

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: February 28, 2008 Time: 1:35 P.M.		Agenda Item No.: 2
Project Description: Use Permit to allow the operation of a winery and tasting room facility (Agriculture Processing Plant) utilizing existing buildings on-site. The winery operation will produce an annual maximum of 5,000 cases of wine. Minimal grading (less than 100 cubic yards of cut and fill) is proposed for improvement of existing entry access road and other associated infrastructure. The project will not have tree or vegetation removal.		
Project Location: 42751 Arroyo Seco Road (on Cedar Avenue), Soledad		APN: 109-391-010-000
Planning File Number: PLN060471		Name: Cedar Lane Vineyard, LLC, Property Owner
Plan Area: Central Salinas Valley Area		Flagged and staked: No
Zoning Designation: : “F/40” [Farmlands with a minimum building site of 40 acres]		
CEQA Action: Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- 1) Adopt the Negative Declaration (**Exhibit H**);
- 2) Approve the Use Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

SUMMARY:

The project involves a Use Permit to allow the operation of a winery and tasting room facility utilizing existing buildings with the winery operation producing a maximum of 5,000 cases of wine. No special events such as parties, public gatherings, or any other form of entertainment shall be permitted at the site. The project is located on a 62.54 acre parcel located off Arroyo Seco Road at 42751 Arroyo Seco Road (on Cedar Avenue), approximately 4 miles west of Greenfield and less than a mile south from the intersection of Thorne Road and Arroyo Seco Road. An Initial Study was prepared for the project in order to analyze potential environmental factors which included: Air Quality; Biological Resources; Geology/Soils; Hydrology/Water Quality; Noise; and Transportation/Traffic. The Initial Study found that all above environmental impacts were less than significant and a Negative Declaration was prepared.

During the public comment period, Staff received a letter in opposition to the project from neighboring property owners (**Exhibit J**). The issue was the use of Cedar Avenue as access to the project. The neighbors indicated that Cedar Avenue was a non-County and privately maintained road. After further research with the Monterey County Public Works Department, Staff found that Cedar Avenue is officially a County right-of-way in its entirety and that the County maintains 0.34 miles of the road and the rest is un-maintained. Public Works indicated that no official abandonment took place and therefore, Cedar Avenue remains as a County right-of-way. No unresolved issues remain for the project. (See additional **Discussion** in **Exhibit B**)

OTHER AGENCY INVOLVEMENT:

- ✓ Mission Soledad Fire Protection District
- ✓ Public Works Department

- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Sheriff's Department
- ✓ Agriculture Commission
- ✓ California Regional Water Quality Control Board
- ✓ Monterey Bay Unified Air Pollution Control District

The above checked agencies and departments have reviewed this project. Conditions recommended by Public Works, Water Resources Agency, Environmental Health Division, Mission Soledad FPD and Sheriff's Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to a Land Use Advisory Committee (LUAC) for review, as no LUAC exists for this are of the County.

Note: The decision on this project is appealable to the Planning Commission.

Nadia Amador, Assistant Planner
 (831) 755-5114, amadorn@co.monterey.ca.us
 February 7, 2008

cc: Front Counter Copy, Zoning Administrator; Mission Soledad Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Sheriff's Department; Agriculture Commissioner; California Regional Water Quality Control Board; Monterey Bay Unified Air Pollution Control District; Jeff Main, Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen, Cedar Lane Vineyard LLC, Attn: Mark Chesebro, Applicant; Paul and Carol Morrison, Interested Parties; Susan Wood and Richard Gongloff, Interested Parties; Planning File PLN060471.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Vicinity Map
	Exhibit F	Site Plan, Floor Plan and Elevations
	Exhibit G	Applicant's Scope of Work Statement
	Exhibit H	Negative Declaration/Initial Study
	Exhibit I	Traffic Study prepared by Higgins & Associates
	Exhibit J	Comments on Negative Declaration
	Exhibit K	Staff Response to Comments on Negative Declaration

This report was reviewed by Jeff Main, Planning Services Manager.

EXHIBIT B DISCUSSION

Setting

The subject property is a 62.54 acre lot located in the Central Salinas Valley Area Plan. The site is addressed at 42751 Arroyo Seco Road (APN 109-391-010-000) and the means of access is through Cedar Avenue, a County right-of-way, which intersects Arroyo Seco Road. The subject property is located approximately 4 miles west of the city limits of Greenfield and less than a mile south from the intersection of Thorne Road and Arroyo Seco Road.

The parcel has 54.5 of the 62.54 acres in wine grape cultivation. The site is designated as Farmlands, 40 acre minimum building site. The subject property is of agricultural nature. The site is also improved with a 925 square foot single family residence, a 456 square foot bunkhouse, a 192 square foot metal storage shed and a 2,450 square foot metal frame shop building. The improvements are located in a relatively flat area. Adjoining parcels in the vicinity range from 4 acres to 60 acres and are devoted mainly to viticulture production. Some of the adjoining parcels are also improved with single family dwellings and have agriculture associated buildings. A domestic well provides potable water for the buildings on the project site, while an agricultural well provides water for drip irrigation of the vineyards. Wastewater disposal for the buildings is provided by a septic tank and subsurface leachfield system.

Project Description

The proposed Cedar Lane Vineyard project will consist of a Use Permit to allow the development and operation of a winery with an annual production of 5,000 cases, processing capacity of 80-90 tons of grapes per year and a tasting room. The applicant proposes to convert the existing 2,450 square foot metal shop to the winery operation. The metal shop will have the following components: one room for tanks and crush equipment; one room for barrel storage; and a crush pad with a trench basin. The winery will require floor drains connected to a wastewater treatment and reclamation system. The 8 to 12 cubic yards of annual solid waste generated within the winemaking process will be composted on site and spread on the vineyards for fertilizer. The existing 456 square foot bunkhouse will be converted to a wine tasting room and office to include ADA compliance standards. The tasting room will require the installation of a commercial septic system. The tasting room will also have an outdoor terrace. A new parking area will be created to accommodate parking for employees and tasting room customers. Additionally, the project will include paving of 0.3 miles of road access. Production is expected to be phased over a period of 5 to 10 years. The winery operation will not displace any existing agricultural lands because the site is already disturbed with structures and no existing agriculture exists on the immediate project area. No special events such as parties, public gatherings, or any other form of entertainment shall be permitted at the site.

Tasting Room

The tasting room will have operation hours of 12 noon to 6pm on Fridays, Saturdays and Sundays. It will offer tasting and retail sales of wine. There will be one part-time employee at the tasting room.

Winery Operation

The processing capacity of the winery will be 80-90 tons of grapes per year, a maximum of 5,000 cases of wine produced annually. Calculations for the estimated peak daily wastewater

flow associated with the wine production are approximately 600 gallons per day. The winery will require one full-time employee and two seasonal part-time employees to assist with harvest duties.

Parking

The project will have more than the required parking spaces. County code requires a total number of 10 spaces which includes parking for the existing single family residence that will remain on-site. The project is proposing a total number of 12 spaces, including one ADA accessible stall.

Traffic Study

Access to the site is provided on 0.6 miles of graded gravel road, known as Cedar Avenue, 0.3 miles of which is maintained by Monterey County. Cedar Avenue provides access onto Arroyo Seco Road. According to the Traffic Study prepared for the project by Higgins and Associates, the project will generate two types of traffic: truck and automobile traffic.

- *Truck Traffic*- Currently the project site is only a vineyard operation with approximately 60 truck trips of wine grapes being trucked out of the parcel daily (30 trucks in and 30 trucks out) during the crush season. With the winery proposal there will be a decrease of about 8 grape trucks per year trucking grapes out and an increase of about 10 trucks per year to bring in barrels and bottling materials. This results in an increase of an estimated 2 truck delivery per year or 4 truck trips per year, which is considered insignificant.
- *Automobile Traffic*- The winery will employ one full-time winemaker, one part-time cellar worker and one part-time tasting room employee. The number of trips generated by the existing seasonal harvest workers will not change with implementation of the project. The proposed wine tasting room will be the primary traffic generation for the project. The tasting room is expected to receive an average of approximately 15 trips per day during open days: Fridays, Saturdays and Sundays from 12:00 PM to 6:00 PM.

The project will not change the current Level Of Service (LOS) for both Arroyo Seco Road or Cedar Avenue. According to the traffic report, Arroyo Seco Road will continue to operate in a LOS A and Cedar Avenue will also continue to operate in a LOS C. Implementation of the project will not cause Arroyo Seco Road or Cedar Avenue to degrade to lower levels of service nor will it cause a significant addition to the daily traffic volumes on these two roads. No safety or circulation issues were identified by the Traffic Analysis report. Therefore, the project's traffic impacts are considered to be less than significant.

Environmental Review / Comments Received

An Initial Study/ Negative Declaration, filed on October 26, 2007, was circulated for public review until November 24, 2007. A comment letter (e-mail) was received from Paul and Carol Morrison, Susan Wood and Richard Gongloff, property owners adjacent to the project site. In this letter, the parties addressed the following concerns:

- They contested Cedar Avenue, the access road to the property was “not owned (emphasis added) or maintained by the county”;
- Because Cedar Avenue crosses through or is adjacent to their property, they would have an “increased legal liability” by granting public access on their property to those individuals visiting the winery/tasting room; and
- They were concerned that if public access is granted for the project, they will have “significant expenditures for fencing, gates, etc.” in order to secure bordering of their structures and/or property.

Research and Response: Planning staff contacted the Public Works Department for information regarding Cedar Avenue, the access road for this property. Public Works responded that Cedar Avenue is officially a County right-of-way in its entirety and that the County maintains 0.34 miles of the road and the rest is un-maintained. Public Works indicated that no official abandonment took place and therefore, Cedar Avenue remains as a County right-of-way as described in the Clark Colony Subdivision Map, located in Map Book 1, “Cities and Towns, Page 64”. Planning staff has communicated this information to Paul and Carol Morrison, Susan Wood and Richard Gongloff, property owners adjacent to the project site, via e-mail dated February 7, 2008.

Staff contacted the applicant, Mark Chesebro with the additional concerns of the neighbors in regards to their issue with “increased legal liability” incurred from granting pulci access of their property and their “significant expenditures for fencing” and gating of their property. Applicant, Mark Chesebro was contacted by Staff with the additional concerns. Mr. Chesebro commented that he would contact the neighbors with an offer to fence their properties and incur the cost himself.

Conclusion

No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review. The proposed project, as described and conditioned, is consistent with the General Plan, the Central Salinas Valley Area Plan and the Monterey County Zoning Ordinance (Title 21).

EXHIBIT C
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, the Central Salinas Valley Area Plan, the Central Salinas Valley Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for a winery and tasting room (agricultural processing plant).

- 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 at 42751 Arroyo Seco Road, Soledad (Assessor's Parcel Number 109-391-010-000), Central Salinas Valley Area Plan. The parcel is zoned Farmlands with a minimum building site of 40 acres or "F/40" which allows agricultural processing plants (wineries with tasting rooms). Therefore, the property is suitable for the proposed development.
- (c) The project for conversion of existing structures to a winery and tasting room and for the operation of both is considered an agriculture processing plant and is an allowed use in the Farmlands zoning designation in accordance with Sections 21.30.050.N. The project is consistent with the development standards as provided in Section 21.30.060 of the Monterey County Zoning Ordinance (Title 21).
- (d) The project will not displace existing agricultural land as the project site is developed with structures that will be converted to the winery operation and tasting room.
- (e) The project planner conducted a site inspection on July 12, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (f) The parcel is a legal lot of record as filed in the Clark Colony Subdivision, Map Book 1, Cities and Towns, page 64.
- (g) The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area of the County.
- (h) 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 PLN060471.

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, Mission Soledad Rural Fire Protection District, Parks, Public Works, Environmental Health Division, Water Resources Agency, Sheriff's Department and the Agricultural Commissioners Office. 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 traffic 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:

- i. “*San Joaquin Kit Fox Assessment*” (LIB070166) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, September 13, 2006.
 - ii. “*Cedar Lane Vineyard Winery Traffic Study*” (LIB070159) prepared by Higgins Associates, Civil and Traffic Engineers, Hollister, CA, February 28, 2007.
- (c) The site is located within an area identified as having “low” archaeological sensitivity. An archaeological reconnaissance report was not required because there is no specific information known to exist in the area which states that archaeological resources are present, the site is not 750 feet if a known archaeological resource and the site has been previously disturbed from previous construction and agricultural activities.
 - (d) The site is located in a Seismic Hazard Zone II (Low) with terrace deposits. A geotechnical or geological report was not required for this project because of the low level of seismic activity in the area. Furthermore, the project uses existing structures which are exempt from geotechnical or geological report requirements, unless a hazard is known or documented.
 - (e) The project will not be a visual impact when viewed from Arroyo Seco Road. The winery and tasting room will utilize existing structures, located to the east and down sloped from Arroyo Seco Road, causing no visual impacts.
 - (f) The project will have sufficient parking. The required number of parking spaces for this project is 10, which includes the requirement for the existing single family residence that will remain on-site. The project is proposing a total number of 12 spaces, including one ADA accessible stall.
 - (g) The project site has adequate public access for the winery and tasting room operation. The project’s access is Cedar Avenue, a County right-of-way.
 - (i) The project will not change the current Level Of Service (LOS) for both Arroyo Seco Road or Cedar Avenue. The traffic report prepared for the project indicates that Arroyo Seco Road would continue to operate in a LOS A and Cedar Avenue will also continue to operate in a LOS C. Implementation of the project will not cause Arroyo Seco Road or Cedar Avenue to degrade to lower levels of service nor would it cause a significant addition to the daily traffic volumes on these two roads. Therefore, traffic impacts generated by this project are considered to be less than significant.
 - (j) The project will have an adequate sewage disposal method and an adequate water source.
 - (k) Staff conducted a site inspection on July 12, 2007 to verify that the site is suitable for this use.
 - (l) Materials in Project File PLN060471.

3. **FINDING: CEQA (Negative Declaration):** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned and mitigated will have a significant effect on the environment. The Initial Study/Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA

Guidelines Section 15063 (Initial Study) which states that: “Following preliminary review, the lead agency shall conduct an initial study to determine if the project may have a significant effect on the environment”.

- (b) Potential adverse environmental effects were identified during staff review of the development application and during a site visit on July 12, 2007.
- (c) Monterey County prepared an Initial Study pursuant to CEQA Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration). This section states: “A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when: (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment”. The Initial Study is on file in the office of the RMA-Planning Department and is hereby incorporated by reference (File No. PLN060471). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or made conditions of approval. The Initial Study identified potentially significant effects relative to Air Quality, Biological Resources, Geology Soils, Hydrology/Water Quality, Noise and Transportation/Traffic. Substantial evidence, contained in the Initial Study supports the conclusion that impacts could not have a significant effect on the environment.
- (d) A Negative Declaration was circulated for public review from October 26, 2007 to November 27, 2007.
- (e) The Monterey County RMA-Department of Planning (located at 168 W. Alisal Street, 2nd Floor, Salinas, CA, 93901) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.
- (f) Evidence that has been received and considered includes the application, plans, materials and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN060471.
- (g) For the purpose of implementing Section 735.5 of Title 14, California Code of Regulations, the project may cause changes to the resources listed under Section 735.5. Therefore, payment of the Fish and Game fee is required.

4. FINDING: **CEQA (Comments):-** Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects.

EVIDENCE: A comment letter (e-mail) was received from Paul and Carol Morrison, Susan Wood and Richard Gongloff, property owners adjacent to the project site. In this letter, the parties addressed their concerns:

- They contested Cedar Avenue, the access road to the property was “not owned (emphasis added) or maintained by the county”;
- Because Cedar Avenue crosses through or is adjacent to their property, they would have an “increased legal liability” by granting public access on their property to those individuals visiting the winery/tasting room; and
- They were concerned that if public access is granted for the project, they will have “significant expenditures for fencing, gates, etc.” in order to secure bordering of their structures and/or property.

Planning staff contacted the Public Works Department for information regarding Cedar Avenue, the access road for this property. Public Works responded that Cedar Avenue is officially a County right-of-way in its entirety and that the County maintains 0.34 miles of the road and the rest is un-maintained. Public Works indicated that no official abandonment took place and therefore, Cedar Avenue remains as a County right-of-way as described in the Clark Colony Subdivision Map, located in Map Book 1, "Cities and Towns, Page 64". Planning staff has communicated this information to Paul and Carol Morrison, Susan Wood and Richard Gongloff, property owners adjacent to the project site, via e-mail dated February 7, 2008. Staff contacted the applicant, Mark Chesebro with the additional concerns of the neighbors in regards to their issue with "increased legal liability" incurred from granting pulci access of their property and their "significant expenditures for fencing" and gating of their property. Applicant, Mark Chesebro was contacted by Staff with the additional concerns. Mr. Chesebro commented that he would contact the neighbors with an offer to fence their properties and incur the cost himself.

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: 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 project 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: Preceding findings and supporting evidence.

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

EVIDENCE: Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Cedar Lane Vineyard, LLC File No: PLN060471 Approved by: Zoning Administrator	APN: 109-391-010-000 Date: February 28, 2008
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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.		PD001 - SPECIFIC USES ONLY This Use Permit (PLN060471) allows for the operation of a winery and tasting room facility (Agriculture Processing Plant) utilizing existing buildings on-site. The winery operation will produce an annual maximum of 5,000 cases of wine. Minimal grading (less than 100 cubic yards of cut and fill) is proposed for improvement of existing entry access road and other associated infrastructure. The project will not have tree or vegetation removal. The project will have associated signs that shall be approved by the RMA-Director of Planning prior to placement of these on-site. The property is located at (Assessor's Parcel Number 109-391-010-000), Central Salinas Valley Area Plan. 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	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>Verification of Compliance (name/date)</i>
		allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation 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. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 109-391-010-000 on February 28, 2008. The permit was granted subject to 22 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. (RMA - Planning Department)	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.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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	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	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)				
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Department)				
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 735.5, 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. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. 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	Within 5 working days of project approval.	
6.		PDSP001 – TASTING ROOM HOURS OF OPERATION/NUMBER OF EMPLOYEES (NON-STANDARD) Hours of operation for the tasting room shall be 12 noon to 6pm on Fridays, Saturdays and Sundays. The tasting room shall employ only one (1) employee. (RMA – Planning Department)	Demonstrate compliance with the hours of operation to the Director of RMA – Planning Department. Adhere to conditions and uses specified in the permit	Owner/ Applicant	Prior to use/ Ongoing	
7.		PDSP002 –NUMBER OF EMPLOYEES FOR WINE PRODUCTION (NON-STANDARD) The winery operation shall only employ one (1) full-time employee and a maximum of two (2) part-time employees to assist with harvest duties. (RMA – Planning	Adhere to conditions and uses specified in the permit	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>Verification of Compliance (name/date)</i>
		Department)				
8.		PDSP003 –NO SPECIAL EVENTS (NON-STANDARD) No special events such as parties, public gatherings, or any other form of entertainment shall be permitted at the site. (RMA - Planning Department)	Adhere to conditions and uses specified in the permit	Owner/ Applicant	Ongoing	
9.		PDSP004- SIGNS (NON-STANDARD) Any signs shall conform to Monterey County Code Section 21.60 <i>Regulations for Signs</i> . The applicant shall submit a coordinated signage program addressing all signs for each proposed commercial use on the property. A on the property. The signs shall be unobtrusive and attractive. (RMA - Planning Department)	Submit two copies of coordinated signage program and incorporate signs onto the building plans for the review and approval of the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance building permits.	
			The signs shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	
10.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
11.		PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for	Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits.	

<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>
		this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	The landscaping shall be installed and inspected.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
12.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN 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. (RMA – Planning Department)	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.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	
13.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: 1. "A Biological (Kit Fox) report has been prepared for this parcel by Jeffrey B. Froke, Ph.D., dated	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.	

<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>
		<p>September 13, 2006 and is on record in the Monterey County RMA - Planning Department , Library No. 070166</p> <p>2. "A Traffic Study report has been prepared for this project by Higgins and Associates, dated February 28, 2007 and is on record in the Monterey County RMA-Planning Department, Library No. 070157.</p> <p>All development shall be in accordance with these reports." (RMA – Planning Department)</p>				
14.		<p>PD026 - BANNERS, FLAGS, PENNANTS There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. (RMA – Planning Department)</p>	Submit evidence which demonstrates that there are no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property.	Owner/ Applicant	Prior to use/ Ongoing	
15.		<p>PD043 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA – Planning Department and Building Services Department)</p>	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits.	
16.		<p>PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)</p>	Applicant’s engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	

<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>
17.		WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits.	
18.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy.	
19.		FIRESP001-(NON-STANDARD) MINIMUM FIRE ROAD WIDTH All roads to be a minimum of 20 feet in width, based on fire code standards. (Mission Soledad FPD)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

<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>
20.		FIRES002-(NON-STANDARD) WATER FOR FIRE PROTECTION Fire protection water supply, based on the fire code, is a minimum of 1,500 gallons per minute for two hours, or a total supply of 180,000 gallons. PLEASE NOTE: THIS REQUIREMENT CAN BE MITIGATED BY ENGINEERED FIRE SUPPRESSION SYSTEMS INSTALLED IN ALL BUILDINGS ON THE COMPLEX. Contact Carmel Fire Protection Associates for more information. (Mission Soledad FPD)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans or contact Carmel Fire Protection Associates for information at (831) 624-8303 or www.carmelfire.com .	Applicant or owner	Prior to issuance of grading and/or building permit.	
21.		EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building.	
22.		SOSP001- PUBLIC SAFETY AND SECURITY (NON-STANDARD CONDITION) Prior to occupancy, the applicant shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Department. The project site shall meet the required conditions regarding security measures, addressing, doors, windows, locks, lighting, rooftops, and landscaping. (Sheriff-Marshall-Coroner-Public Administrator Department)	Applicant shall incorporate specifications into the design of the project. Applicant shall prepare a security plan for the review and approval of the Monterey County Sheriff.	Owner/ Applicant	Prior to occupancy/ commencement of operations.	