

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

- a. Accept the Conservation and Scenic Easement Deed )  
(PLN080450/Holman Ranch Holdings, LLC, 60 )  
Holman Road, Carmel Valley; )
- b. Authorize the Chair to execute the Conservation and )  
Scenic Easement Deed; and )
- c. Direct the Clerk of the Board to submit the )  
Conservation and Scenic Easement Deed to the County )  
Recorder for recordation (PLN080450/Holman Ranch )  
Holdings, LLC)..... )

Upon motion of Supervisor Potter, seconded by Supervisor Armenta, and carried by those members present, the Board hereby;

- a. Accepted the Conservation and Scenic Easement Deed;
- b. Authorized the Chair to execute the Conservation and Scenic Easement Deed;  
and
- c. Directed the Clerk of the Board to submit the Conservation and Scenic  
Easement Deed to the County Recorder for recordation.

PASSED AND ADOPTED on this 24<sup>th</sup> day of May, 2011, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on May 24, 2011.

Dated: May 26, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Christ A. Muel  
Deputy

When recorded return to:  
MONTEREY COUNTY RESOURCE  
MANAGEMENT AGENCY  
PLANNING DEPARTMENT  
168 West Alisal St 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN080450  
Resolution No.: 10-002  
Owner Name: Holman Ranch Holdings, LLC  
Project Planner: Paula Bradley, MCP, AICP  
APN: 187-481-001-000

The Undersigned Grantor(s) Declare(s):  
DOCUMENTARY TRANSFER TAX OF \$ 0  
[ ] computed on the consideration or full value of  
property conveyed, OR  
[ ] computed on the consideration or full value less  
value of liens and/or encumbrances remaining at  
time of sale,  
[ ] unincorporated area; and  
 Exempt from transfer tax,  
Reason: TRANSFER TO A GOVERNMENTAL ENTITY

Paula Bradley

Signature of Declarant or Agent

## CONSERVATION AND SCENIC EASEMENT DEED (INLAND)

THIS DEED made this 14th day of June, 2010, by and between  
Holman Ranch Holdings, LLC as **Grantor**, and the *COUNTY OF MONTEREY*, a  
political subdivision of the State of California, as **Grantee**,

### WITNESSETH:

**WHEREAS**, said Grantor is the owner in fee of the real property more particularly  
described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey  
County, California (hereinafter "**the property**"); and

**WHEREAS**, the said land of said Grantor has certain natural scenic beauty and  
existing openness; and

**WHEREAS**, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of said property of the Grantor; and

**WHEREAS**, a discretionary development permit (Permit No. PLN080450) ~~was~~ granted on January 13, 2010, by the Monterey County ~~(Hearing Body)~~ <sup>Planning Commission</sup> pursuant to the Findings, Evidence and Conditions contained in Resolution No. 10-1002, attached hereto as Exhibit "B" and hereby incorporated by reference, subject to the following condition(s):

"A scenic easement shall be conveyed to the County over those portions of the property within 300 feet southwest of the project area where the slope exceeds 30% percent. The easement shall be developed in consultation with certified professional. A scenic easement deed shall be submitted to, and approved by, the Director of the RMA - Planning Department prior to issuance of grading or building permits."

**WHEREAS**, the County, acting on behalf of the People of the State of California and in accordance with the Findings, Evidence and Conditions contained in Resolution No. 10-002 attached hereto as Exhibit "B" and hereby incorporated by reference, granted the discretionary development permit to the Grantor upon condition (hereinafter the "**Condition**") requiring inter alia, that the Grantor record a conservation and scenic easement over the property as shown in Exhibit "C" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on natural resources and public access to those resources which could occur if the property were not restricted in accordance with this easement; and

**WHEREAS**, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

**WHEREAS**, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

**WHEREAS**, the said Grantor is willing to grant to the County of Monterey the scenic use as herein expressed of the said land, and thereby protect the present scenic

beauty and existing openness by the restricted use and enjoyment of said property by the Grantor through the imposition of the conditions hereinafter expressed;

**NOW, THEREFORE**, for and in consideration of the premises the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

A. LAND SUBJECT TO EASEMENT. The land of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described in Exhibit "C", attached hereto, and made a part hereof.

B. RESTRICTIONS. The restrictions hereby imposed upon the use of said property by the Grantor and the acts which said Grantor shall refrain from doing upon the said property in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said described premises.
2. That no advertising of any kind or nature shall be located on or within said property.
3. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises.
4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, horse trails, fences, and utilities; the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.
5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor:

1. The right to maintain all existing private roads, bridges, trails fences, utilities, and structures upon said land.

2. The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

D. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of Grantee regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor. The public may enter onto the property for scientific research purposes at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the property contrary to the terms of this offer will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

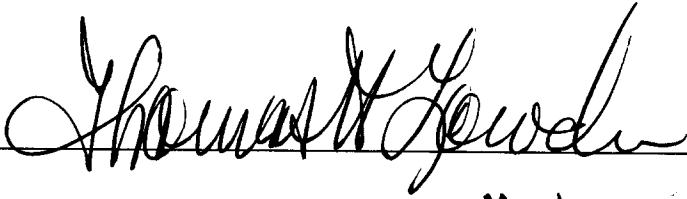
I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the property which would subject the Grantee to any liability occurring upon the land by virtue of the fact that the right of the Grantee to enter the land is strictly limited to preventing uses inconsistent with the interest granted, the property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the land for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. CONSTRUCTION OF VALIDITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 14th day of June, 2010 at Jefferson Co., <sup>Alabama</sup>~~California~~.

Signed:

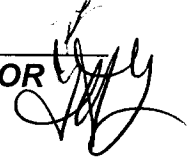


Thomas H. Lowder

Member

Type or print name of above - **GRANTOR**

Holman Ranch Holdings, LLC



Signed:

\_\_\_\_\_

\_\_\_\_\_

Type or print name of above - **GRANTOR**

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

On June 14, 2010 before me, Brandi L. Singleton, a Notary Public, personally appeared Thomas H. Lowder who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Alabama that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Brandi L. Singleton

(Seal)



STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF MONTEREY )

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

This is to certify that the interest in real property conveyed by the deed or grant dated June 14, 2010 from Holtman Ranch Holdings LLC to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on May 24, 2011, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on \_\_\_\_\_) and the grantee consents to recordation thereof by its duly authorized officer.

*cdh*

DATED: 5-24-11

*Jane Parker*  
~~Louis R. Calcagno~~ Jane Parker  
Chair, Monterey County Board of Supervisors

*cdh*

ATTEST:  
DATED: \_\_\_\_\_

\_\_\_\_\_  
Gail T. Borkowski  
Clerk of Said Board

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel  
By: *Cynthia L. Hasson*  
Type/Print Name: Cynthia L. Hasson  
Deputy County Counsel

DATED: 4-28-11

RMA: Planning Department

By: *Mike Novo*  
Type/Print Name: MIKE NOVO

DATED: 7/15/10

Escrow No.: 06-52103471-CW  
Locate No.: CACTI7727-7727-4521-0052103471  
Title No.: 06-52103471-JF

## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF COUNTY OF MONTEREY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

### PARCEL I:

BEGINNING at a 2" iron pipe standing at the most Easterly corner of Los Laureles Rancho, Monterey County, California, as said pipe is shown on that certain map entitled, "Licensed Surveyor's Map of East Portion of Parcel No. 4, Los Laureles Rancho, Monterey County, California", etc., filed at page 121, Volume 3 of Surveys, Monterey County Records, and running thence

- (1) S. 28 degrees 52' W., 7577.17 feet; thence
- (2) S. 29 degrees 00' W., 1743.83 feet; thence
- (3) N. 61 degrees 45' W., 1409.57 feet; thence
- (4) N. 32 degrees 50' W., 246.26 feet; thence, Northeasterly and curving to the left
- (5) 50.29 feet on the arc of a circle of 80 feet radius (long chord bears N. 56 degrees 02' 30" E., 49.47 feet); thence
- (6) Tangentially N. 38 degrees 02' E., 61.79 feet; thence
- (7) Tangentially curving to the left 31.90 feet on the arc of a circle of 80 feet radius; thence
- (8) Tangentially N. 15 degrees 11' E., 39.99 feet; thence
- (9) Tangentially curving to the right 55.68 feet on the arc of a circle of 2120 feet radius; thence
- (10) Tangentially N. 29 degrees 41' E., 98.18 feet; thence
- (11) Tangentially curving to the right 68.24 feet on the arc of a circle of 1020 feet radius; thence
- (12) Tangentially N. 33 degrees 31' E., 445.50 feet; thence
- (13) Tangentially curving to the left 65.16 feet on the arc of a circle of 280 feet radius; thence
- (14) Tangentially N. 20 degrees 11' E., 172.45 feet; thence
- (15) Tangentially curving to the right 69.18 feet on the arc of a circle of 220 feet radius; thence
- (16) Tangentially N. 38 degrees 12' E., 76.43 feet; thence
- (17) Tangentially curving to the right 70.40 feet on the arc of a circle of 220 feet radius; thence,
- (18) Tangentially N. 56 degrees 32' E., 72.68 feet; thence
- (19) Tangentially curving to the left 83.89 feet on the arc of a circle of 280 feet radius; thence
- (20) Tangentially N. 39 degrees 22' E., 150.04 feet; thence

- (21) Tangentially curving to the left 53.76 feet on the arc of a circle of 80 feet radius; thence
- (22) Tangentially N. 0 degrees 52' E., 64.60 feet; thence
- (23) Tangentially curving to the left 53.06 feet on the arc of a circle of 380 feet radius; thence
- (24) Tangentially N. 7 degrees 08' West 94.50 feet; thence
- (25) Tangentially curving to the right 98.16 feet on the arc of a circle of 62.49 feet radius; thence,
- (26) N. 1 degrees 45' W., 89.15 feet; thence,
- (27) N. 14 degrees 22' E., 211.06 feet; thence,
- (28) N. 11 degrees 30' E., 205.64 feet; thence,
- (29) N. 22 degrees 55' E., 215.69 feet; thence,
- (30) N. 79 degrees 30' E., 162.22 feet; thence,
- (31) N. 33 degrees 26' E., 237.37 feet; thence,
- (32) N. 11 degrees 06' E., 229.89 feet; thence,
- (33) N. 48 degrees 51' E., 136.06 feet; thence,
- (34) N. 13 degrees 23' E., 114.76 feet; thence,
- (35) N. 25 degrees 51' E., 277.30 feet; thence,
- (36) N. 45 degrees 57' E., 134.59 feet; thence,
- (37) N. 22 degrees 11' W., 84.31 feet; thence,
- (38) N. 12 degrees 34' E., 143.54 feet; thence,
- (39) N. 29 degrees 22' W., 145.88 feet; thence,
- (40) N. 0 degrees 36' W., 145.92 feet; thence,
- (41) N. 43 degrees 32' W., 70.70 feet; thence,
- (42) N. 28 degrees 59' 15" E., 4899.62 feet; thence
- (43) S. 64 degrees 22' E., 2016.47 feet to the point of beginning.

Being a portion of Los Laureles Rancho.

PARCEL II:

BEGINNING at a point marked "M" lying in the center line of an abandoned portion of Carmel Valley County Road leading from Monterey to Jamesburg, as said point "M" is shown on the "Licensed Surveyor's Map of Los Laureles Rancho and Vicinity", filed on January 11, 1927 in Volume 3 of Surveys, at Page 115 Records of Monterey County, California, and running thence.

- (1) North 6 degrees 24' West 56.25 feet to a point lying in the center line of the existing Carmel Valley Road; thence along said center line of said existing Carmel Valley Road

(2) South 88 degrees 20' West 31.49 feet; thence

(3) Tangentially curving to the right 155.01 feet on the arc of a circle of 500 feet radius; thence leaving said center line of said existing Carmel Valley Road

(4) South 312.72 feet; thence

(5) North 43 degrees 52' East 281.26 feet; thence

(6) North 6 degrees 24' West 35.81 feet to the point of beginning, being a portion of Parcel No. 4, of said Los Laureles Rancho.

PARCEL III:

A Right of Way for water pipe line purposes only, as said pipe line is now land and exists across a portion of said Parcel No. 4 of Los Laureles Rancho, twenty (20) feet in width, lying ten (10) feet on either side of the following described center line, to-wit:

BEGINNING at a point lying in the center line of the existing Carmel Valley Road distant 26.78 feet North 88 degrees 20' East from the beginning of course numbered (2) of the above described Parcel II; and running thence,

(1) North 54 degrees 08' East 341.37 feet; thence,

(2) North 84 degrees 08' 30" East 53.50 feet; thence

(3) North 84 degrees 10' East 99.80 feet; thence

(4) North 73 degrees 15' East 100.39 feet; thence

(5) North 57 degrees 40' East 98.69 feet; thence

(6) North 41 degrees 05' East 100.51 feet; thence

(7) North 23 degrees 45' East 99.77 feet; thence

(8) North 28 degrees 50' East 99.47 feet to a point hereinafter referred to as Point "A"; thence

(9) North 54 degrees 08' East 866.55 feet to a point lying in course numbered three (3) of the above described Parcel I and distant 842.96 feet South 61 degrees 45' East from the end of said course numbered three (3), with the right of ingress and egress at any and all times for the purpose of maintaining, repairing, replacing and/or enlarging said water pipe line.

PARCEL IV:

A RIGHT OF WAY for pipe line purposes over a strip of land twenty (20) feet in width lying ten (10) feet on either side of the line of pipe as now laid through a portion of the 93.079 acre tract conveyed by Deed dated October 1st, 1940, by Del Monte Properties Company to Tirey L. Ford and recorded in Volume 687 of Official Records at Page 84, records of Monterey County, California, said pipe line runs from Point "A" hereinbefore referred to in a general Northerly direction to the Southwesterly boundary of the hereinbefore described Parcel I.

PARCEL V:

The right of way conveyed by Tirey L. Ford and Elizabeth B. Ford, to Del Monte Properties Company, by Deed dated June 17, 1941, and recorded in Volume 731 of Official Records, at page 13, Monterey County, said right of way being sixty (60) feet in width, lying thirty (30) feet on either side of the following described center line, to-wit:

Beginning at a point lying in the Southerly boundary of said 93.079 acre parcel and the center line of the Carmel Valley County Road distant 290.92 feet S. and 286.97 feet E, from Monument No. 18, which monument is shown on the "Licensed Surveyor's Map of a Portion of Airway Ranch", etc., filed for record in Volume 4 of Surveys, at page 18, Records of Monterey County, California, and running thence N. 48 degrees 40" E., 220.00 feet; thence tangentially curving to the left 267.62 feet along the arc of a circle of 500 feet radius; thence tangentially curving to the left 125.66 feet along the arc of a circle of 400 feet radius; thence tangentially N. 75.00 feet; thence tangentially curving to the left 214.67 feet along the arc of a circle of 600 feet radius; thence tangentially N. 20 degrees 30' W., 295.00 feet; thence tangentially curving to the right 348.19 feet along the arc of a circle of 300 feet radius; thence tangentially N. 46 degrees 00' E., 183.76 feet to a point lying in the Northeasterly boundary of said 93.079 acre parcel, which point lies N. 32 degrees 50' W., 59.72 feet from the beginning of course numbered (4) of the hereinbefore described Parcel I.

**END OF DOCUMENT**

EXHIBIT A  
PAGE 4 OF 4 PAGES

# Exhibit B

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

In the matter of the application of:

**HOLMAN RANCH HOLDINGS, LLC (PLN080450)**

**RESOLUTION NO. 10-002**

Resolution by the Monterey County Planning  
Commission:

- 1) Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program (Exhibit C Attachment 1);
- 2) Approve a Combined Development Permit consisting of: 1) a Use Permit for a 3,330 square foot Agricultural Processing Plant for a winery producing up to 5,000 cases per year, a 3,050 square foot wine storage cave, a 240 square foot equipment storage building; 2) a Use Permit for the removal of nine protected oak trees; 3) a Use Permit for development on slopes in excess of 30%; 4) an Administrative Permit for Development in a Site Plan Review District; and 5) Design Approval. A small water system was installed and grading is approximately 3,960 cubic yards (1,980 cubic yards cut and 1,980 cubic yards fill) balanced on-site.

(PLN080450, Holman Ranch Holdings, LLC, 60 Holman Road, Carmel Valley, Carmel Valley Master Plan Area (APN: 187-481-001-000))

**The Combined Development Permit application (PLN080450) came on for public hearing before the Monterey County Planning Commission on January 13, 2010. 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:
- Monterey County General Plan,
  - Carmel Valley Master Plan Area,
  - Carmel Valley Master Plan Area, Inventory and Analysis,
  - 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 at 60 Holman Road, Carmel Valley (Assessor's

Parcel Number 187-481-001-000, Carmel Valley Master Plan. The parcel is zoned RDR/10-D-S and VO-D-S-RAZ, Rural Density Residential, 10 acres per unit, Design Control and Site Plan Review Overlays and Visitor Serving/Professional Office, Design Control Approval and Site Plan Overlays, which allow rural residential development and Agricultural Processing Plants (wineries) in accordance with Section 21.16.050(W) and 21.06.020. Use Permits are required for an Agricultural Processing Plant, for the removal of nine protected trees; and for development on slopes in excess of 30%. Therefore, the project is an allowed land use for this site.

- c) Site Plan Review or "S" zoning requires review of development in those areas of the County of Monterey where development by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. An Administrative Permit is required for development in a Site Plan Review District (Section 21.45.030). Carmel Valley Master Plan Policy 26.1.29 requires design and site control for all new development. The new winery building is located in the same location as an existing winery building. The cave will be constructed in the adjacent hillside. The design of the winery function and circulation utilizes the topography of the site and the structure is stepped into the hillside to access the cave. See above and following Findings and Conditions of Approval.
- d) Design Control Zoning (Section 21.44.030) requires that the location, size, configuration, material and colors of the new structures is designed to fit in with the public viewshed, neighborhood character and assure the visual integrity of the development without imposing undue restrictions on private property. Carmel Valley Master Plan Policy 26.1.29 requires design and site control for all new development. Policy 26.1.32 (CV) requires development to be located in a manner that minimizes disruption of views from existing homes. The winery is sited in a saddle area between two hills, a steeper hill to the southwest, and uphill to the northwest is the pool and the Hacienda and guest ranch facilities. The design also minimizes the mass and scale of the structure. The site is not visible from Carmel Valley Road, a proposed County scenic road. The winery barn is not visible from adjacent properties and the nearest residence is approximately 500 feet from the site. The proposed building will be constructed of steel with corrugated siding with a red color body and rust color metal roof to match the existing barn and other ranch buildings. The retaining walls will be constructed of architectural stacked and reinforced concrete blocks. The color will be a blended natural tan and charcoal.
- e) The project is consistent with the applicable policies and regulations according to Section 21.64.260, (Preservation of Oak and Other Protected Trees). The project includes application for the removal of nine oaks, ranging in size from 12 inches to 36 inches in diameter, including four landmark oaks. The owner has worked with the arborist

EXHIBIT B  
PAGE 2 OF 10 PAGES

to site the winery, retaining walls and improvements to minimize the removal and impacts to trees. Trees near retaining walls, driveways and construction areas will be preserved to minimize tree removal and recommendations were provided in the arborist's report for trees No. 32 (24 inches) and 85 (20 inches). If efforts to preserve these two trees are successful, it reduces the trees removed from nine to seven. Additionally, the arborist has recommended a mitigation measure to protect trees near construction. Bulb outs and planters are included in the parking lot design to preserve large oak trees. Replacement trees on a 1:1 ratio are required and seedlings and acorns will be salvaged and propagated on-site within a fenced nursery area to the north of the winery. Tree replacement locations are shown on the Forest Management Plan map. (see Finding No. 7 below).

- f) The project is consistent with the applicable policies and regulations as set forth in Section 21.64.030 (Development on Slopes in Excess of 30%). (See Finding No. 6)
- g) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves development requiring CEQA review. The LUAC reviewed the application on October 20, 2008 and included a site visit prior to the meeting. Members recommended a continuance (vote six ayes, one no) pending the clearance of code violations, and the preparation of the environmental documents, in particular cumulative impact of the winery's ozone production on air quality. Areas of concern were: gradual intensification of uses on the property, existing violations on the site, dust control, oak habitat loss, water usage and water rights.
- h) The project planner conducted a site inspection on 4/23/07, 4/18/08, and 10/20/08 to verify that the project on the subject parcel conforms to the plans listed above.
- i) 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 PLN080450.

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, Carmel Valley Fire District, Fire Protection District, Public Works, Environmental Health Division, and 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) Staff identified potential impacts to aesthetic resources, air quality, biological resources, cultural resources, hydrology/water quality, noise,

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traffic and transportation. See Finding No. 5, CEQA, for discussion. The project is consistent with applicable policies and regulations (see Finding No. 1). Technical reports by outside 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 independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

1. Preliminary Archaeological Reconnaissance Report Library No. LIB080031, has been prepared by Archaeological Consulting, dated October 21, 2008, and is on record in the Monterey County RMA - Planning Department;
2. Historical and Architectural Evaluation for the Holman Ranch 60 Holman Road, Carmel Valley, CA 93924, Library No. LIB090276; has been prepared for this parcel by Kent Seavey, Preservation Consultant, dated June 21, 2007, and is on record in the Monterey County RMA - Planning Department;
3. A Biological Assessment has been prepared by Rana Creek Environmental Planning, Library No. LIB090278, dated January 16, 2009, and is on record in the Monterey County RMA - Planning Department;
4. A Forest Management Plan and letter Library No. LIB080517, has been prepared by Matt Horowitz, Forest City Consulting, dated October 29, 2008, and is on record in the Monterey County RMA - Planning Department;
5. A Forest Management Plan Addendum letter to Todd Kenyon Re: Retention of Trees 35 and 85, Library No. LIB080517, has been prepared for this parcel by Matt Horowitz, Forest City Consulting, dated 10/28/08, and is on record in the Monterey County RMA - Planning Department;
6. A Holman Ranch Traffic Study, Carmel Valley, California, has been prepared for this parcel by Higgins Associates, Library No. LIB080539, dated September 11, 2008, and is on record in the Monterey County RMA - Planning Department.
7. A Geotechnical Report, Library, No. LIB080538 has been prepared for the project by Soils Surveys, Inc., dated 8/13/08, and is on record in the Monterey County RMA - Planning Department.
8. Historical and Architectural Evaluation For the Holman Ranch 60 Holman Road, Carmel Valley, CA 93924, Kent Seavey, Preservation Consultant, LIB070422, June 21, 2007 (Planning File DA070278 and DA070279) and is on record in the Monterey County RMA - Planning Department.
9. Proposed Onsite Winery Process Water Management Plan Holman Ranch Winery (APN 187-481-001) Carmel Valley CA, Fall Creek Engineering, Inc., September 3, 2008, , and is on record in the Monterey County RMA - Planning Department.
10. Letter report dated June 30, 2009, from Regan Biological and

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Horticultural Consulting, LLC, Carmel Valley CA, and is on record in the Monterey County RMA - Planning Department.

11. Letter report dated July 7, 2009 from Regan Biological Consulting, Re: Holman Ranch artisan winery, Carmel Valley CA, and is on record in the Monterey County RMA - Planning Department.
12. CTS Habitat Site Assessment, Regan Biological Consulting, Carmel Valley CA, dated September 23, 2009, and is on record in the Monterey County RMA - Planning Department.

The project is consistent with these reports, concurs with their conclusions and will be required to comply with the recommendations.

- c) Staff conducted site inspections on 4/23/07, 4/18/08, and 10/20/08 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 PLN080450.

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 RMA - Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

- b) Necessary public facilities are available. The project would not require the construction of new waste water treatment facilities. The only solid waste product associated with the winery operation will be composted and used on the site for fertilization. Water to the Ranch and winery is provided by an existing private well with a small water system and an on-site water treatment system. The storm water drainage system includes the construction of a bio-swale retention filtration and energy dissipation system to reduce storm water runoff and retain water on-site.
- c) Preceding findings and supporting evidence for PLN080450.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County's zoning ordinance. No violations exist on the property.

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- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property. In July 2009 staff again researched records regarding code violation for conversion to uncultivated lands (vineyards) on slopes over 25%, conducted site visits to verify if and determined there were no violations (CE090249) on this parcel or adjacent Holman Ranch parcels. There was a small area (100 square foot), the Millenium vineyard, south of the Hacienda that had a small corner (100 square feet) of vineyards on 25% slope but the area had been previously cultivated as a fruit orchard and other gardens. There are no violations for grading without a permit for conversion to vineyards, and the existing ponds on the property. These have been investigated and it was determined that there are no grading violations on the site. The current winery shed building is considered an unpermitted structure. A demolition permit was issued in July 2009 and the owner intends to demolish the structure and replace the structure with the new winery barn which would remove the unpermitted condition.
- b) The Holman guest ranch use is considered a legal non-conforming use as these activities pre-existed zoning and permit requirements. Staff received letters confirming the continuous guest ranch and special events uses (see Exhibit K). The ranch has been used for public and special events since its inception and has continued, however the scope of activities has decreased during transitions between two previous owners. Ongoing guest ranch, equestrian uses and public and private special events have continued and are documented by various publications and news articles for the last 40 years. These uses preceded the zoning codes Title 20 and 21. The site was first zoned under Title 20 in 1957, and RDR under Title 21 in 1992. The Hacienda complex area use was zoned as "Commercial" use with the adoption of the Carmel Valley Master Plan and VO under Title 21.
- c) Staff conducted site inspections on 4/23/07, 4/18/08 and 10/20/08 and researched County records to assess if any violation exists on the subject property. Staff researched a disputed case (CE030249) concerning conversion of uncultivated land to cropland (vineyards) on slopes over 25%. The case was investigated and closed in 2005. In July 2009 staff again researched records and conducted site visits to verify if there were code violations and determined there were no violations. (July 21, 2009 memo to Planner Paula Bradley from William B Dunn, Code Enforcement Branch Chief)
- 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 PLN080450.

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5. **FINDING:** **CEQA Mitigated Negative Declaration** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned

and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080450).
  - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN080450).
  - d) The Draft Mitigated Negative Declaration for PLN080450 was prepared in accordance with CEQA and circulated for public review from October 19, 2009 through November 18, 2009. Issues that were analyzed in the Draft Mitigated Negative Declaration include aesthetic resources, air quality, biological resources, cultural resources, hydrology/water quality, noise, transportation/traffic.

Biological Resources: The nearby pond area and project site were surveyed for suitable habitat for "at risk" amphibians including Red-legged or Yellow-legged frogs and California Tiger Salamander (CTS). None of these were found during the survey, nor is the pond environment likely to be a breeding habitat. Five mitigation measures are included for potential biological impacts. Two mitigation measures are required to avoid potential impacts to riparian species, two mitigation measures require preconstruction surveys for nesting to migratory birds and one for roosting bats. One mitigation measure is required for tree protection along with best management practices for ground disturbance and standard County conditions of approval for erosion control.

The water source for the ranch is a private well on a separate parcel which draws from the Carmel River alluvial aquifer which is currently in an overdraft condition. The increased water use resulting from the new winery will be offset by water reduction measures for other facilities at the ranch as part of a facility remodel. The post-project net reduction in water use compared to the baseline is 0.453 acre feet per year. Therefore the project would not result in a potential environmental impact to the water source, the Carmel River, and therefore the project does not result in potential impacts to Federally and State listed or protected riparian or aquatic species or their habitat in the Carmel River (California Central Coast Steelhead and Red-legged

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frog). As described below under Hydrology and Water Quality, project conditions of approval impose strict limitations on the water usage from the well in the Carmel River Alluvial aquifer.

Hydrology and Water Quality: Potential water resource impacts were analyzed; however, the project will result in a net reduction in water use. The post-project net reduction in water use is 0.453 acre feet per year. Therefore the project would not result in a potential significant environmental impact to the water sources including the Carmel River Alluvial aquifer. The primary water source for the ranch is provided by an existing private well on a separate parcel (APN 189-541-003-000), which draws from the Carmel River alluvial aquifer which is currently in an overdraft condition. There are three existing private wells. The main well is in the Carmel River alluvial aquifer, the pasture well (on the project parcel) and a new well on another parcel are both in the upland aquifer and are non-potable water. The pasture well is used for stock watering and fire suppression and is a separate water system not connected to the main well water. The third well is on a separate parcel, is not in use, nor can it be used for domestic water. All uses on the project site, other than stock watering, use the main well water source (Carmel River alluvial aquifer). The increased water use resulting from the new winery will be offset by water reduction measures for other facilities at the ranch as part of a facility remodel and upgrade.

The source of water historically for the ranch and for this project is the Carmel River alluvial aquifer, currently in an overdraft condition. A project condition of approval provides that the Use Permit will be invalid if riparian rights are determined to no longer attach to the property. The MND concludes no potential significant impact to the biological or water resources and was predicated on the assumption that applicant has riparian rights and that the main well would supply no more than 30.61 AFY for the ranch operations. The MND included reference to the condition of approval. An Environmental Health condition of approval requires that the Use Permit shall be effective for so long as the riparian rights identified in the letter from Downey Brand LLP to Thomas Lowder dated December 7, 2009, are attached to the property. Holman Ranch currently has an incomplete application (#31646) for appropriative water rights at the State Water Resources Control Board, which the applicant is not currently pursuing.

The MND project baseline for water use is 30.61 AF for the main well in the Carmel River alluvial aquifer for the site (MND Table 2, Water Demand Summary, and Revised Table 2 Errata and Clarifications to MND). There are no changes or additional Mitigation Measures; however, three project conditions of approval are required to ensure that there are no potential significant impacts to water and biological

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resources: 1) that this Use Permit will be invalid if riparian rights are determined to no longer attach to the property; 2) An ongoing project condition requires that water use from the main well not exceed 30.61 acre feet per year (AFY), based on the annual well meter reading reported to the MPWMD, and; 3) although there is a Cal Am connection on the site, it is not in use and it is not proposed to be used for the project, a project condition of approval requires the abandonment of the Cal Am connection.

The Lead Agency's CEQA project baseline date for the environmental analysis (MND) is 9/30/08 and the water demand baseline is 30.61 AFY for the main well and 0.95 AFY for the pasture well, total 31.56 (AFY) (MND, Table 2). The errata to the Initial Study distributed to the Planning Commission prior to the adoption of the Mitigated Negative Declaration clarified that the baseline was 9/30/08, not the date the application was deemed complete (3/20/09). The 9/30/08 baseline date is a more appropriate baseline date for the project as it is the date the Monterey Peninsula Water Management District (MPWMD) required the well meter reading reported.

The SWRCB response to MND comments states that they cannot use the MND for their permitting purpose unless the MND is revised to include their baseline information and include that any permit they would issue will set a maximum diversion of 27.07 AF as their baseline. The State Water Resources Control Board (SWRCB) baseline is a different baseline than the CEQA baseline. The SWRCB uses a baseline for establishing water use based on the applicant's Application to Appropriate Water submittal date. They used the last reported well meter reading for the MPWMD as of 9/30/06 which was 27.07 AF (for both the main well and the pasture well). The MND project baseline for water demand is 30.61 AF for the main well (31.56 AF water for the main well and the pasture well combined (see revised Table 2, Water Demand Summary, attached). If the applicant/owner pursues the appropriate water rights application, 27.07 AF is the baseline for that purpose.

Transportation and Traffic: A traffic report was prepared for the project and there are no potential traffic impacts. One mitigation measure is required for payment of regional traffic mitigation fees (TAMC).

- e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit 1. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a

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condition of project approval.

- f) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2, Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN080450) and are hereby incorporated herein by reference.
- g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the State Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports vegetation, protected oak trees and a nearby pond riparian habitat. For purposes of the Fish and Game Code, the project will potentially have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee of **\$2,010.25** plus a fee of **\$50** (or as adjusted for 2010) payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- h) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. There is no new evidence or information, nor changes to mitigation measures, only minor unsubstantial revisions that would not warrant a recirculation of the Mitigation Negative Declaration. Three project conditions were added to ensure that there are less than significant potential environmental impacts to hydrology/water resources including: 1) to restrict water usage to the project baseline for the main well to 30.61 AFY annually; 2) to abandon an existing Cal Am connection; and 3) that the Use Permit will be invalid if riparian water rights are determined to no longer attach to the property. Staff has prepared an Errata/Clarifications to the Mitigated Negative Declaration and discussion of the project baseline. Included in the Errata is a discussion of the project CEQA and SWRCB project baselines. The January 13, 2009 staff report to the Planning Commission includes a Response to Comments to address the issues raised in the public comments.

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The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

**6. FINDING: DEVELOPMENT ON SLOPE IN EXCESS OF 30%** – The proposed development better achieves the goals, policies and objectives of the

Monterey County General Plan and Carmel Valley Master Plan Area and the Monterey County Zoning Ordinance (Title 21) than other development alternatives.

**EVIDENCE:** a) In accordance with the applicable policies of the Carmel Valley Master Plan Area and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the authority to grant said permit has been met (see Finding No. 1). Development on slopes that exceed 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. Carmel Valley Master Plan Policy 26.1.10.1 allows an exception for development on 30% for development which can further the goals and policies of the plan. Development on slopes greater than 30% is proposed and is necessary for the cave entry and associated retaining walls. The design of the winery function and circulation utilizes the topography of the site and the structure is stepped into the hillside for a more compact development with less site disturbance. The winery will be constructed into the toe of the hill and the cave entry would be as close as possible to the winery roll up access doors. The design also minimizes the mass and scale of the structure.

The proposed project is consistent with Policy 26.1.24 (CV) as the grading and development on slopes will not result in hillside scaring. The grading will not be visible from neighboring homes, the site is tucked into a saddle between two hills and screened by the wooded vegetation and hilly topography (Policy 26.1.32 (CV)). Disturbed areas will be required to be reseeded by compliance with a standard condition. The construction of the wine cave allows part of winery operation to be underground minimizing impacts to the environment and conserving energy.

The alternative would be to construct the winery on the flatter area of the site; however, the cave entries would then be a greater distance from the building and result in a less compact development than the proposed design. If the cave was not allowed the winery building would involve a much larger disturbed area to accommodate storage and would not be as energy efficient as would the proposed cave. The design stepped into the hillside also minimizes the mass and scale of the structure. Excavation and grading is primarily for the cave construction and access to the cave on the southwest side of the building (Site Improvement Plan, Sheet C-2). Therefore the project as designed better achieves the goals of the zoning code and the goals and policies of the general plan. A standard condition requires that areas of 30% slope within 300 feet southwest of the project area be dedicated as a Conservation and Scenic Easement.

b) The application, plans and supporting materials submitted by the project

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applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080450.

- c) The project planner conducted a site inspection on 4/23/07, 4/18/08, and 10/20/08.
- d) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes. (See above Findings and Evidence)

**7. FINDING:**

**TREE REMOVAL – INLAND:** The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

**EVIDENCE:**

- a) The project includes application for the removal of nine protected oak trees including four landmark oaks. In accordance with the applicable policies of the Carmel Valley Master Plan Area and the Monterey County Zoning Ordinance (Title 21). A Use Permit is required and the authority to grant said permit has been met.
- b) Carmel Valley Master Plan Policy No. 7.2.2.5 discourages the removal of healthy native oaks over 6 inches in diameter measured two feet above ground level. The removal of nine protected oak trees is necessary for the new winery barn, two cave entrances and associated retaining walls (Site Improvement Plan, Sheet C-1). The owner worked with the arborist to site the winery, retaining walls and improvements to minimize the removal and impacts to trees. Trees near retaining walls, driveways and construction areas will be preserved to minimize tree removal, and recommendations were provided by the arborist for trees nos. 32 (24 inches) and 85 (20 inches). If efforts to preserve these two trees are successful, it will reduce the trees removed from nine to seven. Bulb outs and planters are included in the parking lot design to preserve large oak trees. Mitigation Measure No. 5 requires tree protection prior to and during construction, specific instructions to avoid impacts to trees, construction training, and 1:1 tree replacement with acorns and seedlings will be salvaged and propagated on-site, as shown on the Forest Management Plan dated 10/29/08 (page 4) the tree plan (pages 15 and 19).
- c) A Forest Management Plan and supplemental reports were prepared by Matt Horowitz, Forest City Consulting for this parcel, dated October 29, 2008, and Forest Management Plan Addendum letter to Todd Kenyon Re: Retention of Trees 35 and 85, dated 10/28/08, and are on record in the Monterey County RMA - Planning Department.
- d) Measures for tree protection during construction include tree protection zones, trunk protection, hand excavation and bridging roots have been incorporated as Mitigation Measure No. 5.
- e) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible in accordance with applicable goals and policies of the Carmel Valley Master Plan Area. The project includes the removal of nine protected oak trees, including landmark oaks for the new winery barn and two cave entrances (see

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- Finding No. 1 and preceding Evidence above).
- f) The removal will not involve a risk of adverse environmental impacts. The wine barn is located on the edge of an oak woodland to the south and included both coastal live oak and valley oaks overall in a healthy condition. The arborist determined that there is no potential significant impact to oak woodland resources. Nine coast live oaks, ranging in size from 12 inches to 36 inches in diameter are proposed to be removed, primarily for the winery barn and two cave entrances. Mitigation Measure No. 5 requires tree protection prior to and during construction, specific instructions to avoid impacts to trees, construction training, and 1:1 tree replacement with acorns and seedlings will be salvaged and propagated on-site, as shown on the Forest Management Plan, in order to minimize potential biological impacts to trees (see preceding Evidence and Finding No. 5, CEQA).
  - g) Staff conducted a site inspection on 4/23/07, 4/18/08, and 10/20/08 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
  - h) 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 PLN080450.

**8. FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

**EVIDENCE:** a) Section 21.80.040(D) of the Monterey County Zoning Ordinance.

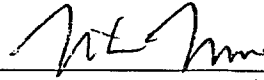
### DECISION

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

- A. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program (Exhibit 1);
- B. Approve a Combined Development Permit consisting of: 1) a Use Permit for a 3,330 square foot Agricultural Processing Plant for a winery producing up to 5,000 cases per year, a 3,050 square foot wine storage cave, a 240 square foot equipment storage building; 2) a Use Permit for the removal of nine protected oak trees; 3) a Use Permit for development on slopes in excess of 30%; 4) an Administrative Permit for development in a Site Plan Review District; and 5) Design Approval. A small water system was installed and grading is approximately 3,980 (1,980 cubic yards cut and 1,980 cubic yards fill) balanced on-site. The project must be in general conformance with the attached sketch (Exhibit 2) and is subject to the conditions (Exhibit 1), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 13th day of January, 2010 upon motion of Commissioner Diehl and seconded by Commissioner Isakson, by the following vote:

AYES: Getzelman, Brown, Isakson, Rochester, Vandevere, Sanchez, Diehl, Padilla,  
Ottone  
NOES: None  
ABSENT: Salazar  
ABSTAIN: None



Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON FEB 02 2010

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 SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEB 12 2010

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.

2. This permit expires **four (4)** years after the above date of granting thereof unless construction or use is started within this period.

**RESOLUTION 10-002 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Holman Ranch  
 File No: PLN080450 APNs: 187-481-001-000  
 Approved by: Planning Commission Date: January 13, 2010

*\*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	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)
<b>RMA - Planning Department</b>						
1.		<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Combined Development Permit (PLN080450) allows: 1) a Use Permit for a 3,330 square foot Agricultural Processing Plant for a winery producing up to 5,000 cases per year, a 3,050 square foot wine storage cave, a 240 square foot equipment storage building; 2) a Use Permit for the removal of nine protected oak trees; 3) a Use Permit for development on slopes in excess of 30%; 4) an Administrative Permit for development in a Site Plan Review District; and 5) Design Approval. A small water system was installed and grading is approximately 3,960 cubic yards (1,980 cubic yards cut and 1,980 cubic yards fill) balanced on-site. The property is located at 60 Holman Road, Carmel Valley (Assessor's Parcel Number 187-481-001-000) Carmel Valley Master Plan Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	Owner/ Applicant	Ongoing unless otherwise stated	
				RMA - Planning		
				RMA - Planning		

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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)
2.		<p><b>PD002 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution <b>10-002</b>) was approved by the Planning Commission for Assessor's Parcel Number 187-481-001-000 on January 13, 2010. The permit was granted subject to 40 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (<b>RMA-Planning Department</b>)</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	Owner/Applicant	Prior to the issuance of grading and building permits or commencement of use	
3.		<p><b>PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT</b></p> <p>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 RMA - Planning Department and a qualified archaeologist (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. (<b>RMA - Planning Department</b>)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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.</p>	Owner/Applicant/Archaeologist	Ongoing	
		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA -</p>	Owner/Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits,	

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Permit Cont. Number	Milling Number	Conditions of Approval and/or Mitigation Measures and Responsible Party and Use Department	Compliance or Mitigating Actions to be performed. Where applicable, if certain professional's requirement for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>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 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 shall cooperate fully in the defense thereof. If 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)</p>	<p>Planning Department.</p>		<p>use of the property, filing of the final map, whichever occurs first and as applicable</p>	
5.	<p>EXHIBIT <u>B</u> PAGE 17 OF 10 PAGES</p>	<p><b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Within 5 working days of project approval</p> <p>Prior to issuance of building or grading permits</p>	

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, certified professional's signature for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
6.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(RMA - Planning Department)</b>	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first	
7.		<b>PD016 - NOTICE OF REPORTS</b> Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A(n) 1. Preliminary Archaeological Reconnaissance Report, has been prepared for this parcel by Archaeological Consulting, dated October 21, 2008, and is on record in the Monterey County RMA - Planning Department, Library No. LIB080031. 2. Historical and Architectural Evaluation for the Holman Ranch 60 Holman Road, Carmel Valley, CA 93924 has been prepared for this parcel by Kent Seavey, Preservation Consultant, dated June 21, 2007, and is on record in the Monterey County RMA - Planning Department, Library No. LIB090276; 3. Biological Assessment, has been prepared for this parcel by Rana Creek Environmental Planning, dated January 16, 2009, and is on record in the Monterey County RMA - Planning Department, Library No. LIB090278; 4. Forest Management Plan and letter has been prepared for this parcel by Matt Horowitz, Forest	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits	

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Permit Cond. Number	Meeting Number	Conditions of Approval and/or Mitigation Measures and Responsible Local Government	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)
		<p>City Consulting, dated October 29, 2008, and is on record in the Monterey County RMA - Planning Department, Library No. LIB080517;</p> <p>5. Forest Management Plan Addendum letter to Todd Kenyon Re: Retention of Trees 35 and 85, has been prepared for this parcel by Matt Horowitz, Forest City Consulting, dated 10/28/08, and is on record in the Monterey County RMA - Planning Department, Library No. LIB090276;</p> <p>6. Geotechnical Investigation Report, has been prepared for this parcel by Soil Surveys Inc., dated August 13, 2008; and is on record in the Monterey County RMA - Planning Department, Library No. LIB080565;</p> <p>7. Holman Ranch Traffic Study, Carmel Valley, California, has been prepared for this parcel by Higgins Associates report, dated September 11, 2008, and is on record in the Monterey County RMA - Planning Department, Library No. LIB080539.</p> <p>8. Historical and Architectural Evaluation For the Holman Ranch 60 Holman Road, Carmel Valley, CA 93924, Kent Seavey, Preservation Consultant, June 21, 2007, Library No. LIB070422 (Planning File DA070278 and DA070279).</p> <p>9. Proposed On-site Winery Process Water Management Plan Holman Ranch Winery (APN 187-481-001) Carmel Valley CA, Fall Creek Engineering, Inc., September 3, 2008.</p> <p>10. Letter report dated June 30, 2009, from Regan Biological and Horticultural Consulting, LLC, Carmel Valley CA.</p> <p>11. Letter report dated July 7, 2009 from Regan Biological Consulting, Re: Holman Ranch artisan winery, Carmel Valley CA.</p> <p>12. CTS Habitat Site Assessment, Regen Biological</p>				


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Permit Concl. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Parties Department	Compliance or Monitoring Actions to be performed. Where applicable, a qualified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
		Consulting, Carmel Valley CA, dated September 23, 2009.  All development shall be in accordance with these reports." (RMA - Planning Department)				
8.		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
9.		<b>PD008 - GEOLOGIC CERTIFICATION</b> Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	
10.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA - Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	
11.		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.  Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Prior to the issuance of grading and building permits	

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Permit Control Number	Mining 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	Mining Number	Verification of Compliance (time/date)
		prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
12.		<b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b> All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits	
13.		<b>PD041 – HEIGHT VERIFICATION</b> The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant or Civil Engineer	Prior to the issuance of grading or building permits	
				Owner/ Applicant or Civil engineer	Prior to final inspection	

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Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party (Use Department)	Compliance or Monitoring Actions (to be performed. Where applicable to certified professionals is required for action to be accepted)	Responsible Party for Compliance	Timing	Verification of Compliance (name/dates)
14.		<b>PD023 – EASEMENT - SCENIC (SLOPE)</b> A scenic easement shall be conveyed to the County over those portions of the property within 300 feet southwest of the project area where the slope exceeds 30% percent. The easement shall be developed in consultation with certified professional. A scenic easement deed shall be submitted to, and approved by, the Director of the RMA - Planning Department prior to issuance of grading or building permits. (RMA – Planning Department)	Submit the scenic easement deed and corresponding map, developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.  Record the deed and map showing the approved scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant/ Certified Profes- sional	Prior to the issuance of grading and building permits	
15.		<b>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)</b> In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards: 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process; 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. All Air District standards shall be enforced by the Air District. (RMA – Planning Department)	Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.	Contractor /Owner/ Applicant	Prior to the issuance of a demolition permit	
16.		<b>PDSP001 CONSTRUCTION HOURS (NONSTANDARD)</b> – Construction hours shall be restricted to 8 a.m. to 5 p.m. Monday through Saturday, and shall be required as a note on the grading and construction plans. (RMA – Planning Department and RMA-Building Services Department)	A note shall be shown on the plans.	Owner/ Applicant	Prior to the issuance of grading or building permits	

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Permit Condition Number	Mtg. Number	Conditions of Approval and/or Mitigation Measures and Responsible Parties/Department	Compliance or Monitoring Actions to be performed. Where applicable a certified professional's signature for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
17.		<b>PDSP002 CONSTRUCTION HOURS FOR LARGE TRUCKS (NONSTANDARD)</b> – Construction hours shall be restricted to 9 a.m. to 3 p.m. Monday through Saturday and shall be required as a note on the grading and construction plans. (RMA – Planning Department and RMA-Building Services Department)	A note shall be shown on the plans.	Owner/ Applicant	Prior to the issuance of grading or building permits	
18.		<b>PDSP003 ABANDON CAL AM CONNECTION (NONSTANDARD)</b> – The applicant shall provide evidence that the existing Cal Am connection has been abandoned to the RMA- Director of Planning (RMA – Planning Department)	Provide evidence that the Cal Am connection has been abandoned to the RMA- Director of Planning.	Owner/ Applicant	Prior to final	
19.		<b>PDSP004 BASELINE WATER USE RESTRICTION (NONSTANDARD)</b> – The applicant shall provide evidence of the annual well reading required by the MPWMD to the RMA- Director of Planning. If the water use exceeds the baseline amount for the project of 30.61 AFY for the main well, based on the annual well meter reading reported to the MPWMD, measures shall be required to reduce water on the project site or the Winery Use Permit will be subject to Planning Commission review and possible revocation. Additional water reduction measures such as: reduced landscape and irrigation, additional retrofit of fixtures and recapture or reuse of water on the site may be proposed to demonstrate reduction to the baseline prior to the next annual meter reading on September 30 of each year. (RMA – Planning Department)	Provide evidence to the RMA- Director of Planning by 10/31 annually. If the water use exceeds the baseline amount for the project of 30.61 afy for the main well, based on the annual well meter reading reported to the MPWMD, measures shall be required to reduce water on the project site or the Winery Use Permit will be subject to review and possible revocation.	Owner/ Applicant	Ongoing by 10/31 annually	
		<b>PDSP005 NO IMPORTED FRUIT (NONSTANDARD)</b> – No fruit shall be imported to the site for wine processing. All fruit to be processed on the site shall be grown on the site as an estate grown product. (RMA – Planning Department)	No fruit shall be imported to the site. All fruit to be processed on site shall be grown on site as an estate product.	Owner/ Applicant	Ongoing	

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Permit Condition Number	Conditions of Approval and/or Mitigation Measures and Responsible Agency/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 (frame/date)
21.	<b>PDSP006 NO PUBLIC WINE TASTING - (NONSTANDARD)</b> – Wine tasting is allowed only for guest events at the ranch. No public or “drop in” wine tasting shall be allowed. There shall be no advertising or marketing of the property as available for general public wine tasting. <b>(RMA – Planning Department)</b>	No stand alone public wine tasting is allowed at the winery not associated with a guest ranch special event.	Owner/ Applicant	Ongoing	
<b>RMA – Public Works Department</b>					
22.	<b>PW0006 – CARMEL VALLEY</b> The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution No. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCD). <b>(Public Works)</b>	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance	
23.	<b>PW0007 – PARKING STD</b> The parking shall meet the standards of the Zoning Ordinance and be approved by the RMA Directors of Public Works, Planning and Building Services. <b>(Public Works)</b>	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
24.	<b>PW SP02– CONSTRUCTION MANAGEMENT PLAN (NONSTANDARD)</b> Prior to issuance of Grading Permits or Building Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. <b>(Public Works)</b>	Submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the	Owner/ Applicant	Prior to issuance of Grading Permits or Building Permits	

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Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible and Issue Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
			applicant during the construction/grading phase of the project.			
<b>Health Department Environmental Health Division</b>						
25.		<b>EH3 - WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM)</b> Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. ( <b>Environmental Health</b> )	Submit engineered plans for the water system improvements to Environmental Health for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by Environmental Health prior to installing or bonding the improvements	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of a grading or building permit	
26.		<b>EHSP01 WATER SYSTEM AS-BUILT</b> Any modifications or additions to the water system must first obtain approval from the Environmental Health Division. Once installations of water lines to the winery building are installed an as-built schematic must be submitted to EHD. ( <b>Environmental Health</b> )	Submit water system as-built indicating all potable water lines after construction of new building.	Owner/ Applicant	Prior to occupancy	
27.		<b>EHSP02 WINERY WASTE DISCHARGE REQUIREMENTS</b> Winery wastewater discharges shall comply with the Prohibitions, Recommendations and Specifications of the General Waste Discharge Requirements, Order No. R3- 2008-0018 for Discharges of Winery Waste set forth by the Regional Water Quality Control Board (RWQCB). <b>Note to EHRS:</b> Holman Ranch got approval from the RWQCB for their NOI many years ago with the old owner. The new waiver covers them. However, we are requesting they submit updated documentation to the RWQCB prior to occupancy. ( <b>Environmental Health</b> )	<ul style="list-style-type: none"> <li>▪ Submit an updated Notice of Intent to Comply with the Terms of General Waste Discharge Requirements for Discharges of Winery Waste form along with a set of treatment plans to the RWQCB for review and approval prior to occupancy.</li> <li>▪ Submit documentation to the Environmental Health Division indicating RWQCB has accepted and approved the submittal.</li> </ul>	Owner/ Applicant	Prior to Occupancy	

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Permit Control 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)
28.		<p><b>WATER RIGHTS/USE PERMIT -</b></p> <p>This Use Permit shall be effective for so long as the riparian rights identified in the letter from Downey Brand LLP to Thomas Lowder dated December 7, 2009 are attached to the property. The Use Permit shall cease to be effective if such riparian rights are determined not to exist. If the riparian rights are no longer attached to the property the Applicant or successor in interest shall inform the County within seven (7) calendar days of any final decision or adjudication of the riparian rights issue. If any final decision or adjudication determines that riparian rights are no longer attached to the property, the Applicant or successor in interest may demonstrate to the Director of the Environmental Health Bureau that it has sufficient other rights to at least 31.56 acre feet of water per year (af/yr), for example appropriate or groundwater, to continue the permitted use, and in such a case the Use Permit shall remain effective subject to the need to amend the Use Permit appropriately (as determined by the County) or the need to perform further environmental review. If there is a decrease in the amount of water available to the property below the 31.56 af/yr, then the domestic usage shall have first priority to that water. The Applicant shall cause an appropriate deed restriction to be recorded on the property memorializing this condition. <b>(Environmental Health)</b></p>	<ol style="list-style-type: none"> <li>1. The Applicant shall inform the County within seven (7) calendar days of any final decision or adjudication of the riparian rights issue, or of any decision granting appropriate rights.</li> <li>2. Submit proposed wording and forms to be recorded to DEH and PD for review and approval. Record deed notification. Provide proof of recordation to EHD.</li> <li>3. Submit the deed restriction on to Environmental Health for review and approval. Record the deed restriction and submit a copy of to the RMA – Planning Department and Environmental Health.</li> </ol>	Owner/ Applicant	Continuous	
<p>EXHIBIT 5 PAGE 20 OF 40 PAGES</p>		<p><b>EHP04 PORTABLE TOILETS - NUMBER OF EVENTS USING PORTABLE TOILETS</b></p> <p>Due to the number of available permanent flush toilets in the Hacienda area, any event with more than 160 people shall provide an adequate number of portable toilets pursuant to the regulations found in Chapter 15.20.050 of the Monterey County Code. Events utilizing chemical toilets in lieu of flush toilets <b>must not exceed ten (10) calendar days per year.</b></p>	Submit copy of service contract to the Environmental Health. Division	CA Licensed Plumbing Contractor /Owner/ Applicant	Continuous	

Permit Condition 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	During	Verification of Compliance (date)
		An adequate number of portable toilets, one (1) toilet seat per forty (40) persons, shall be provided and maintained so as not to create a public nuisance and shall be maintained by a permitted liquid waste hauler. Portable units shall provide hand-washing capacity. (Environmental Health)				
<b>Monterey County Water Resources Agency</b>						
30.		<b>WR2 - STORMWATER CONTROL</b> The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Storm water runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/Applicant/Engineer	Prior to issuance of any grading or building permits	
31.		<b>WR43 - WATER AVAILABILITY CERTIFICATION</b> The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/Applicant	Prior to issuance of any grading or building permits	
32.		<b>WR40 - WATER CONSERVATION MEASURES</b> 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. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between	Compliance to be verified by building inspector at final inspection.	Owner/Applicant	Prior to final building inspection/occupancy	

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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's registration for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (how/when)
		<p>the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <b>(Water Resources Agency)</b></p>				
<b>Fire Agency Carmel Valley Fire Protection District</b>						
33.		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b>  All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Valley Fire District)</b></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	

EXHIBIT B  
PAGE 28 OF 10 PAGES

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Technical Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required or actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
34.		<b>FIRE 030 – NON-STANDARD CONDITIONS – FIRE SAFETY INSPECTION</b> – A fire safety inspection shall be obtained from the Carmel Valley Fire District for the business proposed under this use permit. Any deficiencies shall be corrected prior to approval of the final fire inspection. <b>(Carmel Valley Fire District)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule and obtain approval of a fire safety inspection.	Owner/ Applicant  Owner/ Applicant	Prior to issuance of building permit.  Prior to final building inspection	
<b>Mitigation Measures</b>						
35.	MM-1	<b>PRE-CONSTRUCTION SURVEY – AMPHIBIANS</b> Prior to start of construction, a County approved qualified Biologist shall conduct a habitat assessment to determine potential presence of amphibians within or near (minimum 30 feet) the project site (area where any ground disturbance will occur) and within 30 feet of any ground squirrel burrow or other potential aestivation/hiding areas near the project site. Anything that amphibians could hide under, including all existing lumber, tree branches etc., shall be removed by hand. If the biologist determines that CTS do not occupy the project site, as a precautionary measure, exclusionary fencing shall be installed around the project site supervised by the biologist, by October 15 (before the first rain) and remain in place until July 15, or until construction is completed. The fencing shall serve to exclude any potential CTS from entering the construction area. Evidence of such fencing shall be provided to the RMA – Planning Department. If the survey finds habitat conditions indicating potential that CTS could be present on or near the site, a qualified biologist shall consult the appropriate agencies regarding conducting a protocol level survey following a USFWS/CDFG approved methodology. If at any time CTS is found, work shall be temporarily suspended and the biologist shall obtain a an	Prior to start of construction a County approved qualified Biologist shall conduct a habitat assessment to determine potential presence of amphibians within or near (minimum 30 feet) the project site (area where any ground disturbance will occur) and within 30 feet of any ground squirrel burrow or other potential aestivation/hiding area near the project site. The biologist shall remove anything that amphibians could hide under, including all existing lumber, tree branches etc. by hand. Exclusionary fencing shall be installed around the project site supervised by the biologist, by October 15 (before the first rain) and remain in place until July 15, or until construction is completed if the biologist determines that CTS do not occupy the project site, as a precautionary measure. The fencing shall serve to exclude any potential CTS from entering the construction area. Evidence of such fencing shall be	Applicant/ Owner/ Qualified biologist/ DFG/ Fish and Wildlife Service	No more than 10 days prior to start of construction and if construction is to be initiated during the rainy season, prior to issuance of a grading or building permit	installed around the project site supervised by the biologist, by October 15 (before the first rain) and remain in place until July 15, or until construc- tion is completed

EXHIBIT 6  
PAGE 29 OF 40 PAGES

Permit Cond. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Party Use Department	Compliance Monitoring Actions to be performed, where applicable, to verify that the contractor's required actions are accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (date)
EXHIBIT <u>6</u> PAGE <u>30</u> OF <u>40</u> PAGES		<p>incidental take permit and submit a habitat management plan prepared by a qualified biologist in consultation with USFWS and CDFG, subject to review and approval of the RMA-Planning Director. The biologist shall be on site on the day construction commences to do a final inspection of the site. (RMA – Planning Department)</p>	<p>provided to the RMA – Planning Department. The biologist shall consult the appropriate agencies regarding conducting a protocol level survey following a USFWS/CDFG approved methodology if the survey finds habitat conditions indicating potential that CTS could be present on or near the site. Work shall be temporarily suspended and the biologist shall obtain an incidental take permit, submit a habitat management plan prepared by a qualified biologist in consultation with USFWS and CDFG, subject to review and approval of the RMA-Planning Director, if at any time CTS is found. The biologist shall be on site on the day construction commences to do a final inspection of the site. Conduct preconstruction surveys for amphibians including but not limited to California tiger salamanders, Red-legged frogs within the project site. If construction is to occur during the rainy season (typically between November and May) exclusionary fencing shall be erected around any impact area. If construction occurs during the rainy season, the day of commencement, a FWS approved biologist shall conduct a preconstruction survey for CTS and CRLF, and if any are found, shall consult with FWS for direction and to determine if construction may proceed.</p>			

Permit Condition 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 or action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
36.	MM-2	<p><b>WORKER TRAINING SESSION RIPARIAN RESOURCES</b> Prior to start of construction, a qualified biologist shall conduct a worker training session for all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices. The training shall include a brief review of the biology of these species, the general measures that are being implemented to conserve these species as they relate to the project, guidelines to avoid impacts to these species during the construction period, and the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers onsite. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and provide a copy to the RMA-Planning Department. Educational programs shall be conducted for new personnel before they join construction activities. The crew foreman shall be responsible for ensuring that all crew members comply with the guidelines.</p> <p><b>(RMA – Planning Department)</b></p>	<p>Conduct a worker training session for all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices prior to start of construction. Include a brief review of the biology of these species, the general measures that are being implemented to conserve these species as they relate to the project, guidelines to avoid impacts to these species during the construction period, and the penalties for non-compliance, and the boundaries of the project area. Prepare a fact sheet or other supporting materials containing this information and distribute to all of the workers onsite. Submit a copy of the education materials to the RMA-Planning Department for review and approval. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and provide a copy to the RMA- Planning Department. Conduct educational programs for new personnel before they join construction activities. The crew foreman will be responsible for ensuring that all crew members comply with the guidelines.</p>	Applicant/ Owner/ Qualified biologist	No more than 30 days prior to start of construction and if construction is to be initiated between February 15 and August 1, prior to issuance of a grading or building permit	
	MM-3	<p><b>PRE-CONSTRUCTION SURVEY – NESTING BIRDS</b> If construction activities are to be initiated between February 15 and September 1, no more than 10 days prior to start of construction, a qualified biologist shall conduct pre-construction surveys for protected nesting birds within 100 feet of proposed disturbance. If</p>	<p>If construction activities are to be initiated between February 15 and September 1, no more than 10 days prior to start of construction, a qualified biologist shall conduct pre-construction surveys for protected nesting birds</p>	Applicant/ Owner/ Qualified biologist/ California Depart-	No more than 30 days prior to start of construction and if	

EXHIBIT 1  
PAGE 21 OF 41 PAGES

Permit Contd. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required or action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Timing/Date)
		nesting raptors (or any other nesting birds) are identified during the pre-construction surveys, the CDFG shall be contacted for an appropriate buffer that will be imposed within which no construction activities or disturbance can take place (generally 250 feet in all directions for raptors; other avian species may have species specific requirements) until the young of the year have fledged or are no longer reliant on the nest or parental care for survival, as determined by a qualified biologist. Alternatively, construction activities that may affect protected species can be timed to avoid the nesting season.	within 100 feet of proposed disturbance. If nesting raptors (or any other nesting birds) are identified during the pre-construction surveys, the CDFG shall be contacted for an appropriate buffer that will be imposed within which no construction activities or disturbance can take place (generally 250 feet in all directions for raptors; other avian species may have species specific requirements) until the young of the year have fledged or are no longer reliant on the nest or parental care for survival, as determined by a qualified biologist. Alternatively, construction activities that may affect protected species can be timed to avoid the nesting season.	ment of Fish and Game	construction is to be initiated between February 15 and September 1, prior to issuance of a grading or building permit	
38.	MM-4	<b>PRECONSTRUCTION SURVEY FOR ROOSTING BATS</b> If any trees are to be pruned or removed between May and August the project applicant shall contract with the qualified wildlife biologist to conduct a survey for roosting special-status bat species, 10 days prior to the pruning or removal of any trees. If no bat roosts are detected, then no further action is required if the trees are removed prior to the next breeding season. If removal is delayed, an additional preconstruction survey shall be conducted 10 days prior to removal of any trees or buildings to ensure that a new colony has not established itself. If a colony of bats is found roosting within the project site, then actions will be required to reduce the potential disturbance as required by the California Department of Fish and Game (CDFG) Sections 3503 and 3801 and the Federal Migratory Bird Treaty Act. Alternatively, construction activities that may affect protected species can be timed to avoid the nesting	A qualified biologist to conduct a survey for roosting special-status bat species 10 days prior to tree pruning or removal occurring between May and August. If no bat roosts are detected, then no further action is required if the trees are removed prior to the next breeding season. If pruning or removal is delayed, an additional preconstruction survey shall be conducted 10 days prior to removal of any trees or buildings to ensure that a new colony has not established itself. If a colony of bats is found roosting within the project site, then actions will be required to reduce the potential disturbance as required by the California Department of Fish and	Applicant/ Owner/ Qualified biologist/ California Depart- ment of Fish and Game	No more than 10 days prior to start of construction and if construction is to be initiated from May and August prior to issuance of a grading or building permit	

EXHIBIT B  
PAGE 22 OF 110 PAGES

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Planning Department	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)		
39.	MM-5	season. (RMA - Planning Department)	<p><b>TREE PROTECTION</b></p> <p>Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding avoiding grade changes of any type against the base of the tree and avoiding any grade changes at the feeding zone or dripline of retained trees. Removing soil from the inside of the dripline can be just as harmful as adding soil. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.</p> <ul style="list-style-type: none"> <li>Construction activities shall be kept within designated construction staging area.</li> <li>Temporary fencing shall be installed to protect trees near the construction area and remain installed until construction is completed. This area shall be off limits during all stages of construction to vehicles (or equipment for hand trenching under the supervision of a qualified arborist or forester). No vehicles shall be parked or equipment, materials or dirt shall be stored in the protected area.</li> <li>A qualified arborist shall recommend locations and inspect installation of temporary fencing prior to</li> </ul>	<p>Game (CDFG) Sections 3503 and 3801 and the Federal Migratory Bird Treaty Act.</p>	<p>Prior to grading or construction or removing any trees:</p> <ol style="list-style-type: none"> <li>A qualified arborist or forester shall recommend locations and inspect the installation of temporary fencing prior to start of construction;</li> <li>Submit evidence of tree protection to the RMA - Planning Department for review and approval;</li> <li>If damage to trees occurs, submit an interim report prepared by a qualified arborist or forester;</li> <li>A preconstruction meeting shall be conducted by a qualified arborist or forester, to train all construction managers, heavy equipment operators, and tree cutters that will work on site, in tree protection and methods of pruning and root cutting during construction activities according to the Forest Management Plan dated 10/29/08 and Forester's letters dated 10/28/08, and 10/29/08.</li> <li>Provide to the RMA-Planning Department evidence of training including a contract for a qualified arborist's services and a list of all contractors or laborers who received training;</li> <li>Install replacement trees as recommended by a qualified arborist or</li> </ol>	<p>Applicant/ Owner/ Qualified arborist or forester</p>	<p>Prior to any grading or construc- tion or removing any trees</p>	

EXHIBIT B  
PAGE 32 OF 46 PAGES

Permit Case Number	Mills Number	Conditions of Approval and/or Mitigation Measures and Responsible Forestry 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 (time/date)
		<p>start of construction.</p> <ul style="list-style-type: none"> <li>• Within the protected area during all phases of construction, trenching shall be performed by hand equipment or under the supervision of a qualified arborist or forester.</li> <li>• Whenever possible utilities shall be placed in the same trench within protected areas.</li> <li>• Roots encountered during trenching that are not to be retained shall be clean cut to promote re-growth and prevent increased damage.</li> <li>• Branches close to construction activities or overhanging driveways shall be pruned to avoid breakage. All pruning shall be under the supervision of a qualified arborist or forester.</li> <li>• All construction contractors shall be give a copy of the Forest Management Plan and conditions of approval and shall agree to implement conditions of approval and mitigation measures. Contracts shall identify a County approved arborist or forester for consultation when needed or required to be present. Special instructions provided in the Forest Management Plan and Forester's letters dated 10/28/08 and 10/02/08, shall be followed for trees No 32 and 85, No 9, and 46, and for trees near low retaining walls (Nos. 13, 47, 48, 60, 69, 70, 75, 76 77, and 79). <b>(RMA - Planning Department)</b></li> </ul>	forester shown on the Forest Management Plan.			
			Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Qualified Arborist or Forester	During Construc- tion	
			Submit photos of the trees on the property to the RMA - Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant/ Qualified Arborist or Forester	Prior to final inspection	

EXHIBIT B  
PAGE 34 OF 40 PAGES

Permit Condition Number	Mitigation 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's signature for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
40.	MM-5	Tree replacement is required 1:1. Replacement locations shall be installed as shown on the Forest Management Plan map dated 10/29/09, with acorns and seedlings salvaged and propagated on-site. Any replacement or preserved trees (including trees No. 32 and/or No 85) not in a healthy growing condition or that are dead shall be replaced to ensure 100% tree replacement. (RMA - Planning Department)	Plant replacement trees as shown on the Forest Management Plan map dated 10/29/09. Any replacement or preserved trees (trees No. 32 and/or No 85) not in a healthy growing condition or that are dead shall be replaced to ensure 100% tree replacement. The arborist or forester shall provide tree planting and care instructions to ensure survival. Any replacement or preserved trees not in a healthy growing condition or that are dead shall be replaced to ensure 100% tree replacement.	Owner/ Applicant/ Qualified Arborist or Forester	Prior to final inspection	
		<b>PW0043 - REGIONAL DEVELOPMENT IMPACT FEE.</b> Prior 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. (RMA- Public Works Department)	Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.	Owner/ Applicant	Prior to issuance of Grading or Building Permits	

END OF CONDITIONS

EXHIBIT B  
PAGE 35 OF 40 PAGE

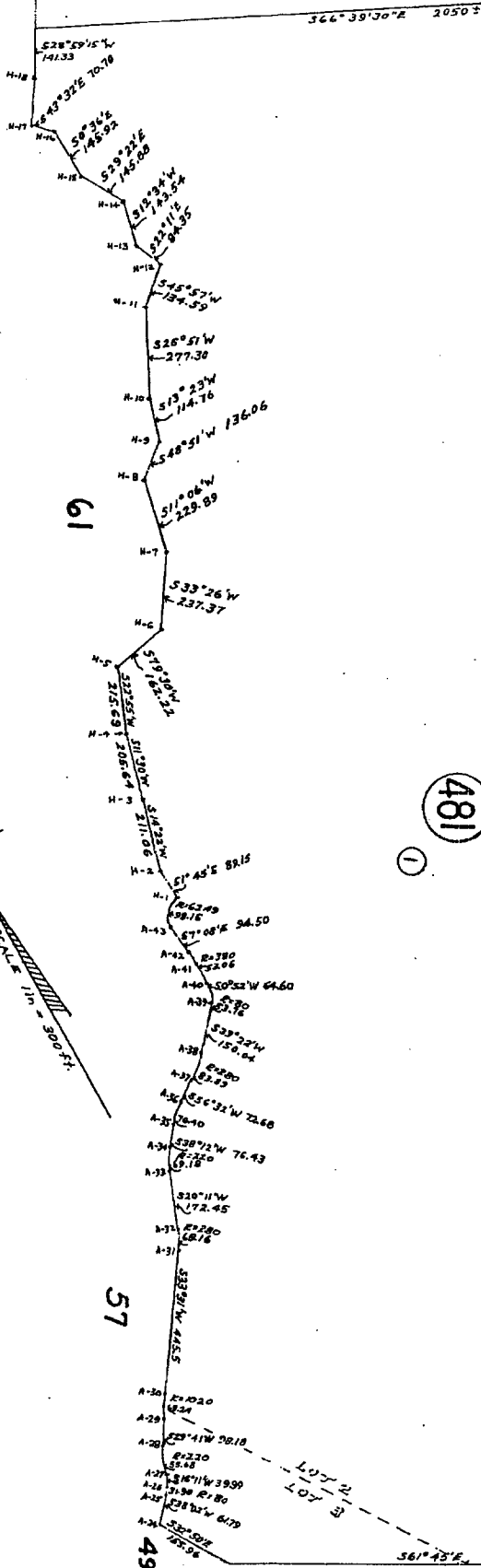


UNITS 1164 300 848

(80-14)



SCALE 1" = 500 FT.



61

57

49

481

1

PARCEL 4  
East Half Sec. of Lots 2 & 3

RD. LOS TULARCITOS

328°58'W 476±

TAX CODE AREA

COUNTY OF MONTEREY  
ASSESSOR'S MAP  
BOOK 187 PAGE 48

RD LOS LAURELES  
POR. LOTS 2 & 3 PARCEL 4

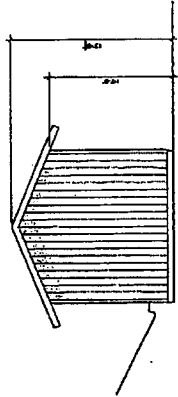




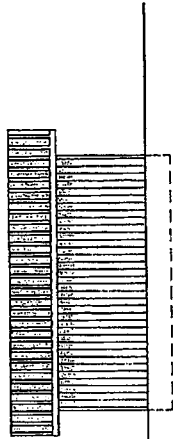
Project / Owner  
**ARTISAN WINERY PROCESS BARN**  
 10000 N. 100th St.  
 CARMEL VALLEY, CA 95001

EXTERIOR FINISHES	
WALLS	PAINTED EXTERIOR WOOD SHAKES
ROOF	PAINTED EXTERIOR WOOD SHAKES
FLOOR	PAINTED EXTERIOR WOOD SHAKES
TRUSS	PAINTED EXTERIOR WOOD SHAKES
CEILING	PAINTED EXTERIOR WOOD SHAKES
DOORS	PAINTED EXTERIOR WOOD SHAKES
SCREENS	PAINTED EXTERIOR WOOD SHAKES
TRIM	PAINTED EXTERIOR WOOD SHAKES
SPONGE	PAINTED EXTERIOR WOOD SHAKES
STEEL	PAINTED EXTERIOR WOOD SHAKES

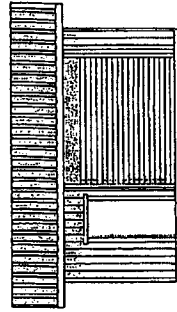
**THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS**  
 10000 N. 100th St.  
 CARMEL VALLEY, CA 95001  
 (408) 426-1111



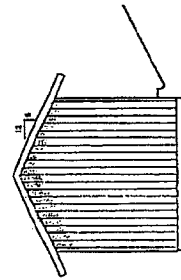
SOUTH



WEST



EAST



NORTH

ELEVATIONS



A3.2

EXHIBIT B  
 PAGE 2 OF 10 PAGES

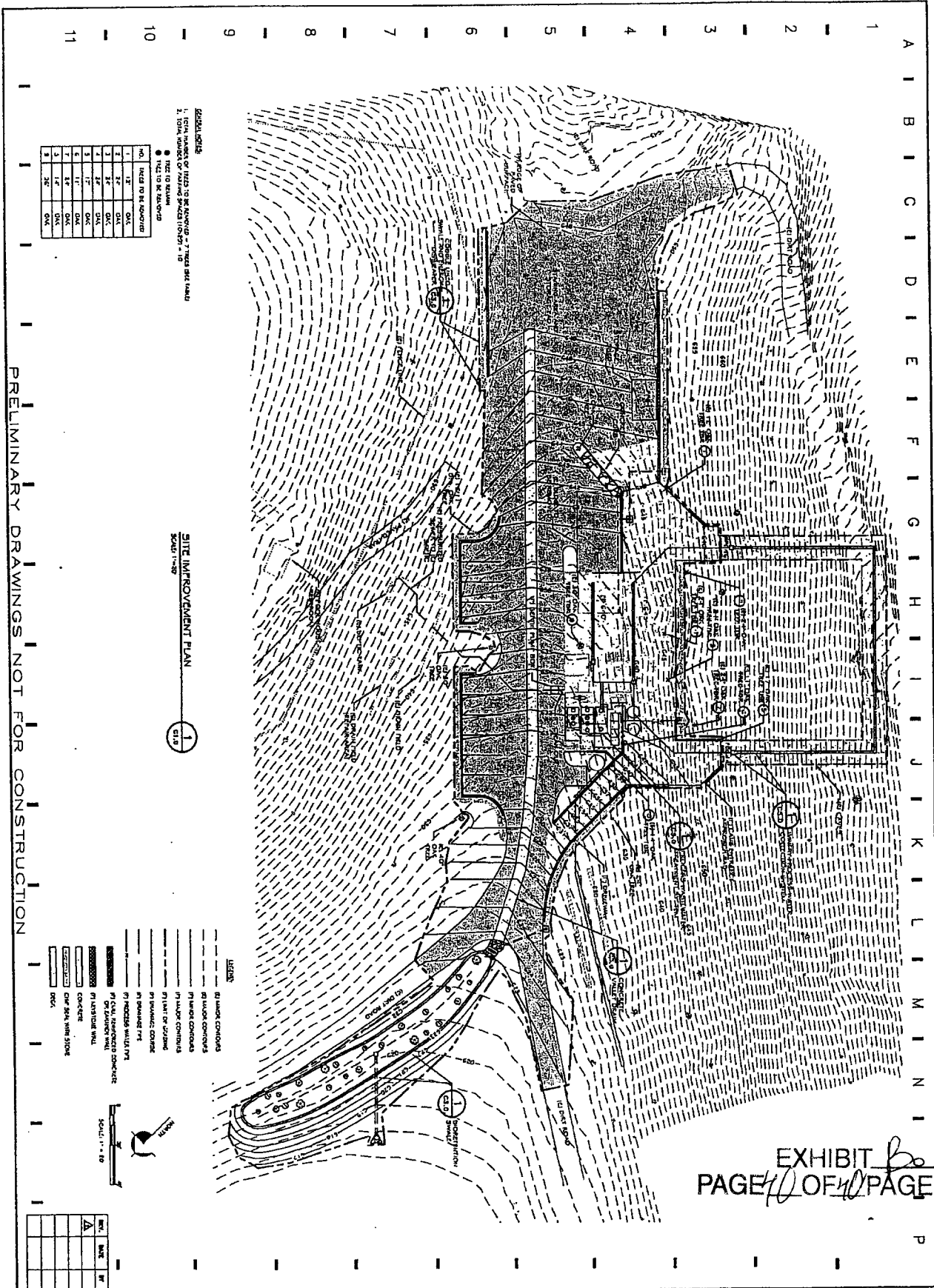


EXHIBIT *to*  
PAGE *10* OF *10* PAGES

NO.	DATE	BY

<p><b>PROJECT TITLE</b></p> <p>THE HOLMAN RANCH WINERY 80 HOLMAN ROAD CARMEL VALLEY, CA 93824</p>	<p><b>ARCHITECT</b></p> <p>THOMAS H. LOWDER HOLMAN RANCH, LLC 80 HOLMAN ROAD CARMEL VALLEY, CA 93824</p>	<p><b>SHEET TITLE</b></p> <p>SITE IMPROVEMENT PLAN</p>
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C1.0

***Rasmussen Land Surveying, Inc.***

***PO Box 3135***

***Monterey, CA 93942***

***Tel: (831) 375-7240 Fax: (831) 375-2545***

April 4, 2011

**LEGAL DESCRIPTION: SCENIC AND CONSERVATION EASEMENT**

A non-exclusive scenic/conservation easement over a portion of that parcel of land designated: "Property 1", Par. 1, 391.7 Acres +/-, as said Parcel is shown and so designated on that certain Record of Survey map filed for record February 9, 2006 in Volume 28 of Surveys at page 87, Official Records of the County of Monterey, State of California, said portion being more particularly described as follows:

BEGINNING AT A POINT distant North 09° 55' 20" West, 674.64 feet from a 2" iron pipe, tagged RE 707, said pipe marking the southeast corner of said parcel of land; thence from said Point of Beginning:

1. North 47°50'52" East, 154.37 feet; thence
2. North 31°36'33" West, 101.75 feet; thence
3. South 46°13'53" West, 90.26 feet; thence
4. North 43°46'01" West, 115.70 feet; thence
5. North 46°11'36" East, 100.37 feet; thence
6. North 38°46'27" West, 82.66 feet; thence
7. South 45°41'06" West, 185.50 feet; thence
8. South 42°16'53" East, 291.56 feet to the Point of Beginning.

Containing 0.93 Acres, more or less.

-See attached "Exhibit A"-

END OF DESCRIPTION

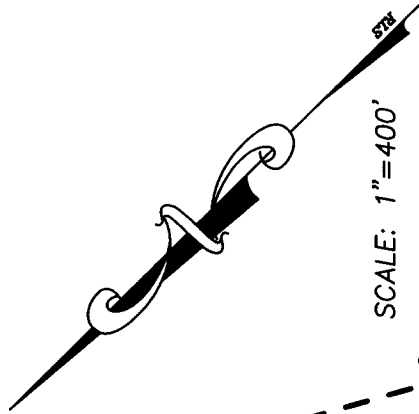
EXHIBIT C  
PAGE 1 OF 2 PAGES

# EXHIBIT A

"PROPERTY 1", PAR.1  
1,391AC. (28-SUR-87)

## SCENIC / CONSERVATION EASEMENT

COURSE TABLE		
COURSE	BEARING	DISTANCE
1	N47°50'52"E	154.37
2	N31°36'33"W	101.75
3	S46°13'53"W	90.26
4	N43°46'01"W	115.70
5	N46°11'36"E	100.37
6	N38°46'27"W	82.66
7	S45°41'06"W	185.50
8	S42°16'53"E	291.56

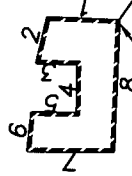


S29°03'10"W  
1742.08

N09°55'20"W  
674.64

2" IRON PIPE

1406.11  
N61°48'42"W



POINT OF BEGINNING