Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of: **PRADER/SHALE CANYON WINERY LLC (PLN090365) RESOLUTION NO.** <u>11-024</u>

Resolution by the Monterey County Planning Commission:

- 1. Categorically exempt the project from environmental review pursuant to Section 15303 (a) of the CEQA Guidelines; and
- Approve the Use Permit to establish an 2) Agricultural Support facility for the processing of grapes grown on site into wine consisting of a Use Permit to convert existing 2,825 square foot accessory structure into an agricultural processing facility that will process approximately 4,000 to 5,000 cases of wine a year for (PLN090365) based on the findings and evidence and subject to the conditions of approval (Exhibit 1). PLN090365, Prader/Shale Canyon Winery LLC is located at 32930 Sycamore Flat Road Greenfield, Central Salinas Valley Area Plan (Assessor's Parcel Number: 419-411-023-000).

The Prader/Shale Canyon Winery LLC application (PLN090365) came on for public hearing before the Monterey County Planning Commission on June 8, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING**:

CONSISTENCY – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- **EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan
 - The Central Salinas Valley Area Plan

- Monterey County Zoning Ordinance (Title 21) 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 32930 Sycamore Flat Road, Greenfield within the Central Salinas Valley Area Plan. The parcels are zoned "R/G-10" or [(Rural Grazing Zoning District) with a 10 acre minimum], which allows the development and use of agricultural processing facilities. The project site is currently utilized and zoned for agricultural land uses.

- c) The current zoning for Assessor's Parcel Number 419-411-023-000 "R/G-10" or [(Rural Grazing Zoning District) with a 10 acre minimum].
- d) The project is consistent with the following 2010 Monterey County General Plan Land Use Designation for Rural Grazing Lands
 - Goal AG-2 addresses Agricultural Support Facilities and is intended to "Provide opportunities to retain, develop, and expand those agriculture-related Enterprises and support uses essential to the continuing viability of the agricultural industry." Policies 2.1 through 2.3 allows for Agricultural Support Facilities in the Rural Grazing district. Policy
 - Goal AG-3 addresses Routine and Ongoing agricultural operations and Policy AG-3.3 item <u>c</u> allows for the "preparation of product for market, and delivery of product to market.
 - Goal AG-4 speaks to the County's support and policies to promote the continuation and economic viability of the agricultural industry and to achieve a balance of wine grape production with wine processing within the County.
 - CSV-6.1 the project incorporates energy-efficient agricultural practices.
 - o Goal PS3.1.and PS- 3.2. Water Supply.
 - Presently the agricultural property irrigates approximately 6,000 vines and maintains a residence.
 - Existing water use is approximately 1,830,000 gallons for irrigation +109,500 gallons for the residence equaling 1,939,500 gallons per year.
 - The use of 18,000 gallons of water for the winery proposal is negligible, representing (0.9280%) or an increase of a less than 1% in water usage.
 - The 2010 General Plan EIR threshold expectation for artisan wineries producing 25,000 cases of wine per year would use 1.29 acre feet of water or 420,000 gallons of water. Therefore, the proposed project is within the estimated water use for the AWCP.
- e) The project is consistent with Title 21 per Section 21.32.050 M and Section 21.32.060 site development standards.
- f) The project planner conducted a site inspection on November 1, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was not referred Land Use Advisory Committee (LUAC) for review because there is no LUAC for the Central Salinas Valley.
- 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 PLN090365.

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 Fire Protection District; Public Works Department;

Environmental Health Bureau and the Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) The project site is suitable for this use allowed with a use permit as provided under Section 21.32.050 M of the Monterey Zoning Ordinance Title 21.
- c) The project planner conducted a site inspection on November 1, 2010 to verify that the site is suitable for this use.
- d) 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 PLN090365.
- 3. **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:** a) The project was reviewed by the South County Fire Protection District, Public Works Department, the Environmental Health Bureau, and the Water Resources Agency. The respective departments/agencies 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.
 - b) Technical reports by outside 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. Archeological Report" (LIB080480) prepared by Mary Doane & Gary Breschini, Salinas, CA, August 15, 2008.
 - ii "Shale Canyon Vineyard Winery Traffic Study" (LIB070159) prepared by Hatch Mott McDonald, PE and Traffic Engineers, Hollister, CA, August 17, 2010.
 - c) The site is located within an area identified as having "High" archaeological sensitivity. Therefore, an archaeological reconnaissance report was required in 2008 when the property owner developed the residence and attached accessory structure. The report was negative and concludes that there was no evidence of significant archaeological resources present at the building site. The County GIS indicated that the project site where the structure is located is not within 750 feet if a known archaeological resource.
 - d) The site is located in a relatively stable Seismic zone with Undetermined Hazard. A geotechnical report was required for the building permit (BP081327) that constructed the residence and accessory structure. Furthermore, because the project uses existing structures no additional geotechnical or geological reports because the original report did not identify additional hazards nor have any been documented.

- e) The project will not be a visual impact when viewed from Arroyo Seco Road. The winery agricultural processing facility will utilize existing structures, located to the west 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 7, which includes the requirement for the existing single family residence that will remain on-site. The project is proposing a total number of 7 spaces, including one ADA accessible stall.
- g) The project will not change the current Level Of Service (LOS) for both Arroyo Seco Road and Sycamore Flat Road. The traffic report prepared for the project indicates that Arroyo Seco Road would continue to operate in a LOS A and Sycamore Flat Road will also continue to operate in a LOS C. Implementation of the project will not cause Arroyo Seco Road or Sycamore Flat Road 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, 4 annual average daily trips will have an insignificant impact on the roads.
- h) Staff conducted a site inspection on November 1, 2010 to verify that the site is suitable for this use.
- i) Preceding findings and supporting evidence for PLN090365
- 4. **FINDING: NO VIOLATIONS -** The subject property complies 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.
 - **EVIDENCE:** a) Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 1, 2010 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090365.
- 5. **FINDING: CEQA** (**Exempt**): The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
 - **EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15303 a categorically exempts the conversion of small structure from on use to another use.
 - b) No biological issues were identified or protected plant vegetation due to the existing site disturbance on the subject property
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on November 1, 2010.
 - d) See preceding findings 2, 3, 4 and supporting evidence.
- 6. FINDING: The decision on this project is appealable to the Board of Supervisors. EVIDENCE: Sections 21.80.040 B. of the Monterey County (Zoning Ordinance) Title 21.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- a) Exempt the project from environmental review pursuant to Section 15303 (a) of the CEQA Guidelines: and
- Approve the Use Permit to establish an Agricultural Support facility for the processing of b) grapes grown on site into wine consisting of a Use Permit to convert existing 2,825 square foot accessory structure into an agricultural processing facility that will process approximately 4,000 to 5,000 cases of wine a year. In general conformance with the attached sketch and subject to the conditions (Exhibit 1), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this June 8, 2011 upon motion of Commissioner Brown, seconded by Commissioner Rochester, by the following vote:

AYES: Brown, Roberts, Rochester, Getzelman, Hert NOES: Vandevere, Mendez, Diehl, Padilla ABSENT: Salazar ABSTAIN: None

Mike Novo, Secretary

JUN 1 5 2011 COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUN 2 5 2011

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 Department and Building Services Department office in Salinas.

This permit expires 3 years after the above date of granting thereof unless construction or 2. use is started within this period.

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RESOLUTION 11-024 - EXHIBIT 1	Project Name: Prader/Shale Canyon Winery LLC		
Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring	File No: PLN090365APNs: 419-411-023-000Approved by: Planning CommissionDate: June 8, 2011		
Reporting Plan			

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number		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)
	RMA – Plan	ning Department		가는 것은 가 있었다. 2014년 2013년 1월 19	
1.	PD001 - SPECIFIC USES ONLYThis Use Permit (PLN090365) will establish an Agricultural Support facility for the processing of grapes grown on site into wine consisting of a Use Permit to convert existing 2,825 square foot accessory structure into an agricultural processing facility that will process approximately 4,000 to 5,000 cases of wine a year. The project is located at 32930 Sycamore Flats Road, Greenfield, (Assessors Parcel Number 419-411-023- 000) south of the intersection of Arroyo Seco Road and Sycamore Flats Road in the Central Salinas 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 allowed unless additional permits are approved by the appropriate authorities. To the	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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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)
		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 11-024) was approved by the Planning Commission for (Assessor's Parcel Number: 419-411- 023-000. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA- Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the recordation of Record of Survey	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a period of 3 years, to expire on May 12, 2014 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		PD004 - INDEMNIFICATION AGREEMENT 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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – P5lanning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel	

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Permit Cond. Number	Mitig. Conditions of Approval and/or Mitigation Measures and Number 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)
	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 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 Department)			map, whichever occurs first and as applicable	
5.	PDSP001 -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. (RMA – Planning Department)	Adhere to conditions and uses specified in the permit	Owner/ Applicant	Ongoing	
6.	PDSP002 –NO PUBLIC EVENTS (NON- STANDARD) The following restrictions shall apply: O No onsite sales of wine O No wine tasting open to the public groups or tours O No public events (RMA - Planning Department)	Adhere to conditions and uses specified in the permit	Owner/ Applicant	Ongoing	
7.	PDSP003- SIGNS (NON-STANDARD) Any signs shall conform to Monterey County Code Section 21.60 Regulations for Signs related to location, size, color, and design. The signs shall be unobtrusive and attractive. (RMA - Planning Department)	Submit two copies of signage program and incorporate signs onto the building plans for the review and approval of the RMA - Planning Department.	Owner/ Applicant	Prior to the commence ment of use.	
	amacuve. (Revers - 1 faining Department)	The signs shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
8.	PDSP004 –WATERING OF UNIMPROVED ROAD DURING THE HARVEST AND CRUSH PERIODS (NON-STANDARD)	Adhere to conditions and uses specified in the permit and General Development Plan	Owner/ Applicant	Ongoing	

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Permit Cond. Number	Mitig. Conditions of Approval and/or Mitigation Measures and Number 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)
	The property owner or operator of the agricultural processing facility will insure the watering of shared private roads during the harvest and crush periods, August 1 through October 31 prior to hauling in grapes. (RMA - Planning Department)				
	RMA – Publ	ic Works Department			. 1
9.	PW0043 – REGIONAL DEVELOPMENT IMPACTFEEPrior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)	Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.	Owner/ Applicant	Prior to issuance of Building Permits	
	RMA – Division	of Environmental Health			
10.	EHSPD01 – ONSITE WASTEWATER Winery CRUSH WASTEWATER COLLECTION SYSTEM (NON STANDARD) Upon completion of the winery crush wastewater collection and holding system, submit an As-Built drawing to the Environmental Health Bureau.All Shale Canyon Winery operations and reuse of crush water must comply with the Small Winery Waiver pursuant to General Waste Discharge Requirements for Wineries, Order No. R3-2008-0018 by the Regional Water Quality Control Board (RWQCB).	 Submit an as-built drawing of the winery crush wastewater collection and holding system to the Environmental Health Bureau. All Shale Canyon Winery operations and reuse of crush water must comply with the Small Winery Waiver from the RWQCB. Maintain an active waiver from the RWQCB for the winery operations. 		 At time of comple- tion of the system installa- tion. Contin- uous 	
	Maintain an active waiver from the RWQCB for the winery operations. (Environmental Health)			3. Contin- uous	

END OF CONDITIONS

WINERY PROCESSING	IN AN EXISTING BUILDING BUILDING BUILDING ARANTINE AT 19-411-023 ARANTINE AT 19-411-023 ARA	A0.1
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