

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> June 14, 2007    Time: 8:00 A.M	<b>Agenda Item No.:</b> 7
<b>Project Description:</b> Use Permit to expand an existing 1974 era juice facility with the construction of two wastewater treatment ponds totaling 2.74 million gallons in capacity to support conversion of the juice facility to a winery, and grading of 15,000 cubic yards (7,500 cubic yards cut and 7,500 cubic yards fill). The property is located at 37995 West Elm Avenue, Greenfield (Assessor's Parcel Numbers 109-481-004-000 and 109-481-007-000), Central Salinas Valley Area.	
<b>Project Location:</b> 37995 West Elm Avenue, Greenfield	<b>APN:</b> 109-481-004-000 and 109-481-007-000
<b>Planning File Number:</b> PLN050735	<b>Name:</b> Wentz Brothers, Property Owners
<b>Plan Area:</b> Central Salinas Valley Area.	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : "F/40" [Farmlands, 40 acres minimum]	
<b>CEQA Action:</b> Mitigated Negative Declaration	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator: 1) Adopt the Mitigated Negative Declaration (**Exhibit D**) and Addendum to the Mitigated Negative Declaration(**Exhibit G**)in approve the Use Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions of Approval (**Exhibit D**).

### PROJECT OVERVIEW:

The applicant is requesting a Use Permit to convert an existing juice facility to a winery use. The existing structures will be remodeled. Constructed in the 1970's, this facility supported part of the extensive vineyard plantings during that period by exporting fresh wine grape juice out of county.

The primary changes to the site would be the addition of two process wastewater treatment ponds totaling 2.74 million gallons in capacity and grading of 15,000 cubic yards. The majority of the grading is for the ponds. The remainder of the grading is for the serial settling tanks, pump station and the PVC force main connecting to the ponds. The project also includes a pipeline for effluent delivery to the ponds, and a pump station. No new buildings, wine tasting or public events are proposed. The domestic sewage from the office and winery is treated in the separate septic system on site.

The winery process will include the following stages of wine production: receiving grapes, the crush, fermentation and storage of the product. At each of these stages the process waste water will be generated.

The juice facility conversion to a winery will enclose portions of the existing open garage and storage area for barrel and equipment storage. Existing tanks will be used for storage and winemaking activities. The proposed ultimate production will be 6,000 tons per year.

The use of the existing structures will be distributed as follows:

- Winery office building
- Building 1- barrel, supplies and equipment storage.
- Building 2- chemical, irrigation supply, and equipment storage.

- Wine storage and fermentation tanks.

The proposed wastewater management system consists of pretreatment, including initial screening, gravity collection system, settling tanks, pump station, flow measurement, rotary screening, pH adjustment with aqueous ammonia as needed dependant of solids loading, mechanically aerated ponds and disposal by irrigation to onsite vineyards.

The screened, settled, process waste will flow by gravity into the pump station. The process waste will then be pumped to the ponds. The ponds will utilize mechanical aerators to treat the process waste maintaining a facultative aerobic condition. The ponds are sized to allow for the average residence time of 128 days (93 days in pond #1 and 35 days in pond #2) for treatment, with capacity of allowance for 100 year rainfall event and a 2 foot freeboard. The treated effluent will be metered and filtered before being drip irrigated on the vineyard, for ultimate disposal.

The existing juice processing facility includes a septic tank with leach field disposal. The proposed process wastewater management system includes collection, treatment and disposal of process wastewater using a facultative pond and irrigation reuse system. Following installation of this proposed system, the existing leach field would be abandoned.

According to Wente's Director of Engineering, fewer than 150,000 gallons of wine would be produced annually. However, the process water system has been designed for an ultimate capacity of 4,000 tons/year which equates to approximately 660,500 gallons of wine per year or 412,500 cases.

The project is in compliance with Site Development Standards for Farmland in accordance with §21.30.060. Development Standards for the zoning district limit building site coverage to 5% of the property (510 acres). The project proposes Building site coverage of less than 1% of the property (9,290 square feet). The proposed setbacks of the new winery are approximately 5,000 feet from Elm Ave, the nearest road, which greatly exceeds the minimum front setback of 50 feet. Parking standards, of eighteen spaces with one handicap space, are met with the one third of an acre parking area at the office and winery, which exceeds the parking requirement, which is only 3,600 square feet. A discussion with Bryce Hori, Monterey County Public Works, showed that the non-visitor serving farm structure remote from general access has traditionally the parking requirement relaxed as to surfacing and space marking. However, the office is being modified to be ADA compliant. As discussed above the project includes no new structures and no public wine tasting or events. The Height Standards are met by the structures being only single story and 20 feet in height is well below the 35 foot structural height limit.

## **B. Environmental Setting and Surrounding Land Uses:**

The project site is within the Central Salinas Valley Planning Area west of Greenfield, near the Arroyo Seco River. The property is located at 37995 West Elm Avenue, Greenfield (Assessor's Parcel Numbers 109-481-004-000 [292 acres] and 109-481-007-000 [218 acres]).

The project is in an agricultural setting. The site is zoned Farmlands (F/40). The agricultural processing facilities (including wineries) require a Use Permit in the F/40 Zoning District.

The parcels are on a stream cut terrace, on the southeast side of the Arroyo Seco River and west of Elm Ave/Arroyo Seco Road, Greenfield. Surface levels are stepped. The winery is about ten feet above the process water ponds. The top of the freeboard of the ponds is 6 feet above the

Clark Colony Canal. The canal portion nearest to the ponds is about 12 feet above the Arroyo Seco River. The project is on a rise between the Reliz Canyon Creek and the Arroyo Seco River.

The juice facility was built in a rural area zoned Farmlands (F/40) on a stream cut terrace on the southeast side of the Arroyo Seco River. The pond site is surrounded by vineyards. The ponds are approximately 1700 feet from the Arroyo Seco River.

The project parcel is braced by the Arroyo Seco River on the west and north. The transriverine uses include vineyards and row crops. This parcel is adjacent to vineyards on the east and borders Elm Ave on the south. Land uses to the south are grazing and vineyards.

### **C. Environmental Review**

Staff prepared a Mitigated Negative Declaration which was circulated from March 7, 2007 to April 6, 2007. Comments were received from the Monterey Bay Unified Air Pollution Control District (see Exhibit E). MBUAPCD reviewed the Initial Study and communicated with Aris Krimetz, Wente Vineyards Director of Engineering. He explained that fewer than 150,000 gallons would be produced annually. Since the facility is sized for the process water system for an ultimate capacity of 4,000 tons/year, which equates to approximately 660,000 gals/year, but the current target production is lower. Should the production exceed 150,000 gals/year, a permit from the Air District would be required and the Air District suggests that the Use Permit reflect that requirement. A condition has been added requiring the applicant to obtain a permit from MBUAPCD should the winery production exceed the 150,000 gallons per year. See Proposed Condition of Approval #17.

### **OTHER AGENCY INVOLVEMENT:**

- ✓ Greenfield Fire Protection District (Fire)
- ✓ Public Works Department (PW)
- ✓ Environmental Health Division (EH)
- ✓ Water Resources Agency (WRA)
- ✓ Agricultural Commissioner
- ✓ Monterey Bay Unified Air Pollution Control District

The above checked agencies and departments have reviewed this project. Conditions recommended by Planning, Public Works, Water Resources, Fire and MBUAPCD have been incorporated into the condition compliance reporting plan (**Exhibit D**).

Note: No Land Use Advisory Committee serves this region.

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Jody Lyons, Assistant Planner  
(831) 755-5120, lyonsjc@co.monterey.ca.us  
(May 4, 2007)

This report was reviewed by Bob Schubert, Acting Planning and Building Service Manager

cc: Zoning Administrator; Greenfield Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; MBUAPCD; Bob Schubert, Acting Planning & Building Services Manager; Jody Lyons, Planner; Carol Allen, hearing Secretary, Wente Brothers Winery, Applicants; Planning File PLN050735.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval and Mitigation Monitoring Plan (Matrix)
	Exhibit D	Mitigated Negative Declaration
	Exhibit E	Site Plan, Elevations, Floor Plans
	Exhibit F	MBUAPCD Letter
	Exhibit G	Addendum to Mitigated Negative Declaration

Notes:

1. The studies referenced as attachments to the initial study are available for review upon request.
2. The decision on this project is appealable to the Planning Commission.

## EXHIBIT A

### Project Information for PLN050735

Project Title: **WENTE BROS**

Location:	37995 ELM AVE GREENFIELD	Primary APN:	109-481-004-000
Applicable Plan:	Central Salinas Valley Area Plan	Coastal Zone:	No
Permit Type:	Use Permit	Zoning:	F/40
Environmental Status:	MND	Plan Designation:	FARMLANDS
Advisory Committee:	N/A	Final Action Deadline (884):	4/18/2007

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#### Project Site Data:

Lot Size:	510 AC	Coverage Allowed:	5%
Existing Structures (sf):	92900	Coverage Proposed:	1%
Proposed Structures (sf):	9290	Height Allowed:	35'
Total Sq. Ft.:	9290	Height Proposed:	19'
		FAR Allowed:	NA
		FAR Proposed:	NA

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#### Resource Zones and Reports:

Environmentally Sensitive Habitat:	No	Erosion Hazard Zone:	HIGH
Biological Report #:	LIB060537	Soils Report #:	LIB060534
Forest Management Rpt. #:	N/A		
Archaeological Sensitivity Zone:	HIGH	Geologic Hazard Zone:	HIGH
Archaeological Report #:	LIB060536	Geologic Report #:	N/A
Fire Hazard Zone:	HIGH	Traffic Report #:	LIB060538

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#### Other Information:

Water Source:	WELL	Sewage Disposal (method):	SEPTIC
Water Dist/Co:	NA	Sewer District Name:	n/a
Fire District:	GREENFEILD	Grading (cubic yds.):	15,000.0
Tree Removal:	N/A		

Date Printed: 05/07/2007

## **EXHIBIT B**

### **RECOMMENDED FINDINGS AND EVIDENCE**

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Central Salinas Valley Area Plan, Central Salinas Valley Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as Farmlands with 40 acre minimum parcel sizes and appropriate for development of an agricultural processing facility (winery). Specifically the proposed winery conversion of a juice facility complies with all applicable requirements of §21.30.

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located 37995 West Elm Avenue, Greenfield (Assessor's Parcel Numbers 109-481-004-000 and 109-481-007-000), Central Salinas Valley Area. The parcel is zoned Farmlands zoning, 40 acres per unit ("F/40"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The project planner conducted a site inspection on March 9, 2006, to verify that the project on the subject parcel conforms to the plans listed above.

(d) The process wastewater ponds are a primary treatment to support the winery facility and onsite recycle the process stream wastewater.

(e) The project was not referred to a Land Use Advisory Committee (LUAC) for review because there is no LUAC for this area.

(f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN050735.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Greenfield Fire Protection District, Public Works, Environmental Health Division, Monterey Bay Unified APCD and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by outside biological and geological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

“Preliminary Archeological Reconnaissance for portions of 109-481-007 and 109-487-004 Greenfield, CA” (LIB060536) prepared by Archeological, Salinas, CA, May 17, 2006.

“Botanical/Biological” (LIB060537) prepared by Jud Vandeverre Consulting Biologist, Salinas, CA, May 3, 2006.

“Geotechnical Report for Proposed Wastewater Ponds of Wente Vineyards 37995 Elm Ave Greenfield” (LIB060535) prepared by Earth Systems Consultants Northern California, Paso Robles, CA, January 13, 2007.

“Geotechnical Evaluation of Wente vineyards 37995 Elm Ave Greenfield CA” (LIB060534) prepared by Earth Systems Consultants Northern California, Paso Robles, CA, July 27, 1998.

“Traffic Matrix for Wente Vineyards 37995 Elm Ave Greenfield CA” (LIB060538) prepared by Summit Engineering Inc., Santa Rosa, CA.

(c) Staff conducted a site inspection on March 9, 2006 to verify that the site is suitable for this use.

(d) Materials in Project File PLN050735.

3. **FINDING: USE PERMIT:** The proposed winery and waste water ponds the establishment, maintenance, or operation of which, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

**EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by Greenfield Fire Protection District (Fire), Public Works Department (PW), Environmental Health Division (EH), Water Resources Agency (WRA), Agricultural Commissioner, and Monterey Bay Unified Air Pollution Control District. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and general welfare of persons either residing or working in the neighborhood, or the County in general.

- (b) (a) Plan Conformance- RMA- Planning Department staff has reviewed the project as contained in the application and accompanying materials for compliance with the Central Salinas Valley Area Plan and for conformance with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent with the Central Salinas Valley Area Plan, which designates this area as Farmland and appropriate for an agricultural processing facility (winery).
- (b) Land Use- The project is in compliance with the Farmlands/40 zoning district in that agricultural processing facilities are allowed subject to the approval of a use permit by the Zoning Administrator (the appropriate authority) per §21.30.050N.
- (c) Development Standards- The project is in compliance with Site Development Standards for Farmland in accordance with §21.30.060. Development Standards for the zoning district limit building site coverage to 5% of the property (510 acres). The project proposes Building site coverage of less than 1% of the property (9,290 square feet). The proposed setbacks of the new winery are approximately 5,000 feet from Elm Ave, the nearest road, which greatly exceeds the minimum front setback of 50 feet. Parking standards, of eighteen spaces with one handicap space, are met with the one

third of an acre parking area at the office and winery, which exceeds the parking requirement, which is only 3,600 square feet. A discussion with Monterey County Public Works staff, showed that the non-visitor serving farm structure remote from general access has traditionally the parking requirement relaxed as to surfacing and space marking. However, the office is being modified to be ADA compliant. As discussed above the project includes no new structures and no public wine tasting or events. The Height Standards are met by the structures being only single story and 20 feet in height is well below the 35 foot structural height limit.

(d) Site Visit- project planner conducted an on site inspection on March 9, 2006.

(e) Monterey Bay Unified Air Pollution Control District reviewed the Initial Study and communicated with Aris Krimetz, Wente Vineyards Director of Engineering. He explained that fewer than 150,000 gallons would be produced annually. Since the facility is sized for the process water system for an ultimate capacity of 4,000 tons/year, which equates to approximately 660,000 gals/year, but the current target production much lower. Should the production exceed 150,000 gals/year, a permit from the Air District would be required and the Air District suggests that the Use Permit reflect that requirement. See Proposed Condition #17.

(f) Preceding and following findings and supporting evidence.

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4. **FINDING: CEQA:** - The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File# PLN050735 in the RMA-Department of Planning). All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Mitigation Monitoring and/or Reporting on Conditions of Approval (hereafter "the MMRP") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The MMRP is attached hereto as Exhibit "C" and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County RMA Planning and Building Inspection Department, located at 168 West Alisal Street, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

**EVIDENCE:** (a) The application, plans, and support materials submitted by the project applicant to the Monterey County RMA- Planning Department for the proposed development, found in the project file.

(b) County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation



measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on February 23, 2007, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Project Application/Plans for the Wentz Brothers Waste Water Ponds, Use Permit and Development plan proposal
2. Preliminary Archaeological Reconnaissance for portions of parcels 109-481-007 and 109-481-004, Greenfield, Monterey County, California. Archaeological Consulting May 17, 2006.
3. Botanical/biological report for Wentz vineyards Arroyo Seco Facility, Greenfield, CA. Jud Vandervere, consulting Biologist, May 3, 2006.
4. Geotechnical Report for the proposed Waste Water Ponds of Wentz vineyards, 37995 W Elm Ave, Greenfield, CA. Earth systems Consultants Northern CA January 13, 2006.
5. Geotechnical evaluation of the Wentz Vineyards 37995 W Elm Ave Greenfield, CA. Earth Systems Consultants Northern California July 27, 1998
6. Traffic/Circulation Matrix for Wentz Vineyards 37995 W Elm Ave Greenfield, CA. Summit Engineering, Inc, August 23m 2006.
7. Waste Water Feasibility Study for Wentz Brothers Juice facility Greenfield, Monterey County, CA, Summit Engineering, Inc. January 18, 2006
8. Monterey County General Plan
9. Central Salinas Valley Land Use Plan
10. Monterey County Zoning Ordinance 21
11. Central Salinas Valley Inventory and Analysis (GIS).
12. Planner Site Visit March 9, 2006.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the winery and ponds applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such

proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by Greenfield Fire Protection District (Fire), Public Works Department (PW), Environmental Health Division (EH), Water Resources Agency (WRA), Agricultural Commissioner, and Monterey Bay Unified Air Pollution Control District. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and general welfare of persons either residing or working in the neighborhood, or the County in general.
- (b) Preceding findings and supporting evidence.

- 7. FINDING: CODE COMPLIANCE-** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this title and any zoning violation abatement costs have not been paid.

- EVIDENCE:** (a) Plan Conformance- RMA- Planning staff has reviewed the project as contained in the application and accompanying materials for compliance with the Central Salinas Valley Area Plan and for conformance with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent with the Central Salinas Valley Area Plan, which designates this area as Farmland and appropriate for an agricultural processing facility (winery).
- (b) Land Use- The project is in compliance with the Farmlands/40 zoning district in that agricultural processing facilities are allowed subject to the approval of a use permit by the zoning Administrator (the appropriate authority) per §21.30.050N.
- (c) Development Standards- The project is in compliance with Site Development Standards for Farmland in accordance with §21.30.060. Development Standards for the zoning district limit building site coverage to 5% of the property (510 acres). The project proposes Building site coverage of less than 1% of the property (9,290 square feet). The proposed setbacks of the new winery are approximately 5,000 feet from Elm Ave, the nearest road, which greatly exceeds the minimum front setback of 50 feet. Parking standards, of eighteen spaces with one handicap space, are met with the one third of an acre parking area at the office and winery, which exceeds the parking requirement, which is only 3,600 square feet. A discussion with Monterey County Public Works staff showed that the non-visitor serving farm structure remote from general access has traditionally the parking requirement relaxed as to surfacing and space marking. However, the office is being modified to be ADA compliant. As discussed above the project includes no new structures and no public wine tasting or events. The Height Standards are met by the structures being only single story and 20 feet in height is well below the 35 foot structural height limit.
- (d) Site Visit- project planner conducted an on site inspection on March 9, 2006.
- (e) Monterey Bay Unified Air Pollution Control District reviewed the Initial Study and communicated with Aris Krimetz, Wente Vineyards Director of Engineering. He explained that fewer than 150,000 gallons would be produced annually. Since the facility is sized for the process water system for an

ultimate capacity of 4,000 tons/year, which equates to approximately 660,000 gals/year, but the current target production much lower. Should the production exceed 150,000 gals/year, a permit from the Air District would be required and the Air District suggests that the Use Permit reflect that requirement. See Proposed Condition #17.

(f) Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.64.030 Monterey County Zoning Ordinance (Title 21).

<p align="center"><b>EXHIBIT D</b></p> <p align="center"><b>Monterey County Resource Management Agency</b></p> <p align="center"><b>Planning Department</b></p> <p align="center"><b>Condition Compliance and/or Mitigation Monitoring Reporting Plan</b></p>	<p><b>Project Name:</b> Wente Brothers</p> <p><b>File No:</b> PLN050735      <b>APN:</b> 109-481-004-000 &amp; 109-481-007-000</p> <p><b>Approved by:</b> Zoning Administrator      <b>Date:</b> June 14, 2007</p>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Use Permit to expand an existing 1974 era juice facility with the construction of two wastewater treatment ponds totaling 2.74 million gallons in capacity to support conversion of the juice facility to a winery, and grading of 15,000 cubic yards (7,500 cubic yards cut and 7,500 cubic yards fill). The project will accommodate the production of 660,000 gallons or 412500 cases of wine per year. No wine tasting or public events are proposed. The property is located at 37995 West Elm Avenue, Greenfield (Assessor's Parcel Numbers 109-481-004-000 and 109-481-007-000), Central Salinas Valley Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Compliance (name/ date)</i>
		monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 050735) was approved by the Monterey county Zoning Administrator for Assessor's Parcel Number 109-481-004 & 007-000 on June 14, 2007. The permit was granted subject to 17 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Compliance (name/ date)</i>
4.		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b>	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
5.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b>	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
6.		<b>NON-STANDARD CONDITION</b> The RMA-Planning Department planner shall be called for formal inspection to confirm all condition compliance items. <b>(RMA - Planning Department)</b>	As described.	Owner/ Applicant	Prior to final of building permits or occupancy	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Complian- ce (name/ date)</i>
7.		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
8.		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. <b>(RMA - Planning Department and RMA - Building Services Department)</b>	Evidence of compliance with the Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
9.		<b>PD035 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. <b>(RMA - Planning Department; Public Works)</b>	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
10.		<b>PD008 - GEOLOGIC CERTIFICATION</b> Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. <b>(RMA - Planning Department)</b>	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Complian- ce (name/ date)</i>
11.		<p><b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b></p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the final inspection or occupancy</p> <p>Ongoing</p>	
12.		<p><b>PD016 – NOTICE OF REPORT</b></p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: " Preliminary Archeological Reconnaissance for portions of 109-481-007 and 109-487-004 Greenfield, CA prepared by Archeological Consulting, Salinas, CA, dated May 17, 2006 and is on record in the Monterey County RMA - Planning Department , Library No.LIB060536. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b></p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits.</p>	
13.		<p><b>PD016 – NOTICE OF REPORT</b></p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: “Botanical/Biological Report for Wente vineyards Arroyo Seco Facility Greenfield CA prepared by Jud Vandevere Consulting Biologist, Salinas, CA, dated May 3, 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB060537. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b></p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits.</p>	



<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/ date)</i>
14.		<b>PD016 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical report for Proposed Wastewater Ponds of Wente Vineyards 37995 Elm Ave Greenfield CA has been prepared for this parcel by Earth Systems, dated January 13, 2006 and is on record in the Monterey County RMA - Planning Department, Library No. LIB060535. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
15.		<b>PD016 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Evaluation of Wente Vineyards 37995 Elm Ave Greenfield CA has been prepared for this parcel by Earth Systems, dated July 27, 1998 and is on record in the Monterey County RMA - Planning Department, Library No. LIB060534. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
16.		<b>PD016 – NOTICE OF REPORT</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Traffic Matrix for Wente Vineyards 37995 Elm Ave Greenfield CA has been prepared for this parcel by Summit Engineering, dated August 23, 2006 and is on record in the Monterey County RMA - Planning Department, Library No. LIB060538. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
17.	MM1	<b>NON-STANDARD CONDITION</b> When the wine production exceeds 150,000 gal/year at this facility, the owner/applicant is required to get a permit from the Monterey Bay Unified Air Pollution Control District. <b>(MBUAPCD)</b>	Compliance with the permitting requirements of the MBUAPCD.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Complian- ce (name/ date)</i>
		<b><i>END OF CONDITIONS</i></b>				

Rev. 03/12/07