



# WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559  
VOICE: (530) 575-5335  
EMAIL: GENERAL@WATERAUDITCA.ORG

February 3, 2026

County of Napa  
Planning Commission

meetingclerk@countyofnapa.org

RE: Hearing – February 4, 2026

1. B. JEFF SMITH / HOURGLASS WINERY / USE PERMIT MAJOR MODIFICATION P19-00102-MOD, VIEWSHED P23-00278-VIEW, EXCEPTION TO THE CONSERVATION REGULATIONS P23-00279-UP, AND EXCEPTION TO THE ROAD AND STREET STANDARDS CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. ("Application")

## **INTRODUCTION**

Water Audit California ("Water Audit") is an advocate for the public trust.

We have included the questions that came to mind during the project review and have made note of the substantial differences between this application and others. In some respects, this Application is more complete than previous efforts, and we commend the improvement. Unfortunately, comments are still necessary.

Water Audit comments as follows:

## **WATER AVAILABILITY ANALYSIS (“WAA”)**

There are five wells on the current project parcel:

The **vineyards and landscaping** at the subject property will be irrigated **using groundwater pumped primarily by Well Nos. 1, 2, 3, and 4, with some supplemental water being pumped from Well 5 when necessary. All irrigation water is to be pumped to and distributed from an onsite pond** (the pond is visible on Figure 2 on the southern portion of the larger parcel). All winery demands will be met using groundwater pumped from Well 5, and therefore **Well 5 is considered to be the “project well” of the analyses herein.** (WAA page 2) (emphasis added)

Two pumping tests for the project Well #5 were performed, a 72-hour continuous pumping test and a California Code of Regulations (CCR), Title 22 §64554, “New and Existing Source Capacity” 10-day test:

The **purpose of the second test** was to pump the well at a constant rate for 10 days, for the express purpose of generating the necessary data **to comply with the requirements set forth in the California Code of Regulations (CCR), Title 22 §64554, “New and Existing Source Capacity”**. For this test, Well 5 was pumped at a nominal rate of 3 gpm for a period of 10 days, with water level data collected throughout the test. Consistent with State regulations for the purpose of obtaining an accurate static water level value, prior to beginning the 10-day test, the well was pumped for 2 hours at the same pumping rate at which the test was to be conducted (3 gpm), followed by 12 hours of non- pumping, after which time an accurate SWL depth was monitored. (WAA page 9) (emphasis added)

It would appear that Hourglass Winery is the only project that has performed such thorough pumping tests in the several years that Water Audit has been tracking County planning projects. In fact, on this same calendared hearing agenda, project Promise Winery supports its WAA with no pumping test, under the assumption that no existing harm can occur based on a decades old 4-hour air lift test (Water Audit Exhibit 1). “The well was completed to a depth of 290 feet in May 1988. At the time of completion, an air yield test resulted in 20 gallons per minute for four hours.” (Promise Winery P22-00384-UP at pdf page 6)

There is a stark difference between the quality of analyses between planning applications.

The WAA appears to contain incorrect mathematical calculations (WAA page 41.) If the existing Winery Process is 30,000 gal/yr (0.968 acre-feet), then the proposed 60,000 gal/yr is

twice the juice. (0.968 acre-feet x 2 = 1.948 acre-feet). The Analysis makes the sum 1.290 acre-feet, an under-calculation of 0.658 acre-feet, or roughly 50%.

The WAA states that 54 events will be serving onsite meals. It is unclear if meal preparation will be on or off-site. If on-site, those guests require an adjusted calculation from 5 gallons per guest to 15 gallons per guest. Conditions of approval should be clear on this point.

The WAA states that all five wells are cycled throughout the irrigation season to fill the pond/reservoir storage, but there is no eWRIMS license number or pond/reservoir storage capacity disclosed in the hearing packet.

One pond exists on the subject property. The pond is lined and is filled only with direct rainfall and with groundwater pumped from the onsite well. No surface water runoff is used to fill the onsite pond. The wells are reportedly “cycled” throughout the irrigation season to fill the pond and allow periods of rest (water level recovery) for each well. (WAA page 3)

In the future, Well 5 will be the sole onsite well to provide groundwater to the proposed Winery. Groundwater pumped for winery purposes from Well 5 will be pumped into a tank (or tanks) and then distributed to the various winery uses. For the onsite vineyards, water from Wells 1, 2, 3, and 4 will initially be pumped into the onsite reservoir and thereafter it will be distributed for irrigation. Occasionally, Well 5 will also be pumped into the onsite reservoir and used for supplemental vineyard irrigation needs in the future; this is expected to typically occur near the end of the irrigation season when vineyard demands are highest. (WAA page 11)

Found on the State Water Board website, the eWRIMS GIS Map identifies a pond that has a corresponding Application number A030935 (see [https://waterrightsmaps.waterboards.ca.gov/viewer/index.html?viewer=eWRIMS.eWRIMS\\_gvh#](https://waterrightsmaps.waterboards.ca.gov/viewer/index.html?viewer=eWRIMS.eWRIMS_gvh#)). The Details popup window reveals the project is located in Quad Map Name Calistoga, no wells supply the pond (“Well Number N/A”), and the Direct Diversion Storage Amount is 40 acre-feet (Water Audit Exhibit 2). The legend also confirms the application has been cancelled (Water Audit Exhibit 3). A deeper dive reveals the Application was cancelled on May 3, 2006.

No Annual Reports were recorded with the State (see [https://ciwqs.waterboards.ca.gov/ciwqs/ewrims/EWServlet?OWASP\\_CSRFTOKEN=YBNM-AKAC-2709-SMFO-6UI4-4DDA-BAGQ-BBDQ](https://ciwqs.waterboards.ca.gov/ciwqs/ewrims/EWServlet?OWASP_CSRFTOKEN=YBNM-AKAC-2709-SMFO-6UI4-4DDA-BAGQ-BBDQ)) (Water Audit Exhibit 4). Google Earth images between 2011 and 2025

reveal a pond that has been consistently filled during the year, in both wet and dry months (Water Audit Exhibit 5).

The pond does not appear to be licensed, and groundwater well extractions were not considered a supply source. Is the irrigation Well 1 depleting the stream to fill the pond in lieu of the cancelled Direct Diversion? Are the project wells feeding an unlicensed reservoir? Is the reservoir metered and reported to the County? How many acre-feet of extracted groundwater are being stored? Why is the present application acknowledging a < 2 AF demand, when the pond application stated 40 AF?

## **GRAPHICS**

The site plan “Winery Use Permit Map Sheet 1” sites this pond but, contrary to the text of the Application, omits the distribution lines and tie-in junctions for the five wells. (Graphics pdf page 6.) There does not appear to be a Utilities Plan.

The omissions ignore the county Water Availability Analysis Guidance Document requirements, and dismiss the authority of the Public Works Department review and determination (see <https://www.napacounty.gov/DocumentCenter/View/1056/Water-Availability-Analysis-Adopted-Policy-May-12-2015-PDF>):

The **WAA application contains** the following information: 3. A narrative on the nature of the proposed project, including all land uses on the subject parcel, projected future water uses in normal and dry years, details of current and proposed operations related to water use, **description of interconnecting plumbing between the various water sources** and any other pertinent information. Guidance Document page 5) (emphasis added)

**PBES and Public Works (PW) staff will review the application for completeness and reasonableness, review the County’s groundwater data management system for additional information about the characteristics of the areas/basin and nearby wells, compare the analysis to the screening criteria, and determine if additional analysis is required.** (Guidance Document page 6) (emphasis added)

How and where is the well plumbing connecting to the pond? Well 3, Well 4, and Well 5 apparently cross Biter Creek to reach the pond, but there does not appear to be a CDFW Lake or Streamed Alteration Agreement for that work.

## **APPLICATIONS**

The Use Permit Application required Water Supply/Waste Disposal Information Sheet omits the Anticipated future water demand (Applications pdf page 18) (Water Audit Exhibit 6).

The Use Permit Application included a Checklist with a check-mark the required "Water System Feasibility Report" (Applications pdf page 6.) Another project presented by the same consultant, Arrow & Branch P23-00057, had a greater number of visitors but was approved without a Water system Feasibility Study in document or in conditioned Scope installation. Is there any rational distinction to the two projects, and if not, why are consistent standards not applied?

The Exception to Conservation Regulations Application included a Checklist but did not checkmark Title Insurance Co. Certified List of All Property Owners within 1000 feet of the subject parcel and it did not check-mark Assessor's pages used in compiling the property owners' list. Instead asterisk marks are inserted, without defining what the asterisks are meant to represent (Applications pdf page 31.)

The County has a single-page form outlining the Request for Public Notice Distribution. With footer dated August 10, 2023 it specifies (1) the type of notice(s), (2) Date Requested for publishing, (3) County Clerk Date Requested for filing, (4) Planning Interested Parties Notification List [Combination of Interested Parties List (Government Code §65092) and CEQA Notification List (Public Resources Code §21092.2)], (5) Select recipient(s) and methods(s) of delivery, (6) Owners of Property within 1,000 feet of Project Site Mailing list attached, (7) Nearest City or Town, (8) Responsible Agencies, and (9) Other special instructions.

Compare and contrast the recently submitted, calendared, then withdrawn project R & R LANDS, LLC / NAPA VALLEY MUSEUM/MARKETPLACE - UNDER-STUDY / USE PERMIT MODIFICATION P25- 00278-VMM Request for Public Notice Distribution found on the Electronic Document Retrieval database (Water Audit Exhibit 7).

There is no indication that either the City of St. Helena or the City of Calistoga received notice for the current project.

The Hourglass Winery is being processed as a major modification, and will be heard by the Planning Commission. The current project parcel's immediate neighbor is Parable Winery

P23-00230 (formerly Dutch Henry) Parable is also rebuilding because of the same fire, but that application process was able to circumvent the Planning Commission and receive approval from the Zoning Administrator alone.

Processed as a minor modification, and defended by staff planner Trevor Hawkes, the winery got a free ride without Regulatory or public review, changing the conditioned use to add visitation (exceeding Hourglass' number by 10 guests), marketing events, and installation of a left-turn lane (Water Audit Exhibit 8).

Why are unequal processes occurring?

### **CONDITIONS OF APPROVAL**

The Conditions of Approval do not recognize the current project's pond storage capacity. It would appear that the capacity has a limit at 40 acre-feet year-round, but there is no oversight from the State or County.

There is no Public Works Groundwater Memorandum, and COA "4.9 Groundwater Wells" omits language "jointly implemented" by PBES "and Public Works." The current project Groundwater Demand Management Program continues to direct data to the PBES Director and not to the Public Works Director:

For the first twelve months of operation under this permit, the **permittee shall read the meters** of at the beginning of each month **and provide the data to the PBES Director monthly**. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in (i) below, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required to be submitted to the PBES Director for review and action. In addition to monthly meter readings, **Permittee shall also provide well level data to the PBES Director.**

i. Annual cumulative groundwater usage for all wells on the property shall not exceed 13.49 af/yr.

(COA page 18) (emphasis added).

Water Audit is requesting that all the parcel's wells shall be certain and included in the Napa County Groundwater Monitoring program.

Water Audit notes the current project Conditions of Approval Scope includes the installation of a Public Water System:

“I. Installation of a Public Water System” (COA Scope page 2).

The Parable Winery project (see above) conditioned Scope did not include installation of a Public Water System (Water Audit Exhibit 9), and the Arrow & Branch Winery project conditioned Scope did not include installation of a Public Water System (even though it was approved for an even greater number at 34 visitors every day) (Water Audit Exhibit 10).

Why are planning projects Conditions of Approval substantially inconsistent?

### **STATE CLEARING HOUSE**

The State Clearing House Notice of Completion does not include surrounding cities (see [https://files.ceqanet.lci.ca.gov/328102-1/attachment/drDLAuy6J8Q25Dg2-anl8nqu0WJvFjjk9OukucPScKAVLjJqOTXbT7Q-z4QNM\\_qvJrZIUYuY9GB45w0B0](https://files.ceqanet.lci.ca.gov/328102-1/attachment/drDLAuy6J8Q25Dg2-anl8nqu0WJvFjjk9OukucPScKAVLjJqOTXbT7Q-z4QNM_qvJrZIUYuY9GB45w0B0)) (Water Audit Exhibit 11).

According to the State Water Board eWRIMS GIS Map, the project is in the Calistoga Quad Map (see above). According to the WAA, the subject property is located within the “Napa River Watershed at St. Helena” (WAA page 13) There is no indication that the City received notice of the project expansion.

### **THE PUBLIC TRUST**

The public trust fulfills the basic elements of a trust: intent, purpose, and subject matter. (Estate of Gaines (1940) 15 Cal.2d 255, 266.) It has beneficiaries, the people of the state, and trustees, the agencies of the state entrusted with public trust duties. Fish and wildlife form a critical part of the public trust. In the limited circumstances of the alienation of components of the public trust into private hands, the private party becomes bound with trustee duties pursuant to Public Resources Code § 6009.1.

The essential idea of the public trust doctrine is that the government holds and protects certain natural resources in trust for the public benefit. (See *Illinois Central Railroad v. Illinois*

(1892) 146 U.S. 387, 452, 456; *National Audubon Society v. Superior Court (Audubon)* (1983) 33 Cal.3d 419, 441; *Berkeley v. Superior Court* (1980) 26 Cal.3d 515, 521.)

Public trust theory has its roots in the Roman and common law (*United States v. 11.037 Acres of Land* (N.D. Cal. 1988) 685 F. Supp. 214, 215) and its principles underlie the entirety of the State of California. Upon its admission to the United States in 1850, California received the title to its tidelands, submerged lands, and lands underlying inland navigable waters as trustee for the benefit of the public. (*People v. California Fish Co. (California Fish)* (1913) 166 Cal. 576, 584; *Carstens v. California Coastal Com.* (1986) 182 Cal.App.3d 277, 288.) The People of California did not surrender their public trust rights; the state holds land in its sovereign capacity in trust for public purposes. (*California Fish, Ibid.*)

The courts have ruled that the public trust doctrine requires the state to administer, as a trustee, all public trust resources for current and future generations, specifically including the public trust in surface waters and the life that inhabits our watercourses. These trust duties preclude the state from alienating those resources into private ownership.

The beneficiaries of the public trust are the people of California, and it is to them that the trustee owes fiduciary duties. As Napa County is a legal subdivision of the state, it must deal with the trust property for the beneficiary's benefit. No trustee can properly act for only some of the beneficiaries – the trustee must represent them all, taking into account any differing interests of the beneficiaries, or the trustee cannot properly represent any of them. (*Bowles v. Superior Court* (1955) 44 C2d 574.) This principle is in accord with the equal protection provisions of the Fourteenth Amendment to the US Constitution.

An agency of the State "may not approve of destructive activities without giving due regard to the preservation of those [public trust] resources." (*Center for Biological Diversity, Inc. v. FPL Group, Inc. (Bio Diversity)* (2008) 166 Cal.App.4th 1349, 1370, fn. 19, 83 Cal.Rptr.3d 588.)

Agencies of the state must not engage in unlawful conduct. "It is a fundamental principle of our constitutional scheme that government, like the individual, is bound by the law." (*Alderman v. United States* (1968) 394 U.S. 165, 202.) When lawless conduct occurs, the Government may not profit from its fruits. (*Weeks v. United States*, (1914) 232 U.S. 383.) The

County's duty is to obey the law, which among other things requires that it not harm public trust resources by its decisions and requires the state to use its best efforts for the long-term preservation of public trust resources for the public benefit. (Audubon, supra, 33 Cal.3d 419, 440-441; *Surfrider Foundation v. Martins Beach 1, LLC* (2017) 14 Cal.App.5th 238, 249-251; Public Resources Code, § 6009.1.)

Common law imposes public trust considerations upon the County's decisions and actions pertaining to trust assets. (*Bio Diversity*, supra, 166 Cal.App.4th 1349; *Environmental Law Foundation v. State Water Resources Control Board* (ELF) (Cal. Ct. App. 2018) 26 Cal.App.5th 844.) The courts have recognized the State's responsibility to protect public trust uses whenever feasible. (See, e.g., *Audubon*, supra. 33 Cal.3d 419, 435; *California Trout, Inc. v. State Water Resources Control Bd.* (Cal. Trout I) (1989) 207 Cal.App.3d 585, 631; *California Trout, Inc. v. Superior Court* (Cal. Trout II) (1990) 218 Cal.App.3d 187, 289.) Napa County has an affirmative duty to administer the natural resources held by public trust solely in the interest of the people of California.

Napa County must manage its public trust resources so as to derive the maximum benefit for its citizenry. Article X of the California Constitution and the public trust doctrine hold that no water rights in California are truly "vested" in the traditional sense of property rights.

Regardless of the nature of the water right in question, no water user in the State "owns" any water. The owner of "legal title" to all water is the State in its capacity as a trustee for the benefit of the public. There can be no vested rights in water use that harm the public trust. A "water right" grants the holder only the right to use water, an "usufructuary right." All water rights are usufructuary only and confer no right of private ownership in the water or the watercourse, which belongs to the State. (*People v. Shirokow* (1980) 26 Cal.3d 301 at 307.)

Fish & Game Code, section 1600 provides:

The Legislature finds and declares that the protection and conservation of the fish and wildlife resources of this state are of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state, as well as providing a significant part of the people's food supply; therefore their conservation is a proper responsibility of the state.

The California Department of Fish & Wildlife (CDFW):

... is California's Trustee Agency for the State's fish, wildlife, and plant resources. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species. For the purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. (see <https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA>).

Respectfully,



William McKinnon  
General Counsel  
Water Audit California

Attachments - Exs. 1-11 attached

of 3.03 acre-feet, the proposed winery project results in a net reduction of 0.29 acre-feet of groundwater use per year. Refer to Appendix A for detailed calculations of the site's proposed water use.

#### Estimated Recharge:

The subject property is located outside of the areas in which the Napa County Water Availability Analysis Guidance Document provides pre-defined groundwater recharge rates. As such, a groundwater recharge analysis was conducted in order to establish the annual groundwater recharge rate attributable to the project parcel. This analysis quantifies the amount of average annual rainfall infiltrating to the underlying aquifer based on the most recent, stable 10-year precipitation data provided by the Oregon State University PRISM Climate Group, estimated losses to runoff, and estimated losses to evapotranspiration. The calculations supporting this analysis are included in this report. The calculated groundwater recharge rate for this property is 0.80 acre-feet of water per acre of land. Given that this parcel is 62.56 acres, the maximum allowable water use for the parcel is 50.05 acre-feet per year. Refer to Appendix B for detailed recharge calculations.

#### **Tier 2: Well and Spring Interference**

##### Project Well Data:

The project proposes to utilize the existing well (Well #1) currently used to supply irrigation for the vineyard and domestic water for the second dwelling unit. The well has a casing diameter of 6" with an annular seal depth of 32 feet. The well was completed to a depth of 290 feet in May 1988. At the time of completion, an air yield test resulted in 20 gallons per minute for four hours. Refer to Appendix C for additional project well data.

##### Neighboring Wells and Springs:

The latest Interim Napa County Well Permit Standards and WAA Requirements require an interference analysis for any proposed increase in groundwater use occurring from project wells within 500 feet of any off-site well or 1,500 feet from any off-site spring. Of the project parcel's 3.03 acre-feet per year of existing groundwater use, 2.28 acre-feet per year is provided from the project well. Of the project parcel's 2.74 acre-feet per year of proposed groundwater use, 1.99 acre-feet per year will be provided by the project well, resulting in a net decrease of 0.29 acre-feet per year of groundwater pumped from the project well. Due to the proposed reduction in groundwater use from the project well, the Tier 2 criteria is met with no further analysis required.

#### **Tier 3: Groundwater/Surface Water Interaction**

##### Surface Water Interaction:

The latest Interim Napa County Well Permit Standards and WAA Requirements require an analysis of potential groundwater to surface water interaction for new, altered, or increased groundwater use occurring from project wells within 1,500 feet of any County-identified Significant Stream inside the Napa River Watershed. The nearest Significant Stream to the project well is Sage Creek, which is approximately 416 feet from the well. However, a stream interference analysis is not required if modifications to the location, construction, or operation of the project well are made to reduce any assumed harm relative to current conditions. In the case of this project, there are no proposed modifications to the location, construction or pumping rate of the existing project well. However, the project is proposing a reduction in overall groundwater use through the removal of an existing residential use and the recycling of winery process wastewater for supplemental vineyard irrigation. Through these changes in operation, the project will reduce overall well pumping time, and will therefore reduce any assumed harm relative to current conditions.

## Water Audit Exhibit 2

Points of Diversion: A030935

I want to...

Location\_Method  
Location Derived from State Plane Coordinates with WRIMS Database

SOURCE\_NAME  
BITER CREEK

Moveable  
No

Has\_OPOD  
No

WATERSHED  
SAN PABLO

COUNTY  
Napa

WELL\_NUMBER  
N/A

QUAD\_MAP\_NAME  
CALISTOGA

QUAD\_MAP\_NUM  
GG040

QUAD\_MAP\_MIN\_SER  
7.5

PARCEL\_NUMBER  
211-010-01

DIVERSION\_SITE\_NAME  
N/A

SPECIAL\_AREA  
AB2121\_NC

HUC\_12  
180500020201

HUC\_8  
18050002

HU\_8\_NAME  
San Pablo Bay

HU\_12\_NAME  
Upper Napa River

DIRECT\_DIV\_AMOUNT  
0

DIVERSION\_STORAGE\_AMOUNT  
40

DIVERSION\_AC\_FT  
0

POD\_STATUS  
Inactive

FACE\_VALUE\_AMOUNT  
40

DIVERSION\_TYPE  
Direct Diversion

DIVERSION\_CODE\_TYPE  
Diversion point

WR\_TYPE  
Appropriative

WR\_STATUS  
Cancelled

STORAGE\_TYPE  
Point of Diversion

POD\_UNIT  
Gallons per Day

FIRST\_NAME  
STEVEN

LAST\_NAME  
MCFEELY

ENTITY\_TYPE  
Individual

EWRIMS.NHD\_SOURCE

Biter Creek

EWRIMS.SPECIAL\_AREA

10809

10809

Points of Diversion: A030935 3 of 7

☆ Points of Diversion: A030935

POD ID: 10809  
POD NUM: 01  
COUNTY: Napa  
WATERSHED: SAN PABLO

[Add to Results](#) [View Additional Details](#)



## Water Audit Exhibit 3

### Legend

- Filter Swatches...
- Parcel Boundaries**
    - Parcel Boundaries
  - Water Rights**
  - Points of Diversion**
    - Active
    - Adjudicated
    - Cancelled
    - Certified
    - Claimed
    - Claimed - Local Oversight
    - Inactive
    - Licensed
    - Pending
    - Permitted
    - Registered
    - Revoked
    - State Filing
    - Temporary
  - Administrative**
    - PLSS
    - Quad Map Outlines (1:24k)
    - Regional Board Boundaries
    - State Plane Zones
    - Counties

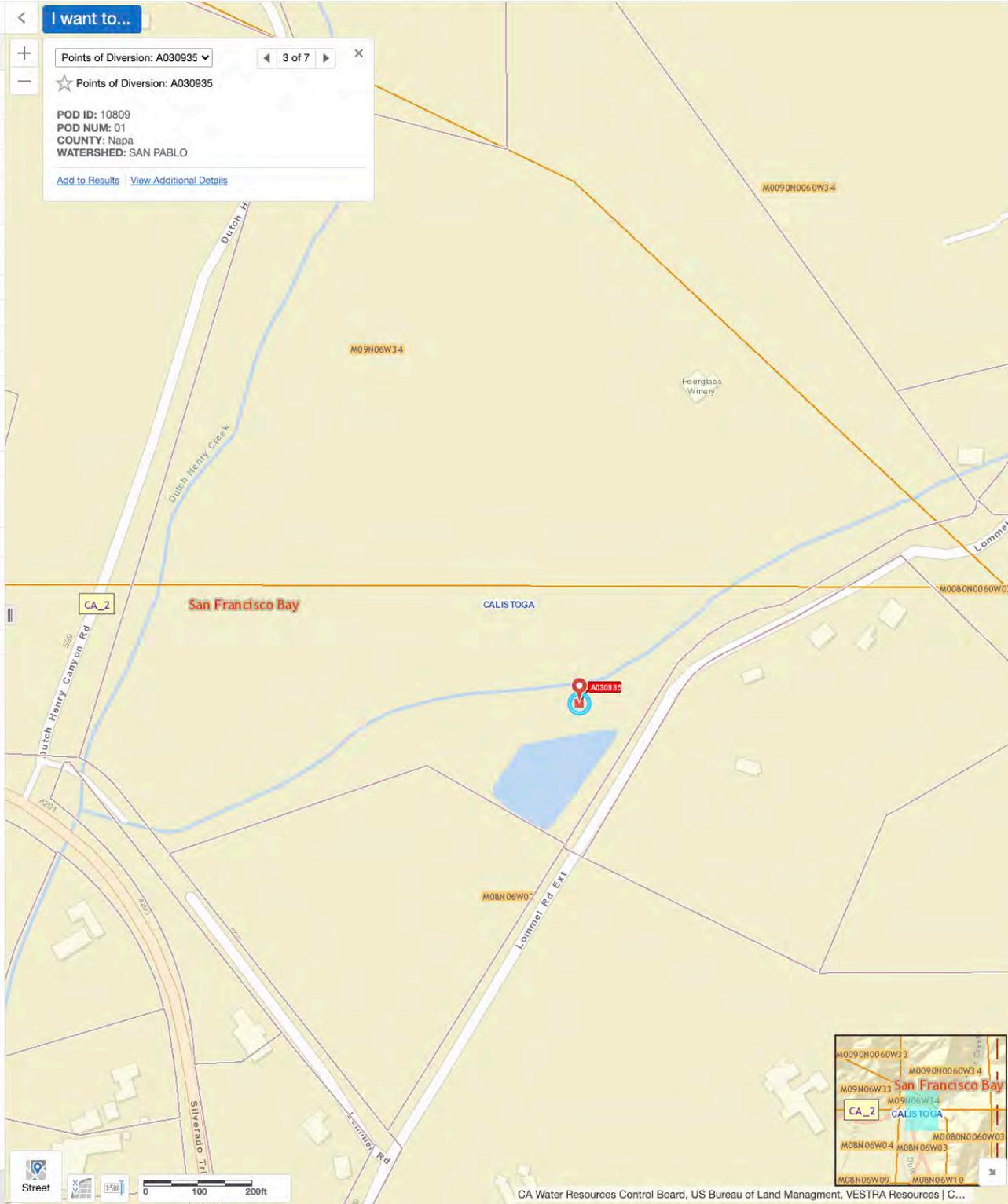
I want to...

Points of Diversion: A030935 3 of 7

★ Points of Diversion: A030935

POD ID: 10809  
 POD NUM: 01  
 COUNTY: Napa  
 WATERSHED: SAN PABLO

[Add to Results](#) [View Additional Details](#)





### e-WRIMS Water Right Search Results

Criteria: Displaying Water Rights where Application Number like **\*A030935\***.

Search Results: [previous](#) 1-1 of 1 [next](#)

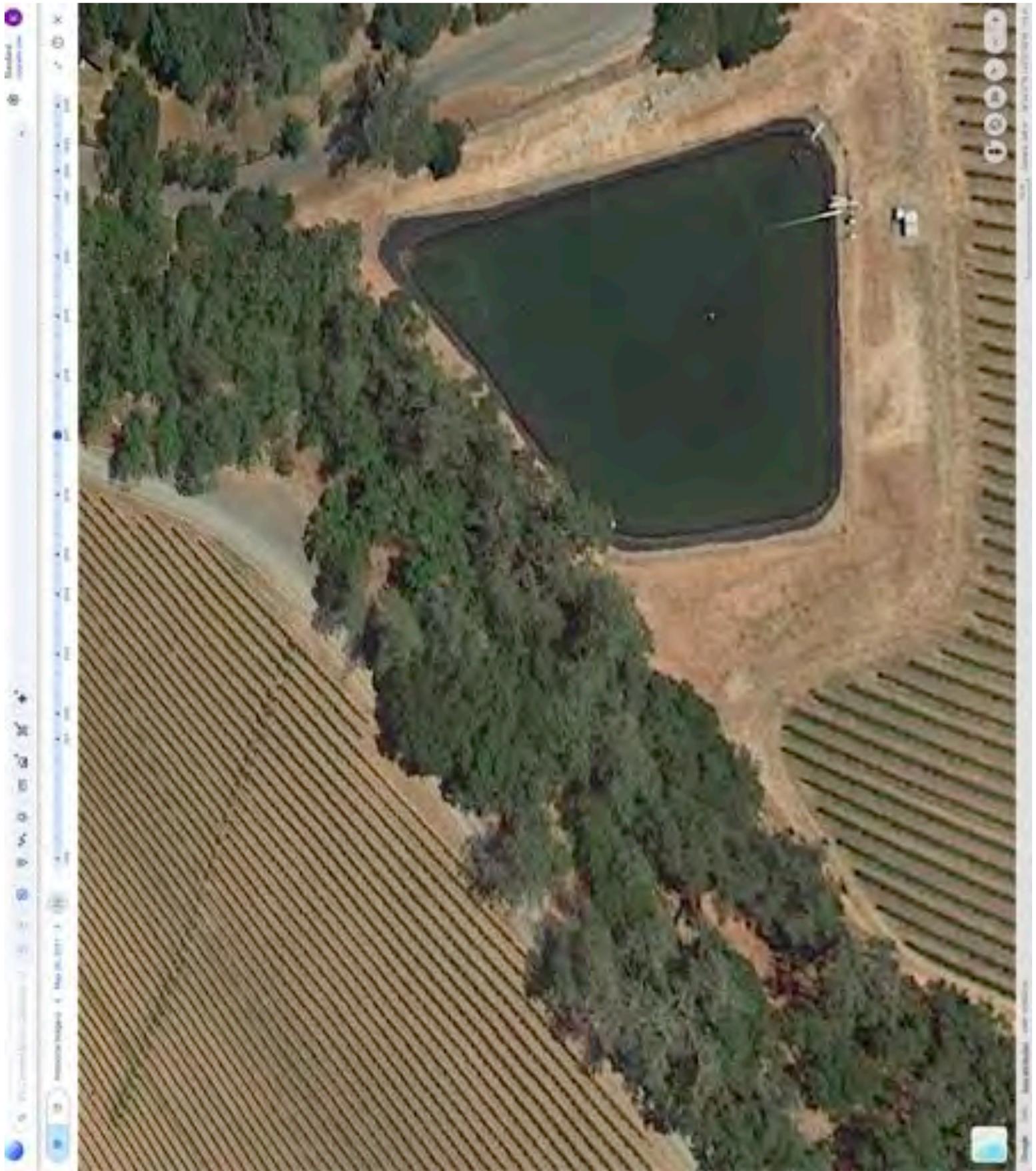
<a href="#">AppI ID</a>	<a href="#">Permit ID</a>	<a href="#">License ID</a>	<a href="#">Water Right Type</a>	<a href="#">Status</a>	<a href="#">Holder Name</a>	<a href="#">Date</a>	<a href="#">Face Amt</a>	<a href="#">County</a>	<a href="#">Source</a>	<a href="#">View Reports</a>	<a href="#">View Document</a>	<a href="#">Open in GIS</a>	<a href="#">Export to Excel</a>
<a href="#">A030935</a>			Appropriative	Cancelled	STEVEN A MCFEELY	05/03/2006	40 acre-ft/yr			<a href="#">View Reports</a>	<a href="#">View Document</a>	<a href="#">Open in GIS</a>	<a href="#">Download to Excel</a>

[Return to Water Right Public Search Form](#)
[Download to Excel](#)

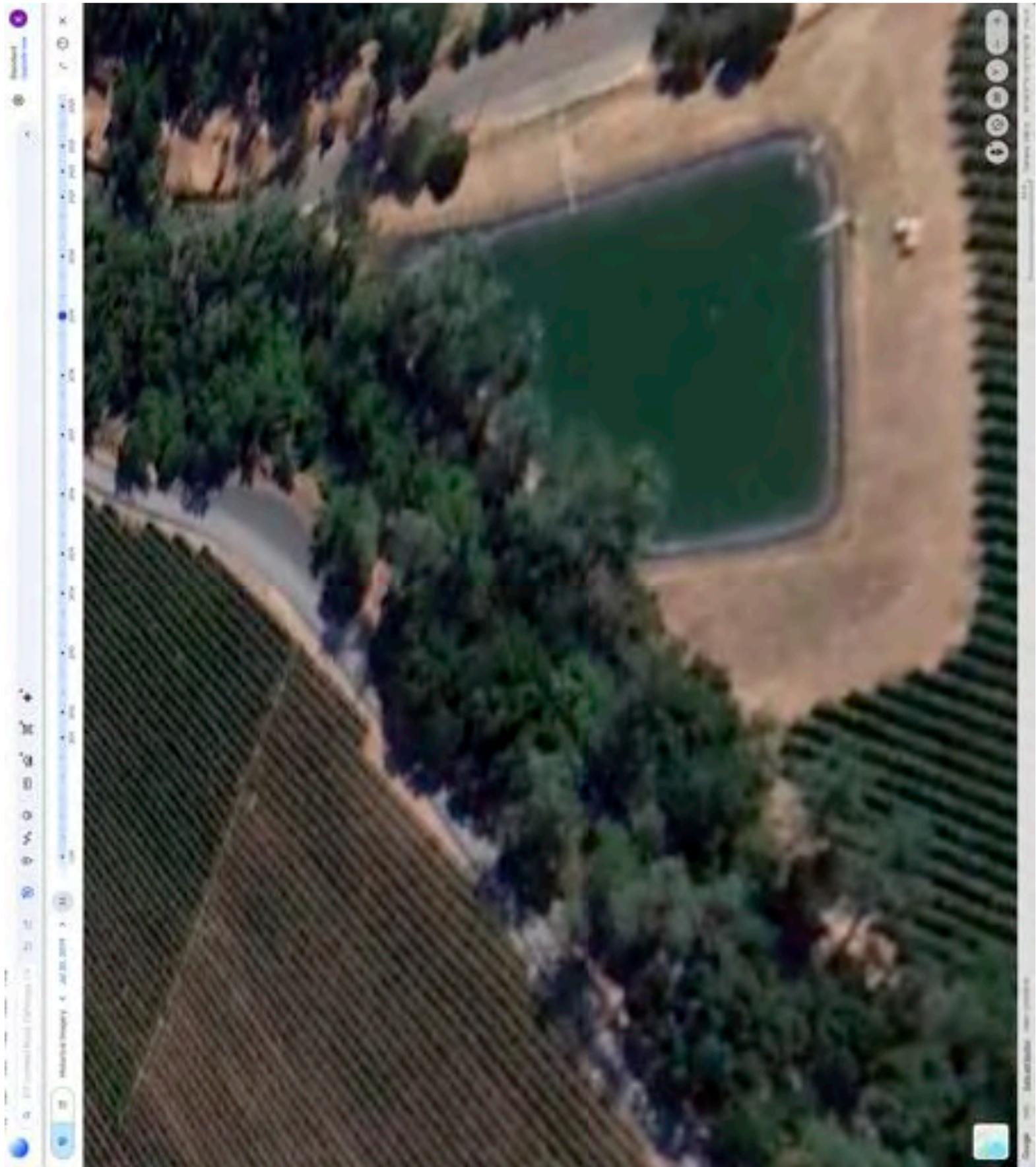


HOURGLASS FEBRUARY 28, 2011

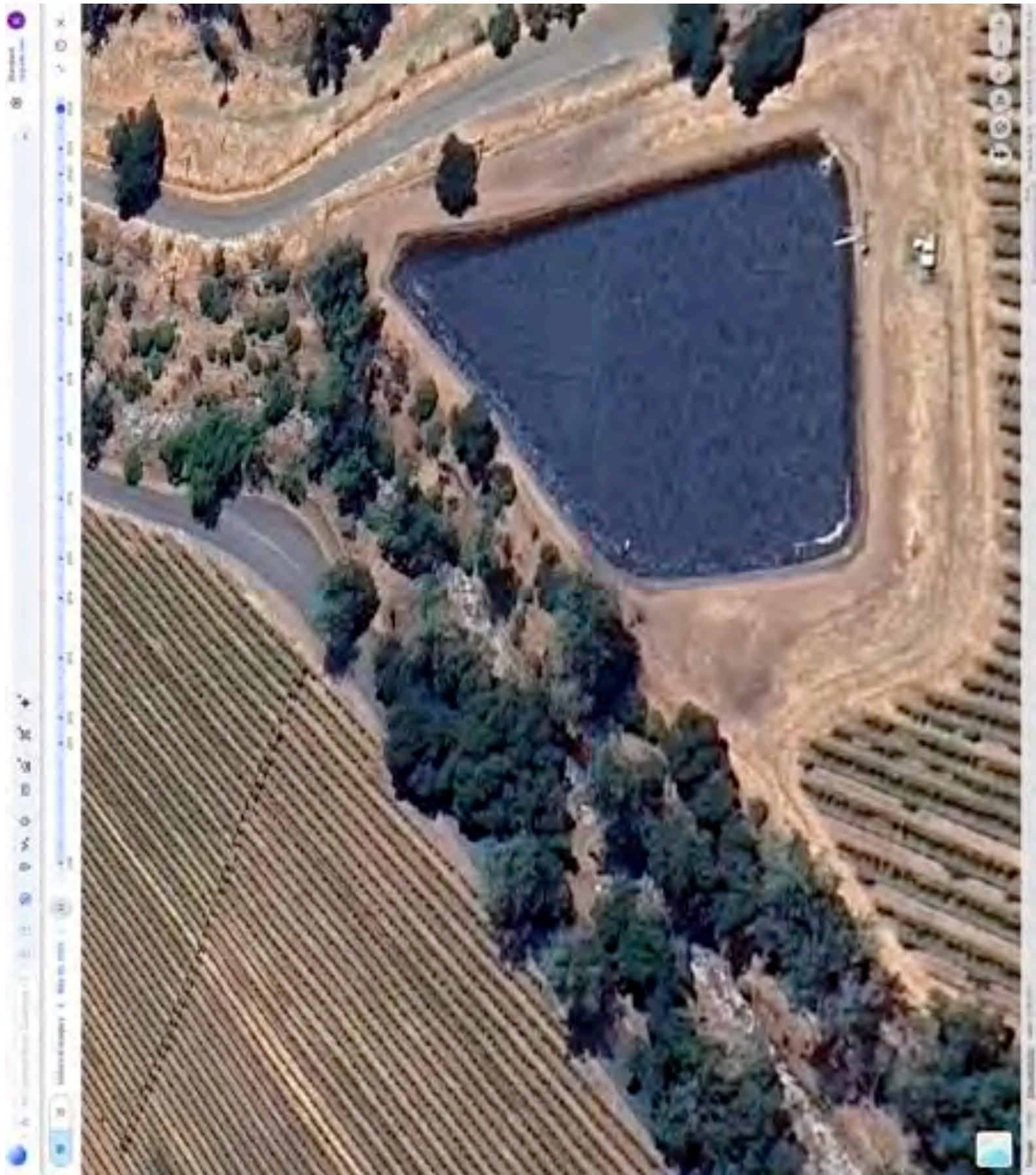
Water Audit Exhibit 5



HOURGLASS May 30, 2017



HOURGLASS July 30, 2019



HOURGLASS May 30, 2025

**Water Supply/ Waste Disposal Information Sheet**

**Water Supply**

Please attach completed Phase I Analysis sheet.

	<b>Domestic</b>	<b>Emergency</b>
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	<u>Well</u>	<u>Well</u>
Name of proposed water supplier (if water company, city, district):	_____	_____
Is annexation needed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Current water use:	<u>650</u> gallons per day (gal/d)	
Current water source:	<u>Well</u>	_____
Anticipated future water demand:	_____ gal/d	_____ gal/d
Water availability (in gallons/minute):	<u>180</u> gal/m	_____ gal/m
Capacity of water storage system:	<u>15,000</u> gal	_____ gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	<u>Tanks and Reservoir</u>	

**Liquid Waste**

Please attach Septic Feasibility Report

	<b>Domestic</b>	<b>Other</b>
Type of waste:	<u>sewage</u>	_____
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	<u>Septic</u>	_____
Name of disposal agency (if sewage district, city, community system):	_____	_____
Is annexation needed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Current waste flows (peak flow):		<u>1000 WineProcessing</u>
Anticipated future waste flows (peak flow):		_____
Future waste disposal design capacity:		<u>2190</u> gal/d

**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):   Hauled to Lake County

\* Please be sure to check all correct boxes. Any boxes left unchecked will not be completed. Ask your supervisor if you are unsure.

Project Name: \_\_\_\_\_  
Project No(s): \_\_\_\_\_  
Assessor Parcel No(s): \_\_\_\_\_  
Project Planner: \_\_\_\_\_

Date Completed: \_\_\_\_\_  
By: \_\_\_\_\_  
(Return form to Project Planner)

### Request for Public Notice Distribution

1. Specify type of notice(s):

- Early Project Courtesy Notice
- Notice of Public Hearing
- Notice of Zoning Administrator Intent to Approve or Deny (no public hearing required)
- Notice of Administrative Decision
- Other (specify): \_\_\_\_\_
- CEQA – Notice of Exemption \*
- CEQA – Notice of Determination \*
- CEQA – Notice of Intent to Adopt an ND or MND
- CEQA – Notice of Preparation of an EIR
- CEQA – Notice of Availability of an EIR

\* Coordinate with applicant and admin analyst for receipt/journal entry of filing fees, prior to submitting the notice & this form to admin staff. Give four original signed copies to admin staff.

2. Napa Valley Register \*\* What day to get publication to Admin?

Date Requested for publishing: \_\_\_\_\_

Publishing Date	Submit to Admin
Tuesday	Prior Tuesday before 12 pm.
Thursday	Prior Thursday before 12pm.
Saturday	Monday before 12pm.

\*\* Notices to be published in the Napa Valley Register must be emailed as a Word file to admin staff. If notice needs to be published as a 1/8-page ad, indicate under "Other special instructions," below and may request additional lead time.

3. County Clerk [CEQA Notices, NOE & NOD (4 wet signed copies) ONLY] (E-mail Journal Request to PClerk & Adriana) -Admin needs at least 24 hours to complete this request.

Date Requested for filing: \_\_\_\_\_

4. Planning Interested Parties Notification List Yes:  No:

[Combination of Interested Parties List (Government Code §65092) and CEQA Notification List (Public Resources Code §21092.2)]

5. Select recipient(s) and method(s) of delivery:

	First Class Mail	Certified Mail	E-Mail
Applicant (write address on line below, or attach page) _____			
Representative (write address on line below, or attach page) _____			
Property Owner (write address on line below, or attach page) _____			
Owners of Property within 1,000 feet of Project Site Mailing list attached? Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
Nearest City or Town (write address on line below, or attach page) _____			
Nearest County (write address on line below, or attach page) _____			
Responsible Agencies (attach list with full addresses)			

6. Other special instructions:

# Water Audit Exhibit 8

## 4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: Seven (7) days per week, Monday through Sunday
- b. Maximum number of persons per day: 20
- c. Maximum number of persons per week: 140
- d. Hours of visitation: 10:00 a.m. 5:00 p.m.
- f. Daily tours and tastings shall not occur on days with marketing events
- g. Maximum number of persons per day: 18, maximum number of persons per week: 126, until such a time that driveway and wastewater improvements have been constructed. Driveway improvements shall be constructed by October 15, 2026. If driveway improvements have not been constructed by this time, visitation shall revert back to the levels originally approved in the winery's original Use Permit (P06-01161-UP), as detailed in Condition of Approval 4.20.b. through 4.20.d.

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times between 4:30 to 5:30 p.m. on weekdays.

A logbook (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building, and Environmental Services (PBES) Department upon request.

## 4.3 MARKETING

### a. Event Type A

- 1. Frequency: Fifty-four (54) times per year
- 2. Maximum number of persons: 30
- 3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m
- 4. Food service shall be provided by offsite catering only

### b. Event Type B

- 1. Frequency: One (1) time per year
- 2. Maximum number of persons: 100
- 3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m
- 4. Food service shall be provided by offsite catering only
- 5. Visitors shall be brought to the site via a shuttle or bus service
- 6. Portable restrooms shall be used

### c. Event Type C

- 1. Frequency: Three (3) times per year
- 2. Maximum number of persons: 250
- 3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m
- 4. Food service shall be provided by offsite catering only
- 5. Visitors shall be brought to the site via a shuttle or bus service
- 6. Portable restrooms shall be used

### d. Event Type D

- 1. Frequency: One (1) time per year
- 2. Maximum number of persons: 500
- 3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m.
- 4. Food service shall be provided by offsite catering only
- 5. Visitors shall be brought to the site via a shuttle or bus service
- 6. Portable restrooms shall be used

- e. Marketing levels shall operate at the levels originally approved in the winery's original Use Permit (P06-01161-UP), until driveway improvements have been installed, as detailed in Condition of Approval 4.20.b. through 4.20.d.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a

## 4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 30
- c. Maximum number of persons per day (Harvest): 28
- d. Maximum number of persons per week: 210
- e. Hours of visitation: 10 a.m. to 6 p.m.
- f. Daily visitation may not exceed three (3) vehicles per day until the completion of the left turn lane, as described in COA 1.2.h
- g. Daily visitation may not exceed more than eighteen visitors on a peak day, until such time that the water supply and related components serving the facility comply with the California Safe Drinking Water Act and Related Laws.

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 4:00 pm to 6:00 pm

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

Recommended Conditions of Approval  
Parable Winery Use Permit Minor Modification and Variance P23-00230 & P23-00231

Page 3 of 23

## 4.3 MARKETING

Marketing events shall be limited to the following:

### a. Small Events

- 1. Frequency: 10 times per year
- 2. Maximum number of persons: 30 guests not to exceed 12 vehicles
- 3. Time of Day: 10:00 am to 11:00 pm
- 4. Food service is limited to foods such as crackers, pretzels, or prepackaged foods, or catering. No on-site food preparation shall be conducted.

### b. Large Events

- 1. Frequency: 1 time per year
- 2. Maximum number of persons: 50 guests not to exceed 20 vehicles
- 3. Time of Day: 10:00 am to 11:00 pm
- 4. Food service is limited to foods such as crackers, pretzels, or prepackaged foods, or catering. No on-site food preparation shall be conducted.

- c. Large marketing events (COA 4.3.b) may not occur until completion of the left-turn lane, as described in COA 1.2.h.

- d. Daily visitation (COA 4.2) shall not occur during marketing events until the completion of the left-turn lane described in COA 1.2.h, after which daily visitation shall be modified on days with marketing events such that there are no more than 20 visitor vehicles.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's Use Permit. To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of cost recovery, and any business content unrelated to wine must be limited.

# Water Audit Exhibit 9

## 1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 An Exception to the Napa County Road and Street Standards (NCRSS) to allow for selective widening from station STA 2+50 to STA 3+50, the installation of two (2) signs that state "Single-Lane Road Next 100 Feet" to be installed at each end of the subject driveway section, pursuant to the plans dated October 2, 2023, prepared by Albion Surveys Inc. All other sections will be compliant with the NCRSS.
- 1.2 Approval of a Viewshed Protection Program request to construct a new 916 square foot structure for uses accessory to a winery, including a tasting room, a new cave portal door, and landscape screening (pursuant to the plans dated May 31, 2024, prepared by Roche + Roche Landscape Architecture), and in conformance with the Viewshed Protection Program.
- 1.3 An Exception to the Conservation Regulations in the form of a Use Permit (Napa County Code Section 18.108.040) to allow the expansion of the project driveway within the stream setback, pursuant to the plans dated October 2, 2023, prepared by Albion Surveys Inc.

Recommended Conditions of Approval  
Hourglass Winery Use Permit Major Modification (P19-00102-MOD), Viewshed (P23-00278-VIEW),  
Exception to Con. Regs. (P23-00279-UP), and Exception to the Road and Street Standards Page 1 of 24

## 1.0 PROJECT SCOPE

This permit encompasses and replaces the terms of Use Permit (and/or Use Permit Modification) No. U-278384 and shall be limited to:

- 1.1 Approval of a Variance to allow the production building, two (2) tasting rooms, domestic, fire water and process wastewater tanks to encroach no more than 335 feet into the required 600-foot winery setback from Silverado Trail.
- 1.2 Approval of a Use Permit Minor Modification to a fire-destroyed 20,000 gallon per year Pre-WDO winery, to allow the following:
  - a. Construction of a new 12,051 sq. ft. winery facility replacing the previous facility lost to fire. The new facility will consist of 9,137 sq. ft. of production space and 2,914 sq. ft. of accessory space, a 50,000 gallon fire water storage tank, a 30,000 gallon treated pre-wastewater storage tank, a 5,000 gallon domestic water tank, bio-retention facilities, landscaping, driveways, an entry gate and other winery improvements;
  - b. Conversion of the existing cave to a Type III Cave (Tasting Room and Guided Tours);
  - c. Designate 600 sq. ft. of the cave as accessory space for a tasting room;
  - d. Installation of a new winery recycled process wastewater system;
  - e. Installation of a new winery domestic wastewater system;
  - f. Increase onsite parking spaces from 13 to 15;

Recommended Conditions of Approval Page 1 of 23  
Parable Winery Use Permit Minor Modification and Variance P23-00230 & P23-00231

- 1.4 Approval to modify an existing 30,000 gallon per year winery, previously approved under Use Permit No. P06-01161 and subsequent modifications, to recognize and approve the following:
  - a. Increase production capacity from 30,000 gallons per year to 60,000 gallons per year;
  - b. Construct 28,382 sq. ft. of additions to the existing Type 3 Cave, expanding the new total cave area to 38,782 sq. ft., including 36,573 sq. ft. of production area (barrel storage, cold room, wine storage, etc.) and 2,209 sq. ft. for uses accessory to a winery (hospitality area, catering kitchen, and restrooms), and excavation of approximately 25,000 cubic yards of spoils for cave construction;
  - c. Construct a 3,889 sq. ft. utility area, connected to the southeastern cave portal ingress/egress;
  - d. Construct a 6,555 sq. ft. hospitality building, including 296 sq. ft. of production area, and 6,259 sq. ft. for uses accessory to a winery;
  - e. Construct a 916 sq. ft. hospitality building for uses accessory to a winery, including a tasting room, patio, and restroom in conformance to the Viewshed Protection Program (Napa County Code Chapter 18.106);
  - f. Reconfigure the existing crush pad to accommodate an additional approximately nine (9) production tanks and associated catwalks;
  - g. Construct a 65,000 gallon water tank and pump house (located approximately 120 feet west of the existing covered crush pad cover);
  - h. Remove two water tanks and associated utilities, located on slopes in excess of 50%, and restore the site, as detailed on the plans prepared by Roche & Roche; dated May 31, 2024;
  - i. Excavation of approximately 1,300 cubic yards of spoils and removal of 0.1 acres of vineyards associated with the construction of structural pads for the new accessory structures and the construction of improvements to the project driveway, as detailed on the plans prepared by Albion Surveys, Inc; dated October 2, 2023;
  - j. Removal of two (2) oak trees associated with driveway and utility improvements, and the planting of six (6) replacement oak trees with a minimum root base of 15-gallons (at a 3:1 ratio) on the project parcel;
  - k. Increase the number of onsite parking spaces from nine (9) to fourteen (14);
  - l. Installation of a Public Water System;
  - m. Installation of wastewater improvements, as detailed in the Wastewater Feasibility Study prepared by Applied Civil Engineering, dated February 3, 2023;
  - n. Increase employment from one (1) full-time employee and two (2) harvest employees to ten (10) full-time employees and two (2) harvest employees;
  - o. Visitation, tours and tastings, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
  - p. On-premises consumption of wines produced on-site on the outdoor patios/decks, outside of the hospitality buildings, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; and
  - q. Landscaping, and other improvements associated with wineries.

- g. Change the traffic direction of the existing looped driveway to flow west to east;
- h. Installation of a Left-Turn lane on Silverado Trail at the Project entrance;
- i. Increase in annual permitted wine production from 20,000 gallons to 30,000 gallons;
- j. Increase employment from three (3) full-time employees to four (4) full-time employees and two (2) part-time employees;
- k. Visitation and tours and tastings as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.2 below;
- l. Marketing as set forth in COAs Nos. 4.1 and 4.3 below;
- m. Addition of on-premise consumption activities in conformity with AB 2004 (Evans Bill) within the patio area directly adjacent to the south cave portal; and
- n. Phasing of the operational components of the project (employment, visitation and tours and tasting, marketing) as detailed in COA 4.2(f), 4.2(g), 4.3(c) and 4.20(a).

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

## 2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

## 3.0 MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 An Exception to the Napa County Road and Street Standards (NCRSS) to allow for selective widening from station STA 2+50 to STA 3+50, the installation of two (2) signs that state "Single-Lane Road Next 100 Feet" to be installed at each end of the subject driveway section, pursuant to the plans dated October 2, 2023, prepared by Albion Surveys Inc. All other sections will be compliant with the NCRSS.
- 1.2 Approval of a Viewshed Protection Program request to construct a new 916 square foot structure for uses accessory to a winery, including a tasting room, a new cave portal door, and landscape screening (pursuant to the plans dated May 31, 2024, prepared by Roche + Roche Landscape Architecture), and in conformance with the Viewshed Protection Program.
- 1.3 An Exception to the Conservation Regulations in the form of a Use Permit (Napa County Code Section 18.108.040) to allow the expansion of the project driveway within the stream setback, pursuant to the plans dated October 2, 2023, prepared by Albion Surveys Inc.

Recommended Conditions of Approval  
Hourglass Winery Use Permit Major Modification (P19-00102-MOD), Viewshed (P23-00278-VIEW),  
Exception to Con. Regs. (P23-00279-UP), and Exception to the Road and Street Standards Page 1 of 24

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 Approval to modify an existing 30,000 gallon per year winery, previously approved under P12-00440-UP, P13-00435-VMM, P15-00357-VMM, P16-00382-VMM, and P21-00087-MM to allow the following:
  - a. Increase production capacity from 30,000 gallons per year to 45,000 gallons per year;
  - b. Expansion of an existing winery building, including the construction of approximately 3,529 square feet of additional production space, for a total of 13,797 square feet of production space, and construction of approximately 3,929 square feet for additional accessory uses, for a total of 4,308 square feet for accessory uses;
  - c. Excavation of approximately 1,500 cubic yards of spoils associated with the construction of proposed structural pads and exterior improvements;
  - d. Increase employment from four (4) full-time employees to five (5) full-time employees;
  - e. Visitation, tours and tastings, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
  - f. On-premises consumption of wines produced on-site within the outdoor hospitality area, labeled as 'Covered Terrace', and identified on Sheet A1.01 of the

Page 1 of 24

Recommended Conditions of Approval  
Arrow and Branch Winery Use Permit Major Modification P23-00057-MOD

- 1.4 Approval to modify an existing 30,000 gallon per year winery, previously approved under Use Permit No. P06-01161 and subsequent modifications, to recognize and approve the following:

- a. Increase production capacity from 30,000 gallons per year to 60,000 gallons per year;
- b. Construct 28,382 sq. ft. of additions to the existing Type 3 Cave, expanding the new total cave area to 38,782 sq. ft., including 36,573 sq. ft. of production area (barrel storage, cold room, wine storage, etc.) and 2,209 sq. ft. for uses accessory to a winery (hospitality area, catering kitchen, and restrooms), and excavation of approximately 25,000 cubic yards of spoils for cave construction;
- c. Construct a 3,889 sq. ft. utility area, connected to the southeastern cave portal ingress/egress;
- d. Construct a 6,555 sq. ft. hospitality building, including 296 sq. ft. of production area, and 6,259 sq. ft. for uses accessory to a winery;
- e. Construct a 916 sq. ft. hospitality building for uses accessory to a winery, including a tasting room, patio, and restroom in conformance to the Viewshed Protection Program (Napa County Code Chapter 18.106);
- f. Reconfigure the existing crush pad to accommodate an additional approximately nine (9) production tanks and associated catwalks;
- g. Construct a 65,000 gallon water tank and pump house (located approximately 120 feet west of the existing covered crush pad cover);
- h. Remove two water tanks and associated utilities, located on slopes in excess of 50%, and restore the site, as detailed on the plans prepared by Roche & Roche; dated May 31, 2024;
- i. Excavation of approximately 1,300 cubic yards of spoils and removal of 0.1 acres of vineyards associated with the construction of structural pads for the new accessory structures and the construction of improvements to the project driveway, as detailed on the plans prepared by Albion Surveys, Inc; dated October 2, 2023;
- j. Removal of two (2) oak trees associated with driveway and utility improvements, and the planting of six (6) replacement oak trees with a minimum root base of 15-gallons (at a 3:1 ratio) on the project parcel;
- k. Increase the number of onsite parking spaces from nine (9) to fourteen (14);
- l. Installation of a Public Water System;
- m. Installation of wastewater improvements, as detailed in the Wastewater Feasibility Study prepared by Applied Civil Engineering, dated February 3, 2023;
- n. Increase employment from one (1) full-time employee and two (2) harvest employees to ten (10) full-time employees and two (2) harvest employees;
- o. Visitation, tours and tastings, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
- p. On-premises consumption of wines produced on-site on the outdoor patios/decks, outside of the hospitality buildings, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; and
- q. Landscaping, and other improvements associated with wineries.

- Site Plans, prepared by Taylor Lombardo Architects, dated August 3, 2023, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB 2004);
- g. Relocation and reconfiguration of onsite parking (no change in number of parking spaces);
- h. On-site domestic and process wastewater treatment systems, including the installation of an approximately 81,000 gallon process water storage tank;
- i. Riparian restoration between Dry Creek and the proposed barrel storage building; and
- j. Landscaping, and other improvements associated with wineries.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

**2.0 STATUTORY AND CODE SECTION REFERENCES**

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

**3.0 MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense

### Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

<b>SCH #</b>
--------------

**Project Title:** Hourglass Winery Use Permit Major Modification (P19-00102-MOD), Viewshed Protection Program (P23-00278-VIEW), Exemption to the Conservation Regulations (P23-00279-UP)

Lead Agency: Napa County Contact Person: Matt Ringel  
 Mailing Address: 1195 Third Street Suite 210 Phone: (707) 299-1351  
 City: Napa Zip: 94559 County: Napa County

**Project Location:** County: Napa City/Nearest Community: Calistoga  
 Cross Streets: Silverado Trail and Dutch Henry Canyon Road Zip Code: 94515

Longitude/Latitude (degrees, minutes and seconds): 38 ° 34 ' 43.536 " N / 122 ° 31 ' 0.917 " W Total Acres: 45

Assessor's Parcel No.: 021-010-080-000 & 021-010-081-000 Section: 34 Twp.: 09N Range: 06W Base: MDM

Within 2 Miles: State Hwy #: St. Hwy. 29 Waterways: Biter Creek, Dutch Henry Creek, and Napa River  
 Airports: N/A Railways: N/A Schools: N/A

**Document Type:**

CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.) \_\_\_\_\_  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec Other: \_\_\_\_\_  FONSI \_\_\_\_\_

**Local Action Type:**

General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: RSS Exemption

**Development Type:**

Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Commercial: Sq.ft. 39,742 Acres 0.91 Employees 9  Transportation: Type \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Educational: \_\_\_\_\_  Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Recreational: \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Other: \_\_\_\_\_

**Project Issues Discussed in Document:**

Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: \_\_\_\_\_

**Present Land Use/Zoning/General Plan Designation:**

Zoning: Agricultural Watershed (AW) District / General Plan Designation: Agricultural, Watershed and Open Space (AWOS) & Agricultural Resource (AR)

**Project Description:** (please use a separate page if necessary)

This application was submitted to participate in the County's Code Compliance Program. The proposal is to grant a Use Permit Major Modification to an existing 30,000-gallon winery to allow the following: 1) Components necessary to remedy existing violations: Recognition and approval of daily tours and tastings by-appointment visitation and employee levels beyond what is currently entitled. Approval and recognition of these activities requires installation of driveway improvements. The request includes an Exception to the Conservation Regulations, and an Exception to the Napa County Road and Street Standards for proposed driveway improvement within the stream setback. The request also includes the removal of two hillside water tanks, on slopes greater than 50%, and restoration of the subject hillside. 2) Expansion beyond existing entitlements: Approval of an increase in wine production to 60,000 gallons per year, additional employees, an increase in daily tours and tastings by appointment only, increase of marketing events, construction of a new 916 sq. ft. tasting building (subject to the Viewshed Protection Program), construction of a new 6,555 sq. ft. tasting building, construction of 28,382 sq. ft. of additions to the existing cave, addition of parking spaces, installation of a water tank, installation of a pump house, installation of a public water system, and new landscape planting.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board                         | <input checked="" type="checkbox"/> Office of Historic Preservation          |
| <input type="checkbox"/> Boating & Waterways, Department of                     | <input type="checkbox"/> Office of Public School Construction                |
| <input type="checkbox"/> California Emergency Management Agency                 | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> California Highway Patrol                              | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input checked="" type="checkbox"/> Caltrans District # <u>4</u>                | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Caltrans Division of Aeronautics                       | <input checked="" type="checkbox"/> Regional WQCB # <u>2</u>                 |
| <input type="checkbox"/> Caltrans Planning                                      | <input type="checkbox"/> Resources Agency                                    |
| <input type="checkbox"/> Central Valley Flood Protection Board                  | <input type="checkbox"/> Resources Recycling and Recovery, Department of     |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy                     | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Coastal Commission                                     | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board                                   | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Conservation, Department of                            | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Corrections, Department of                             | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Delta Protection Commission                            | <input checked="" type="checkbox"/> SWRCB: Clean Water Grants                |
| <input type="checkbox"/> Education, Department of                               | <input checked="" type="checkbox"/> SWRCB: Water Quality                     |
| <input type="checkbox"/> Energy Commission                                      | <input checked="" type="checkbox"/> SWRCB: Water Rights                      |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>3</u>               | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Food & Agriculture, Department of                      | <input checked="" type="checkbox"/> Toxic Substances Control, Department of  |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of                      |
| <input type="checkbox"/> General Services, Department of                        | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Health Services, Department of                         | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Housing & Community Development                        |  |
| <input checked="" type="checkbox"/> Native American Heritage Commission         |  |

### Local Public Review Period (to be filled in by lead agency)

Starting Date 01/01/2026 Ending Date 1/31/2026

### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Jeff Smith</u>
Address: _____	Address: <u>1104 Adams Street, Suite 104</u>
City/State/Zip: _____	City/State/Zip: <u>St. Helena, CA 94574</u>
Contact: _____	Phone: <u>(707) 968-9332</u>
Phone: _____	

Signature of Lead Agency Representative: Matthew Ringel Digitally signed by Matthew Ringel  
Date: 2025.06.09 10:22:11 -0700 Date: 12/28/2025

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.