

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030207

A.P. # 418-361-002-000

In the matter of the application of
Edward J. Pisoni et al (PLN030207)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, consisting of a Use Permit for an agricultural processing plant (winery) and a Use Permit for development on slopes greater than 30 percent (subterranean wine storage caves). The property is located at 34361 Paraiso Springs Road, Soledad, west of the intersection of Clark and Paraiso Springs Roads, Central Salinas Valley area, came on regularly for hearing before the Zoning Administrator on October 28, 2004.

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

FINDINGS OF FACT

- 1. FINDING:** The Combined Development Permit for an agricultural processing plant (winery), as described in condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the Central Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 34361 Paraiso Springs Road, Soledad (Assessor's Parcel Number 418-361-002-000). The parcel is zoned "PG/40" or Permanent Grazing/40 acre minimum. The Combined Development permit would establish the intended use for the existing facilities in accordance with Title 21 of the Monterey County Zoning Ordinance.

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

EVIDENCE: The proposed use is consistent with the development standards for the "PG/40" or Permanent Grazing/40 Section 21.34.050R, and specifically for an agricultural processing plant as defined in Title 21.06.020, Monterey County Zoning Ordinance.

EVIDENCE: The administrative file PLN030207 & written and oral testimony submitted at public hearing before the Zoning Administrator.

EVIDENCE: The subject parcel, Assessor's Parcel Number 418-361-002-000, is found to be a legal lot of record.

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 project file No. PLN030207.

EVIDENCE: Section 21.34.050R of the Monterey County Zoning Ordinance (Title 21). Approval of this Combined Development Permit would remedy existing violations on site.

2. **FINDING:** The proposed winery is consistent with the “PG/40” (Permanent Grazing) zoning of the property.
EVIDENCE: Agricultural process plants (wineries) are allowed with a Use Permit pursuant to Section 21.34.050R of Title 21 (Zoning) of the Monterey County Code.
EVIDENCE: Administrative file PLN030207.
3. **FINDING:** The project site is physically suitable for the proposed winery as described in the project file.
EVIDENCE: There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate that the site is not suitable for the proposed use, nor is there other evidence in the record to indicate that the site is not suitable for the project.
EVIDENCE: 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 Soledad Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. The Fire District, Public Works Department, Planning and Building Inspection Department and Water Resources Agency have recommended conditions for project approval.
4. **FINDING:** The proposed winery conforms to the requirements for wineries set forth in section 21.06.1400 and 21.34.060(Site Development Standards), of Title 21 (Zoning) of the Monterey County Code.
EVIDENCE: Conditions have been placed on the project to ensure compliance with said Section 21.
EVIDENCE: Application and materials in file no. PLN030207. Staff Report and Resolution of approval.
5. **FINDING:** Adequate sewer and water service exists or can be provided, and adequate road and transportation facilities exist for the use.
EVIDENCE: The project was reviewed by Environmental Health Division, Water Resources Agency, the Soledad Fire Protection District, and the Public Works Department and appropriate conditions have been placed on the project.
EVIDENCE: Administrative file PLN030207.
6. **FINDING:** The proposed project is exempt from CEQA pursuant to Section 15061 (b) 3 because the project will not have a significant environmental impact.
EVIDENCE: Section 15061(b) 3 exempts projects from the California Environmental Quality Act when no environmental impacts will result from the project. No significant environmental impacts will result from this project.
EVIDENCE: Administrative record in file No. PLN030207.
7. **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, Soledad Fire Protection District, 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: Administrative File PLN030207.

8. **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 attached conditions.

PASSED AND ADOPTED this 28th day of October, 2004.

MIKE NOVO
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.

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring Reporting Plan**

Project Name: Pisoni **File No:** PLN030207
APNs: 418-361-002-000
Approval by: Zoning Administrator **Date:** October 28, 2004

**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>PBD029 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN030207) allows existing facilities to be used as an agricultural processing plant (winery) and permits grading of approximately 1,932 cu. yds of cut; approximately 5 percent of which occurs on slopes greater than 30 percent. The permit allows construction of a 4,380 sq. ft. subterranean "wine cave" on a 164-acre parcel in the permanent grazing zoning district (PG/40). The property is located at 34361 Paraiso Springs Road, Soledad (Assessor's Parcel Number 418-361-002-000). 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 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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)
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice that states, "A permit (Resolution 030207) was approved by the Zoning Administrator for Assessor's Parcel Number 419-361-002-000 on October 28 , 2004. The permit was granted subject to 12 conditions of approval that 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD030 - STOP WORK - RESOURCES FOUND 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 Planning and Building Inspection Department and a qualified archeologist (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. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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	
4		Applicant shall provide evidence of a bonded winery permit from the Bureau of Alcohol, Tobacco and Firearms and any permit from the State Department of Alcohol and Beverage Control. (Planning & Building Inspection Department)	Provide evidence of compliance to Planning Department.	Applicant/ Owner	Prior to use	
5		Grape crushing shall be limited to 50 tons per year. (Planning and Building Inspection Department)	PBI Staff	Applicant/ Owner	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)
6		There shall be no public wine tasting on the site. Wine tasting shall be by appointment only, and shall be for the purpose of facilitating the purchase of case goods. Such wine tasting shall occur within the existing and approved facilities. (Planning and Building Inspection Department)	PBI Staff	Applicant/ Owner	Ongoing	
7		Any intensification of use (such as public wine tasting) and will require, at minimum, amendment to this Use Permit. (Planning and Building Inspection Department)	PBI Staff	Applicant/ Owner	Ongoing	
8		All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. (Planning and Building Inspection Department)	PBI Staff	Applicant/ Owner	Ongoing	
9		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. (Planning and Building Inspection Department)	PBI Staff	Applicant/ Owner	Ongoing	
10		The existing septic system for domestic wastewater disposal shall be repaired by the installation of a new leach field and the abandonment of the existing leach field in a manner that meets the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions," Central Coast Basin Plan, RWQCB. A permit for the septic system construction shall be obtained from the Monterey County Health Department, Division of Environmental Health. (Environmental Health)	Division of Environmental Health must approve plans and perform inspection as part of the septic permit.	Engineer/ Applicant	Prior to commencement of winery operations	EH

<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>
11		EH19- WINERY WASTEWATER Winery wastewater discharge shall comply with the Prohibitions, Recommendations, and Specifications of the General Waste Discharge Requirements (WDR's) for Discharges of Winery Wastes set forth by the Regional Water Quality Control (CRWQCB). Apply for Waste Discharge Requirements from the Regional Water Quality Control Board. (Environmental Health)	Submit application to CRWQCB for review and issuance of Waste Discharge Requirements or a waiver of Waste Discharge Requirements. Submit verification of complete application from RWQCB to Environmental Health.	Owner/ Applicant	Prior to the issuance of building permits	
12		NOTICE A notice shall be recorded that includes language that the structure was constructed without permits and inspections. The notice can include information, acceptable to the Planning Director, which subsequent reports were prepared and permits obtained.				