

## Exhibit B

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**EXHIBIT B  
DRAFT RESOLUTION**

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

In the matter of the application of:

**RANCHO SIN FRENOS LLC (PLN140232)**

**RESOLUTION NO. \_\_\_\_\_**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Finding the project Categorically Exempt pursuant to Section 15301, Class 1, of the CEQA Guidelines; and
- 2) Approve PLN140232, amending PLN020311 as follows:
  - a. Amending Condition 7 increasing production from 5,000 cases to 7,500 cases of wine per year.
  - b. Amending Condition 18 prohibited importing grapes is modified to allow importation of grapes if grapes grown on-site are destroyed due to a catastrophic event.

subject to 6 conditions of approval.

[PLN140232, Rancho Sin Frenos LLC, 33757 E. Carmel Valley Road, Cachagua (APN: 197-051-042-000), Cachagua Area Plan]

**The Rancho Sin Frenos LLC amendment (PLN140232) came on for public hearing before the Monterey County Zoning Administrator on September 29, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The amendment is consistent with all applicable policies of the 2010 Monterey County General Plan, Cachagua Area Plan and regulations of the Monterey County Code, and 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 of such proposed use.  
**EVIDENCE:** a) The property contains a winery approved by the Zoning Administrator on February 19, 2004 (Resolution No. 020311). The winery consists of a 2,125 square foot fermentation building, a 5,634 square foot barrel and bottle storage building with a covered crushing courtyard, and a 2,160

sq. ft. pole barn and a 723 square foot tasting and reception area.

The amendment is allows an expansion to the production capacity from 5,000 cases to 7,500 cases per year, and would allow grapes to be imported from off site as a result of a catastrophic event. The winery would not require additional support facilities to process the expanded number of cases. The amendment is consistent with the previously-approved Use Permit for the winery, and therefore, an allowed use on the property. This is an amendment to PLN020311 and all conditions except as modified herein continue to remain in effect.

- b) The property is located at 33757 E. Carmel Valley Road, Cachagua (Assessor's Parcel Number: 197-051-042-000), Cachagua Area Plan. The parcel is zoned "RDR/20" [Rural Density Residential, 20 acres per unit].
- c) The project was reviewed by RMA - Planning Services, Cachagua Fire Protection District, RMA-Public Works, Environmental Health Bureau, RMA-Environmental Services and Water Resources Agency. The amendment will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The following was determined by the Environmental Health Bureau and RMA-Public Works:
  - Environmental Health Bureau: The amended use will not increase the existing water (well) use and wastewater services (septic) already used for the winery. The increase of production capacity is consistent with the Regional Water Quality Control Board requirements for a small winery. A condition of approval (Condition No. 5) is applied to ensure the winery is either enrolled under General Waste Discharge Requirements Order No. R3-2008-0018 of the Regional Water Quality Control Board, or receive a waiver from the Regional Water Quality Control Board of requirements.
  - RMA-Public Works: The applicant has submitted a traffic study by which all the trucks hauling grapes to the site associated with a catastrophic event and added trips bringing supplies to the site associated with bottling will access the site from the east thus not adding trips to Highway 1, Highway 68, Carmel Valley and Laureles Grade. No impacted intersections will be affected by this application.
- d) 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.

- e) The project was referred to the Cachagua Land Use Advisory Committee (LUAC) for review. Consistent with the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, the project was reviewed by the LUAC at a duly noticed meeting on March 23, 2016 because the amendment requires a public hearing before the Zoning Administrator. The Cachagua LUAC recommended approval of the project by a vote of 5-0.

- 2. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.  
**EVIDENCE:**
  - a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1) categorically exempts minor alterations to an existing facility which creates negligible to no expansion of use.
  - b) The winery is an existing facility operating at a production capacity of 5,000 cases per year. The amendment proposes to allow production of up to 7,500 cases of wine per year. This will not result in significant environmental impacts outside what was analyzed for the existing winery.
  - c) The additional production will not utilize any additional water than is being used currently under the existing permit. Thus there is no impact to water resources.
  - d) The amendment proposes a negligible expansion to an existing winery. There will be a total of 10 new truck trips (5 in and 5 out) in the months of April and September. Importing of grapes to the winery will only occur if a catastrophic event happens to destroy grape production on the site. A catastrophic event is not expected, and the provision to allow importation of grapes is conditioned to be in rare circumstances and to allow importation of grapes for a limited period of time. The applicant has proposed that trucks will access the site from the east so as to not impact intersections and road segments already operating at a degraded level of Service. Thus there will be no impacts to traffic.
  - e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
- 3. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission  
**EVIDENCE:** Section 20.80.040.B of the Monterey County Zoning Ordinance states that the amendment is appealable to the Planning Commission.

## **DECISION**

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

1. Find the project Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve PLN140232, amending PLN020311 as follows:
  - a. Condition 7 increasing production from 5,000 cases to 7,500 cases of wine per year.
  - b. Condition 18 prohibited importing grapes is modified to allow importation of grapes if grapes grown on-site are destroyed due to a catastrophic event.subject to 6 conditions of approval. All conditions of PLN020311 remain in effect except as modified by this permit.

**PASSED AND ADOPTED** this 29th day of September, 2016.

\_\_\_\_\_  
Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

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

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.

# Monterey County RMA Planning

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

PLN140232

### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

This Amendment (PLN140232) to a previously approved Use Permit (PLN020311) allows: 1) the expansion of grape production from 5,000 cases to 7,500 cases; and 2) to allow importation of grapes to replace the loss of grapes grown on-site due to a catastrophic event, such as a fire. The property is located at 33757 E. Carmel Valley Road, Carmel Valley (Assessor's Parcel Number: 197-051-042-000), Cachagua Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

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

## 2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

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

"An Amendment (PLN140232) to a previously approved Use Permit (Resolution Number \*\*\*) was approved by the Zoning Administrator for Assessor's Parcel Number 197-051-042-000 on May 26, 2016. The permit was granted subject to 6 conditions of approval which run with the land. All original conditions of approval contained in Zoning Administrator Resolution No. 020311, not modified by this amendment, shall remain in effect. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

## 3. PDSP001 - PRODUCTION CAPACITY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No more than 7,500 cases of wine shall be produced on the property. Importation of grapes from an off-site source is not allowed, except to replace the loss of grapes grown on-site due to a catastrophic event, such as a fire or other natural disaster. (RMA-Planning)

This condition replaces Condition No. 18 approved in the Zoning Administrator Resolution No. 020311.

Compliance or Monitoring Action to be Performed: On an on-going basis, no more than 7,500 cases of wine shall be produced on the property. Importation of grapes is not allowed, except to replace the grapes loss due to a catastrophic event.

## 4. PDSP002 - NO EXPANSION OF USE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: An expansion of the winery facility beyond 7,500 cases per year is not allowed and may result in revocation of this permit before the appropriate decision making body. Any expansion of the approved use, such as production of more than 7,500 cases of wine annually, any on-site retail sales, public wine-tasting, public special events, or the processing of commodities from other properties, will require a Use Permit. (RMA-Planning)

This condition modifies Condition No. 7 in Zoning Administrator Resolution No. 020311.

Compliance or Monitoring Action to be Performed: On an on-going basis, an expansion of the winery facility beyond that authorized by Zoning Administrator Resolution No. 020311, and Use Permit amendment (Resolution No. \_\_), is not allowed.



## 5. EHSP01 - WASTE DISCHARGE REQUIREMENTS: SMALL WINERIES Non-Standard

**Responsible Department:** Health Department

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

- Enroll the winery under General Waste Discharge Requirements Order No. R3-2008-0018 for Discharges of Winery Waste
- OR
- Apply other requirements as appropriate

(Environmental Health Bureau)

**Compliance or Monitoring Action to be Performed:** Prior to expanding production above 5,000 cases annually, submit an updated Notice of Intent to Comply with the General Waste Discharge Requirements for Discharges of Winery Waste form to the RWQCB with all applicable fees for review and approval.

Submit evidence to EHB that RWQCB has:

- Enrolled the winery under the General Waste Discharge Requirements Order No. R3-2008-0018;

OR

- Approved the discharge with or without applying other requirements as appropriate.

## 6. PDSP001 -- CATASTROPHIC EVENT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Using grapes from off site is not permitted unless there is a catastrophic event which results in the loss of the vineyard or a significant portion of the vineyard. In such an event the property owner shall contact the Director of the RMA in writing explaining the loss of production. Prior to any importation of grapes the Director shall confirm in writing that there is a loss of the vineyard. In this event the importation of grapes shall be limited to a period of 3 years and access to the site shall be in conformance with the applicant's Traffic Operations Memo dated June 13, 2016, accessing 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.

**Compliance or Monitoring Action to be Performed:** Prior to importation of any grapes the Director of the Monterey County Resource Management Agency must issue a written confirmation that there has been a catastrophic event.

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