit application.

4. Adequate fire safety measures have been incorporated into the design of the proposed development.

Please see the project statement that accompanies the use permit application.

5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.

Please see the project statement that accompanies the use permit application.

6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

The applicant retained the biological consulting firm of Solecology to assess potential impacts of the road improvement, winery and related improvements on threatened or endangered plant or animal habitats as designed by state or federal agencies. A CEQA level of assessment was conducted. The final assessment, dated April 27, 2022 accompanies this application. The assessment concluded that the project as sited and designed would not pose significant or potentially significant impacts on site environmental resources.

**Section 18.108.040.B. Agricultural projects, or Agricultural roads as defined by Planning, Building, and Environmental Services, Engineering Division**

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the Natural Resource Conservation Service for the soil type, topography and climatic conditions in which the project is located;

N/A

8. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained.

N/A

9. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

N/A

## 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

Property Owner (if other than Applicant)

Date

Project Identification