

In the matter of the application of
Scheid Vineyards California (PLN060159)

FINDINGS & DECISION

for a **Variance** to Section 21.42.030F, in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, to exceed the 35 foot height limit of the farmland/40 zoning district to allow the construction of 18 exterior wine blending and storage tanks at a height of 44 feet at the Scheid Vineyards Winery. The property is located at 1972 Hobson Avenue, Greenfield, Central Salinas Valley Area Plan, and came on regularly for hearing before the Zoning Administrator on June 29, 2006.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto, now makes the following findings and decision.

FINDINGS OF FACT

1. **FINDING: CONSISTENCY.** The Variance Request (PLN060159), as described in Condition No. 1 and as conditioned, is consistent with Monterey County General Plan, applicable policies, requirements and standards of the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1972 Hobson Avenue, Greenfield Area. The parcel is zoned "F/40" or Farmland with 40 acre minimum parcel sizes.

EVIDENCE: (a) Goal 30 of the Monterey County General Plan is: "To protect all viable farmlands designated as prime, of statewide importance, unique or of local importance from conversion to and encroachment of nonagricultural uses." The 18 external wine blending and storage tanks are accessory to an established agricultural use.
(b) The eighteen (18) proposed exterior wine blending & storage tanks are appurtenant to the main Scheid Vineyards Winery permitted under County File No. PLN040608.
(c) Site Visit. Project planner conducted a site inspection on September 23, 2004 and June 2, 2006 to verify that the project on the subject parcel conforms to the ordinances and plan listed above.
(d) Project File. The application, plans, and support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department found in Project File PLN060159.

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

EVIDENCE: (a) The site has been reviewed for project suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and the California Department of Forestry King City office (CDF). The CDF has included one recommended condition of approval in Exhibit C.
(b) Available technical information and reports submitted with an earlier application for the expansion of the main winery structure (PLN040608) indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats or similar areas that would indicate the site is

not suitable for the use proposed. Agency staff concurs. Reports in Project File PLN040608 include:

- “Scheid Winery Expansion, Draft Traffic Report,” Prepared for Belli Architectural Group. Prepared by Hexagon Transportation Consultants, Inc. Dated August 23, 2004.
 - “Notice of Intent to Comply with the Terms of the General Waste Discharge Requirements for Discharges of Winery Wastes for Scheid Vineyards.” Prepared for the California Regional Water Quality Control Board Central Coast Region, by Axiom Engineers, Inc., Lee and Associates, dated September 17, 2004. Received by Planning and Building Inspection staff December 14, 2004.
 - “Initial Water Use Nitrate Impact Questionnaire for Development in Monterey County for Scheid Vineyards Greenfield.” Prepared by Axiom Engineers Inc., Lee & Associates, dated September 2004. Received by Planning and Building Inspection staff December 14, 2004.
 - Preliminary Geotechnical Recommendations for the Proposed Building Additions at the Scheid Vineyards, Inc. Project in Greenfield, California. Prepared by Kleinfelder. August 25, 2004.
- (c) The Scheid Vineyards Winery facility is located on Prime Farmlands according to Monterey County Resources Map, Figure 3, of the Central Salinas Valley Area Plan and was permitted through Planning Permit PC07749, ZA93030, PLN040608 and PLN060159, by the County of Monterey.
- (d) The location and placement of the 18 external wine blending and storage tanks are on areas already disturbed and to be paved adjacent to the main winery structure.
- (e) If the project were to conform to the 35 foot height standard of the district, many smaller wine storage vats and tanks would be needed to accommodate the 1,408,000 gallons of additional blending and storage capacity, increasing the footprint of the tanks and would require removal of approximately 25,000 square feet or more than half an acre of land designated as prime farmland out of vine production.
- (f) The increase in height to the 18 exterior wine blending and storage tanks serves to lessen encroachment onto prime farmlands and furthers the purposes and goals of the General Plan (Goal 30) in regard to protection of Agricultural resources.
- (g) The project site is not within a critical viewshed nor scenic vista. Highway 101 and Hobson Avenue are public roads with public views, yet neither are designated as visually sensitive or protected. The project will not damage designated scenic resources.
- (h) Staff and the Zoning Administrator have conducted site inspections to verify that the site is suitable for this use.

3. **FINDING:** **CEQA:** The proposed project to allow increased heights for 18 external wine storage and blending tanks is exempt from the California Environmental Quality Act and will not have significant adverse impacts on the environment.

EVIDENCE: (a) The Scheid Vineyards winery facility is located on Prime Farmlands according to Monterey County resources map, figure 3, of the Central Salinas Valley Area Plan.

(b) Goal 30 of the Monterey County General Plan is: “To protect all viable farmlands designated as prime, of statewide importance, unique or of local importance from

conversion to and encroachment of nonagricultural uses.” The winery facility is an agricultural use.

- (c) If the project was to conform to the 35’ height standard of the district, additional and smaller wine storage tanks would be needed, increasing the footprint of the large facility and that would remove additional prime farmland areas from vine production. The additional loss to Prime Farmland would be as much as 11,000 square feet according to the applicant. At 44 feet in height the current structural footprint of the proposed exterior wine blending, aging and storage tanks is approximately 14,000 square feet. Without the Variance this impact would increase to approximately 25,000 square feet or more than half an acre of Prime Farmland.
- (d) The architect has attempted to break up the mass of the large structure from its most visible vantage, the southwest corner of the building seen from Hobson Avenue. This is where the winery offices are attached to soften the “industrialness” of the agriculture processing plant. Additionally, screening and accent trees have been planted adjacent to the structure, and no proposed tank will exceed the height of the main structure.
- (e) The project site is not located within a critical viewshed or near a scenic vista. Highway 101 and Hobson Avenue are public roads with public views, yet neither are designated as visually sensitive or protected. The project will not damage any designated scenic resources.
- (f) Materials and documents in Project Files No. PLN040608 and PLN060159.

4. **FINDING: Variance to allow an increase the exterior blending and storage tank heights from the 35 foot maximum to 44 feet (Special Circumstances):** Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 21.30.060 B.1.a. of the Monterey County Zoning Ordinance (Title 21), is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

- EVIDENCE:**
- (a) On January 13, 2005, the Monterey County Zoning Administrator approved a Combined Development Permit (PLN040608) for the Scheid Vineyard winery facility that included a variance for height allowing a maximum roof height of 44 feet (Resolution No. 040608, January 13, 2005). The subject variance application (PLN060159) allows 18 external wine storage and blending tanks to be installed at 44 feet. The increase in height serves to lessen the encroachment onto prime farmlands and furthers the purposes and goals of the General Plan (Goal 30) in regard to protection of Agricultural resources.
 - (b) The Scheid Vineyards winery facility is located on Prime Farmlands according to Monterey County resources map, figure 3, of the Central Salinas Valley Area Plan.
 - (c) Goal 30 of the Monterey County General Plan is: “To protect all viable farmlands designated as prime, of statewide importance, unique or of local importance from conversion to and encroachment of nonagricultural uses.” The winery facility is an agricultural use.
 - (d) If the project was to conform to the 35 foot height standard of the district, additional and smaller wine storage tanks would be needed, increasing the footprint of the large facility and that would remove additional prime farmland areas from vine production. The additional loss to Prime Farmland would be as much as 11,000

square feet according to the applicant. At 44 feet in height the current structural footprint of the proposed 18 exterior wine blending, aging and storage tanks is approximately 14,000 square feet. Without the Variance this impact would increase to approximately 25,000 square feet or more than half an acre of Prime Farmland.

- (e) Architecturally, the architect has attempted to break up the mass of the large structure from its most visible vantage, the southwest corner of the building seen from Hobson Avenue. This is where the winery offices are attached to soften the "industrialness" of the agriculture processing plant. Additionally, screening and accent trees have been planted adjacent to the structure, and no proposed tank will exceed the height of the main structure.
- (f) The project site is not located within a critical viewshed or near a scenic vista. Highway 101 and Hobson Avenue are public roads with public views, yet neither are designated as visually sensitive or protected. The project will not damage any designated scenic resources.
- (g) Materials and documents in Project Files No. PLN040608 and PLN060159.

5. **FINDING: Variance (Special Privileges):** The variance to increase the height of the 18 exterior blending and storage tank heights from the 35 foot district maximum to 44 feet shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- (a) The increase in height serves to lessen encroachment onto prime farmlands and furthers the purposes and goals of the Monterey County General Plan (Goal 30) in regard to protection of Agricultural resources.
 - (b) The Zoning Administrator previously approved a height variance for the same facility allowing a maximum roof height of 44 feet for over 105,000 square feet of new structures. (Resolution No. 040608, January 13, 2005)
 - (c) See Evidence above in Findings No. 1-3 (Supporting that the proposal is consistent with the General Plan, Zoning Ordinance, and that the site is suitable and that the project is consistent with the parameters of earlier environmental review.)
 - (d) Materials and documents in Project File No. PLN040608 and PLN060159.

6. **FINDING: VARIANCE (Authorized Use):** The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: No change of use contrary to the allowances of the Farmland/ 40 designation has been requested.

EVIDENCE: Materials and documents in Project File No. PLN040608 and PLN060159.

7. **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 cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

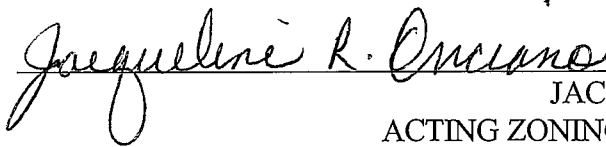
8. **FINDING: APPEALABILITY:** The decision on this project is appealable to the Planning Commission.

the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to Title 21. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section 21.80.040 C.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for Variance be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 29th day of June, 2006.



JACQUELINE ONCIANO
ACTING ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **JUL 17 2006**

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 **JUL 27 2006**

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 Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: Scheid Vineyards Winery

File No: PLN060159

APNs: 221-081-009-000

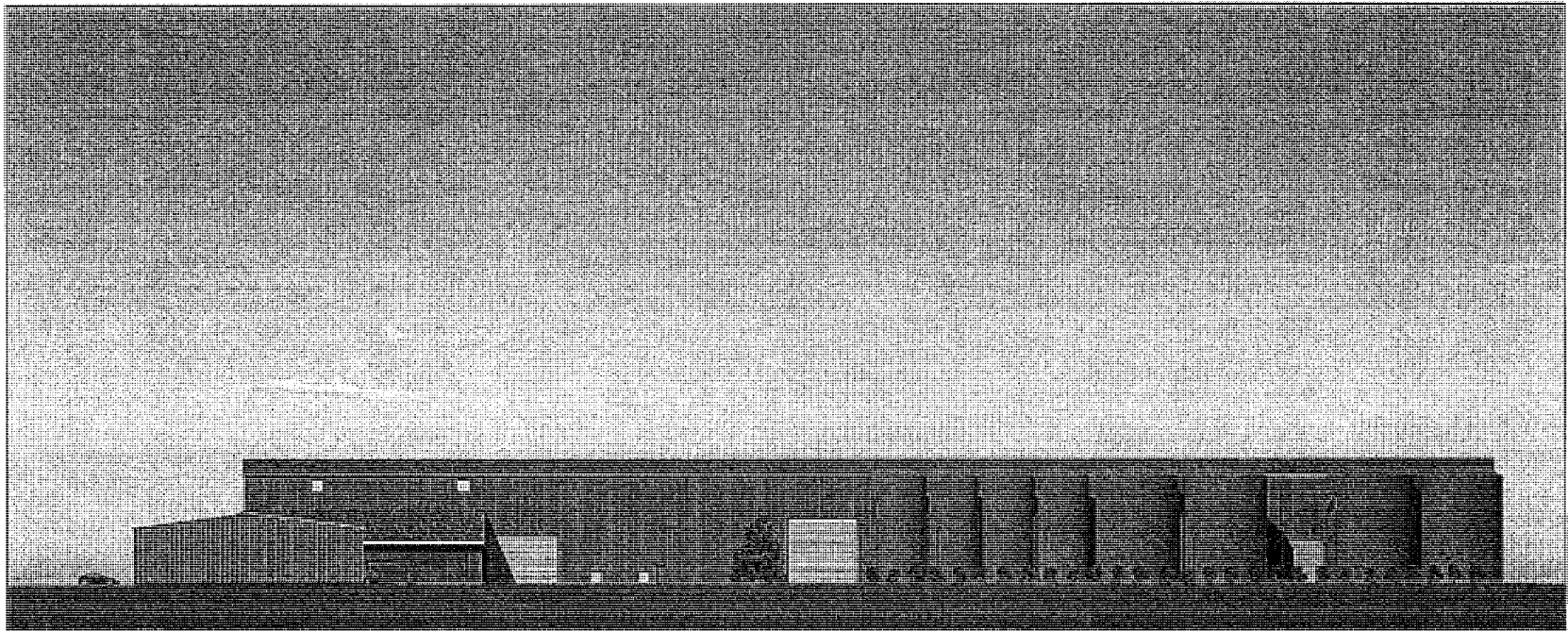
Approval by: Zoning Administrator

Date: June 29, 2006

**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 This Variance Request (PLN060159) allows 18 new exterior wine blending and storage tanks at the Scheid Vineyards Winery: 14 tanks at 64,000 gallons each and 4 tanks at 128,000 gallons each. Totaling 1,408,000 gallons of blending and storage capacity. The property is located at 1972 Hobson Road, Greenfield CA (Assessor's Parcel Number 221-081-009-000). 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 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. [Resource Management Agency (RMA) - Planning Department]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 060159) was approved by the Zoning Administrator for Assessor's Parcel Number 221-081-009-000 on June 29, 2006. The permit was granted subject to 3 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Resource Management Agency - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to RMA - PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		Non-Standard language Please provide sufficient room between the existing building and proposed tanks for emergency access. Contact review authority (Carmel Fire Protection Associates) for details. (CDF: King City)	Submit construction plans to the California Department of Forestry King City Office (CDF) for to their review and approval. Maintain emergency access between the existing building and external blending and storage tanks per plans approved by the CDF.	Owner/ Applicant	Prior to Issuance of building permits. Ongoing	



SCHEID VINEYARDS
HEIGHT EXCEPTION FOR EXTERNAL STORAGE TANKS

PLN 060159

