

## Exhibit B

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## DRAFT RESOLUTION

### Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

**MESSIER WINE PROPERTIES LLC (PLN230259)**

#### **RESOLUTION NO. 24-**

Resolution by the County of Monterey Zoning  
Administrator:

- 1) Finding the project qualifies for a categorical exemption pursuant to CEQA Guidelines sections 15303 and 15304 and none of the exception under 15300.2 can be made in this case; and
- 2) Approving a Use Permit for the establishment of an agricultural processing facility for the processing between 50 to 75 tons of grapes per year on and adjacent to a 2,400 square foot decomposed granite crush pad. Wine production would be approximately 3,000 to 4,500 cases per year.

[PLN230259 – MESSIER WINE PROPERTIES LLC, (Assessor's Parcel Number 185-052-018-000), Carmel Valley Master Plan]

**The MESSIER WINE PROPERTIES LLC application (PLN230259) came before the County of Monterey Zoning Administrator on January 9, 2025 at a public hearing. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

### **FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as proposed, and 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:
  - 2010 County of Monterey General Plan;
  - Carmel Valley Master Plan; and
  - County of Monterey Zoning Ordinance (Title 21).No correspondence was received during the course of review indicating any identifying potential inconsistencies with these documents. As proposed, and conditioned, no conflicts with these plans and regulations were found to exist.  
b) Zoning and Allowable Use. The subject property is zoned Rural Density Residential, 10 acre per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or “RDR/10-D-S-RAZ” and Low

Density Residential, 5 acre per unit with Design Control, Site Plan Review and Residential Allocation Zone overlays or “LDR/5-D-S-RAZ”. The project will occur wholly within the RDR portion of the property, which allows agricultural processing facilities, subject to a Use Permit (Title 21 Section 21.16.050.W). Therefore, the project as described above (also see subsequent Evidence “d”) is an allowed use on the site.

- c) Lot Legality. The subject property is shown in its current size and configuration as “Lot D” in a Record of Survey filed in Volume 27 of Surveys, Page 96, memorializing a Lot Line Adjustment approved under file No. PLN040003. Therefore, the County recognizes the parcel as a legal lot of record.
- d) Operation Plan. The attached Site Plan and Operation Plan illustrates the establishment of a 2,400 square foot decomposed granite crush pad for the processing of grapes grown onsite and the production of wine. De-stemming, sorting, pressing and processing of juice into storage tanks will occur within the crush pad area. However, storage of the tanks will occur within the nearby barn. Once wine is ready for bottling, the storage tanks will be placed back onto the crush pad area and a mobile bottling truck will be used.
- e) Development Standards. The project will not result in construction of new structures and no setback or coverage limitations apply to the crush pad.
- f) Staff conducted a site inspection on March 14, 2023 to verify that the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN230259.

**2. FINDING: SITE SUITABILITY** – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services (representing Public Works), HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
  - b) Staff identified potential impacts relative to soils and the following reports have been prepared:
    - “Geological & Geotechnical Investigation Report” (LIB240247) prepared by Cotton, Shires and Associate, Inc., Los Gatos, CA, April 2019.
    - “Percolation Investigation” (LIB240248) prepared by Soil Surveys Group Inc., Salinas, CA, July 10, 2020.
 County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints

that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.

- c) See findings and supporting evidence contained within this resolution.
- d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN230259.

**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 HCD-Planning, HCD-Engineering Services (representing Public Works), HCD-Environmental Services, the Environmental Health Bureau (EHB), and Monterey County Regional Fire Protection District. The respective 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) RWQCB Requirements. The project was reviewed by EHB and pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board, Central Coast Region (RWQCB), Monterey County refers proposals for a winery producing less than 10,000 cases annually. The project has been conditioned requiring the owner/applicant to submit a Notice of Intent to comply with General Waste Discharge Requirements Order No. R3-2017-0020 for Discharges of Winery Waste.
  - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN230259.

**4. 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.

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on March 14, 2024 and researched County records to assess if any violation exists on the subject property.
  - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN230259.

**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 sections 15303 categorically exempts construction of small structures and minor alterations to land.
  - b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located on a hazardous waste site, visible from a scenic highway or near a historical resource. The operational component of the project would consolidate all wine make production onsite resulting in a reduction of traffic trips, green house gas emissions and air quality impacts compared to current conditions. Therefore, no unusual circumstances resulting in a significant effect or cumulative impacts are anticipated to occur.
  - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN230259.

**6. FINDING: APPEALABILITY** – The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:**
- a) In accordance with Title 21 section 21.80.020, all discretionary decisions of the Zoning Administrator are appealable, and per section 21.80.040.B, the Planning Commission is the appeal authority to consider appeals of discretionary decisions of the Zoning Administrator.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1) Find the project categorically exempt pursuant to Sections 15303 and 15304 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve a Use Permit for the establishment of an agricultural processing facility for the processing between 50 to 75 tons of grapes per year on and adjacent to a 2,400 square foot decomposed granite crush pad. Wine production would be approximately 3,000 to 4,500 cases per year.

All of which are in general conformance with the attached project plans, colors and materials, and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of November 2024.

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Mike Novo, AICP,  
Zoning Administrator

COPY OF THIS DECISION MAILED TO THE APPLICANT ON DATE.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

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

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 County of Monterey 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 County of Monterey HCD-Planning and HCD-Building Services Department office in Salinas.

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

Form Rev. 10/24/2024

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# County of Monterey HCD Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN230259

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation  
Monitoring Measure:**

This Use Permit (PLN230259) allows establishment of an agricultural processing facility for the processing between 50 to 75 tons of grapes per year on and adjacent to a 2,400 square foot decomposed granite crush pad. Wine production would be approximately 3,000 to 4,500 cases per year. Site improvements include establishment of a 2,400 square foot decomposed granite "crush pad". The property is located at 27545 Via Quintana Road, Carmel (Assessor's Parcel Number 185-052-018-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 HCD - Planning. 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 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. (HCD - Planning)

**Compliance or  
Monitoring  
Action to be  
Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Use Permit (Resolution Number \_\_\_\_\_) was approved by the County of Monterey Zoning Administrator for Assessor's Parcel Number 185-052-018-000 on January 9, 2025. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

**Compliance or** Prior to the issuance of grading and building permits, certificates of compliance, or  
**Monitoring** commencement of use, whichever occurs first and as applicable, the Owner/Applicant  
**Action to be** shall provide proof of recordation of this notice to the HCD - Planning.  
**Performed:**

## 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning

**Condition/Mitigation** If, during the course of construction, cultural, archaeological, historical or  
**Monitoring Measure:** 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. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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 recovery.  
(HCD - Planning)

**Compliance or** The Owner/Applicant shall adhere to this condition on an on-going basis.

**Monitoring**  
**Action to be** Prior to the issuance of grading or building permits and/or prior to the recordation of the  
**Performed:** final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning 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.

#### 4. EHSP01 – WASTE DISCHARGE REQUIREMENTS: SMALL WINERIES

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board, Central Coast Region (RWQCB), Monterey County refers proposals for a winery producing less than 10,000 cases annually to RWQCB for regulation. The RWQCB may

- Enroll the winery under General Waste Discharge Requirements Order No. R3-2017-0020 for Discharges of Winery Waste

OR

- Apply other requirements as appropriate

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits submit a completed Notice of Intent to Comply with the General Waste Discharge Requirements for Discharges of Winery Waste form to the RWQCB with all applicable fees for review and approval.

Submit evidence to EHB that RWQCB has:

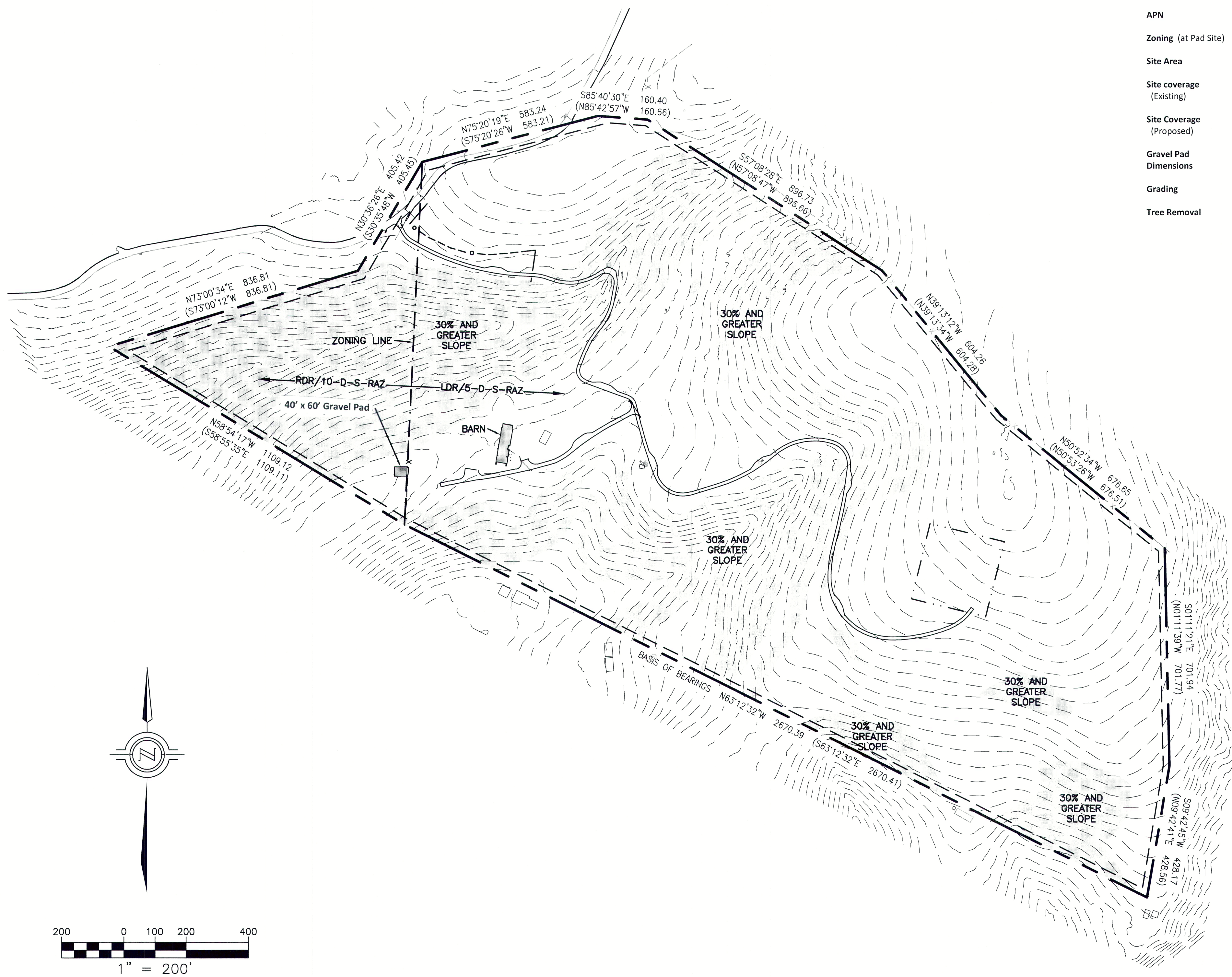
- Enrolled the winery under General Waste Discharge Requirements Order No. R3-2017-0020

OR

Approved the discharge with or without applying other requirements as appropriate

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PROJECT INFORMATION

Project Scope	Construct a 40' x 60' gravel pad for seasonal processing of wine grapes
Owner/Applicant	Messier Wine Properties, LLC 27545 Via Quintana Camel Valley, CA 93924
Project Address	27545 Via Quintana Camel Valley, CA 93924
APN	185-052-018-000
Zoning (at Pad Site)	RDR/10-D-S-RAZ
Site Area	91.5 acres (3,985,740 S.F.)
Site coverage (Existing)	5,706 SF
Site Coverage (Proposed)	no change – pervious gravel pad (see MCC Section 21.06.250)
Gravel Pad Dimensions	40' x 60' (2,400 SF)
Grading	100 cubic yards cut and fill +/-
Tree Removal	None



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# Proposed Operations Plan for On-site production of Domaine Messier Wine from existing Grape Planting - (APN: 185-052-018-000)

Updated December 13, 2024

## Background:

The Domaine Messier estate vineyard is located in Via Quintana neighboring the long-established vineyards of Albatross Ridge, Pelio Vineyards, and Diamond T. The Domaine Messier Site was prepped in 2018 and planted in 2019 in accordance with all Monterey County standards for new vineyard plantings. The vineyard is located on a 92.5 acres lot and consists of approximately 10 acres of Chardonnay and 10 acres of Pinot noir. It has produced in 2023 an average yield of 1.3 tons per acre giving a total tonnage of 26 tons per harvest year. The first harvest took place in 2022.

Grapes were picked by hand into ¼ ton macro bins pulled behind tractors. The bins were then loaded onto trucks at the conclusion of each harvest day and trucked to a facility 30 miles away in Gonzales for processing. The same harvest procedure was used in 2023 and again for the 2024 harvest.

## Proposed On-Site Production

In order to avoid transport the grapes to Gonzales, to reduce agricultural truck traffic impact and to move towards a more self-contained and sustained model, Domaine Messier is proposing to do the production of wine on-site in compliance with established zoning requirements, in the RDR zoned portion of the site (see figure 1 below).

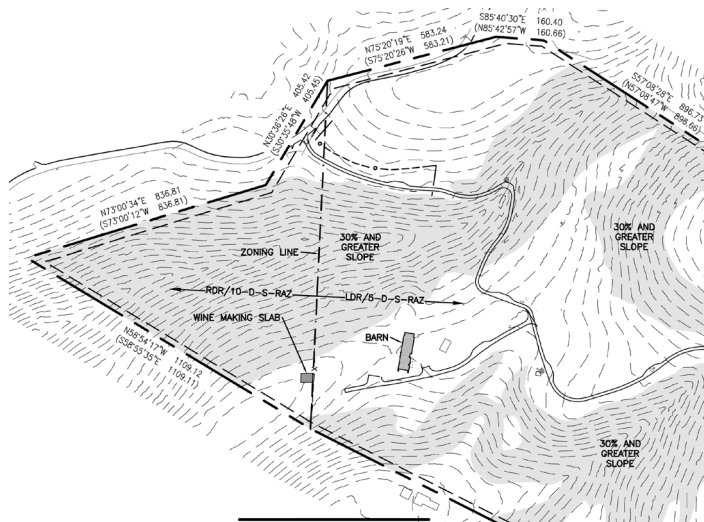


Figure 1 - Site plan with zoning line and location of wine making pad and storage barn.

### ***RDR Zoned Processing Pad***

The Domaine Messier vineyard consists of only two varieties of grapes which allows for only limited types of wines to be produced. This greatly simplifies the necessary processing and overall effects of onsite production.

All grape processing would be completed on a decomposed granite (DG) “crush pad.” This pad would be located within the RDR Zoned portion of the Domaine Messier property which is approximately 650 feet from the existing barn located in the LDR zoning. This pad is proposed to be 40’ x 60’ and made out of decomposed granite.

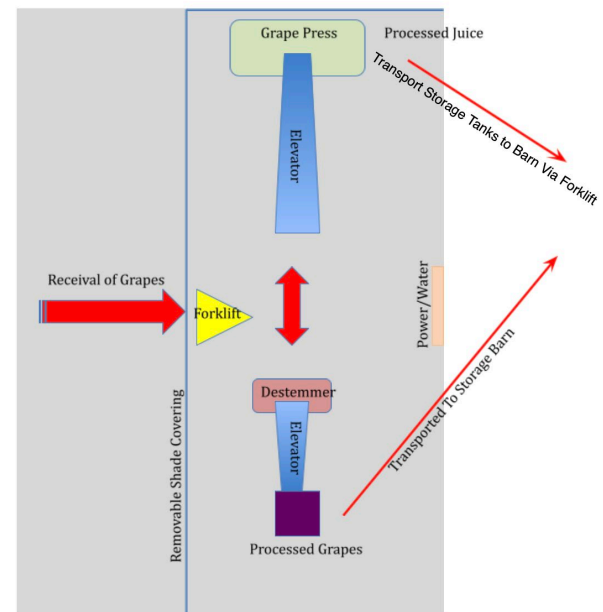
It will be used approximately 6 days every year during harvest. The grape harvest is weather dependent and can occur typically between September and October. A temporary canopy will be used as sun protection during that time. A utility post with electrical power for the equipment would be erected next to the pad. Operations on the pad would typically take place early morning after harvest. A typical day of grape processing would start around 5am and end at around 3pm.

The pad would provide an operating space for a forklift, elevators, grape press, and de-stemmer. This equipment would be stored indoors when not in use.

Operations on the pad would include all processing of grapes for the production of wine such as de-stemming, sorting, and pressing. This would allow for Domaine Messier to keep all harvest operations on property consistent with Monterey County 2010 General Plan Policy AG-4.1.

Grapes would be picked into bins as before, but rather than be loaded onto trucks and taken offsite, the tractors would be able to carry the grapes directly to the processing pad, without having to leave the property. A forklift would receive the bins and load the grapes into an elevator which would fill a grape press or feed a de-stemmer. Once grape processing is complete, juice would be transported to the storage portion of the existing barn, as follows:

Proposed Domaine Messier Processing Pad Layout



Caption



- For red wines, grapes would be destemmed and processed into two-ton tanks at the proposed crush pad. Those tanks could then be transported to the storage barn via a forklift.
- For white wines, they could press the grapes on the proposed crush pad. The juice would be transferred as part of this processing operation into portable storage tanks. Those tanks would also be transported to the storage barn via a forklift.

The seasonal crushing of grapes (i.e., processing from a solid to liquid state) would occur entirely within the RDR zoned portion of the property (MCC Section 21.16.050.W). Please see figure 2 above for rough layout of processing pad. The pomace (pulpy material remaining after the juice has been pressed from grapes) would be composted to make organic fertilizer for the property.

The processing pad would be operated by a maximum of three personnel at any time. Parking and facilities for the three staff would be located at the existing barn.

It is important to note that this facility will not be open to the public and that no publicity signs will be erected.

### **LDR Zoned Storage Barn**

The existing barn structure would only be used to house barrels and tanks for liquid storage of already processed grapes. No processing of the raw fruit material would take place within the storage barn. Finished wines would be bottled on site and consolidated into small shipments to an offsite facility.

Bottling would likely only take place twice per year spaced in 6 month increments. It would be done using a mobile bottling unit on a truck.

### **Processing pad design**

A grading plan for the gravel pad will be submitted in due course. Geotechnical work has already been completed and the proposed location is suitable for the construction of such pad.

During seasonal harvesting and processing operations, temporary lighting might be used in the early morning hours if needed.

### **Equipment cleaning**

Equipment cleaning will take place on the slab next to the barn. Minimum amounts of water will be used to rinse the equipment after processing the grapes. Water will come from the on-site well and will be collected, filtered to remove solids from the fruits, if any, and be re-used for irrigation.

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