

# Exhibit A

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## DISCUSSION:

On February 25, 2016, an application to amend a previously-approved Use Permit for a winery was submitted for the Rancho Sin Frenos winery (PLN020311) located at 33757 Carmel Valley Road, Cachagua. The amendment seeks to revise limitations placed on the original Use Permit:

- PLN020311 Condition 7 limited wine production to 5,000 cases per year. This request would increase production from 5,000 cases to 7,500 cases.
- PLN020311 Condition 18 prohibited importing grapes. This amendment would allow importation of grapes if grapes grown on-site were destroyed due to a catastrophic event. The applicant has presented a traffic analysis that proposes to bring all trucks into the site from the east using Thorne Road, Arroyo Seco Road, and East Carmel Valley Road thus avoiding any intersections or road segments on Highway 1, within the Carmel Valley Master Plan, Highway 68 or Laureles Grade. Staff recommends a condition limiting requiring the Director of the Resource Management Agency to concur that a catastrophic event has occurred, limiting the timeframe to 3 years, identify how much grape production has been lost and report the number of truck trips prior to importation of any grapes.

The Use Permit amendment does not qualify as a “minor amendment” as described in the Monterey County Zoning Ordinance, and therefore, requires a public hearing before the decision-making body of the original permit (Zoning Administrator). Action on the amendment requires the following findings to be made:

- 1) The amendment will not be detrimental or injurious to health, safety, peace, moral, comfort, property, and general welfare of the County and persons residing or working in the neighborhood; and
- 2) The amendment is in compliance with all rules and regulations of the zoning uses, subdivision and any applicable provisions of the Monterey County Zoning Ordinance.

On February 12, 2004, the Zoning Administrator approved a Use Permit to allow an agricultural processing plant (winery) consisting of:

- 2,125 square foot fermentation building,
- 5,634 square foot barrel and bottle storage building with a covered crushing courtyard,
- 2,160 sq. ft. pole barn and a 723 square foot tasting and reception area.

The Use Permit limited the size of the winery to production of no more than 5,000 cases of wine annually, no importation of grapes from off-site sources, the tasting and reception area is limited to no more than 30 persons for a private function, and public wine tasting events and on-site retail sales are prohibited. The winery and tasting room has been operating in compliance with the Use Permit.

The limitation of 5,000 cases of wine annually was based on the requirements of the Regional Water Quality Control Board (RWQCB) for small wineries at that time. Small wineries were

given certain waivers for water quality and discharge requirements if a winery met the definition of a small winery. The RWQCB definition of a small winery has changed from 5,000 cases to 10,000. The increase of production from 5,000 cases to 7,500 cases is consistent with the current definition of a small winery.

Subsequent to the 2004 approval of this project, the 2010 Monterey County General Plan was adopted which requires that all new development that requires the use of water demonstrate that there is a Long Term Sustainable Water Supply. Water for this site comes from a well which draws water from the Carmel Valley Alluvial Aquifer. This water is drawn through an overlying riparian right, which is reflected in the State Water Resources Control Board Decision 1632, Table 13 which reserves 82 acre feet of water per year for this site. Over time the applicant has implemented water savings measures, and used more efficient irrigation practices minimizing the water use on the site. The average use of water on site based on well records for the property has been 25.01 acre feet per year. The expected water use for the additional 2500 cases per year would be 1.5 acre feet per year resulting in a total water use for the winery of 4.5 acre feet per year. The applicant is proposing to stop irrigation of pasture lands on the site which would result in a total water use with the increase in production of 24.3 acre feet per year. This is far less water than reserved for the site in Decision 1632 and less than the average historical water use even with operation of the winery.

The prohibition on importation of grapes was because it would generate additional traffic and result in the need for a traffic impact analysis. By prohibiting the importation of grapes and limiting wine tasting at the winery to only private use, a traffic impact analysis was not required. Due to the recent Cachagua fire, the applicant wishes to add a provision to allow importation of grapes for emergency purposes if on-site grapes are destroyed by a catastrophic event, such as a fire. The applicant has presented a traffic analysis that proposes to bring all trucks into the site from the east using Thorne Road, Arroyo Seco Road, and East Carmel Valley Road thus avoiding any intersections or road segments on Highway 1, within the Carmel Valley Master Plan, Highway 68 or Laureles Grade. RMA-Public Works is amenable to allowing importation of grapes during an emergency event. The

The amendment is a negligible change to the overall winery use. The expanded wine capacity from 5,000 cases to 7,500 cases would be associated with an expanded cultivation footprint which will not occur on slopes greater than 15% and will add approximately five truck trips in April and September during non-peak hours. These truck trips will also use the eastern entrance to the site to avoid the impacted roadway intersections in Carmel Valley, Highway 1 and 68 and Laureles Grade. The winery would not require additional support facilities to process the expanded caseload. RMA-Public Works determined that trips generated by the added truck trips two months out of the year generates less than one vehicle trip annually, and therefore is not an impact to traffic and consistent with level of service policy in the Cachagua Area Plan (CACH-2.6).

The project is categorically exempt per Section 15301 of the CEQA Guidelines because the amendment is a minor alteration to an existing facility that is a negligible change to the overall use of the winery.