

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 010509

A.P.# 418-341-045-000

In the matter of the application of
Hook & Smith Winery (PLN010509)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to provide two treatment ponds for wastewater generated during the wine making process. The winery wastewater will flow from the existing Smith and Hook Winery facility via a gravity pipeline to the two aeration treatment ponds located at 37700 Foothill Road, Soledad, southwesterly of Foothill Road where it intersects with Mission and Colony Roads and southwesterly of the City of Soledad, Central Salinas area, came on regularly for hearing before the Zoning Administrator on May 8, 2003.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING:** The subject Use Permit (Smith and Hook; PLN010510), as described in condition #1, and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 37700 Foothill Road, Soledad (Assessor's Parcel Number 418-341-044-000), southwesterly of Foothill Road where it intersects with Mission and Colony Roads. and southwesterly of the City of Soledad in the Central Salinas Valley area. The parcel is zoned "FDR/40" or "Farmlands" with 40 acre minimum density. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Central Salinas Valley Area Plan.

EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and the Mission Soledad Rural Fire District. There has been no indication from these agencies that the site is not suitable for the proposed development. Only the Environmental Health Division and the Planning and Building Inspection Department have recommended conditions for project approval.

EVIDENCE: The proposed use is consistent with the development standards for Farmland Districts (Chapter 21.30, and particularly as a Use Allowed with a Use Permit under Section 21.30.050 I.) pursuant to Title 21, Monterey County Zoning Ordinance.

EVIDENCE: Written and verbal public testimony submitted at public hearing before the Zoning Administrator.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development,

found in the project file, PLN010509.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15304 (a) of the CEQA Guidelines for minor alterations to the land categorically exempts the proposed development from environmental review. The area graded for the two ponds has an average slope of less than 10 percent. No adverse environmental impacts were identified during staff review of the development application.

3. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for 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.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Carmel Valley Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: File and application materials contained in the project file no PLN010509.

4. **FINDING:** The project, as described in the application and accompanying materials, conforms with the applicable provisions of the Monterey County Code relative to discharge of contaminants into waters of the County, Chapter 15.22 of the Monterey County Code.

EVIDENCE: The project was reviewed by the Environmental Health Division of the Monterey County Department of Health in conformity with the applicable provisions of the County Code. A condition of approval for the project is to have the winery wastewater treatment by the aeration ponds reviewed by the Regional Water Quality Control Board and receive a Waste Discharge Permit from said Board prior to issuance of any Health Department permits.

EVIDENCE: The Building Inspection Division of the Monterey County Planning and Building Inspection Department shall review the project for adequate erosion control measures applied to the grading and construction of the ponds.

5. **FINDING:** Policy 30.0.8 of the Central Salinas Valley Area Plan requires that Agricultural Support Services be conditionally allowed in Agricultural Farmlands with 40 acre minimum parcel sizes with the following findings:

a. The land on which the support facilities are proposed is not suitable for cultivation because of irregular terrain, inadequate soil quality, or other physical constraints which limit agricultural productivity.

b. The proposed support facilities are a necessary accessory to the cultivation, harvesting, or processing of crops raised by the applicant on the same property where the support facilities are proposed.

c. The maintenance and operation of the proposed support facilities will not impair the ability to produce crops on either the remainder of the subject property or neighboring properties.

EVIDENCE: Although some vines will be removed, the proposed pond site was selected because of the irregular topography with limited sun exposure that makes it impractical for cultivation of plants and ideal for gravity-fed aeration and storage ponds.

EVIDENCE: The proposed winery wastewater aeration treatment ponds are located on the same property owned by Smith and Hook Winery. The wastewater is a by-product of the processing of the grapes to make wine, so the wastewater aeration treatment process is integral to the wine-making process in order to conserve and re-use the water for irrigation and groundwater recharge.

EVIDENCE: The surrounding acreage is cultivated for vineyards and will not be impaired by the use of an existing road to the proposed ponds for operations and maintenance.

EVIDENCE: The proposed ponds are considered a compatible use under Land Conservation Agreement No 71-41 between the property owner and County of Monterey as "Structures necessary and incidental to the agricultural use of the land." This has been affirmed by Dennis J. O'Bryant, Manager of the Williamson Act Program, Department of Conservation, in a letter dated November 26, 2002, found in Planning and Building Inspection file no. PLN010509.

6. **FINDING:** The project is appealable to the Planning Commission.

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

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Use Permit is for the proposal to provide two treatment ponds for wastewater generated during the wine making process. The winery wastewater will flow from the existing Smith and Hook Winery facility via a gravity-fed pipeline to an aeration treatment pond and then to a storage pond and eventually to an outflow pipe for irrigation of the vineyards.

The ponds are located at 37700 Foothill Road, Soledad (Assessor's Parcel Number 418-341-045-000), southwesterly of Foothill Road where it intersects with Mission and Colony Roads, and southwesterly of the City of Soledad, Central Salinas Valley area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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.
(Planning and Building Inspection)

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 010509) was approved by the Zoning Administrator for Assessor's Parcel Number 418-341-045-000 on May 8, 2003. The permit was granted subject to 7 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**

3. As necessary, obtain a Waste Discharge Permit from the Regional Water Quality Board. This permit shall be obtained prior to the issuance of any Health Department permits. **(Environmental Health Division)**
4. A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. **(Planning and Building Inspection Department)**
5. 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 measures are in place such as the establishment of erosion control planting, subject to the approval of the Director of Planning and Building. This program shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
6. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

Ongoing Permit Conditions:

7. Any replacement planting of grape vines that are proposed for removal at the proposed aeration pond site shall require a Use Permit if requiring conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes. Cultivation of land with greater than 25% slopes is prohibited. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 8th day of May, 2003.

Original Signed By: _____
LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.