County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD (831) 454-2123
TOM BURNS, DIRECTOR

September 14, 2004

AGENDA DATE: September 22, 2004

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: Amendment of Permit # 76-1294-U
Hallcrest Winery, 379 Felton Empire Road, Felton, CA
APN: 065-051- 05,14, 15, 21 and 23

Members of the Commission:

BACKGROUND

On July 28,2004, your Commission conducted a public hearing regarding the review of the noted operational permit for Hallcrest Winery. At that hearing, the adoption of amended operational conditions and findings was considered by your Commission, with the project continued by your Commission to the September 22,2004 meeting. This continuance was intended to provide sufficient time for staff to incorporate the direction given by your Commission into the conditions of approval and to provide staff with the time to contact the applicant and the neighbors in an attempt to address any concerns or questions.

Revisions to Conditions

Your direction regarding the conditions of approval was as follows:

1. Increase the maximum production volume to 50,000 gallons.
2. Modify the tasting room hours, increase the maximum number of persons at the tasting room and allow the tasting room to be open during tours.
3. Clarify the condition regarding the on-site lighting.
4. Limit the events to Saturdays only and increase the maximum attendees *to* 125, increase the period of time for the events (April to October) and limit them to a maximum of 10 events annually.
5. Allow up to 4 evening dinner events of up to 85 persons and one large event.
6. Allow additional operating time to the winery and bottling operations for set **up** and cleaning.
7. Allow amplified music with a maximum decibel level at the property line.
8. Clarify the condition regarding the fertilizer storage.
9. Increase the number of trucks allowed within any 14-day period during the crush period.

In addition, staff is recommending the following:

1. The sign be permitted to be 12 feet above grade to reduce the potential for any line of sight conflicrs.
2. The large event continue to be limited to 200 people. This limit is recommended because at this time, we do not have the project specificity available to us to recommend a larger number, This would not preclude the operator from applying for an amendment in the future when more detailed information regarding the event is available (i.e.; EHS requirements, Fire Requirements, Parking, circulation, etc.).

RECOMMENDATION

The attached Conditions of Approval reflect the direction of your Commission and the suggestions of staff..Therefore, staff RECOMMENDS that your Commission take the following actions:

1. Approve the Amended Conditions of Approval to Use Permit 76-1294-U attached as Exhibit B1 and Plot Plan attached as Exhibit AI, based upon the findings attached as Exhibit C1.

2. Certify the Environmental Determination attached as Exhibit D1 in accordance with the California Environmental Quality Act.

Sincerely,

Don Bussey

Don Bussey
Project Planner
Development Review

Reviewed By: Cathy Graves
Principal Planner
Development Review

Exhibits:

A1	Plot Plan of the Sire
B1	Conditions of Approval Amending Use Permit 76-1294-U
C1	Development Permit Findings
D1	Environmental Determination
E1	Correspondence
F1	Staff Report from the July 28, 2004 Planning Commission Agenda **with** Exhibits

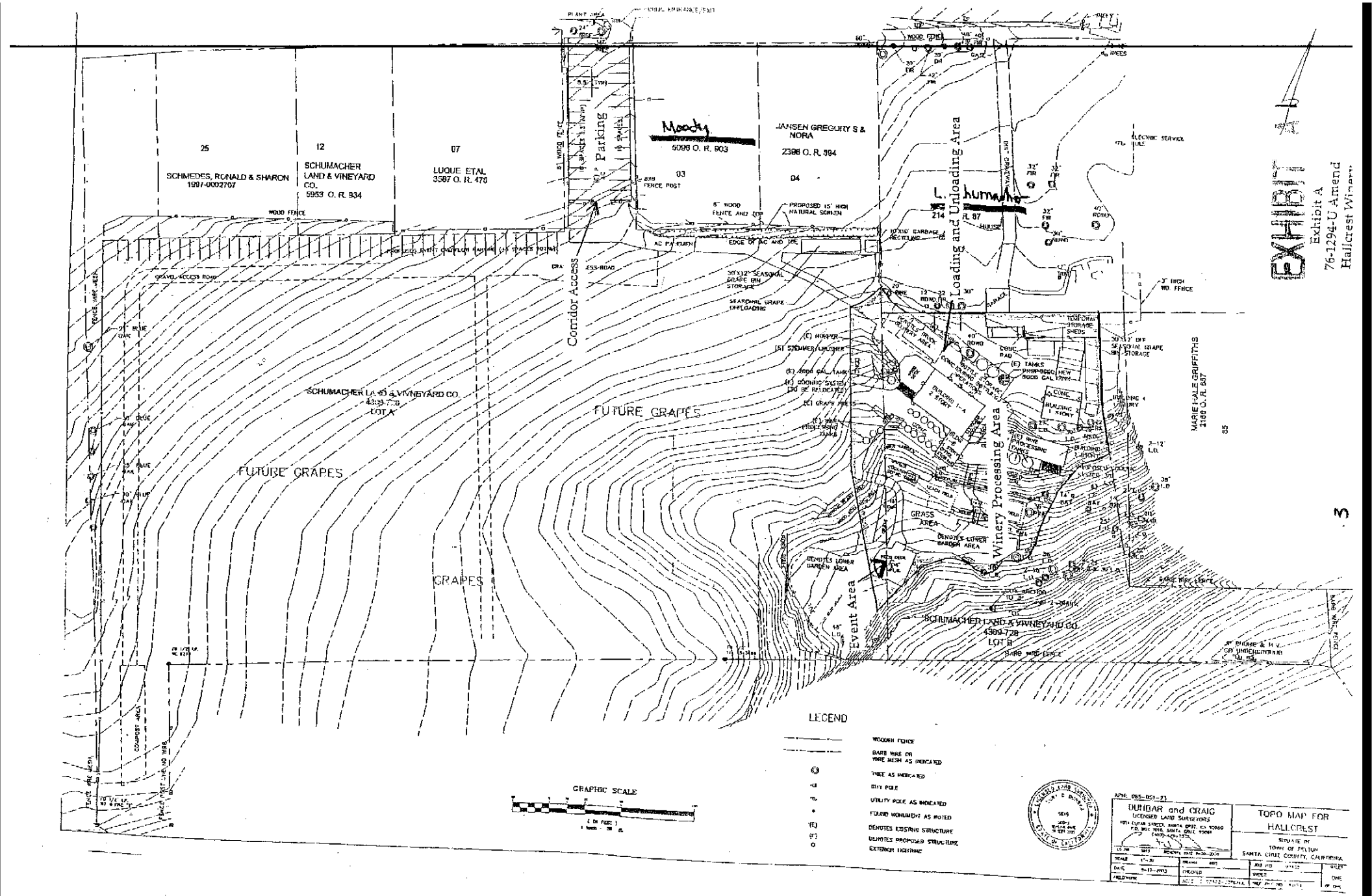


Exhibit A
76-1294-U Amend
Hallcrest Winery
SCHMEDES, RONALD & SHARON
1997-0002707
SCHUMACHER LAND & VINEYARD CO.
5953 O. R. 834
LUQUE ETAL
3587 O. R. 478
Moody
5096 O. R. 803
JANSEN GREGORY S & NORA
2398 O. R. 394
L. Hummuha
214
R. 87
MARIE HALE GRIFFITHS
2186 O. R. 847
SCHUMACHER LAND & VINEYARD CO.
4309-728
LOT A
SCHUMACHER LAND & VINEYARD CO.
4309-728
LOT B
Corridor Access
Parking
Loading and Unloading Area
Winery Processing Area
Event Area
FUTURE GRAPES
GRAPES
GRASS AREA
GRAVEL ACCESS ROAD
WOOD FENCE
PROPOSED 15' HIGH NATURAL SCREEN
EDGE OF AC AND DE
(E) HOUSE
(E) TANKS
(E) GRAPE PRESS
(E) WINE PROCESSING
BUILDING 1-A
2 STORY
BUILDING 1
1 STORY
BUILDING 4
1 STORY
SEASONAL GRAPE UNLOADING
DENOTES LOWER GARDEN AREA
GRAPHIC SCALE
LEGEND
WOODEN FENCE
BARB WIRE OR WIRE MESH AS INDICATED
TREE AS INDICATED
GUY POLE
UTILITY POLE AS INDICATED
FOUND MONUMENT AS NOTED
DENOTES EXISTING STRUCTURE
DENOTES PROPOSED STRUCTURE
EXTERIOR LIGHTING
APN: 085-051-23
DUNBAR and CRAIG
LICENSED LAND SURVEYORS
TOPO MAP FOR
HALLCREST
SITUATE IN
TOWN OF FELTON
SANTA CRUZ COUNTY, CALIFORNIA

CONDITIONS OF APPROVAL
76-1294-U
Hallcrest Winery
Schumacher Land and Vineyard
APN: 065-051- 05, 14, 15, 21 and 23
***(Reflects PC** Direction **of** 07/28/04)*

EXHIBIT: A. Survey of Site prepared by Dunbar and Craig dated September 17,2003

A. This permit amends Use Permit 76-1294-U and shall be the sole operational permit for the commercial winery use on the property. The permit recognizes a limited production winery: vineyard operation, associated events and various construction activities previously done without permits on the property. In order for this permit to be valid, the following shall be completed within 30 days of permit approval. Failure to meet this deadline shall void this permit.

1. Sign the Permit accepting and agreeing to the Conditions of Approval and return the signed permit to the County Planning Department.

2. Record an Affidavit to Retain as One Parcel with the County Recorders Office for APN's 065-051-14, 065-051-15 and 065-051-23. Record an Affidavit to Retain as One Parcel with the County Recorders Office for APN's 065-051-05 and 065-051-21. These will implement the requirements of Lot Line Adjustment 80-624-MLD approved on October 3, 1980 and exercised by the landowner. A copy of the recorded document shall be submitted to staff.

3. Record a copy of these Conditions of Approval with the County of Santa **Cruz** Recorder. A copy of the recorded document shall be submitted to staff.

B. General Operating Conditions

1. This permit allows only for production, bottling, tasting and sales of wine on-site and limited on-site events. The total on-site production for all wine processed/ bottled on site shall not exceed 50,000 gallons (about 325+- tons of grapes), to be phased in as described in Section C of this permit. **A** limited amount of the wine production may involve grape processing or custom crushing for other off site labels. Any increase in the maximum allowed processing volume requires an amendment to this permit. Other uses, including weddings, dinners, fundraisers, meetings, and special events are only allowed as outlined in Section D of this permit. An amendment to this permit is required if events are to be considered that are beyond those allowed by this permit.

2. All music associated with the events listed in Section D (acoustic or amplified) is limited to a maximum decibel level of 60 decibels (dBL) measured at the perimeter property lines of the project site that front on a residential zone district. The project site is defined as APN 065-051-14, 15 and 23.

3. All noise generated by the wine production operation, the tasting room and the events shall be contained on site to the maximum extent possible. The noise level from the

EXHIBIT B

winery operation and any associated activity shall not exceed 60 dB(ldn) (dayinight average decibel level) exterior reading (dayinight average decibel level) and 45 dB(ldn) (day/night average decibel level) interior reading at any residence with the following exceptions:

1. A maximum noise standard of 85 dba for a cumulative period of 10 minutes in any hour
2. **A** maximum noise standard of 90 dba for a cumulative period of 5 minutes in any hour at the site property line.

An acoustic evaluation of the site shall be prepared by **an** Acoustical Engineer as part of Phase I and shall be submitted to the County for review and approval. This study shall evaluate all of the anticipated noise generation through Phase 2 (worst case), and shall include recommendations to insure compliance with the noted standard at the property line and at the residences. "Quiet Zone" signs no larger than two square feet shall be placed along the northern perimeter property line and on the east and west side of the corridor access at 50 to 100 foot intervals. The design and wording of the sign shall be submitted to staff for review and approval as part of Phase 1.

4. All activities related to the production of wine shall be contained indoors whenever feasible. This shall include any cooling or refrigeration units. If this is not feasible, such units shall be relocated to the sourheast side of the existing winery buildings and surrounded by sound damping fencing. The timing of this relocation is defined in Section C of this permit.

5. No outdoor areas used for storage bins, truck parking and storage areas, vehicle storage, or processing shall be sited within 50 feet from the southern property line of APN's 065-051-03 and 04. All structures/ buildings shall be sited a minimum of 20 feet from all property lines. These standards are not applicable to any legal non-conforming structure or for the comdor access as shown on Exhibit **A.** Access to the winery operation, a vineyard, an accessible parking space and the garbage/ recycling area may be located within 35 feet from APN's 065-051-03 and 04.

6. All outdoor illumination shall be aimed downward or be shielded so that glare is not projected onto adjoining properties to the maximum extent feasible. **A** plan reflecting these standards shall be part of the initial building permit submittals (as required by Section C.1).

7. Bulk fertilizers to be used for the vineyard aspect of the operation that are stockpiled must be located a minimum of 200 feet from any residentially zoned parcel. On-site cornposting is permitted on the property only if a disposal and vector control plan for the grape residue is approved by the Environmental Health Services and implemented.

8. One on-site sign of an earthen color and a maximum twelve square feet in size located no higher than 12 feet above the existing grade at the edge of the road to the highest point as a monument sign is permitted. It shall be non-illuminated. No other signs including sandwich boards are allowed. The sign design, color and location shall be submitted to staff for review and approval as part of Phase 1, and shall not be installed until approval is obtained.

EXHIBIT B

9. No double trailer semi trucks are allowed at any time.

10. All areas for permanent parking shall meet the following standards:

    a. The parking area, roads and turnarounds shall be surfaced with an all weather surface acceptable to the county (i.e.; 9 inches of compacted base rock with a 3-inch overlay of asphalt concrete or an oil and screen sealcoat for all areas used by the delivery trucks and the forklifts and 6 inches of compacted base rock with a 2-inch overlay of asphalt concrete or oil and screen sealcoat for the small vehicle parking area.)

    b. The access road from Felton Empire Road shall be improved to a minimum width of 18 feet with an all weather surface acceptable to the County.

11. Onsite parking shall be provided as follows:

    a. **A** minimum of 15 permanent parking spaces (8.5 feet by 18 feet), including a minimum of one handicap space and an acceptable turnaround area, shall be provided on site for the tasting room.

    b. No event/ winery related parking is allowed on Felton Empire Road.

    c. Temporary event parking shall not create a fire hazard and may have a dirt or natural surface. An area of sufficient size to provide one (1) parking space of 8-1/2 feet by 18 feet for each of two (2) participants along with the associated access/ circulation and turnaround(s) shall be provided. Dust control efforts shall be undertaken to the maximum extent possible. All handicap access for events shall be an all weather surface.

    d. The owner shall monitor the parking to ensure compliance and shall close off access to the site and the facility when the parking lot is full. All parking for the events shall be a minimum of 10 feet from any property line. This standard is not applicable to the comdor access parking.

12. Comply with all requirements of the Fire Agency.

13. Comply with all requirements of the Americans with Disabilities Act

14. Comply with all requirements of the Environmental Health Services with respect to the disposal of all grape residues and on site septic use. All grape residue! waste shall be disposed of either at a County approved off site location or in an approved manner on the property.

15. Comply with all requirements of the water purveyor serving the site.

16. Obtain a Discharge Permit from the Regional Water Quality Control Board, if one is required. Submit a copy of the permit or the waiver letter to the County.

EXHIBIT B

17. Submit a drainage plan for review and approval by the Planning Department. The drainage plan shall be submitted with the building permit submittal.

18. Any site preparation or activities related to the vineyard component of the operation shall be conducted in such a manner as to minimize the generation of dust.

C. Production Phasing

On-site production' grape processing shall not exceed 50,000 gallons at any time (about 325 +- tons of gapes). This maximum production may only be achieved through a gradual phasing plan as outlined below.

1. Phase 1: Until the following conditions have been met, a maximum of **20,000** gallons of production/ gape processing per year shall be allowed. Once the following conditions are met to the satisfaction of the Planning Department, maximum annual production shall be increased to **35,000** gallons.

   a. Within 90 days of the approval date of this permit, the following shall be implemented/ completed:

      i) Modifications shall be completed to the refrigeration unit to reduce the noise generated by the unit. This may involve enclosing the unit or placing the unit in **a** structure. If this is not feasible, the unit shall be relocated to the southeast side of the existing winery buildings. Evidence of compliance with the stipulated noise standard (Condition B.3.), prepared by a qualified professional, shall be submitted to staff for review and approval.

      ii) Removal of all winery related materials and equipment from within 20 feet of the southern property lines of APN 065-051-04. **A** landscape plan utilizing native species to the maximum extent feasible shall be prepared for this area and submitted to staff for review and approval. The intent of this plan is to buffer and screen to the maximum extent possible the winery operation, including the outdoor parking and storage areas, from the adjoining properties. The landscape plan must be reviewed and approved by the Planning Department staff, with the intent that plant choices would result in plantings that will grow to a minimum height of 6 feet and a maximum height of about 10 feet within 3 years of installation.

      iii) Relocate all loading' unloading and associated winery operations to the area southeast of APN's 065-051-05 and 21 (only one legal lot) as noted on Exhibit A.

EXHIBIT B

b. All building violations on the site have been resolved. This shall include payment of any Code Compliance fees and acquisition of the required building permits and final inspection for the following:

i) Conversion of the garage structure to habitable space (office)

ii) Conversion of a storage room to the tasting room and other additions to the Concrete Block Building (i.e.; Bldg. 1B shown on the exhibit) including decks. An exemption exists for decks less than 30 inches in height.

iii) Installation of processing tanks.

iv) Installation of temporary storage containers and small out buildings or removal from the property.

v) Conversion of warehouse/ storage space into an office

vi) Any improvements related with the outdoor event area including retaining walls and decks. An exemption exists for decks less than 30 inches in height.

vii) Removal or relocation of the 10 foot by 10 foot shed to comply with the required setbacks (i.e.; 20 feet side, front and rear).

c. A parking plan shall be prepared for the site and shall take into account all of the events allowed through the completion of Phase 2. Permanent and temporary spaces shall comply with all standards outlined in this permit. That plan shall be submitted to staff for review and approval. With the exception of the parking within the comdor access area off of Felton Empire Road as shown on Exhibit **A,** all permanent and temporary parking shall be sited a minimum of 10 feet from any property line.

d. A traffic and circulation plan (including vehicle turnarounds) shall be prepared for the site and shall take into account all of the events allowed through the completion of Phase 2. The plan shall be submitted to staff for review and approval.

e. Payment of any and all Code Compliance fee's and outstanding At Cost Fee's associated with Application No. 03-0416 shall be made prior to the issuance of any building permits/ exercising of this permit.

2. Phase 2: An increase in annual production to a maximum of 50,000 gallons of production/ grape processing shall be allowed at such time that all of the following conditions are met to the satisfaction of the Planning Department:

EXHIBIT B

a. Installation of the approved landscape plan along the southern property lines of APN 065-051-03 and 04 per the approved plan is completed.

b. Forklifts utilized on site are primarily electric and include "smart alarm" warning devices. **A** gas or propane forklift with "smart alarms" may be retained for *the* transporting of materials to the area south of the tasting room building (up and down the hill).

c. Relocate the grape crusher and associated activities (i.e.; bin cleaning, etc.) to the production area to the northeast of the tasting room building.

d. Removal of all concrete/ hardscape surfaces within 10 feet of the southern property lines of APN: 065-051-04 and installation of a new all weather surface access road and turnaround(s) per the approved road plans has been completed.

e. Installation of an on site indoor bottling line shall be completed. Once in place, all bottling shall be done indoors and no mobile bottling unit is permitted on the site.

f. The approved traffic and circulation plan (including vehicle turnarounds) shall be installed / implemented.

g. The approved parking plan shall be installed! implemented.

D. Special Events (Not including Passport Wine Events and Vintners Festivals Events)

Prior to the implementation/ completion of all of Phase 1 Conditions *to* the satisfaction of the County.

1. No on site events of any kind are allowed.

At the Completion of Phase 2 Conditions or sooner for Conditions D.2 and D.3 if Conditions C.2 f and C.2 g are installed/ implemented to the satisfaction of the County

2. Weddings, meetings, and small parties of up to 125 people are allowed. All special events are limited to the hours of 10:00 a.m. to 5:00 p.m. on Saturdays. **A** maximum of ten Saturday events are allowed between April 1st to October 31st. No events are allowed from November 1st to March 31st of any year.

3. A maximum of 4 (four) evening catered dinner events are allowed between **April** 1st to October 31st. These events must end by 9:00 p.m., with all participants and associated vehicles off the site by 10:00 p.m. A maximum of 85 participants are allowed.

4. One large event with up to a maximum of 200 people is allowed per year. This event is limited to a weekend with no other events and limited to the hours of 10:00 a.m. and 8:00 p.m. All participants must be off the site by 10:00 p.m.

EXHIBIT

E. Hours of Operation for the Winery and the Tasting Room:

1. Winery

a. The wine production facility including the use of forklifts and any and all other outdoor operations and equipment shall be limited to the hours of 8:00 a.m. to 4:30 p.m. weekdays. During the months of September, October and November (known as the crush period) the operation may include weekdays and weekends from 7:00 a.m. to 9:00 p.m. (the hours before 8:00 a.m. and after 7:00 p.m. are to be used for the setup and clean up only, and are confined to activities that are minimal noise generating activities). This may include outdoor operations. These limitations do not apply to any onsite refrigeration unit.
Any on site operations (i.e.; bottling) that are conducted completely in doors may begin at 7:00 a.m. and end at 6:00 p.m. The hours before 8:00 a.m. and after 4:30 p.m. are to be used for the setup and clean up only and confined to indoor activities that are minimal noise generating activities.

b. With the exception of the grape crush period, any and all truck operations and deliveries related to the wine production facility and wine sales, including but not limited to the delivery and pick up of grape bins, grapes, glass bottles, cases of bottled wine and bulk wine; shall be limited to the hours of 8:30 a.m. to 3:00 p.m. weekdays only. During the crush period, truck operations and deliveries are allowed seven days a week. No overnight truck (with refrigeration units) storage is permitted. No more than one semi truck is allowed on the site at any time and no more than ten (10) semi truck trip ends are permitted in any 14 calendar day period during the crush period and no more than four (4) semi-trucks are permitted in any 30 calendar day period in the non crush period.

c. The maximum number of tanker truck trip ends for the purpose of hauling bulk wine product is three (3) in any calendar year unless an extraordinary situation exists. If an extraordinary situation does arise, a written request outlining the reason for the request shall be made to the Planning Director for review and approval prior to the truck coming to the site. The request shall be submitted a minimum of two business days prior to the truck coming to the site. If the extra truck **is** approved, written notification to the neighbors of the property shall be given at least 24 hours prior to the truck coming on the site.

2. Tasting Room

a. <u>Until Phase 1 (Condition C.1) has been completed</u>

i) The tasting room/ sales room may be open between 12:00 p.m. and 5:00 p.m. daily.

ii) A maximum of 30 persons at any time shall be allowed at the facility (not including employees).

EXHIBIT

iii) Winery tours are only allowed on non-event days and during the regular tasting room hours. These tours shall be limited to a maximum of **two** (2) per month and shall be limited to Saturdays only. No large tour buses (more than 24 seats) or large groups (more than 20 persons) are allowed and the winery shall not be registered an any bus tour routes.

b. During Passport Wine Events (four times a year) or Vintners Festivals (neither considered events as outlined in Condition D. Special Events), the tasting room may be opened on Saturday and Sunday from 11:00 a.m. to 5:00 p.m. No other on site event is allowed during these industry events.

F. Timing for Plans and Permits:

1. Building Permits shall be applied for within one hundred eighty (180) days of the effective date of this permit for all structures, additions and conversions constructed without permits. The Building Permit shall be obtained and all required inspections obtained including the final inspection clearance within a timely manner.

2. The maximum production levels and special event activity levels as described in this permit must be accomplished within five (5) years of the approval date of this permit. Whatever level of production and activity that has been achieved by that five-year date shall become the maximum allowed under this permit. If at any point in time, the operation is determined by the County to not be in compliance with the conditions of this permit, the level *of* wine production and events allowed shall revert to the previous phase amount/ levels.

G. Compliance

1. Annual Reviews

a. An annual review of the entire operation to review compliance with these Conditions of Approval shall be conducted by the Planning Department and *a* report submitted to the Zoning Administrator. A public hearing may be required. These mandatory reviews will cease after the operation is found in compliance for three consecutive years.

b. A copy of the State of California Alcohol Beverage Control Permit, the State of California Regional Water Quality Waste Discharge Permit (if required), the State of California Department of Agricultural Grape Crush Report, the Federal Bureau of Alcohol, Tobacco and Firearms annual report and the State of California Board of Equalization Annual Report, and any other permit or license along with supporting documentation regarding the annual wine production (gallons and tonnage) on site and the associated production limits shall be submitted to the Planning Department on an annual basis, in January of each year, to verify compliance with the production limit of this permit.

2. Quarterly Reviews

EXHIBIT

a. A report shall be prepared by the operator that provides detailed information addressing the following:

1. The number of persons visiting the tasting room daily. This shall include the Passport events.
2. The number of persons in attendance per event.
3. The date of the event.

b. **A** semi truck log shall be kept on a weekly basis and shall note the date, time, purpose and company for each trip end. A **trip** end shall include semi trucks delivering grapes, delivering bottles! glass, the pick up of bottled wine! product, bulk wine pick up and delivery, and the pick up of the grape bins. The log shall be submitted to the County for compliance review.

3. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and! or necessary enforcement actions, up to and including permit revocation.

NOTE:

This **permit expires one year from the effective date unless all building permits are obtained and final clearances issued for all phase one items. Failure to comply with these timelines shall void this permit approval.**

Approval Date:
Effective Date
Expiration Date:

EXHIBIT B

Development Permit Findings:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the winery, its operation and the associared wine tasting and limited events and the recommended conditions amending Use Permit 76-1294-U under which they would be operated or maintained will not be detrimental *to* the health, safety or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in that the amended Conditions of Approval will result in a winery, tasting room and limited events which, due to limitations placed on the operatior., will minimize the creation of any nuisance affecting the neighbors and the general public. The use can be accommodated by the site and will noi result significant environmental impacts.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the A (Agricultural) zone distiict. The purpose of the "A" zone district is to encourage and provide for noncommercial agricultural uses, allow for limited commercial agricultural activities and to maintain productive open space and the rural character in the county. A winery is an allowed use in the "A" zone district and is an agriculturally related pursuit.

The proposed adjunct use (weddings, meetings, private parties, etc.) is not specifically allowed in the "A" zone district or the winery regulations set forth in County Code section 13.10.673. This use, however, has been increasingly associated with wineries throughout the State and in Santa *Cruz* County and has been approved in the County for other wineries in Various zone districts.

As conditioned, the winery operation and the associated uses would be operated and maintained consistent with all pertinent County ordinances and the purposes of the "A" zone district, However, it must be stated that the implementing zone district for the Suburban Residential General Plan designation are R-1 (Single Family Residential), RR (Rural Residential) or R4 (Residential Agricultural), with the RR and the RA zone districts allowing a winery of this size as a conditional use. An important Purpose of the residential districts is "to *protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes*". Because of this conflict, the amended conditions of approval took both the current zoning and the implementing zoning designations and associated purposes into account.

EXHIBIT

3 THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Suburban Residential land use designation. Wineries are allowed in the Rural Residential and Residential Agricultural zone districts, both of which implement the Suburban Residential Land Use designation. The winery is conditioned such that the operation will be consistent with General Plan and zoning regulations for the compatibility with the nearby residential development, fire safety, traffic; noise, access and septic disposal. Further, compliance with the conditions of approval will minimize the nuisance created by the existing operation. Approval of the amended conditions of approval for the winery will also place the operation into compliance with General plan Policy 5.15.20 "Wineries and Viticulture".

The site is within the Scenic View Comdor of the Felton Town Plan, and as conditioned, complies with the scenic corridor guidelines contained in that plan.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The Conditions of Approval as amended have incorporated mitigations that will result in a winery, wine tasting and special events uses that will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity. The increase in the intensity of use associated with the winery, public wine tasting and special events can be acconunodated with adequate on-site septic disposal, water supply for the use as well as fire protection acd access and adequate off-street parking will be provided for the use.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

As conditioned, the amendment will result in a use that will complement and harmonize with existing and proposed land uses in that the nuisances The maximum 40,000 gallon winery., public wine tasticg and limited even?use is compatible with the land use intensities for the area and the specific site. The associated structures will complement and harmonize wirh the existing and proposed land uses in the vicinity (agricultural, rural residential and open space) and wiil be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The existing winery operation is sited *to* protect arable land. The structures and the processing area are conditioned to be screened from existing residences in the immediate by landscaping/ vegetation. Thus, the winery and wine tasting project, as approved and subject to the required conditions, will be compatible and integrated with the character of the surrounding

EXHIBIT C

neighborhood and the natural setting.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The winery operation as conditioned by the Conditions of Approval amending Use Permit 76-1294-U is consistent with the Design Standards and Guidelines of the County Code, in that the proposed project will be of an appropriate scale and design that will preserve the existing architectural quality of the neighborhood. The project will not reduce or visually impact available open space in the surrounding area.

EXHIBIT C 1

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

The Santa *Cruz* County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number:	76-1294-U
Assessor Parcel Number:	065-051-05, 14, 15, 21 and23
Project Location:	South side of Felton Empire Road about 1400 feet north of the intersection of Felton Empire and Highway 9 (379 Felton Empire Road).

Project Description: Amendments to an existing winery operation.

Person or Agency Proposing Project: County of Santa Cruz

A. _____ The proposed activity is nor a project under CEQA Guidelines Section 15378.

B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).

C. _____ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.

D. _____ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15255).

Specify type;

E. __X__ **Categorical Exemptibn'**

Specify type: 15301

F. **Reasons why the project is exempt:**

No change to the physical environment is anticipated.

In addition, none of the conditions described in Section 15300.2 apply to this project

_____ Date:_____

Don Bussey, Project Planner

EXHIBIT

To: Planning Commissioners
Re: Hallcrest Vineyard Amended Permit
From: Greg and Nora Jansen

September 8, *2004*

Dear Commissioners:

Since we have lived with the noise generated by the winery for *so* long now, we know what noises **are** annoying but tolerable and what noises are psychologically intolerable. We hope you will consider these slight but meaningful changes....

(1) We have lived through "amplified" weddings in the past,,, as the wedding progresses and more wine is imbibed, the decibels always rise, We, the neighbors become part of the wedding.,. from our houses we can tell you the names of the lucky couple and where they are going on their honeymoon, We have no problem with amplification ***if care is taken*** to ***keep*** **the *music on site.***

The following suggestions may help. Possibly.....

* lowering the decibel limit to 30 or 40 at property lines (These readings hopefully will be taken at various heights since the sound generally follows the rising hill and louder at the houses than **it** is at the property line.)
* directing the speakers towards Felton and .speaker sound barriers used
* moving the stage as far east **as** possible *so* as much of the festivity noise is blocked by the tress and buildings
* having no amplification or microphones used in the 4 nighttime events
* requiring the owner to monitor the noise at functions
* allowing functions only **if** noise guidelines are adhered to.

(2) keeping the 50 ft."no activity zone " pure by relocating the recycling bins out of this area.

(3) adding a provision for all semi trucks and forklifts to be equipped with smart alarms.

permit will be dependent on whether the document insures that the owners have sufficient incentives to conduct their business and events within the guidelines of the permit.

Sincerely,

Greg and Nora Jansen

EXHIBIT E1

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: July 28, 2004
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO.: 76-1294-U (review) APN: 065-051-05,14, 15, 21 and 23
OWNER: Schumacher Land and Vineyard Co. (Hallcrest Winery)

PROJECT DESCRIPTION: Public Hearing to consider the amending or the revocation of Use Permit 76-1294-U (Permit "To operate a bonded winery, producing and bottling and selling in an existing building").

LOCATION: Property located on the South side of Felton Empire Road (379 Felton Empire Road) about 1400 feet north of the intersection of Felton Empire and Highway 9.

PERMITS REQUIRED: Development Permit amendment
ENVIRONMENTAL DETERMINATION: Categorical Exemption: Class 15301
COASTAL ZONE: —Yes _X_ No

PARCEL INFORMATION

PARCEL SIZE:	8 +- gross acres (EMIS Estimate)
EXISTING LAND USE:	
PARCEL:	Existing winery buildings
SURROUNDING:	Residential, Public Facility, Commercial
PROJECT ACCESS:	Felton Empire Road
PLANNING AREA:	San Lorenzo Valley
LAND USE DESIGNATION:	Suburban Residential
ZONING DISTRICT:	A (Agriculture), R-1-**15** (Single Family Residential, 15,000 net developable square feet minimum per dwelling unit)
SUPERVISORIAL DISTRICT:	5th

ENVIRONMENTAL INFORMATION

a. Geologic Hazards	a.	N/A
b. Soils	b.	N/A
c. Fire Hazard	C	None mapped
d. Slopes	d.	N/A
e. Env. Sen. Habitat	e.	Mapped resource; Riparian Woodland in the southeast portion of the site
f. Grading	f.	None proposed
g. Tree Removal	g.	None Proposed
h. Scenic	h.	Within Felton Town Plan Mapped Scenic View Corridor
i. Drainage	i.	N/A
j. Traffic	j.	N/A

SERVICES INFORMA N

Inside Urban/Rural Services Line: __ s X No
W Supply: Cal Am e Co.
Se ge Disp sal: On ite Septic
Fire District: Felton Fire Protection
Drainage District: Zone 8

BACKGROUND

J l , 2003 your Commission conducted a noticed public hearing and considered the adoption of a Resolution of Intention to e or Amend the p l Use Permit (76-1294 U) of what is n Winery. After several continuances, on May 5, 2 04, your Commission determined that the use was not in compliance with the operational permit and adopted a Resolution of Intention to Revoke or Amend Use P 1294 U d set a public g for July 28, 2004 to consider either of those actions (Exhibit F). The matter before your Commission at this time is the consideration f Conditions amending U it 76 1294 U.

PROJECT SETTING

The project sitc i: located in Felton n an p ved parcel of about 8 acres in size. It is lc cated on the south side f Felton Empire Road (9 elton Empire Road). The parcel is zoned A (A lt) d "R-1-15" (Single Family Residential 1 ,000 net developable square feet minimum p dwelling unit) ith a General Plan designation of Suburban Residential.

Historically, the site contained a small vineyard in the northwestern portion (about 2/3 **of** th) the property and a ll scale winery/ processing facility in the northeast portion of the site. No vineyard p ts c the . The site is gently sloping to the south Access to the site is via a i to Felton Empire road (Exhibit G).

Existing land uses in tl area y, with the uses ranging from ti it t a ublic Facility use (DP Maintenance Yard and a Water treatment facility). The immediate parcels tc the north of the site are improved with residences.

GENE L PLAN AND ZO

The site is designated Suburban Residential on the San L Valley Area General Plan Map (Exhibit 3) l objective of the rba s Designation is as follows:

> *"To provide suburban density id development (1 net developable acres per unit) **areas** with developable land, access from adequate roads maintained to rural road standards, water service, il good septic suitability, n **fire** protection meeting standards outlined in section 6.5 of the public Safety and Noise Element."*

The site is also within the Scenic View Corridor of the Felton Town Plan, and as conditioned, complies with the scenic corridor guidelines contained in that plan.

The implementing zone districts for the Suburban Residential General Plan designation are "R-1" (Single Family Residential), "RR" (Rural Residential) or "RA" (Residential Agricultural). The "RR" and the "RA" zone districts allow a winery of this size as a conditional use. It is important to note that one of the general purposes of the residential districts is *"to protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes"* (see County Code section 13.10.321(a)).

The site is within both the "R-1-15" (Single Family Residential, 15,000 square feet minimum) and "A" (Agricultural) zone districts (Exhibit G), with the "R-1-15" limited to the 60 foot by 150 foot corridor access to Felton Empire road. The remainder of the site is in the "A" zone district. As noted above, the A zone district zoning of the site is not an implementing zone District for the Suburban Residential General Plan designation and is inconsistent with the General Plan.
A winery of the size being recommended is a conditional use within the A Zone District.

PERMIT HISTORY

76-1294-U

On 08/30/76, application #76-1294-U was submitted to the County to operate a bonded winery, producing, bottling, and selling within an existing building on APN 065-051-08. The application form indicated that the proposal was at a site that previously had a non-conforming winery operation that had ceased to operate about 1970 (Exhibit G). Any and all non-conforming rights for the winery ceased six months after the previous operation closed down (County Code Section 13.04.470(e)).

That application was scheduled for consideration by the Zoning Administrator at a noticed public hearing on September 24, 1976. The staff report indicates the proposal considered by the Zoning Administrator was:

> *"To operate a bonded winery, producing and bottling, and selling in an existing building. Wine produced would be sold through a distributorship and at private invitational tasting. The operation will be confined to grapes grown on the property. It is expected to be to* ***only*** *be a part time endeavor due to the size of the vineyard."*

The small nature of the operation was clearly stated in the findings adopted when the project was approved which refer to the "processing and selling of products grown on the site" and to the "relatively small scale of the proposed winery" being "consistent with zoning objectives". This proposal was consistent with the applicable ordinance in effect at that time which allowed for the processing of products produced on the premises with a use permit (see 13.04.205.28).

80-624-MLD and 80-623-V

This was an application to redivide 5 parcels (APN 065-051-05, 08, 09, 10 and 065-061-18) into 3 parcels and a Variance to reduce the required 10-acre minimum building site area to facilitate a redivision of property. This project was considered by the Zoning Administrator on October 3, 1980 and was approved at that hearing. A Minor Variation to this permit was approved on

February 6, 1981 clarifying the parcels involved. The approval, which combined what is now known as APN 065-051-14, 15 and 23 into one legal parcel was exercised. Staff is recommending the recording of an Affidavit to Retain as One Parcel to implement this action.

PERMIT COMPLIANCE ISSUES

In 1982, issues related to the winery operation began to be raised by the neighborhood. These concerns included dust generation from the unpaved road, noise from the operation and traffic and parking impacts associated with the tasting and sales. These seem to have been addressed by the operator and were resolved until the mid 1990's. At that time, the County received a Complaint and a Code Compliance file was established regarding the operation and the buildings. The operation had expanded to include such things as children's Easter egg hunts, weddings, outdoor concerts and fundraisers. In addition, it was alleged that an expansion of the winery operation has taken place with tour buses regularly stopping for tasting and that a majority of the grapes used come from off site. Finally, several structures have been constructed or have had additions constructed or converted without permit (Exhibit G).

Your Commission determined that the operational permit for this winery evaluated and approved only a small scale (grapes grown on site only) winery with limited on site sales only. The current operation has expanded to include other properties and the use has significantly expanded to include daily tastings and other gatherings. It is also clear that all of the grapes utilized are brought in from off site. The following is a brief summary of the major issues noted in the Code Compliance notes, correspondence to the Planning Department and information from other agencies regarding this use and includes a brief discussion as to how the Conditions of Approval address the issue.

Wine Production

The original approval was based upon the utilization of the grapes grown on-site. A substantial increase in the volume of grapes processed has taken place, directly contributing to the creation of a nuisance to the neighboring properties. The recommended Conditions address this by allowing for a phased increase in the wine production (to a maximum of 40,000 gallons) only if certain measures are undertaken to mitigate the associated impacts. These conditions include provisions that address the various nuisance impacts by relocating the loading and processing area, limiting the number of semi-trucks and the hours when they may be on the site, limiting the hours and days of the winery operations and installation of a sound damping device or relocation of the refrigeration unit. The production levels allowed by the permit are consistent with past production at the winery (Exhibit E).

Noise

The noise generation associated with the increase in production has created a nuisance to the area. Neighbors have confirmed that this includes the noise generated by the semi-trucks, the forklifts, the worker's voices, the operation of the cooling and refrigeration unit at night and the seven days a week operation of the winery, which has impacted the residential neighborhoods greatly. In addition, uses have also been conducted on the site (i.e. weddings, fundraisers, etc.),

which generate noise. Because this property is designated Suburban Residential and not Agricultural on the General Plan, the provisions for the exemption of noise caused by farming operations is not applicable.
The recommended Conditions address this by requiring an acoustic study of the site as part of Phase 1 and incorporating all recommendations for that study into the operation, placing limitations on the numbers and hours for truck use, requiring "smart alarms'' be installed on the forklifts and the conversion to an electric forklift as part of Phase 2, limiting the noise levels at the property lines and limiting the events allowed on the site.

Dust Generation

The intensified activity associated with the grape processing and the other uses being conducted on site has resulted in increased vehicle use of the unpaved road and parking area. This has resulted in the generation of dust from these activities. In addition, the tilling of the soil and the past application of soils additives/ fertilizers has also contributed to the generation of dust. This dust generation has created a significant nuisance. The recommended Conditions address this by requiring an all-weather surface be used for access to the site and that efforts be made to minimize dust generation when conducting operations.

Other Uses of the Site

The on site operation has been expanded and the use intensified to include such things as children's Easter Egg hunts, weddings, outdoor concerts (From the information available, the operator has voluntarily ceased the weddings and outdoor concerts when the County complained) and fundraisers. In addition, it was alleged that an expansion of the winery tasting room operation has taken place with tour buses regularly stopping for tasting. The recommended Conditions address this by limiting both the number of events, the number of participants at an event and the hours of the events.

Traffic

The increase in production along with the other uses conducted on the site has created an increase in the traffic in the area and according to the information submitted by the neighbors and in the Code Compliance notes, a parking problem. The recommended Conditions address this by limiting the number of semi-trucks allowed in a two-week period, establishing a limit of one semi-truck at the site at any time, and not allowing two trailer semi trucks. In addition, a comprehensive parking plan is required to be prepared as part of Phase 1 and installed as part of Phase 2, with all parking for uses on the site required to be provided on site.

Site Design

The operator has located a vehicle (cars and trucks) and bin storage area adjacent to the single-family dwellings properties. This has resulted in the generation of dust and noise, and a visual nuisance. The recommended Conditions address this by limiting the storage and processing to a certain prescribed area and maintaining a minimum 20-foot setback from the property lines. All of the bins currently stored to the south of the Jansen property line are to be removed as part of

Phase 1 and that area is to be landscaped as part of Phase 2.

Odors

The composting of the grape waste and residue and the on-site storage of fertilizer for the vineyard resulted in an odor nuisance in the past. This was significant enough to cause the Environmental Health Services Agency to issue a Notice to Abate on July 17,1998. Subsequent to that action; EHS has not received any complaints (Personnel Communication with EHS staff 05/05/03). The recommended Conditions address this by both requiring that all standards of Environmental Health Services be met with respect to minimizing odors and that the location and length of time for the storage of fertilizers and grape waste.

Light/ Illumination

The neighbors have raised a concern about the lights/ associated with the operation. The recommended conditions address this by both requiring a time limit for when the on site lighting (except for security/ emergency lighting) is allowed to be on and requiring that the lighting be directed away from the property lines and kept on site.

Building/ Construction

From a review of the Code Compliance log and the permit history for the site, construction has been done without the benefit of the required permits. This includes the installation of Stainless Steel Tanks, installation of refrigeration equipment, expansion of buildings, construction of buildings and conversion of buildings to a new use (i.e.; conversion of a garage to an office). The recommended Conditions address this issue by requiring as **part** of Phase 1 that all required building Permits and the associated Final Inspections be obtained.

ANALYSIS

With the adoption of the Resolution of Intention to Revoke or Amend Use Permit 76-1294-U by your Commission on May 26,2004, your Commission determined that the existing winery operation is not in compliance with use permit 76-1294-U. The owner/ operator has been provided a reasonable opportunity to correct the deficiencies/ issues and bring the operation into compliance with the limits contained within the operational permit.

County Code Section 18.10.136 outlines the process for permit revocation. This section states the following:

> *"Anypermit heretofore or hereafter granted may be revoked or amended in lieu of revocation by the Planning Commission or Board of Supervisors, as provided herein, upon a finding that any term or condition of the permit has not been, or is not being complied with or that the permit has been issued or exercised in violation of any statue, law or regulation, **or** in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety."*

The intensification of use and associated permit non-compliance has created a significant nuisance related to traffic, noise, illumination and glare, potential odors, and dust for the neighborhood. Further, a potential traffic hazard to the patrons, the neighbors and the general public has been created.

Counsel has advised that for the purposes of this process, the following definition of nuisance from the California Civil Code is applicable:

> *Anything which is injurious to health, ... **or** is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street or highway, is a nuisance.*

A winery of the proposed 40,000-gallon volume size is an allowed use in the zone district and corresponds to the historic production volumes for the winery (see Exhibit E). Given the historic winery use and the fact that the use is an allowed use in the zone district, it is staffs recommendation that your Commission approve the proposed conditions which will amend the current operational permit (Exhibit B). These conditions address all of the areas of non-compliance, the various uses on the site and the nuisance created by the existing operation. These conditions will also allow for the winery operation to increase its volume of production as each phase is implemented.

The other option available to your Commission is the actual revocation of the use approval for the property. This option is the most serious and carries with it significant ramifications. Your Commission should only utilize it if no amendments to the permit will resolve the nuisance or if the applicant clearly indicates that they do not intend to comply.

CONCLUSION

Your Commission determined that the use is not in compliance with the operational permit for the site and that the use has intensified, with this intensification of use creating a significant nuisance to the neighborhood. It would be appropriate, therefore, given the nuisance created by the operation and the associated public health and safety issues involved, to approve the Site Plan and Conditions of Approval attached as Exhibit **A** and B, Amending Use Permit 76-1294-U. These conditions incorporate the major points found in the winery ordinance (see County Code section 13.10.637) and General Plan Policies (see GP Policy 5.19), while taking into account the General Plan Land Use designation, the unique setting of the site and the neighboring properties.

The proposed conditions are the result of several meetings over the last six months with County staff, the winery owner and the neighbors. While many of the issues associated with the operation were resolved to the mutual satisfaction between all parties, there exist outstanding issues for both parties that staff cannot support. These range from an increase in the number of events requested by the operator to the elimination of semi-truck use requested by the neighbors. With that, the conditions proposed provide clear language to the operator, the neighbors and the

County as to what is allowed and what is not allowed and, more importantly, address the nuisance issues and provide structure to the permit which will remove the enforcement and compliance burden from the shoulders of the neighbors. The conditions also provide for **a** reasonably sized operation, which is suitable for the site conditions.

RECOMMENDATION

It is RECOMMENDED that your Commission take the following actions:

1. Approve the Amended Conditions of Approval to Use Permit 76-1294-U attached as Exhibit B and Plot Plan attached as Exhibit **A,** based upon the findings attached as Exhibit C.
2. Certify the Environmental Determination attached as Exhibit D in accordance with the California Environmental Quality Act.

EXHIBITS

- **A.** Plot Plan of the Site
- B. Conditions of Approval Amending Use Permit 76-1294-U
- C. Development Permit Findings
- D. Environmental Determination
- E. Hallcrest Winery production **levels** from 1987 thru 2002
- F. Planning Commission No. 04-04; Resolution of Intention to **Revoke** or Amend Use Permit 76-1294-U
- G. **Staff** Report to the Planning Commission dated May 26, 2004
- H. Correspondence

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Prepared By: _____
Don Bussey
Project Manager

Reviewed By: _____
Cathy Graves
Principal Planner

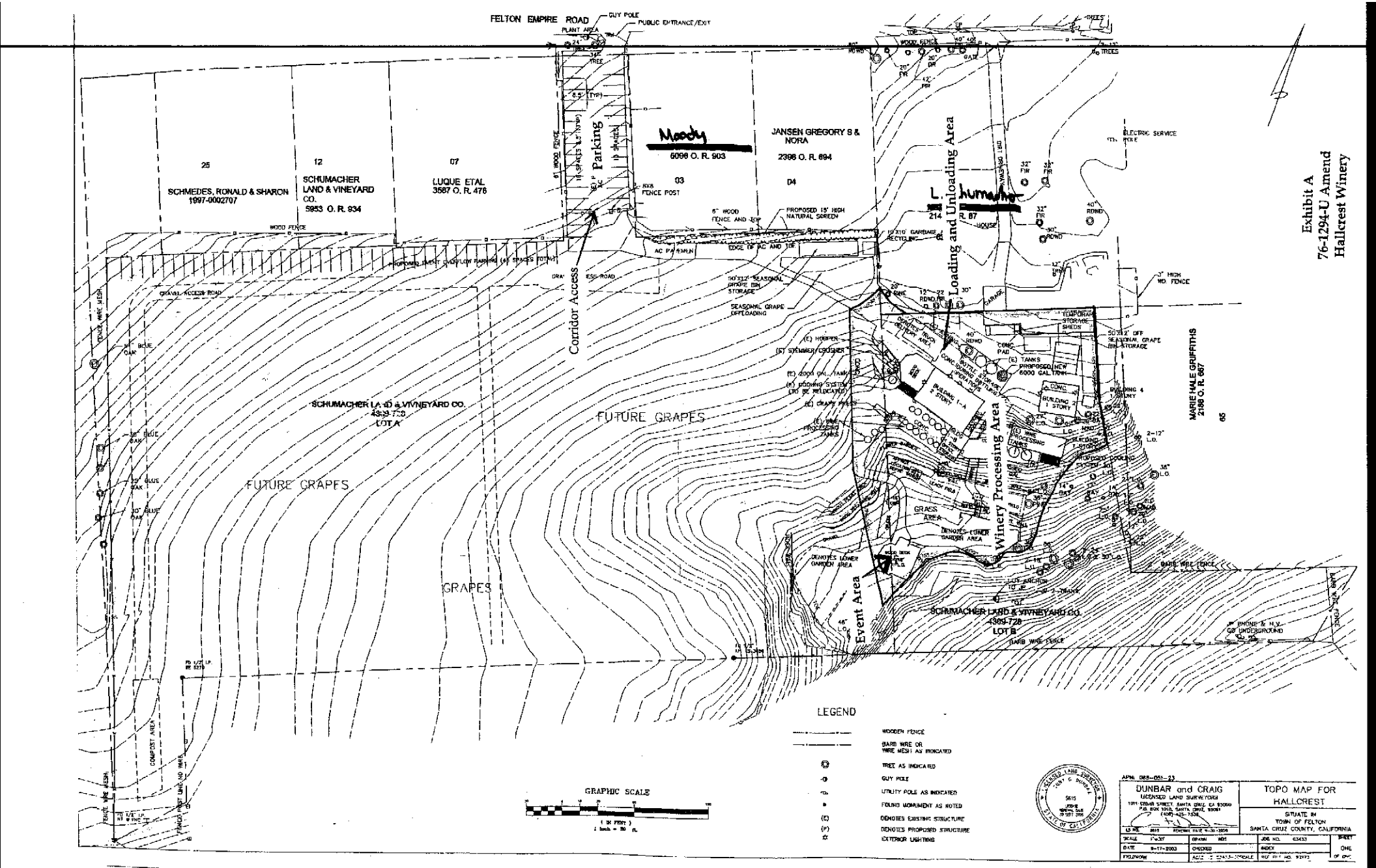
COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and 23

EXHIBIT A


FELTON EMPIRE ROAD
GUY POLE
PUBLIC ENTRANCE/EXIT
PLANT AREA
25
SCHMEDES, RONALD & SHARON
1997-0002707
12
SCHUMACHER
LAND & VINEYARD
CO.
5953 O. R. 934
07
LUQUE ETAL
3587 O. R. 476
03
04
Moody
6096 O. R. 903
JANSEN GREGORY S &
NORA
2366 O. R. 694
Parking
Loading and Unloading Area
Corridor Access
Winery Processing Area
Event Area
FUTURE GRAPES
GRAPES
GRASS AREA
SCHUMACHER LAND & VINEYARD CO.
LOT A
SCHUMACHER LAND & VINEYARD CO.
LOT B
MARIE HALE GRIFFITHS
2186 O. R. 667
WOOD FENCE
BARB WIRE FENCE
WIRE MESH FENCE
GRAVEL ACCESS ROAD
AC PAVEMENT
PROPOSED 15' HIGH NATURAL SCREEN
6' WOOD FENCE AND GATE
10'X10' GARBAGE RECYCLING
50'X12' SEASONAL GRAPE BIN STORAGE
SEASONAL GRAPE OFFLOADING
(E) HOPPER
(E) STEMMER/CRUSHER
(E) 2000 GAL. TANK
(E) PRESS
(E) GRAPE PRESS
(E) WINE PROCESSING TANKS
(E) TANKS PROPOSED NEW 6000 GALTANK
TEMPORARY STORAGE SHEDS
50'X12' OFF SEASONAL GRAPE BIN STORAGE
BUILDING 1-A 1 STORY
BUILDING 1 STORY
BUILDING 2 1 STORY
BUILDING 4 1 STORY
PROPOSED COOLING
CONC PAD
GARAGE
HOUSE
ELECTRIC SERVICE POLE
3' HIGH WD. FENCE
PHONE & H.V. GD UNDERGROUND
LOS ANCHOR
DENOTES LOWER GARDEN AREA
COMPOST AREA
FENCE POST WIRE MESH
LEGEND
WOODEN FENCE
BARB WIRE OR WIRE MESH AS INDICATED
TREE AS INDICATED
GUY POLE
UTILITY POLE AS INDICATED
FOUND MONUMENT AS NOTED
(E) DENOTES EXISTING STRUCTURE
(P) DENOTES PROPOSED STRUCTURE
EXTERIOR LIGHTING
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
Exhibit A
76-1294-U Amend
Hallcrest Winery
APN: 065-051-23
DUNBAR and CRAIG
LICENSED LAND SURVEYORS
TOPO MAP FOR
HALLCREST
SITUATE IN
TOWN OF FELTON
SANTA CRUZ COUNTY, CALIFORNIA
SCALE 1"=50'
DRAWN WDS
JOB NO. 03433
DATE 8-17-2003
CHECKED
INDEX
FIELDWORK
SHEET ONE OF ONE

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and 23

EXHIBIT B

CONDITIONS OF APPROVAL
76-1294-U
Hallcrest Winery
Schumacher Land and Vineyard
APN: 065-051- 05, 14, 15, 21 and 23

EXHIBIT: **A.** Survey of Site prepared by Dunbar and Craig dated September 17, 2003

A. This permit amends Use Permit 76-1294-U and shall be the sole operational permit for the winery use on the property. The permit recognizes a limited production winery/ vineyard operation, associated events and various construction activities previously done without permits on the property. In order for this permit to be valid, the following shall be completed within 30 days of permit approval. Failure to meet this deadline shall void this permit.

1. Sign the Permit accepting and agreeing to the Conditions of Approval and return the signed permit to the County Planning Department.

2. Record an Affidavit to Retain as One Parcel with the County Recorders Office for APN's 065-051-14, 065-051-15 and 065-051-23. Record an Affidavit to Retain as One Parcel with the County Recorders Office for APN's 065-051-05 and 065-051-21. These will implement the requirements of Lot Line Adjustment 80-624-MLD approved on October 3, 1980 and exercised by the landowner. A copy of the recorded document shall be submitted to staff.

3. Record a copy of these Conditions of Approval with the County of Santa Cruz Recorder. A copy of the recorded document shall be submitted to staff.

B. General Operating Conditions

1. This permit allows only for production, bottling, tasting and sales of wine on site and limited on site events. The total on-site production for all wine processed,' bottled on site shall not exceed 40,000 gallons (about 250+/- tons of grapes), to be phased in as described in Section C of this permit. A limited amount of the wine production may involve grape processing or custom crushing for other off site labels. Any increase in the maximum allowed processing volume requires an amendment to this permit. Other uses, including weddings, dinners, fundraisers, meetings, and special events are only allowed as outlined in Section D of this permit. **An** amendment to this permit is required if events are to be considered that are beyond those allowed by this permit.

2. With the exception of the single large annual event allowed as described in Condition D.6, no amplified outdoor music of any kind is permitted.

3. All noise generated by the wine production operation, the tasting room and the events shall be contained on site to the maximum extent possible. The noise level from the winery operation and any associated activity shall not exceed 60 dB(ldn) (day/night average decibel level) exterior reading (day/night average decibel level) and 45 dB(ldn)

(dayinight average decibel level) interior reading at any residence with the following exceptions:

1. A maximum noise standard of 85 dba for a cumulative period of 10 minutes in any hour
2. **A** maximum noise standard of 90 dba for a cumulative period of *5* minutes in any hour at the site property line.

An acoustic evaluation of the site shall be prepared by an Acoustical Engineer as part of Phase I and shall be submitted to the County for review and approval. This study shall evaluate all of the anticipated noise generation through Phase 2 (worst case), and shall include recommendations to insure compliance with the noted standard at the property line and at the residences. "Quiet Zone" signs no larger than two square feet shall be placed along the northern perimeter property line and on the east and west side of the corridor access at *50* to 100 foot intervals. The design and wording of the sign shall be submitted to staff for review and approval as part of Phase 1.

4. All activities related to the production of wine shall be contained indoors whenever feasible. This shall include any cooling or refrigeration units. If this is not feasible, such units shall be relocated to the southeast side of the existing winery buildings and surrounded by sound damping fencing. The timing of this relocation is defined in Section C of this permit.

5. No outdoor areas used for storage bins, truck parking and storage areas, vehicle storage, or processing shall be sited within 50 feet from the southern property line of APN's 065-051-03 and 04. All structures/ buildings shall be sited a minimum of 20 feet from all property lines. These standards are not applicable to any legal non-conforming structure or for the comdor access as shown on Exhibit A. Access to the winery operation, a vineyard, an accessible parking space and the garbage/ recycling area may be located within **35** feet from APN's 065-051-03 and 04.

6. All outdoor illumination shall be aimed downward or be shielded so that glare is not produced onto adjoining properties to the maximum extent feasible. All outdoor lighting, with the exception of minimal security lighting, shall be turned off by 7:00 p.m. each day and shall not be **turned** back on until 8:00 a.m. **A** plan reflecting these standards shall be part of the initial building permit submittals (as required by Section C.1).

7. Bulk fertilizers to be used for the vineyard aspect of the operation that are stockpiled must be located a minimum of 200 feet from the property's northwestern property line and may be stored on the property for up to one week. Any fertilizers for immediate use (within 48 hours) for the vineyard can be stockpiled less than 200 feet from the properties northwestern property line. On site composting is permitted on the property only if a disposal and vector control plan for the grape residue is approved by the Environmental Health Services and implemented. Bagged soil conditioners/ additives may be stored within *5* feet of the property line within the designated winery processing area.

8. One on-site sign of a earthen color and a maximum twelve square feet in size and located at ground level no higher than *5* feet above the existing grade at the edge of the road to the highest point as a monument sign is permitted. It shall be non-illuminated. No other

signs including sandwich boards are allowed. The sign design, color and location shall be submitted to staff for review and approval as part of Phase 1, and shall not be installed until approval is obtained.

9. No double trailer semi trucks are allowed at any time.

10. All areas for permanent parking shall meet the following standards:

    a. The parking area, roads and turnarounds shall be surfaced with an all weather surface acceptable to the county (i.e.; 9 inches of compacted base rock with a 3-inch overlay of asphalt concrete or an oil and screen sealcoat for all areas used by the delivery trucks and the forklifts and *6* inches of compacted base rock with a 2-inch overlay of asphalt concrete or oil and screen sealcoat for the small vehicle parking area.)

    b. The access road from Felton Empire Road shall he improved to a minimum width of 18 feet with an all weather surface acceptable to the County.

11. Onsite parking shall be provided as follows:

    a. A minimum of 10 permanent parking spaces (8.5 feet by 18 feet), including a minimum of one handicap space and an acceptable turnaround area, shall be provided on site for the tasting room.

    b. No event/ winery related parking is allowed on Felton Empire Road.

    c. Temporary event parking shall not create a fire hazard and may have a dirt or natural surface. An area of sufficient size to provide one (1) parking space of 8-1/2 feet by 18 feet for each of two (2) participants along with the associated access/ circulation and turnaround(s) shall be provided. Dust control efforts shall be undertaken to the maximum extent possible. All handicap access for events shall be an all weather surface.

    d. The owner shall monitor the parking to ensure compliance and shall close off access to the site and the facility when the parking lot is full. All parking for the events shall be a minimum of 10 feet from any property line. This standard is not applicable to the corridor access parking.

12. Comply with all requirements of the Fire Agency

13. Comply with all requirements of the Americans with Disabilities Act.

14. Comply with all requirements of the Environmental Health Services with respect to the disposal of all grape residues and on site septic use. All grape residue/ waste shall be disposed of either at a County approved ***off*** site location or in an approved manner on the property.

15. Comply with all requirements of the water purveyor serving the site.

16. Obtain a Discharge Permit from the Regional Water Quality Control Board, if one is required. Submit a copy of the permit or the waiver letter to the County.

17. Submit a drainage plan for review and approval by the Planning Department. The drainage plan shall be submitted with the building permit submittal.

18. Any site preparation or activities related to the vineyard component of the operation shall be conducted in such a manner as to minimize the generation of dust.

C. Production Phasing

On site production/ grape processing shall not exceed 40,000 gallons at any time (about 250 +/- tons of grapes). This maximum production may only be achieved through a gradual phasing plan as outlined below.

1. Phase 1: Until the following conditions have been met, a maximum of **20,000** gallons of production/ grape processing per year shall be allowed. Once the following conditions are met to the satisfaction of the Planning Department, maximum annual production shall be increased to ***30,000*** gallons.

   a. Within 90 days of the approval date of this permit, the following shall be implemented! completed:

      i) Modifications shall be completed to the refrigeration unit to reduce the noise generated by the unit. This may involve enclosing the unit or placing the unit in a structure. If this is not feasible, the unit shall be relocated to the southeast side of the existing winery buildings. Evidence of compliance with the stipulated noise standard (Condition B.3.), prepared by a qualified professional, shall be submitted to staff for review and approval.

      ii) Removal of all winery related materials and equipment from within 20 feet of the southern property lines of APN 065-051-04. **A** landscape plan utilizing native species to the maximum extent feasible shall be prepared for this area and submitted to staff for review and approval. The intent of this plan is to buffer and screen to the maximum extent possible the winery operation, including the outdoor parking and storage areas, from the adjoining properties. The landscape plan must be reviewed and approved by the Planning Department staff, with the intent that plant choices would result in plantings that will grow to a minimum height of ***6*** feet and a maximum height of about 10 feet within 3 years of installation.

iii) Relocate all loading/ unloading and associated winery operations to the area southeast of APN's 065-051-05 and 21 (only one legal lot) as noted on Exhibit A.

b. All building violations on the site have been resolved. This shall include payment of any Code Compliance fees and acquisition of the required building permits and final inspection for the following:

i) Conversion of the garage structure to habitable space (office)

ii) Conversion of a storage room to the tasting room and other additions to the Concrete Block Building (i.e.; Bldg. 1B shown on the exhibit) including decks. **An** exemption exists for decks less than 30 inches in height.

iii) Installation of processing tanks.

iv) Installation of temporary storage containers and small out buildings or removal from the property.

v) Conversion of warehouse/ storage space into an office

vi) Any improvements related with the outdoor event area including retaining walls and decks. An exemption exists for decks less than 30 inches in height.

vii) Removal or relocation of the 10 foot by 10 foot shed to comply with the required setbacks (i.e.; 20 feet side, front and rear).

c. A parking plan shall be prepared for the site and shall take into account all of the events allowed through the completion of Phase 2. Permanent and temporary spaces shall comply with all standards outlined in this permit. That plan shall be submitted to staff for review and approval. With the exception of the parking within the corridor access area off of Felton Empire Road as shown on Exhibit **A,** all permanent and temporary parking shall be sited a minimum of 10 feet from any property line.

d. A traffic and circulation plan (including vehicle turnarounds) shall be prepared for the site and shall take into account all of the events allowed through the completion of Phase 2. The plan shall be submitted to staff for review and approval.

e. Payment of any and all Code Compliance fee's and outstanding At Cost Fee's associated with Application No. 03-0416 shall be made prior to the issuance of any building permits/ exercising of *this* permit.

2. Phase 2: An increase in annual production to a maximum of **40,000** gallons of production/ grape processing shall be allowed at such time that all of the following conditions are met to the satisfaction of the Planning Department:

a. Installation of the approved landscape plan along the southem property lines of APN 065-051-03 and 04 per the approved plan is completed.

b. Forklifts utilized on site are primarily electric and include "smart alarm" warning devices. A gas or propane forklift with "smart alarms" may be retained for the transporting of materials to the area south of the tasting room building (up and down the hill).

c. Relocate the grape crusher and associated activities (i.e.; bin cleaning, etc.) to the production area to the northeast of the tasting room building.

d. Removal of all concrete/ hardscape surfaces within 10 feet of the southern property lines of APN: 065-051-04 and installation of a new all weather surface access road and turnaround(s) per the approved road plans has been completed.

e. Installation of an on site indoor bottling line shall be completed. Once in place, all bottling shall be done indoors and no mobile bottling unit is permitted on the site.

f. The approved traffic and circulation plan (including vehicle turnarounds) shall be installed / implemented.

g. The approved parking plan shall be installed/ implemented.

D. Special Events (Not including Passport Wine Events and Vintners Festivals Events)

Prior to the implementation/ completion of all of Phase 1 Conditions to the satisfaction of the County.

1. No on site events of any kind are allowed.

At the Completion of Phase 1 Conditions to the satisfaction of the County

2. Weddings, meetings, and small parties of up to 45 people are allowed.
3. All special events are limited to the hours of 2:00 p.m. to 6:00 p.m. on Tuesdays and Thursday's and 10:00 a.m. to 5:00 p.m. on Saturdays. A maximum of four weekday and two Saturday events in any month is allowed between May 1 and September 1 and no more than two events may take place in any week. No events are allowed from September 1st to April 30".

At the Completion of Phase 2 Conditions to the satisfaction of the County

4. Weddings, meetings, and small parties of up to 65 people are allowed.
5. All special events are limited to the hours of 2:00 p.m. to 6:00 p.m. on Tuesdays **and** Thursday's and 1000 a.m. to 5:00 p.m. on Saturdays. A maximum of 1.5 hours total is

allowed for the outdoor setup (45 minutes maximum) and breakdown (45 minutes maximum) for each event. **A** maximum of four weekday and two Saturday events in any month is allowed between May 1 and September 1 and no more than two events may take place in any week. No events are allowed between September 1st to April 30th.

6. One large event with up to 200 people is allowed per year, with this event limited to the non-crush period, on a weekend with no other events and limited to the hours of 10:00 a.m. and 6:00 p.m.

E. Hours of Operation for the Winery and the Tasting Room:

1. Winery

a. The wine production facility including the use of forklifts and any and all other outdoor operations and equipment shall be limited to the hours of 8:00 a.m. to 4:30 p.m. weekdays. During the months of September, October and November (known as the crush period) the operation may include weekdays and weekends from 8:00 a.m. to 7:00 p.m. This shall include outdoor operations. These limitations do not apply to any onsite refrigeration unit.

b. With the exception of the grape crush period, any and all truck operations and deliveries related to the wine production facility and wine sales, including but not limited to the delivery and pick up of grape bins, grapes, glass bottles, cases of bottled wine and bulk wine, shall be limited to the hours of 8:30 a.m. to 3:00 p.m. weekdays only. During the crush period, truck operations and deliveries are allowed seven days a week. No overnight truck (with refrigeration units) storage is permitted. No more than **one** semi truck is allowed on the site at any time and no more than eight (8) semi truck trip ends are permitted in any 14 calendar day period during the crush period and no more than four (4) semi-trucks are permitted in any 30 calendar day period in the non crush period.

c. The maximum number of tanker truck trip ends for the purpose of hauling bulk wine product is three (3) in any calendar year unless an extraordinary situation exists. If an extraordinary situation does arise, a written request outlining the reason for the request shall be made to the Planning Director for review and approval prior to the truck coming to the site. The request shall be submitted a minimum of two business days prior to the truck coming to the site. If the extra truck is approved, written notification to the neighbors of the property shall be given at least 24 hours prior to the truck coming on the site.

2. Tasting Room

a. Until Phase 1 (Condition C.1) has been completed

i) The tasting room/ sales room may be open between 12:00 p.m. and 5:00 p.m. daily.

ii) A maximum of 20 persons, excluding employees shall be allowed at the facility at any time. This is also applicable to winery tours.

iii) Winery tours are only allowed on non-event days, during the regular tasting room hours and during the non-crush period. These tours shall be limited to a maximum of two (2) per month and shall be limited to Saturdays only. No large tour buses (more than **24** seats) or large groups (more than 20 persons) are allowed and the winery shall not be registered on any bus tour routes.

iv) During the time of the winery tour, the tasting room shall be closed to the public.

b. During Passport Wine Events (four times a year) or Vintners Festivals (neither considered events as outlined in Condition D. Special Events), the tasting room may be opened on Saturday and Sunday from 11:00 a.m. to 5:00 p.m. No other on site events are allowed during these industry events.

F. Timing for Plans and Permits:

1. Building Permits shall be applied for within one hundred eighty (180) days of the effective date of this permit for all structures, additions and conversions constructed without permits. The Building Permit shall be obtained and all required inspections obtained including the final inspection clearance within a timely manner.

2. The maximum production levels and special event activity levels as described in this permit must be accomplished within five (5) years of the approval date of this permit. Whatever level of production and activity that has been achieved by that five-year date shall become the maximum allowed under this permit. If at any point in time, the operation is determined by the County to not be in compliance with the conditions of this permit, the level of wine production and events allowed shall revert to the previous phase amount/ levels.

G. Compliance

1. Annual Reviews

a. An annual review of the entire operation to review compliance with these Conditions of Approval shall be conducted by the Planning Department and a report submitted to the Zoning Administrator. A public hearing may be required. These mandatory reviews will cease after the operation is found in compliance for three consecutive years.

b. **A** copy of the State of California Alcohol Beverage Control Permit, the State of California Regional Water Quality Waste Discharge Permit (if required), the State of California Department of Agricultural Grape Crush Report, the Federal Bureau of Alcohol, Tobacco and Firearms annual report and the State of California Board

of Equalization Annual Report, and any other permit or license along with supporting documentation regarding the annual wine production (gallons and tonnage) on site and the associated production limits shall be submitted to the Planning Department on an annual basis, in January of each year, to verify compliance with the production limit of this permit.

2. Quarterly Reviews

a. **A** report shall be prepared by the operator that provides detailed information addressing the following:

1. The number of persons visiting the tasting room daily. This shall include the Passport events.
2. The number **of** persons in attendance per event.
3. The date of the event.

b. **A** semi truck log shall be kept on a weekly basis and shall note the date, time, purpose and company for each trip end. **A** trip end shall include semi trucks delivering grapes, delivering bottles/ glass, the pick up of bottled wine/ product, bulk wine pick up and delivery, and the pick up of the grape bins. **The** log shall be submitted to the County for compliance review.

3. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/ or necessary enforcement actions, up to and including permit revocation.

NOTE:

This permit expires one year from the effective date unless all building permits are obtained and final clearances issued for all phase one items. Failure to comply with these timelines shall void this permit approval.

Approval Date:
Effective Date
Expiration Date:

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and 23

EXHIBIT C

Development Permit Findings:

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of **the** winery, its operation and the associated wine tasting and limited events and the recommended conditions amending Use Permit 76-1294-U under which they would be operated or maintained will not be detrimental to the health, safety or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in that the amended Conditions of Approval will result in a winery, tasting room and limited events which, due to limitations placed on the operation, will minimize **the** creation of any nuisance affecting the neighbors and the general public. The use can be accommodated by the site and will not result significant environmental impacts.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the A (Agricultural) zone district. The purpose of the "A" zone district is to encourage and provide for noncommercial agricultural uses, allow for limited commercial agricultural activities and to maintain productive open space and **the** rural character in the county. A winery is an allowed use in the "A" zone district and is an agriculturally related pursuit.

The proposed adjunct use (weddings, meetings, private parties, etc.) is not specifically allowed in the "A" zone district or the winery regulations set forth in County Code section 13.10.673. This **use,** however, has been increasingly associated with wineries throughout the State and in Santa Cruz County and has been approved in the County for other wineries in Various zone districts.

As conditioned, the winery operation and the associated uses would be operated and maintained consistent with all pertinent County ordinances and the purposes of **the** "A" zone district. However, it must be stated that the implementing zone district for the Suburban Residential General Plan designation are R-1 (Single Family Residential), RR (Rural Residential) or RA (Residential Agricultural), with the RR and **the** RA zone districts allowing a winery of this size as a conditional use. An important Purpose of the residential districts is *"toprotect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such asfire. explosion, or noxious fumes"*. Because of this conflict, the amended conditions of approval took both the current zoning and the implementing zoning designations and associated purposes into account.

3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.

The project is located in the Suburban Residential land use designation. Wineries are allowed in the Rural Residential and Residential Agricultural zone districts, both of which implement the Suburban Residential Land Use designation. The winery is conditioned such that the operation will be consistent with General Plan and zoning regulations for the compatibility with the nearby residential development, fire safety, traffic, noise, access and septic disposal. Further, compliance with the conditions of approval will minimize the nuisance created by the existing operation. Approval of the amended conditions of approval for the winery will also place the operation into Compliance with General plan Policy 5.15.20 "Wineries and Viticulture".

The site is within the Scenic View Comdor of the Felton Town Plan, and as conditioned, complies with the scenic comdor guidelines contained in that plan.

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The Conditions of Approval as amended have incorporated mitigations that will result in a winery, wine tasting and special events uses that will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity. The increase in the intensity of use associated with the winery, public wine tasting and special events can be accommodated with adequate on-site septic disposal, water supply for the use as well as fire protection and access and adequate off-street parking will be provided for the use.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

As conditioned, the amendment will result in a use that will complement and harmonize with existing and proposed land uses in that the nuisances The maximum 40,000 gallon winery, public wine tasting and limited event use is compatible with the land use intensities for the area and the specific site. The associated structures will complement and harmonize with the existing and proposed land uses in the vicinity (agricultural, rural residential and open space) and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. The existing winery operation is sited to protect arable land. The structures and the processing area are conditioned to be screened from existing residences in the immediate by landscaping/ vegetation. Thus, the winery and wine tasting project, as approved and subject to the required conditions, will be compatible and integrated with the character of the surrounding

neighborhood and the natural setting.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND **ANY** OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The winery operation as conditioned by the Conditions of Approval amending Use Permit 76-1294-U is consistent with the Design Standards and Guidelines of the County Code, in that the proposed project will be of an appropriate scale and design that will preserve the existing architectural quality of the neighborhood. The project will not reduce or visually impact available open space in the surrounding area.

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and 23

EXHIBIT D

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 76-1294-U
Assessor Parcel Number: 065-051-05, 14, 15, 21 and 23
Project Location: South side of Felton Empire Road about 1400 feet north of the intersection of Felton Empire and Highway 9 (379 Felton Empire Road).

Project Description: Amendments to an existing winery operation.

Person or Agency Proposing Project: County of Santa Cruz

A. ____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ____ **Ministerial Proiect** involving only the use of fixed standards or objective measurements without personal judgment.
D. ____ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. __X__ **Cateeorical Exemption**

Specify type: 15301

F. Reasons why the project is exempt:

No change to the physical environment is anticipated.

In addition, none of the conditions described in Section 15300.2 apply to this project.

_____ Date: _____
Don Bussey, Project Planner

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and 23

EXHIBIT E

Yerr	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
Tons	40.9	90.7	253.3	193.5	224.5	197.7	196.7	213	275	263.5	242.8
Gallons	6749	14966	41795	31928	37040	32620	32455	35145	45375	43477	40060

Year	1998	1999	2000	2001	2002
Tons	199.9	225	134.2	236	253.6
Gallons	32983	37125	22143	38940	41844

Felton Empire Winery Production
Quoated in "Wines & Winemakers of the Santa Cruz Mountains"
By Charles L. Sullivan

Interviews conducted 1992-1994
Leo McCloskey, President of **Felton Empire Winery**
Quoated, "We were up to **about** 18,000 **cases of wine and an equal amount of wine grape juice".**
Total tonnage 600

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and 23

EXHIBIT F

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 04-04

On the motion of Commissioner: **Durkee**
Duly seconded by Commissioner: **Holbert**
The following resolution is adopted

RESOLUTION OF INTENTION TO REVOKE, OR AMEND IN LEIU OF REVOCATION, USE PERMIT NO. 76-1294 PURSUANT TO SUBDIVISION (c) OF SECTION 18.10.136 OF THE SANTA CRUZ COUNTY CODE

WHEREAS, Subdivision (c) of Section 18.10.136 of the Santa Cruz County Code authorizes the Planning Commission to adopt a resolution of intention to set a date for a hearing to consider whether to revoke, or amend in lieu of revocation, an existing permit upon a finding that any term or condition of a permit has not been complied with, or that a permit has been issued in violation of law, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety.

WHEREAS, in 1976, the Santa Cruz County Code authorized the processing of agricultural products produced on-site for properties zoned "A" (Agriculture) if a use pernit was obtained; and

WHEREAS, a noticed public hearing held on September 24, 1976, before the Santa Cruz County Zoning Administrator to consider Application No. 76-1294-U which evaluated a project that included in its description of the proposal that the winery "will be confined to the processing of grapes grown on the property. It is expected to only [sic] a part-time endeavor due to the size of the vineyard."; and

WHEREAS, at the public hearing, John Pollard, the then owner/ operator, requested that importation of grapes grown off-site may be allowed for certain limited processing reasons (i.e., "for acid and sugar balancing"), and responded affirmatively to the Zoning Administrator's question whether such importation would be minimal, and, following the closing of the public hearing, the County Zoning Administrator approved Application No. 76-1294-U based on the staff report findings; and

WHEREAS, the Permit finding concluding that the project was consistent with the zoning ordinance provision limiting processing and selling of agricultural products to

those grown on-site was based on the proposal identified in the staff report, and the Permit finding concluding that the project was consistent with the general plan was based on the winery's historic compatibility with the surrounding residential neighborhood which itself was based on the limited size of the on-site vineyard and the winery's historic level of use; and

WHEREAS, over the years, the property has changed hands and the operation evoived; and

WHEREAS, the winery doing business as Hallcrest Vineyards does not process any grapes grown on the premises as there is no longer a vineyard existing at the subject property; and

WHEREAS, the existing use of land located in the " A Agriculture Zone District has been expanded **and** intensified without obtaining Development Permits to authorize that expanded and intensified use or obtaining Building Permits to authorize the related construction activities, including enlargement or conversion of the buildings in violation of Santa Cruz County Code Section 13.10.275(a), 12.10.125 (a), 13.10.277(a) and 13.10.637;and

WHEREAS, Hallcrest Vineyards has declared that it crushes 225+- tons of grapes. Based on the typical grape yield in the Santa Cruz Appellation (non-imgatedj, it would require 100 - 200 acres of vineyards to produce 200 to 300 tons of grapes; and

WHEREAS, the processing of grapes grown off-site was not authorized by the Permit; and

WHEREAS, the intensification of the winery use and the attendant creation of glare, dust, noise, odors and traffic emanating from the winery operation are detrimental to the public health and safety of others in the neighborhood, and create a nuisance as defined by the California Civil Code; and

WHEREAS, pursuant to Santa Cruz County Code Section 18.10.136, the Planning Commission finds that the existing winery operation on Assessor's Parcel Numbers 065-051-14, 15 and 23 does not conform with the project scope described within the application and within the staff report and the findings considered for the approval of Permit No. 76-1294-U (the "Permit") and that the winery is being operated in such a manner which causes a nuisance, or is otherwise detrimental to the public health and safety; and

WHEREAS, the Planning Commission of the County of Santa Cruz finds that the actions, omissions or conditions identified above: (a) constitute non-compliance with the Permit; and (b) demonstrate that the Permit has been exercised in violation of statute, law or regulation; and (c) demonstrate that the Permit has been exercised in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Santa Cruz County Planning Commission, that a public hearing be scheduled on July 28th, 2004 at 9:00 a.m. (or as soon thereafter as the matter may be heard) at 701 Ocean Street, Room 525, Santa Cruz, CA to consider whether to revoke, or amend in lieu of revocation, Use Permit No. 76-1294 for the reasons set forth herein.

PASSED AND ADOPTED this 26th day of May, 2004, by the Santa Cruz County Planning Commission by the following vote:

AYES: COMMISSIONERS Bremner, Durkee, Holbert, and Osmer
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS Shepherd
ABSTAIN: COMMISSIONERS

Chairperson of the Santa Cruz
County Planning Commission

Attest: _____
Clerk of the Commission

Approved as to form:
_____
Assistant County Counsel

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and23

EXHIBIT *G*

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831) 454-3182 FAX: (831) 454-2131 TOD: (831) 454-2123
TOM BURNS, DIRECTOR

Planning Commission
701 Ocean Street
Santa Cruz, CA
95060

May 26,2004

SUBJECT: Review of Permit # 76-1294-U;
Hallcrest Winery, 379 Felton Empire Road, Felton, CA
APN: 065-051-14, 15 and 23

Members of the Commission:

On January 28, 2004, your Commission conducted a public hearing regarding the review of the noted operational permit for Hallcrest Winery. At that hearing, consideration by your Commission of the adoption of a Resolution of Intention to Revoke or Amend Use Permit 76-1294-U was continued to the May 26, 2004 meeting. This continuance was intended to provide sufficient time for the applicant to submit any information to the County and to provide staff with the time to work with the applicant and the neighbors in an attempt to address the concerns of both parties. While we believe those talks have been productive, the application submitted to amend the previous permit (03-0416) remains deficient and is incomplete for processing. The next step in this process is the adoption of the Resolution of Intention and setting a public hearing. It is staff's intention to return at that time with amendments to the existing permit. The owner has consented to a timely hearing process.

Staff RECOMMENDS that your Commission adopt the Resolution of Intention attached as Exhibit A, setting a Public Hearing for a future date to consider the revocation or the amendment of Permit 76-1204-U.

Sincerely,

Don Bussey
Project Planner

Cathy Graves
Principal Planner

Exhibits:
A. Resolution of Intention *to* consider Revocation or Amendment of Permit 76-1294-U
B. Staff Report for the January 28, 2004 Planning Commission Agenda with Exhibits

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Commissioner:
Duly seconded by Commissioner:
The following resolution is adopted

RESOLUTION OF INTENTION TO REVOKE, OR AMEND IN LEIU OF REVOCATION, USE PERMIT NO, 76-1294 PURSUANT TO SUBDIVISION (c) OF SECTION 18.10.136 OF THE SANTA CRUZ COUNTY CODE

WHEREAS, Subdivision (c) of Section 18.10.136 of the Santa Cruz County Code authorizes the Planning Commission to adopt a resolution of intention to set a date for a hearing to consider whether to revoke, or amend in lieu of revocation, an existing permit upon a finding that any term or condition of a permit has not been complied with, or that a permit has been issued in violation of law, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety.

WHEREAS, in 1976, the Santa Cruz County Code authorized the processing of agricultural products produced on-site for properties zoned "A" (Agriculture) if a use permit was obtained; and

WHEREAS, a noticed public hearing held on September 24, 1976, before the Santa Cruz County Zoning Administrator to consider Application No. 76-1294-U which evaluated a project that included in its description of the proposal that the winery "will be confined to the processing of grapes grown on the property. It is expected to only [sic] a part-time endeavor due to the size of the vineyard."; and

WHEREAS, at the public hearing, John Pollard, the then owner/ operator, requested that importation of grapes grown off-site may be allowed for certain limited processing reasons (i.e., "for acid and sugar balancing"), and responded affirmatively to the Zoning Administrator's question whether such importation would be minimal, and, following the closing of the public hearing, the County Zoning Administrator approved Application No. 76-1294-U based on the staff report findings; and

WHEREAS, the Permit fmding concluding that the project was consistent with the zoning ordinance provision limiting processing and selling of agricultural products to

those grown on-site was based on the proposal identified in the staff report, and the Permit finding concluding that the project was consistent with the general plan was based on the winery's historic compatibility with the surrounding residential neighborhood which itself was based on the limited size of the on-site vineyard and the winery's historic level of use; and

WHEREAS, over the years, the property **has** changed hands and the operation evolved; and

WHEREAS, the winery doing business as Hallcrest Vineyards does not process any grapes grown on the premises as there is no longer a vineyard existing at the subject property; and

WHEREAS, the existing use of land located in the "A" Agriculture Zone District has been expanded and intensified without obtaining Development Permits to authorize that expanded and intensified use or obtaining Building Permits to authorize the related construction activities, including enlargement or conversion of the buildings in violation of Santa Cruz County Code Section 13.10.275(a), 12.10.125 (a), 13.10.277(a) and 13.10.637; and

WHEREAS, Hallcrest Vineyards has declared that it crushes 225+- tons of grapes. Based on the typical grape yield in the Santa Cruz Appellation (non-imgated), it would require 100 - 200 acres of vineyards to produce 200 to 300 tons of grapes; and

WHEREAS, the processing of grapes grown off-site was not authorized by the Permit; and

WHEREAS, the intensification of the winery use and the attendant creation of glare, dust, noise, odors and traffic emanating from the winery operation are detrimental to the public health and safety of others in the neighborhood, and create a nuisance as defined by the California Civil Code; and

WHEREAS, pursuant to Santa Cruz County Code Section 18.10.136, the Planning Commission finds that the existing winery operation on Assessor's Parcel Numbers 065-051-14, 15 and 23 does not conform with the project scope described within the application and within the staff report and the findings considered for the approval of Permit No. 76-1294-U (the "Permit") and that the winery is being operated in such a manner which causes a nuisance, or is otherwise detrimental to the public health and safety; and

WHEREAS, the Planning Commission of the County of Santa Cruz finds that the actions, omissions or conditions identified above: (a) constitute non-compliance with the Permit; and (b) demonstrate that the Permit has been exercised in violation of statute, law or regulation; and (c) demonstrate that the Permit has been exercised in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Santa Cruz County Planning Commission, that a public hearing be scheduled on July 28th, 2004 at 9:00 a.m. (or as soon thereafter as the matter may be heard) at 701 Ocean Street, Room 525, Santa Cruz, CA to consider whether to revoke, or amend in lieu of revocation, Use Permit No. 76-1294 for the reasons set forth herein.

PASSED AND ADOPTED this 26th day of May, 2004, by the Santa Cruz County Planning Commission by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

_____
Chairperson of the Santa Cruz
County Planning Commission

Attest: _____
Clerk of the Commission

Approved as to form:

_____
Assistant County Counsel

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831) 454-3182 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, DIRECTOR

Planning Commission
701 Ocean Street
Santa Cruz, CA
95060

January 16, 2004

SUBJECT: Review of Permit # 76-1294-U;
Hallcrest Winery, 379 Felton Empire Road, Felton, CA
APN: 065-051-14, 15 and 23

Members of the Commission:

On September 24, 2003, your Commission conducted a public hearing regarding the review of the noted operational permit for Hallcrest Winery. At that hearing. consideration by your Commission of the adoption of a Resolution of Intention to Revoke or Amend Use Permit 76-1294-C was continued to the January 28, 2004 meeting because the owner had submitted an application to amend their operational use permit on September 23, 2003 (Application 03-0416). This continuance was intended to provide sufficient time for the applicant to submit any information to the County and to provide staff with the time to analyze it and prepare a staff recommendation. The application was found to be incomplete tor processing in many areas and a letter was sent to the owner outlining the deficiencies on October 22, 2003. A copy of rlie staff report from the September 24, 2003 agenda is included as part of Exhibit D1. The firsr communication staff had with the owner regarding this lerrer was when staff received a phone call on December 16, 2003, which was in response to our reminder letter dared December 12, 2003 (Exhibit C1). A lerrer dared December 17, 2003 (Exhibit 61) was submitted by the owner indicating that all ot the requested information would he submitted by the "third week ot January", however, as of the dare of rhis lerrer, none of :he requested information contained in our October 22,2003 incomplete lerrer has been submitted to the County for rhis site.

Staff RECOMMENDS that your Commission adopt the Resolution of Intention attached as Exhibit A1, setting a Public Hearing for March 24, 2004, to consider the revocation or the amendment of Permit 76-1204-U.

Sincerely,

Don Bussey
Project Planner

Cathy Graves
Principal Planner

Exhibits: A1. Resolution of Intention to consider Revocation or Amendment of Permit 76-1294-U
B1. Copy of Letter dated December 17, 2003 from John Schumacher
C1. Copy of the Reminder letter dared December 12, 2003, Incomplete Letter dated October 22, 2003, Application 03-0416 and Program Statement
D1. Staff Report for the September 24, 2003 with the Resolution and Exhibits

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Commissioner
duly seconded by Commissioner
the following resolution is adopted

RESOLUTION OF INTENTION TO REVOKE, OR AMEND IN LEIU OF REVOCATION, USE PERMIT NO. 76-1294 PURSUANT TO SUBDIVISION (c) OF SECTION 18.10.134 OF THE SANTA CRUZ COUNTY CODE

WHEREAS, subdivision (c) of Section 18.10.136 of the Santa Cruz County Code authorizes the Planning Commission to adopt a resolution of intention to set a date for a hearing to consider whether to revoke, or amend in lieu of revocation, an existing permit upon a finding that any term or condition of a permit has not been complied with, or that a permit has been issued in violation of law, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety; and

WHEREAS, pursuant to Santa Cruz County Code Section 18.10.136, the Planning Commission finds that the existing winery operation on Assessor's Parcel Numbers 065-051-14, 15 and *23* does not conform with the project scope described within the application and within the staff report and the findings considered for the approval of Permit No. 76-1294-U (the "Permit") and that the winery is being operated in such a manner which causes a nuisance, or is otherwise detrimental to the public health and safety; and

WHEREAS, the Planning Commission of the County of Santa Cruz finds that the actions, omissions or conditions identified below: (a) constitute non-compliance with the Permit; and (b) demonstrate that the Permit has been exercised in violation of statute, law or regulation; and (c) demonstrate that the Permit has been exercised in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety.

WHEREAS, the existing use of land located in the "A" Agriculture Zone District has been expanded and intensified without obtaining Development Permits to authorize that expanded and intensified use. These uses violate Santa Cruz County Code Section 13.10.275(a).

WHEREAS, the existing use of land located in the **"A"** Agriculture Zone District has been expanded and intensified and is in conflict with the site standards of the "A" Zone District. This violates Santa Cruz County Code Section 13.10.277(a), 13.10.637.

WHEREAS, various structures associated within the winery operation have been constructed, enlarged or converted/remodeled without obtaining Development Permits or Building Permits *to* authorize the construction, enlargement or conversion of the building. These uses violate Santa Cruz County Code Section 13.10.275(a) and 12.10.125 (a).

WHEREAS, In 1976, James Beauregard and John Pollard, doing business as "Two Friends" applied to the County of Santa Cruz for a use permit to operate a bonded winery in an existing building; and

WHEREAS, the property originally subject to said application was APN 065-051-08, and was later reconfigured into **APN's** 065-051-14, 15, and 23; and

WHEREAS, the subject property was zoned "A" (Agriculture District) and included a small vineyard approximately 5 +/- acres in size; and

WHEREAS, in 1976, the Santa Cruz County Code authorized the processing of agricultural products produced on-site for properties zoned "A" (Agriculture) if a use permit was obtained; and

WHEREAS, a noticed public hearing held on September 24, 1976, before the Santa Cruz County Zoning Administrator to consider Application No. 76-1294-U, and

WHEREAS, the staff report evaluating the project included in its description of the proposal that the winery "will be confined to the processing of grapes grown on the property. It is expected to only [sic] a part-time endeavor due to the size of the vineyard."; and

WHEREAS, at the public hearing, John Pollard requested that importation of grapes grown off-site may be allowed for certain limited processing reasons (i.e., for "acid and sugar balancing"), and responded affirmatively to the Zoning Administrator's question whether such importation would be minimal; and

WHEREAS, following the closing of the public hearing, the County Zoning Administrator approved Application No. 76-1294-U based on the staff report findings; and

EXHIBIT A 1

WHEREAS, the Permit fmding concluding that the project was consistent with the zoning ordinance provision limiting processing and selling of agricultural products to those grown on-site was based on the proposal identified in the staff report; and

WHEREAS, the Permit finding concluding that the project was consistent with the general plan was based on the winery's historic compatibility with the surrounding residential neighborhood which itself was based on the limited size of the on-site vineyard and the winery's historic level of use; and

WHEREAS, the winery doing business as Hallcrest Vineyards does not process any grapes grown on the premises as there is no longer a vineyard existing at the subject property; and

WHEREAS, Hallcrest Vineyards has declared that it crushes **400-500** tons of grapes. Based on the typical grape yield in the Santa *Cruz* Appellation (non-irrigated), it would require 200-440 acres of vineyards to produce 400-500 tons of grapes; and

WHEREAS, the processing of grapes grown exclusively off-site was not authorized by the Permit; and

WHEREAS, the intensity of use by the winery authorized by the Permit is limited to that amount of grapes that could have been grown on the subject site; and

WHEREAS, construction which would include, but not be limited to, the installation of storage tanks, the expansion of the winery building, the conversion of a garage to an office and the construction of decking has taken place on the property without the required permits; and

WHEREAS, the property does not have a General Plan designation of Agricultural and because of this, the exception applicable to agricultural uses to the restrictions in the noise ordinance and other ordinances and polices is not applicable; and

WHEREAS, the operator has conducted operations within close proximity to several adjoining, occupied residential properties, who have registered complaints with the County about increased glare, dust, noise, odors and traffic emanating from the winery operation, creating a nuisance as defined by the California Civil Code; and

WHEREAS, the intensification of the winery use and the attendant creation of glare, dust, noise, odors and traffic are detrimental to the public health and safety of others in the neighborhood; and

EXHIBIT A-1

WHEREAS, the various on-site events and the increase in grape processing and wine production has resulted in noise from the participants in the various events, and from the operation of forklifts, semi-trucks, and cooling fans and, due to the severity, duration, and frequency of recurrence of the noise, these uses of the property unreasonably interfered with, and continue to unreasonably interfere with, the use and enjoyment by the occupants of the adjoining residential properties. The adjoining neighbors have indicated that they have suffered interruption and loss of sleep at late evening hours, and at early morning hours. The intensity of the noise has been unreasonably intensified by the increased use of trucks and forklifts in the operations pursuant to the permit, and by the ingress, egress, and operation of the trucks and forklifts and other associated traffic, and the stacking of grape bins, in the areas of permittee's parcel located nearest to the adjoining residential parcels,

WHEREAS, dust generated from the operation and the traffic of trucks, forklifts and other vehicles has unreasonably interfered with, and continues to unreasonably interfere with, the use and enjoyment by the occupants of the adjoining residential properties; and

WHEREAS, illumination generated from the operation of lights in late evening and early morning hours has created significant glare and interferes with the enjoyment of adjoining residential parcels by their occupants, and has thereby unreasonably interfered with, and continues to unreasonably interfere with, the use and enjoyment by the occupants of the adjoining residential properties; and

WHEREAS, odors generated from the storage of materials and from the operation of large diesel vehicles in close proximity to the adjoining homes has unreasonably interfered with the reasonable use and enjoyment by the occupants of the adjoining residential properties; and

WHEREAS, the property was issued a "Red Tag" for violation of the operational permit on June 18, 1998 and a Notice of Violation was recorded on July 16, 1998 as document 1998-0040413.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Santa Cruz County Planning Commission, that a public hearing be scheduled on. **at 9:00 a.m. (or as soon thereafter as the matter may be heard) at 701 Ocean Street, Room 525, Santa Cruz, CA** to consider whether to revoke, or amend in lieu of revocation, Use Permit No. 76-1294 for the reasons set forth herein.

EXHIBIT A 1

PASSED **AND** ADOPTED this ____ day of _____,2003, by the Santa Cruz County Planning Commission by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

_____
Chairperson of the Santa Cruz
County Planning Commission

Attest: _____
Clerk of the Commission

Approved as to form:
_____
Assistant County Counsel

EXHIBIT A 1

Dee. 17th. 2003

Schumacher Land & Vineyard Co.
375 Felton Empire Rd.
Felton Ca. 55018

County of Santa Cruz
Planning Department
701Ocean St. Rm 400
Santa Cruz, Ca. 95060
Attn. Don Bussey

Dear Gentlemen,

Thank you for the reminder notice on the pending permit application 03-0416. At this point we have not been able to complete the additional information required to be submitted by the 22nd of Dec. 2003. I have been overwhelmed with the dav to day & seasonal operations of our business and being now so close to the holidays I'm having difficulty getting professional assistance on some of the information you requested to be completed on time.

I'm therefore respectfully requesting an extension to the third week of Jan. 2004 and believe I could properly submit the required material then. This would certainly take a great deal of pressure off us especially this time of year. Please call me if you have any questions.

Regards, John C. Schumacher
General Partner
Schumacher Land & Vineyard Co.

EXHIBIT B

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, DIRECTOR

REMINDER NOTICE

Schumacher Land and Vineyard Company
379 Felton Empire Road
Felton, CA
95018

December 12, 2003

Subject: Application No. 03-0416
APN: 065-051-14, 15 and 23
Application Date: September 23, 2003

Dear Mr. Schumacher,

This letter is to inform you that the additional information, fees and/or material that was requested for staff to process your permit application, has not been received. Please submit the requested information and/or materials by 5:00 p.m., December 22, 2003 *(the date established in the 10/22/03 Incomplete Letter).* Pursuant to County Code section 18.10.430, the application will be considered abandoned and all fees forfeited if the requested information/materials are not submitted within a specified time period as determined by the type of application. Our records indicate that additional information/materials were requested on October 22, 2003. Please submit the items requested or contact the planner assigned to review your project at (831) 454-3182 as soon as possible.

Alternatively, you may witlidraw the application and any unused fees will be refunded to you. If you decide to withdraw the application, please send me a letter confirming this. If there is a Code Compliance investigation *or* red tag on the property, Code Compliance will be notified of your decision.

Sincerely,

Don Bussey
Project Planner
Development Review

attachment

EXHIBIT C

County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX (831)454-2131 **TDD: (831)** 454-2123

John Schumacher
Schumacher Land and Vineyard
379 Felton Empire Road
Felton, CA
95018

October *22, 2003*

Subject: Application No.: 03-0416
Assessor's Parcel No.: 065-051-14, **15** and *23*
Owner: Schumacher Land and Vinevard

Dear Mr. Schumacher:

This letter is *to* inform you of the status oiyour application. On September 23, *2003,* the above referenced application for a Commercial Development Permit amending a 1976 Use Permit was filed with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

These preliminary steps have been completed and it has been determined that additional information and/or material is necessary. At this stage, your application is considered incomplete. For your proposal to proceed, the following items should be submitted:

I. Please submit a *copy* ofthe Recorded *Affidavit to* Retain as one *parcel* implementing *Permit #80-624-MLD.* The *Affidavit* shall combine *APN's 065-051-14,15 and* 23 into one *legal* parcel. *It* is important to note that *APN's 065-051-05 and 21* need to be combined and **APN'S** *065-051-22 and 10 also need to be combined to comply with #80-624-MLD.*

2. *Please* submit an acoustic study for *the winery operation* and the proposed *events* prepared *by* a qualified *registered* professional. The *study* shall *use* as a basis General Plan Section 6.9 b *(Noise) and* the associated policies and the provisions of County Code Section *13.10.637 (b).* **7%** *study* shall determine *the ambient* noise *levels ar various* locations on the site and at the property lines.

3. Please provide plans that provide *details* for *all of* the *structures* on the property. This shall include *floorplans* (where applicable) *and* elevations *(front, side* and *rear).* This is required information (see attached list).

4. Please submit plans *that include all of the* required information *listed* in the *supplemental application checklist* (see attached checklist).

EXHIBIT D

5. Please explain the "Temporary structures" we and the expected time they will be removed from the property.

6. Please note all of the outdoor storage areas on the plans.

7. Pleased submit a Traffic, Circulation and Parking Study prepared by a registered professional analyzing tlw winery operation and the proposed events for review and approval.

8. The parking area within the corridor must be revised. As shown on the plans, an access aisk way of about 16 feet is proposed. The aisle way must be a minimum of 20 feet to provide safe and adequate two way traffic access. The proposal (based upon the program statement) will require a minimum of 81 parking spaces on site. The spaces and the associated access road shall be an all weather surface (a minimum of 6 inches of base rock with a seal coat) and comply with all applicable provisions of 13.10.550. This is required now due to possible drainage issues.

9. The off street loading area must comply with 13.10.571with respect to sire, location and surface material. The access and turnaround must be an all weather surface. Please modify the proposal to reflect this (see attached copy of the ordinance). This is required now due to possible drainage issues.

10. Please submit engineered drainage plans including the associated drainage calculations (required information for the submittal) for the site and the increase impervious surfacing.

11. Please submit a comprehensive lighting plan for the site.

12. Please submit a grape residue/ waste disposal plan for review and approval by the County. The plan shall address Loth liquid and solid waste associated with tire winery and shall comply with all requirements of the Environmental Health Sewices Agency.

13. Please amend this application in writing to include a variance to reduce the separation between structures (a minimum of 10 feet between structures; the warehouse, the canopy, tire "temporary structure, etc.) and the and the reduction in the setbacks (the standard is a minimum of 20 feet from any property line for the winery operation and the associated event, including outdoor storage and parking).

14. Please submit a landscape plan for the site. The plan shall screen parking lots, outdoor storage and work areas for adjacent properties (ordinance requirement; see 13.10.637(b) 3) (see attached ordinance).

15. As of October 22, 2003 the Code Compliance Code costs are $3001.28. This must be paid prior to this application being deemed complete.

16. Due to the Stop Work being placed on the application due to application fee issue (see item 17), a majority of rhe responding agencies/ departments did not/ could not comment on this application. All reviewing agencies will all be sent plans for review at the second routing stage. Additional information may be required in response to the comments from those agencies at that time. Yon are being put on notice that a maximum of four (4) routing is all that will be allowed for this abdication.

17. *This application is an AT COST Project. You must have a positive balance within the Trust Account for any further work to be done on this application. Further, you were told in writing on October 10, 2003, that* this *application would void on October 24, 2003 (see attached letter) if the monies were not deposited with the County of Santa Cruz. No further work of any kind will be done on this application until this is resolved.*

You should submit the required materials to the Planning Department at one time. Revisions to plans should be included in complete, updated sets af plans. The number of sets required shall be the same number as originally submitted, to allow for routing to all agencies, unless otherwise specified in this letter. (Please submit all plans folded into ~ 8.5"x 11" format!. You have until

EXHIBIT C

December 22, 2003 to submit the iiiformarion indicated except that all processing fees/ deposit must be paid on or prior to 5:00 p.m. on October **24,** 2003, as outlined in item 17 or this application will void. Pursuant to Section 18.10.430 of the Santa Cruz County code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees. You must contact me at least 5 days in advance to set an appointment with me for the submittal of the materials except tlie processing fees/ deposit.

Alternatively, you may withdraw tlie application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee for administrative appeals (currently this fee is $390, but is subject to change) and a letter addressed to the Planning Director stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be received by the Planning Department no later than 5:00 p.m., November 4, 2003.

Should you have further questions concerning this application, please contact me at: (831) 454-3182.

Sincerely,

Don Bussey
Project Planner
Development Review

Cathy Graves
Principal Planner
Development Review

attachments

EXHIBIT C

County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060

(8.31) 464-2580 FAX: (831) 454-2131 TDD: (831)454.2123

INSTRUCTIONS FOR COMPLETING A DECLARATION FORM
OR STATEMENT OF ACKNOWLEDGMENT

YOUR APPLICATION WILL NOT BE APPROVED BY THE PLANNING .DEPARTMENT UNTIL THE FOLLOWING STEPS ARE COMPLETED.

1. If known, please write the building permit application number and the name of the zoning planner or project planner under the line that says "Attention:" in the upper-left corner of the declaration or acknowledgment form.

2. if not already completed, fill in the following blanks on the form:
   - owner's name{s} (Include names of all owners.)
   - the assessor's parcel number,
   - the date the form is to be executed (the current date), and
   - the Exhibit "A" (last section of the declaration form): including the former owner, the current owner, the deed reference number, deed recordation date, and :he assessor's parcel number.

6. Have the original form recorded in the County Recorder's Office, Room 230, and have the photocopies stamped bv the Recorder's Office. There is a recorder's fee, usually $11.00, (and $2.00 for them to make copies, if you haven't done so already). The Recorder's Office is open 8:00 a.m. to 4:00 p.m. daily.

7. Bring one stamped photocopy to the Planner *or* have it routed to the planner through the Planning Department reception desk (in front of the elevator on the 4th floor) and keep the other stamped photocopy for your records.

The original recorded declaration will be sent to the Planning Department in 4-6 weeks and placed in permanent records.

EXHIBIT C1

Return Recorded Form to:
Santa Cruz County
Planning Department

Attention:

AFFIDAVIT TO RETAIN PROPERTY AS ONE PARCEL

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ)

I, _____ being duly sworn, depose and say that I am the owner of real property hereinafter described and desire _____

_____

that in consideration of being allowed _____

_____, affiant hereby agrees that said real property will be held as one parcel and no part thereof shall be hereafter conveyed separately and without the inclusion of all parts thereof; that is intended that this agreement be enforceable by the County of Santa Cruz and shall be binding on the heirs, successors or assigns of affiant; that the subject property is described as follows:

(SEE ATTACHED EXHIBIT " A)

_____ _____ _____

EXHIBIT C

ATTENTION!
Appointments are reqd for submittal of most applications.
Call 831-454-3252 to schedule

LIST OF REQUIRED APPLICATION MATERIALS

COUNTY OF SANTA CRUZ - PLANNING DEPARTMENT
GOVERNMENTAL CENTER
701 OCEAN STREET - 4TH FLOOR
SANTA CRUZ CA 95060
(831) 454-2130

In order to expedite our review of your application, please provide each of the items checked on this sheet. _____ copies of plans are required. Without these materials, your appiication may not be accepted. Certain **types** of applications are accepted by appointment only. For information call (831) 454-2130; for an amointment to submit an application call 454-3252. ←

		Item	Source
☐	1.	Site **Plan,** minimum 18"x24", of the entire property, drawn to scale showing property dimensions and with north at the top. Show natural and human-made features as follows:	Applicant
	☐	a. Topography (land elevation contour lines), wells, streams, trees over 6" diameter (including dripline), other. vegetation, landscaping, drainage ways, etc. (existing and proposed.	Topographic maps at the County Surveyor's Office or Applicant's engineer
	☐	**b.** All existing and proposed structures and their uses with their dimensions and setbacks from property lines including fences, walls, decks, septic system and leachfields; provide the percentage of the lot covered by structures.	
	☐	c. All existing and proposed **roads,** rights-of-way, easements, curbs, curb-cuts, sidewalks, street trees, driveways, parking and loading areas, and trash and recycling areas.	
	☐	d. Property uses on adjacent parcels and across adjacent streets.	
	☐	e. Show trees to be removed.	
☐	2.	location and vicinity map showing precisely where the project is located in relation to nearby lots, streets, highways, and major natural features such as the ocean, beaches, wetlands, and major landforms.	Applicant

EXHIBIT C

Attention!
Appointments are req'd for submittal of most applications.
Call 831-454-3252 to schedule.

SUPPLEMENTAL
APPLICATION MATERIALS

		Item	Source
		COMMERCIAL DEVELOPMENT PERMITS	
☒	1.	Design review requirements (Chapter 13.11 of the County Code), including site design, landscaping, irrigation, recycling and trash areas, site plan, and elevations.	Zoning Counter
☒	2.	Preliminary engineered site improvement plan including grading, erosion control, drainage, baserock, paving, utiiity connections, and frontage improvements	Applicant's engineer
☒	3.	Drainage calculations for design-year storm (contact Public Works for requirements)	Applicant's engineer
☒	4.	Sign plans including size, location, number, materials, and color	Applicant's designer
☐	5.	Program statement including uses, number of employees, hours of operation, delivery schedules, and use and storage of hazardous materials	Applicant
☒	6.	Lighting plan including location., number, and specifications	Applicant's designer
☒	7.	Location of nearest bus stops and fire hydrants	Applicant's designer
☒	8.	Parking and circulation plan including space dimensions, number of standard, compact, and handicapped spaces, driveway and circulation widths, loading spaces, and striping plan	Applicant's designer
☒	9.	Exterior colors and materials of roofing, siding, and windows	Applicant's designer
☒	10.	Landscape plan including species, locations, size, number, and irrigation plan	Applicant's designer
		VARIANCES	
FA-		Submit a written statement of the special circumstances that justify the variance, such as, topography, parcel size, configuration, or location of existing structures	Applicant

EXHIBIT C

13.10.637 WINERIES.

(a) All Wineries. The following regulations apply to all winery **uses** requiring a Level 3, **5,** or 6 Use Approval in all Residential and in all Agricultural zone districts:

OPERATION

1. Production/Storage Limits. The application for a Use Approval shall include an estimate of the winery production and storage capacity, given in terms of number of gallons produced or made annually. For Level 3 Approvals: the annual production capacity shall not exceed that denoted on the **Use** Chart for the Level **3** Approval; and storage of wine shall be limited to wine made (as defined by the Bureau *of* Alcohol, Tobacco and Firearms) on the premises. These limits may be exceeded, however, by obtaining a Level **5** Approval. For Level **5** or 6 Approvals: production and storage limits shall be set by condition on the **Use** Approval based on the individual merits of the location and surroundings of the proposed winery.

2. Tasting and On-Site Sales. The application for a **Use** Approval shall include information describing on-site sales and/or tasting being proposed. All Environmental Health requirements shall be met for any food or beverage service. For Level 3 Approvals: no public wine tasting shall be allowed; private tasting shall be by appointment only; in RR, RA and ***A*** **zone** districts, private tasting shall be limited to 12 persons maximum at any one time; and sale of wine shall be limited to wine made and bottled (as defined by the Bureau of Alcohol, Tobacco, and Firearms) on the premises and shall be by appointment only. These limits may be **exceeded** by obtaining a Level 5 Approval. For Level 5 or 6 Approvals: these limits shall be set by condition on the Use Approval based on the individual merits of the location and surroundings of the proposed winery.

3. Liquid Waste Disposal. All requirements of the

EXHIBIT C

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR

13.10.550 Offstreet parking and loading facility regulations.

In order to alleviate or to prevent traffic congestion and shortage of curb spaces, offstreet parking and loading facilities are required to be provided incidental *to* new land uses and major alterations and enlargements of existing land user. The number of parking spacer and the number of loading berths prescribed in this chapter or to be prescribed by the Zoning Administrator shall be in proportion to the need for such facilities *which* is creared by the particular type of land use. Offstreet parking and loading area are ta be laid out in a manner which will ensure their usefulness, prctect the public safety and where appropriate, insulate surrounding land use from their impact. (Ord. *560*, 7/14/58; 839, 11/28/62; 1582, 2/15/72; 1704, 4/15/72; 2801, 10/30/79; 3186, *1112182;* 3344, 11/23/82; ***3432,*** 8/23/83)

EXHIBIT C

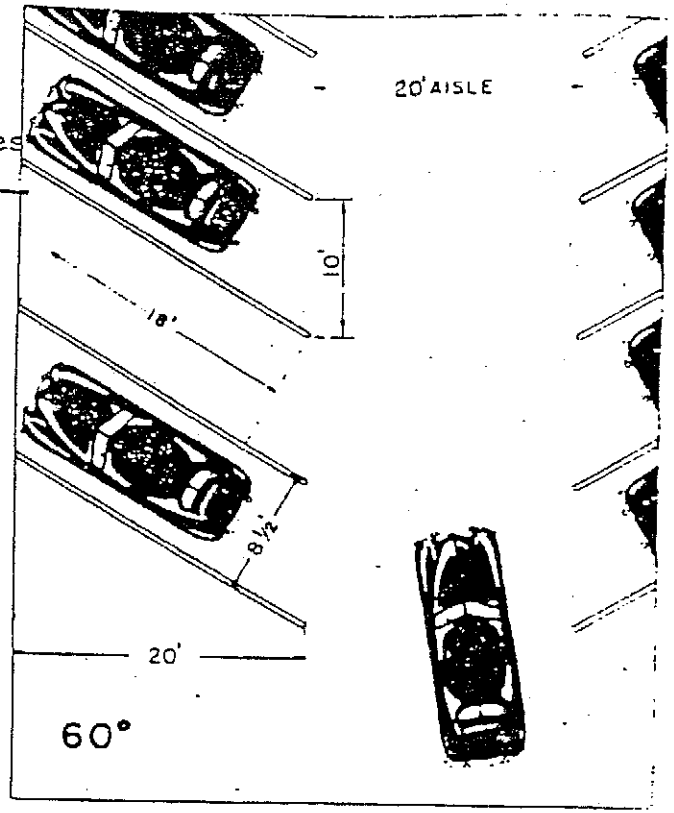
EXHIBIT C

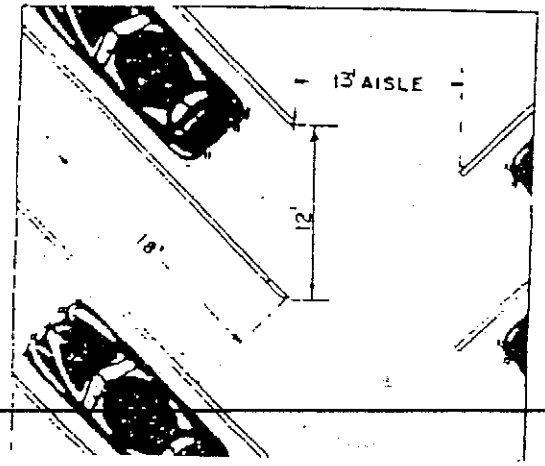
OFF-STREET PARKING REGULATIONS

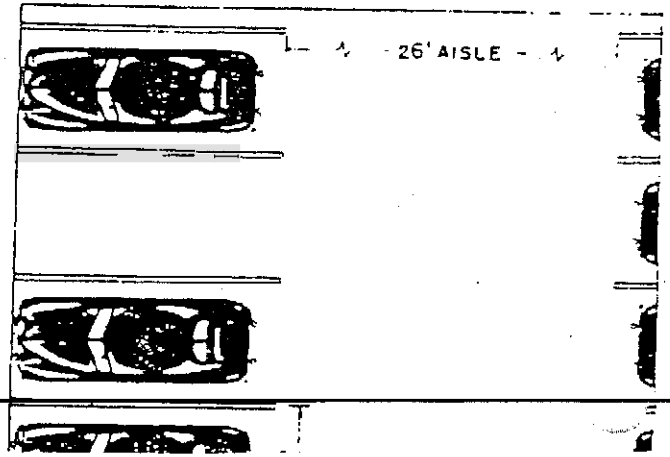
Minimum Aisle and Stall Dimensions for Various Angles of Parking

WIDTH OF LOT REQUIRED

Parking Angle	Cars on One Side of Aisle	Cars on Both Sides of Aisle
90°	44'	62'
60°	40'	60'
45°	32'	51'







COUNTY OF **SANTA** CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, SUITE 410, **SANTA** CRUZ, CA 95060
(831) 454-2580 FAX: (831)454-2131 TDD: (831)454-2123
ALVIN JAMES, DIRECTOR

October 10,2003

John Schumacher
Schumacher Land & Vineyard Co.
379 Felton Empire Rd.
Felton, CA 95018

RE: Discretionary Application #03-0416

Dear Mr. Schumacher:

This letter is to confirm the telephone conversation I had with Will of your office on this date regarding your check # 937 in the amount of $4,451.00 , which was returned by the bank due to insufficient funds.

Please send a money order or cashier's check in the amount of $4,476.00 as a replacement. (This includes a $25 returned check fee.)

All work on your project has been suspended until payment is received. Replacement must be received within two weeks of the date of this letter or your Application/Building Permit will be void.

Make replacement payment payable to County of Santa Cruz and mail to the County of Santa Cruz Planning Department, Attn: Luanne Hartso, 701 Ocean Street, Santa Cruz CA 95060.

Sincerely,

Luanne Hartso

Luanne Hartso
Cashier
831/454-3250

STOP WORK

cc: Don Bussey, Project Planner

Yourck2
Pln051

EXHIBIT C

PLANNING DEPARTMENT

GOVERNMENTAL CENTER

COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (831) 454.2131 TDD (831) 454.2123

DEVELOPMENT PERMIT APPLICATION

PHONE: (831) 454-2130
PRINT DATE: 09/23/2003
*APPLICATION DATE: 09/23/2003

APPLICATION NO.: **03-0416**

AT COST

PARCEL NO.	SITUS ADDRESS
065-051-14	NOT AVAILABLE
065-051-15	NOT AVAILABLE
065-051-23	379 FELTON EMPIRE RD FELTON 95018

PROJECT DESCRIPTION:
Proposal to define the number and type of allowed uses and hours of operation at an existing winery (including weddings, bi-annual concerts. dinners. and other special events for up to 150 persons), to relocate the cooling system, to relocate the storage area used for off-season grape bins, to recognize the as-built addition to the main building (used. for office and storage). to recognize the conversion of a garage to a storage'building. Requires an amendment to Use Permit 76-1294U (taken *in* under APN 65-051-08) and Environmental Assessment.
Project located on the south (left) side of Felton Empire Road at about 600 feet west of Ashley St. (379 Felton Empire Rd.)
THIS APPLICATION IS A CODE COMPLIANCE CASE - AT COST,

DIRECTIONS TO PROPERTY: TAKE GRAHAM HILL RD NORTH FROM SANTA CRUZ TO DOWNTOWN FELTON. CROSS HWY 9 ROAD NAME CHANGES TO FELTON EMPIRE RD. WINERY ENTRANCE IS ABOUT 1/4 MILE UP ON THE LEFT (SOUTH) SIDE. *(379* FELTON EMPIRE RD)

OWNER: SCHUMACHER LAND & VINEYARD COMPANY 379 FELTON EMPIRE RD FELTON CA 95018
SEND HEARING NOTICE AND STAFF REPORT TO OWNER

APPLICANT: SCHUMACHER LAND & VINEYARD COMPANY 379 FELTON EMPIRE RD FELTCN CA 95018
BUS. PHCNE: (831)335-4441
SEND HEARING NOTICE AND STAFF REPORT TO APPLICANT

SEND: HEARING NOTICE AND STAFF REPORT
TO: ROBERT BOSSO PO BOX 1822 SANTA CRUZ CA 95061

TATEMENT OF INTEREST IN PROPERTY: OWNER

APPLICATION FEES: RECEIPT: 00074634 DATE PAID: 09/23/2003

COMM/INDUS/INSTIT DEVEL 2-20K SQ FT -ACP	1000.00	#13548
ENVIRONMENTAL RES LAND DIV/COMM >2000	1000.00	#13548
EH DEVELOPMENT PERMIT	280.00	
APPLICATION INTAKE B	136.00	
ENVIRONMENTAL REVIEW - REGULAR	1098.00	
ENVIRONMENTAL REVIEW - REGULAR	-1098.00	
RECORDS MANAGEMENT FEE	15.00	
DPW ROAO PLAN REVIEW COMM 1-5K SQ FT	750.00	
DPW ZONE 8 PLN CK NEW CGMM < 5K SQ FT	770.00	
URBAN DES REV PROJ SUBJ TO CODE SEC 1311	266.00	#13548
URBAN DES REV PROJ SUBJ TO CODE SEC 1311	-266.00	#13548
FLAT FEE CONVERTED TO AT COST	500.00	#13548
*** TOTAL ***	4451.00	***

EXHIBIT C

APPLICATION FEES: RECEIPT: 00075404 DATE PAID: 10/24/2003

RETURNED CHECK FEE	25.00	
COMM/INDUS/INSTIT OEVEL 2-20K SQ FT -ACP	1000.00	#13548
ENVIRONMENTAL RES LAND DIV/COMM >2000	1000.00	#13548
EH DEVELOPMENT PERMIT	280.00	
APPLICATION **INTAKE B**	136.00	
ENVIRONMENTAL REVIEW . REGULAR	1098.00	
ENVIRONMENTAL REVIEW - REGULAR	-1098.00	
RECORDS MANAGEMENT FEE	15.00	
DPW **ROAD** PLAN REVEVV COMM 1-5K Sa FT	750.00	
DPW ZONE B PLN CK NEW COMM < 5K SQ FT	770.00	
URBAN DES REV PROJ SUBJ TO CODE SEC 1311	266.00	#13548
URBAN DES REV **PROJ SUBJ** TO COOE **SEC** 1311	-266.00	#13548
FLAT FEE CONVERTED TO AT COST	500.00	#13548
*** TOTAL ***	4476.00	***

PARCEL CHARACTERISTICS FOR: 06505114

ZONE DISTRICT(S) :	AGRICULTURE
ZONE DISTRICT(S) :	SINGLE-FAMILY RESIDENTIAL . 15,000 SQUARE FOOT MINIMUM SITE
GENERAL PLAN LAND USE DESIGNATION(S) :	SUBURBAN RESIDENTIAL
GENERAL PLAN LAND USE DESIGNATION(S) :	FELTON VILLAGE PLAN
PLANNING AREA:	SAN LORENZO VALLEY
GENERAL PLAN RESOURCES & CONSTRAINTS:	GW
GENERAL PLAN RESOURCES & CONSTRAINTS:	RW
GENERAL PLAN RESOURCES & CONSTRAINTS:	WSW
GENERAL PLAN RESOURCES & CONSTRAINTS:	ARCRES
GENERAL PLAN RESOURCES & CONSTRAINTS:	BIOTIC
ASSESSOR LAND USE CODE:	VINEYARD/LAND ONLY
DISTRICT SUPERVISOR:	Jeff Almquist
PARCEL SIZE:	4.198 ACRES (EMIS ESTIMATE)

THIS PARCEL SIZE HAS BEEN CALCULATED BY EMIS. **THE** COUNTY'S GEOGRAPHIC INFORMATION SYSTEM, AND IS AN ESTIMATE ONLY. IF A MINIMUM PARCEL SIZE IS REQUIRED TO MEET COUNTY STANDARDS, YOU MAY NEED TO OBTAIN **A** SURVEY TO DEMONSTRATE THAT YOU HAVE SUFFICIENT LAND AREA.

ACTUAL CONDITIONS ON THIS PROPERTY NAY NOT COINCIDE WITH **THE MAPPED** RESOURCE/CONSTRAINT INFORMATION, WHICH IS SOMEWHAT GENERALIZED. THE APPLICATION **OF** SPECIFIC RESOURCE AND CONSTRAINT POLICIES IS DEPENDENT ON THE ACTUAL CONDITIONS ON THE PROPERTY AND IN THE AREA OF DEVELOPMENT.

PARCEL CHARACTERISTICS FOR: 06505115

ZONE DISTRICT(S):	AGRICULTURE
GENERAL PLAN LAND USE DESIGNATION(S) :	SUBURBAN RESIDENTIAL
GENERAL PLAN LAND USE DESIGNATION(S) :	FELTON VILLAGE PLAN
PLANNING AREA:	SAN LORENZO VALLEY
GENERAL PLAN RESOURCES & CONSTRAINTS:	GW
GENERAL PLAN RESOURCES & CONSTRAINTS:	RW
GENERAL PLAN RESOURCES & CONSTRAINTS:	WSW
GENERAL PLAN RESOURCES & CONSTRAINTS:	ARCRES
GENERAL PLAN RESOURCES & CONSTRAINTS:	BIOTIC
ASSESSOR LAND USE CODE:	VINEYARD/LAND ONLY
DISTRICT SUPERVISOR:	Jeff Almquist

ORIGINAL - OFFICE

EXHIBIT C

To:
County of Santa Cruz
Planning Department
County Government Center
701 Ocean St., room 525
Santa Cruz, Ca. 55060

9/19/03

RE: Outline of Proposed Use for Hallcrest Vineyards, Amendment to Use Permit 76-1294, apn parcel #065-051-23, 379 Felton Empire Rd. Felton, Ca 95018

Dear Planning Department, Overview:

In order to be successfully competitive in the current market for a small winery & vineyard several key factors must be in place. An efficient production operation that can utilize the most current winemaking technology and processing equipment. Hours of operation that fall within normal business parameters. Hours of operation during the harvest that allow for quality & timely production of the grapes when harvested. On sight sales, promotion and marketing of the finished bottled product.

While our winery was established in 1941 the expectation that it would use the same equipment, production methods and not adjust to economic forces to remain viable, would be archaic and unreasonable. Standards were recommended to and adopted by the Planning Dept. of Santa Cruz Co. for the General Plan in the 1980's that fall within reasonable guidelines for the size and production of wine relevant to the amount of acerage and type of zoning the proposed project would sit on. Although our permit doesn't have any of these restrictions, we have made a voluntary effort to work within these basic guidelines. In addition when we purchased the vineyard and winery operation, we immediately implemented an organic program for the vineyard. This was only logical to us because our children, employees, neighbors, and the community should not be exposed to synthetic herbicides, pesticides and fertilizers. We therefore became the first vineyard in Santa Cruz Co. to be certified as organic. This along with the fact we paved over the gravel parking lot and drive way at the request of our neighbors when they couldn't get the previous owners to do so, sheds light on fact we are consciences and conciderate winery owners.

EXHIBIT C

Exhibit D-1
Schumacher

9-24-03 P.C. Report

EXHIBIT D

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831)454-3182 FAX: (831)454-2131 TOO: (831)454-2123
ALVIN JAMES, DIRECTOR
DON BUSSEY, DEPUTY ZONING ADMINISTRATOR

Planning Commission
701 Ocean Street
Santa Cruz, CA
95060

Seprember 16, 2003

SUBJECT: Review of Permit # 76-1294-U;
Hallcrest Winery, 379 Felton Empire Road, Felton, CA
APN: 065-051-14, 15 and 23

Members of the Commission:

On July 23, 2003, your Commission conducted a public hearing regarding the review of the noted operational permit for Hallirest Winery. At that hearing, the landowner indicated that he would apply for the necessary permit amendment, and because of this, your Commission continued action on this item for 60 days. Staff has had some very brief phone conversations with the landowner in early September and the landowner has met with Zoning Counter staff on September 15 (September 16, 2003 meeting for the submittal of an application was cancelled by the landowner), however, as of tlie date of this letter, no land use application/ permit amendment has been submitted to tlie County for this site.

Staff RECOMMENDS that your Commission adopt rhe Resolution of Intention attaclied as Exhibit A1 setting a Public Hearing for November 12, 2003, to consider the revocation or the amendment of Permit 76. 1204-U.

Sincerely,

Don Bussey
Project Planner

Glenda Hill, AICP
Principal Planner

Exhibits: A1 Resolution of Intention to consider Revocation or Amendment of Permit 76-1294-U
B1. Copies of Letters dared July 24, 2003 and September 5, 2003 to the landowner
C1. Copy of all applications pending screen for APN 065-051-14, 15 and 23
D1. Staff Reporr for the July 23, 2003 Planning Commission Agenda

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Commissioner
duly seconded by Commissioner
the following resolution is adopted

RESOLUTION OF INTENTION TO REVOKE, OR AMEND IN LEIU OF REVOCATION, USE PERMIT NO. 76-1294 PURSUANT TO SUBDIVISION (c) OF SECTION 18.10.134 OF THE SANTA CRUZ COUNTY CODE

WHEREAS, subdivision (c) of Section 18.10.136 of the Santa Cruz County Code authorizes the Planning Commission to adopt a resolution of intention to set a date for a hearing to consider whether to revoke, or amend in lieu of revocation, an existing permit upon a finding that any term or condition of a permit has not been complied with, or that a permit has been issued in violation of law, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety; and

WHEREAS, pursuant to Santa Cruz County Code Section 18.10.136, the Planning Commission finds that the existing winery operation on Assessor's Parcel Numbers 065-051-14, 15 and 23 does not conform with the project scope described within the application and within the staff report and the findings considered for the approval of Permit No. 76-1294-U (the "Permit") and that the winery is being operated in such a manner which causes a nuisance, or is otherwise detrimental to the public health and safety; and

WHEREAS, the Planning Commission of the County of Santa Cruz finds that the actions, omissions or conditions identified below: (a) constitute non-compliance with the Permit; and (b) demonstrate that the Permit has been exercised in violation of statute, law or regulation; and (c) demonstrate that the Permit has been exercised in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety.

WHEREAS, the existing use of land located in the "A"Agriculture Zone District has been expanded and intensified without obtaining Development Permits to authorize that expanded and intensified use. These uses violate Santa Cruz County Code Section 13.10.275(a).

EXHIBIT A1

WHEREAS, the existing use of land located in the "A" Agriculture Zone District has been expanded and intensified and is in conflict with the site standards of the "A" Zone District. This violates Santa Cruz County Code Section 13.10.277(a), 13.10.637.

WHEREAS, various structures associated within the winery operation have been constructed, enlarged or converted/remodeled without obtaining Development Permits or Building Permits to authorize the construction, enlargement or conversion of the building. These uses violate Santa Cruz County Code Section 13.10.275(a) and 12.10.125(a).

WHEREAS, In 1976, James Beauregard and John Pollard, doing business as "Two Friends" applied to the County of Santa Cruz for a use permit to operate a bonded winery in an existing building; and

WHEREAS, the property originally subject to said application was APN 065-051-08, and was later reconfigured into APN's 065-051-14, 15, and 23; and

WHEREAS, the subject property was zoned "A"(Agriculture District) and included a small vineyard approximately **5** +/- acres in size; and

WHEREAS, in 1976, the Santa Cruz County Code authorized the processing of agricultural products produced on-site for properties zoned "A" (Agriculture) if a use permit was obtained; and

WHEREAS, a noticed public hearing held on September 24, 1976, before the Santa Cruz County Zoning Administrator to consider Application No. 76-1294-U; and

WHEREAS, the staff report evaluating the project included in its description of the proposal that the winery "will be confined to the processing of grapes grown on the property. It is expected to only [sic] a part-time endeavor due to the size of the vineyard."; and

WHEREAS, at the public hearing, John Pollard requested that importation of grapes grown off-site may be allowed for certain limited processing reasons (i.e., for "acid and sugar balancing"), and responded affirmatively to the Zoning Administrator's question whether such importation would be minimal; and

WHEREAS, following the closing of the public hearing, the County Zoning Administrator approved Application No. 76-1294-U based on the staff report findings; and

EXHIBIT A

WHEREAS, the Permit finding concluding that the project was consistent with the zoning ordinance provision limiting processing and selling of agricultural products to those grown on-site was based on the proposal identified in the staff report; and

WHEREAS, the Permit finding concluding that the project was consistent with the general plan was based on the winery's historic compatibility with the surrounding residential neighborhood which itself was based on the limited size of the on-site vineyard and the winery's historic level of use; and

WHEREAS, the winery doing business as Hallcrest Vineyards does not process any grapes grown on the premises as there is no longer a vineyard existing at the subject property; and

WHEREAS, Hallcrest Vineyards has declared that it crushes 400-500 tons of grapes. Based on the typical grape yield in the Santa Cruz Appellation (non-irrigated), it would require 200-440 acres of vineyards to produce 400-500 tons of grapes; and

WHEREAS, the processing of grapes grown exclusively off-site was not authorized by the Permit; and

WHEREAS, the intensity of use by the winery authorized by the Permit is limited to that amount of grapes that could have been grown on the subject site; and

WHEREAS, construction which would include, but not be limited to, the installation of storage tanks, the expansion of the winery building, the conversion of a garage to an office and the construction of decking has taken place on the property without the required permits; and

WHEREAS, the property does not have a General Plan designation of Agricultural and because of this, the exception applicable to agricultural uses to the restrictions in the noise ordinance and other ordinances and polices is not applicable; and

WHEREAS, the operator has conducted operations within close proximity to several adjoining, occupied residential properties, who have registered complaints with the County about increased glare, dust, noise, odors and traffic emanating from the winery operation, creating a nuisance as defined by the California Civil Code; and

WHEREAS, the intensification of the winery use and the attendant creation of glare, dust, noise, odors and traffic are detrimental to the public health and safety of others in the neighborhood; and

EXHIBIT A-1

WHEREAS, the various on-site events and the increase in grape processing and wine production has resulted in noise from the participants in the various events, and from the operation of forklifts, semi-trucks, and cooling fans and, due to the severity, duration, and frequency of recurrence of the noise, these uses of the property unreasonably interfered with, and continue to unreasonably interfere with, the use and enjoyment by the occupants of the adjoining residential properties. The adjoining neighbors have indicated that they have suffered interruption and loss of sleep at late evening hours, and at early morning hours. The intensity of the noise has been unreasonably intensified by the increased use of trucks and forklifts in the operations pursuant to the permit, and by the ingress, egress, and operation of the trucks and forklifts and other associated traffic, and the stacking of grape bins, in the areas of permittee's parcel located nearest to the adjoining residential parcels;

WHEREAS, dust generated from the operation and the traffic of trucks, forklifts and other vehicles has unreasonably interfered with, and continues to unreasonably interfere with, the use and enjoyment by the occupants of the adjoining residential properties; and

WHEREAS, illumination generated from the operation of lights in late evening and early morning hours has created significant glare and interferes with the enjoyment of adjoining residential parcels by their occupants, and has thereby unreasonably interfered with, and continues to unreasonably interfere with, the use and enjoyment by the occupants of the adjoining residential properties; and

WHEREAS, odors generated from the storage of materials and from the operation of large diesel vehicles in close proximity to the adjoining homes has unreasonably interfered with the reasonable use and enjoyment by the occupants of the adjoining residential properties; and

WHEREAS, the property was issued a "Red Tag" for violation of the operational permit on June 18,1998 and a Notice of Violation was recorded on July 16, 1998 as document 1998-0040413.

NOW, THEREFORE, BE IT RESOLVED AND **ORDERED** by the Santa Cruz County Planning Commission, that a public hearing be scheduled on November **12,2003** at 9:00 a.m. (or as soon thereafter as the matter may be heard) at **701** Ocean Street, **Room 525,** Santa Cruz, **CA** to consider whether to revoke, or amend in lieu of revocation, Use Permit No. 76-1294 for the reasons set forth herein.

PASSED AND ADOPTED this ___ day of _____,2003, by the Santa Cruz County Planning Commission by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

_____
Chairperson of the Santa Cruz
County Planning Commission

Attest: _____
Clerk of the Commission

Approved as to form:
_____
Assistant County Counsel

EXHIBIT A 1

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831)454-2131 TOD: (831) 484-2123
ALVW JAMES, DIRECTOR

Schumacher Land and Vineyard Company
379 Felton Empire Grade Road
Felton, CA
95018

July 24, 2003

Dear Mr. Schumacher,

This letter is a follow-up to our discussions on July 23, 2003 and is intended to provide you with some guidance to insure the timely processing of your application. I suggest you design your project to meet the adopted Winery Ordinance. I also suggest that you review the previous submittal deficiencies letter and address all of 'hose in your new submittal. Lastly, an application must be submitted no later than 12:00 noon on September 9, 2003.

Feel free to contact me if you have any questions.

Sincerely,

Don Bussey
Project Planner
Development Review

attachments

EXHIBIT B

County **of** Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET - 4TH FLOOR, SANTA **CRUZ,** CA 95060
(831) **454-2580** FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN D. JAMES, DIRECTOR

February 10, 2003

Schumacher Land & Vineyard Company
379 Felton Empire Grade Road
Felton, CA 95018

Subject: Appiication # 03-0032; Assessor's Parcel #: 065-051-23
Owner: Schumacher Land & Vineyard **Company**

Dear Schumacher Land & Vineyard Company:

This letter is to inform you of the status of your application. On 1/3 1/03, tlie above referenced application was submitted for an Amendment to Use Permit 76-1294 with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough inforniation has been submitted to continue processing the application (the "coinpleteness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

I have reviewed the submitted material and determined that additional information and/or material is necessary. At this stage, your application is considered incomplete. Please keep in mind that the original Use Permit (76-1294-U) was for " **A** bonded winery that includes production, bottling and selling of wine in an existing building". In the Zoning Administrator proceedings in the 1976 Public Hearing for the Use Permit, the property owners stated they anticipated a small-scale operation with the primary grape resource grown on-site. No part of tlie discussion included a description for the type of vehicles to be used, location and time while in use, or possible noise generated during the operation. In addition, the owners anticipated public wine tasting that would be invitational only. The winery operation and scale lias evolved over the years and the Planning Department has received a variety of nuisance complaints from tlie surrounding residential neighborhood. This Amendment application will be processed to bring tlie property's uses into conformity with an amended, approved use permit. It is anticipated that a public hearing will be required to make the amendments to the use approval.

For your Amendment application review to proceed, tlie following items must be submitted:

1. Include plans drawn to scale representing all areas of use including:

   a. Areas (for entrance, exit, parking, and circulation) of vehicles used for the yearly wine production and public tasting. Identify all variety and size of vehicles.

E

EXHIBIT B

ATTENTION!
Appointments are reqd for submittal of most applications.
Call 831-454-3252 to schedule.

LIST OF REQUIRED APPLICATION MATERIALS

COUNTY OF SANTA CRUZ - PLANNING DEPARTMENT
GOVERNMENTAL CENTER
701 OCEAN STREET - 4TH FLOOR
SANTA CRUZ CA 95060
(831)454-2730

In order *to* expedite our review of your appiication, please provide each of the items checked on this sheet. 10 copies of pians are required. Without these materials, yocr appiication may not be accepted. Certain **types** of applications are accepted by appointment only. For information call (831) 454-2130; *for* an appointment to submit an application call 454-3252. ←

		Item	Source
☐	1.	**Site Plan,** minimum 18"x24", of the entire property, drawn *to* scale showing property dimensions and with north at the top. Show naturai and human-made features as follows:	Applicant
☐		a. Topography (land elevation contour lines), wells, streams, trees over 6" diameter (including dripline), other vegetation, landscaping, drainage ways, etc. (existing and proposed.	Topographic maps at the County Surveyor's Office or Applicant's engineer
☐		b. All existing and proposed **structures** and their uses with their dimensions and setbacks from property lines including fences, walls, decks, septic system and leachfields; provide the percentage of the lot covered by structures.	
☐		c. Ail existing and proposed **roads,** rights-of-way, easements, curbs, curb-cuts, sidewalks, street trees, driveways, parking and loading areas, and trash and recycling areas.	
☐		**d.** Property **uses** on adjacent parcels and across adjacent streets.	
☐		e. Show **trees** *to* be removed.	
☐	2.	Location and vicinity map showing precisely where the project is located in relation to nearby lots, streets, highways, and major natural features such as the ocean, beaches, wetlands, and major landforms.	Applicant

EXHIBIT B 1

Attention!
Appointments are req'd for submittal of most applications.
Call 831-454-3252 to schedule.

LIST OF REQUIRED APPLICATION MATERIALS

		Item	Source
☑	3.	Preliminary building plans (architectural drawings), 18"x24", drawn to scaie, showing all elevations (north, south, east, and west), dimensions and floor plans. Label all rooms. Provide floor-area-ratio calcuiations. State exterior colors and materials. Full construction plans are not submitted until you apply for a building permit.	Applicant's Designer
☑	4.	Preliminary Erosion Control, Drainage, and Grading Flans.	Applicant, Grading Contractor, or Engineer
☑	5.	Preliminary landscaping and irrigation plans showing location, quantity, 'species and size of plantings.	Applicant's Designer or Landscape Architect
☐	6.	Shadow plans showing the location, height, and shadow patterns of major vegetation, buiidings, and other structures on the proposed site and on all affected building envelopes; the location of any existing solar energy systems cn surrounding properties, and approximate distances between structures, vegetation, and the South-facing glass or solar energy system. Shadow patterns are those cast on the 21'" of December between 10:00 a.m. and 2:00 p.m., PST.	Applicant's Designer
☐	7.	One set of project plans at 8½"x11", reproducible quality.	Applicant's Designer
☐	8.	Owner/Agent form, required if applicant is other than the property owner.	
☐	9.	Supplemental Application Materials (see attached sheet(s)).	
☐	10.	Other Requirements:	

EXHIBIT I

Attention!
Appointments are req'd for submittal of most applications.
Call 831-454-3252 to schedule.

COMMERCIAL DEVELOPMENT PERMITS

			Source
☑	1.	Design review requirements (Chapter 13.11 of the County Code), including site design, landscaping, irrigation, recycling and trash areas, site plan, and elevations.	Zoning Counter
☑	2.	Preliminary engineered site improvement plan including grading, erosion control, drainage, baserock, paving, utility connections, and frontage improvements	Applicant's engineer
☑	3.	Drainage calculations for design-year storm (contact Public Works for requirements)	Applicant's engineer
☑	4.	Sign plans including size, location, number, materials, and color	Applicant's designer
☑	5.	Program statement including uses, number of employees, hours of operation, delivery schedules, and use and storage *of* hazardous materials	Applicant
☑	6.	Lighting plan including location, number, and specifications	Applicant's designer
☑	7.	Location *of* nearest **bus** stops and fire hydrants	Applicant's designer
☑	8.	Parking and circulation plan including space dimensions, number *of* standard, compact, and handicapped spaces, driveway and circulation widths, loading spaces, and striping plan	Applicant's designer
☑	9.	Exterior **colors** and materials of roofing, siding, and windows	Applicant's designer
☑	10.	Landscape plan including species, locations, size, number, and irrigation plan	Applicant's designer

VARIANCES

☐	1.	Submit a written statement of **the** special circumstances that justify the variance, such as, topography, parcel size, configuration, or location of existing structures	Applicant

EXHIBIT B 1

13.10.637 WINERIES.

(a) All Wineries. The following regulations apply to all winery uses requiring a Level 3, 5, or 6 Use Approval in all Residential and in all Agricultural zone districts:

OPERATION

1. Production/Storage Limits. The application for a Use Approval shall include an estimate of the winery production and storage capacity, given in terms of number of gallons produced or made annually. For Level 3 Approvals: the annual production capacity shall not exceed that denoted on the Use Chart for the Level 3 Approval; and storage of wine shall be limited to wine made (as defined by the Bureau of Alcohol, Tobacco and Firearms) on the premises. These limits may be exceeded, however, by obtaining a Level 5 Approval. For Level 5 or 6 Approvals: production and storage limits shall be set by condition on the Use Approval based on the individual merits of the location and surroundings of the proposed winery.

2. Tasting and On-Site Sales. The application for a Use Approval shall include information describing on-site sales and/or tasting being proposed. All Environmental Health requirements shall he met for any food or beverage service. For Level 3 Approvals: no public wine tasting shall be allowed; private tasting shall be by appointment only; in RR, RA and A zone districts, private testing shall be limited to 12 persons maximum at any one time; and sale of wine shall be limited to wine made and bottled (as defined by the Bureau of Alcohol, Tobacco, and Firearms) on the premises and shall be by appointment only. These limits may be exceeded by obtaining a Level 5 Approval. For Level 5 or 6 Approvals: these limits shall be set by condition on the Use Approval based on the individual merits of the location and surroundings of the proposed winery.

3. Liquid Waste Disposal. All requirements of the

County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060-4000

(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES. DIRECTOR

TITLE 13 PLANNING AND ZONING REGULATIONS

CHAPTER 13.10ZONING REGULATIONS

13.10.321 Purposes of residential districts.

(a) Generai Purposes. in addition to the general objectives of this Chapter (13.10.120) the residential districts ire included in the Zoning Ordinance in order to achieve the foilowing purposes:

1. To provide areas of residential use in locations and *at* densities consistent with the County General Plan.

2. To preserve areas *for* primarily iesidentiai uses in locations protected from the incompatible effects of nonresidential land uses.

3. To establish a variety of residential land use categories and dwelling unit densiiies which provide a choice of diversified housing opportunities consistent with public health and safety.

4. To achieve patterns *of* residentiai settlement that are compatible with the physical limitations of the land and the naturai resources of the County and that do not impair the natural environmert.

5. To ensure adequate light, air, privacy, solar access, and open space for each dwelling unit.

6. To maximize efficient energy use and energy ccnservation in residential districts, and to encourage the use of locally availabie renewable energy resources.

7. To provide adequate space for off-street parking of automobiles.

E. To provide areas of residential use consistent with the Capacity 0f public services, *the* Urban Services Line and Rural Services Line and the reserve capacity policy of the Local Coastal Program Land Use Pian for tourist services. To minimize traffic congestion and avoid the overloading of utilities by prevenilng the construction of buildings cf excessive size in relation to the land arotind them.

9. To protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt. smoke, traffic congestion. and hazards such as fire, explosion, or noxious fumes. (Ord. 560, 7/14/58; 1092, 6/8/65; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 350l, 3/6/84; 4406, 2/27/96; 4416, 6111196)

(b) Specific "RA" Residential Agricultural District Purposes. To provide areas of residential use where deveiopmeni is limited to a range of non-urban densities of single-family dwellings in areas outside the Urban Sewices Line and Rural Services Line; on iands suitabie for development with adequate water, septic system suitability, vehicuiar access, and fire protection; with adequate protection of natural resources; with adequate protection from natural hazards: and where small-scale commercial agriculture, such as animal-keeping, truck farming and specialty crops, can take place in conjunction with the primary use of the property as residentiai. (Ord. 560, 7/14/78; 839, 11/28/62; 3186, 1112182: 3344, 11/23/82: 3432. 8/23/83; 4346, 12/13/94)

(c) Specific "RR" Rural Residential Gistrict Purposes. To provide areas of residential use where development is limited to a iange *of* nonurban densities of single-family dwellings in areas having services similar to "EA" areas, but which are residential in character rather than agricultural due to the pattern of developmen: and use in the area and/or the presence of constraints which would preclude the use of *the* property for agriculture. (Ord. 653, 10/17/60; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(d) Specific "R-1" Single-Family Residential District Purposes. To provide for areas of predominantly single-family residential development in areas which are currently developed *to* an urban density or which a'& inside the Urban Services Line or Rural Services Line and have a full

EXHIBIT B

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD (831)454-2123
ALVIN JAMES, DIRECTOR

Schuinacher Land and Vineyard Company
379 Felton Empire Road
Felton, CA
95018

September 5,2003

Dear Mr. Schumacher,

This letter is a reminder that the review of your operational permit will be considered by the Planning Commission for the County of Santa Cruz as a continued item on its September 24,2003 agenda. That agenda begins at 9:00 a.m.

Feel free to contact me if you have any questions.

Sincerely.

Don Bussey

Don Bussey
Project Planner
Development Review

EXHIBIT B1

HARDCOPY AT 06:57:41 ON 09/17/03
USER PLN401 ON LU R62G3228 LOGGED ON TO VSE20711 ACB TU0016

09/17/03 XR5 COUNTY OF SANTA CRUZ . ALUS 3.0 I-ALPSA110
06:57:18 CROSS-REF: APPS & PERMITS BY APN PAGE: 1 ALSSA110
INVESTIGATIONS?: NONE
APN: 06505114 PARCEL NOTEBOOK?: YES
SITUS: NO SITUS SPLIT/COMBOS?: NO

APPLICATION	PERMIT
SEL APPL NO-STATUS	PERM NO. CO ISSUED STATUS TYPE(S)
187-0259 COMPLETED	ZRM

END OF LIST KEY APN (PARCEL) PA2-EXIT
TO SELECT, PLACE A 'Y' IN THE (SEL)ECT FIELD AND PRESS 'ENTER'

15

EXHIBIT C1

HARDCOPY AT 06:57:53 ON 09/17/03
USER PLN401 ON LU R62G3228 LOGGED ON TO VSE20711 ACB TU0016

09/17/03 XR5 COUNTY OF SANTA CRUZ - ALUS 3.0 I-ALPSA110
06:57:18 CROSS-REF: APPS & PERMITS BY APN PAGE: 1 ALSSA110
INVESTIGATIONS?: NONE
APN: 06505115 PARCEL NOTEBOOK?: NO
SITUS: NO SITUS SPLIT/COMBOS?: NO

APPLICATION	PERMIT	
SEL APPL NO STATUS	PERM NO. CO ISSUED STATUS	TYPE(S)
187-0259 COMPLETED		ZRM

END OF LIST KEY APN (PARCEL) PA2-EXIT
TO SELECT, PLACE A 'Y' IN THE (SEL)ECT FIELD AND PRESS 'ENTER'

EXHIBIT C 1

HARDCOPY AT 06:58:06 ON 09/17/03
USER PLN401 ON LU R62G3228 LOGGED ON TO VSE20711 ACB TU0016

09/17/03 XR5 COUNTY OF SANTA CRUZ - ALUS 3.0 I-ALPSA110
06:57:18 CROSS-REF: APPS & PERMITS BY APN PAGE: 1 ALSSA110
INVESTIGATIONS?: ACTIVE
APN: 06505123 PARCEL NOTEBOOK?: YES
SITUS: 379 FELTON EMPIRE RD, FELTON PF4 SPLIT/COMBOS?: YES

| ---APPLICATION--- | ----------PERMIT---------- |

SEL	APPL NO	STATUS	PERM NO.	CO ISSUED	STATUS	TYPE(S)
1	03-0032	WITHDRAWN				CD2 EA1 EBP EC1 EIE HDC ZRM
2	87-0259	COMPLETED				

PF11--->

END OF LIST KEY APN (PARCEL) PA2-EXIT
TO SELECT, PLACE A 'Y' IN THE (SEL)ECT FIELD AND PRESS 'ENTER'

EXHIBIT C 1

Exhibit D-1

D. Bussey

9-24-03 P.C.

H-3 D, E
7-23-03

County of Santa Cruz
Planning Commission

Date: July 23, 2003
Agenda Item: 3
Time: 9:00 a.m.

SANTA CRUZ COUNTY PLANKING COMMISSION STAFF REPORT

Owner: Schumacher Land and Vineyard Co.

Application Number: 76-1294-U (review)

APN: 065-051-14, 15 and 23

Project: Review of Permit 76-1294-U (Permit "To operate a bonded winery, producing and bottling and selling in an existing building") and to conduct a public hearing to consider amending or revoking that permit.

Location: Property located on the South side of Felton Empire Road (379 Felton Empire Road) about 1400 feet north of the intersection of Felton Empire and Highway 9.

Coutents:

Exhibits:

A. Assessor's Parcel Maps
B. Location Map
C. General Plan Map
D. Zoning Map
E. Application Form and Assessor's Parcel Map for 76-1294-U
F. Staff Report, Exhibit and Permit for 76-1294-U,
G. Permit for 80-624-MLD (as revised)
H. correspondence, E-MAILS and Photographs
I. Code Compliance Nores from 1997 to present
J. Santa Cruz Sentinel Article on Mountain Vineyards
K. Hallcrest Winery Home Page and E-MAIL for Employment Opportunities at Hallcrest
L. EHS Notice to Abate letter dared 07/17/98, Owners Response dated 7/31/98 and EHS Inspection Log
M. Application 03-0032, Incomplete Letter dated 2/10/03 and Letter of Withdrawal dated 3/17/03
N. Resolution of Intention to Amend

Since the impact of our operation effects primarily two of the winery's closest neighbors, it is possible to make several additional changes to reduce this impact.

Program Statement: To remain within the County of Santa Cruz General Plan for a Winery and Vineyard Operation at a level 5 approval. Move Cooling System to area of less noise impact. To get approval for conversion and addition of two exisisting buildings.

Production at Hallcrest Vineyards would be under 100,000 gallons annually. Current & past production has averaged 1/2 to 2/3 of this. Future production would only expand to two proposed tanks that would sit on existing tank pads. Not all wine would be bottled, some production may be shipped and sold in bulk depending apon market forces. It is not our intention to become a bulk producer but this should be always a business option. 'Market forces may change and it may become an economic necessity to sell wine in bulk rather than to suffer additional losses producing a finished product. For example; after the 1989 Earthquake, over 20,000 gallons of wine spoiled as a result of no power to keep fermentation temperatures in check. We suffered over $120,000 in losses and were only able to sell the wine as distilling material at pennies on the dollar and ship this wine out in bulk tankers to a Distiller. Note: To bottle a finished wine (the equivalent of one 6,000 gal. tanker shipment) would take one truck load of incoming glass and two to three truck loads of shipping out bottled wine. Therefore one bulk shipment would reduce truck traffic of bottled product by 1/4th. Therefore the option of selling and shipping in bulk reduces truck traffic & therefore thepotential impact on the neighborhood.

Hours of Outside Operation for wine production will be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday. Occasional vineyard & garden work may extend into the weekends and be limited to the hours of 8:00 a.m. - 5:00 p.m.

During the harvest season hours of outside production operation would be 7:00 a.m. to 9:00 p.m. seven day a week. This season is generally 2 1/2 months long ranging from Aug. 1st through November 30th. Historically some harvest dates went as late as Dec. 25th. No delivery of grapes will be allowed before 7:00 a.m. or after 6:00 p.m.

EXHIBIT C

Production will occur in areas already existing for the current and past operations. The closest production building is over 120 feet from the nearest residential property line besides the owner's.

Truck and delivery traffic will enter and exit from 379 Felton Empire Rd. which has been the main entrance for the property for over 60 years. Increase in winery traffic has been proportionally less than that of the surrounding Neighborhood for the last 25 years.

Using larger trucks, (semis), truck traffic would be approximately 30 - 35 loads per harvest season at full load capacity. Using smaller trucks traffic would be 60 - 75 loads per harvest season. Conventional grape sources include small vineyards in the Santa Cruz Mountain Appellation and Santa Cruz Co. Organic grape sources are more difficult to find and come from vineyards around northern California.

During the non harvest season truck traffic would be limited to the following:
-General delivery times will be between 8:00 a.m. - 5:00 p.m.
-UPS delivery and pick up, once a day on the weekdays only around noon.
-Fed Ex or other overnight curer delivery or pick up, once a week.
-Garbage pick up, once a week, currently on Mondays @ 730 am, this is the same for the surrounding neighbors.
-Recycling pickup for card board, currently once every other week after 7:00 a.m.
-Recycling pickup for glass/cans etc., currently once every other week midday. note: the recycling is once **a** week for the neighbors.
-Larger Delivery Trucks 20 "Bob Tails" for other supplies and materials, once or twice a month.
-Truck Delivery Area is located next to the winery building on the north west side and is marked on the plans.

Forklift operation during the harvest season utilizes two lifts, one for off loading and the other for dumping. Hours of operation are as stated above, 700 a.m. to 9:00 p.m. for outside operation. The 2nd forklift is rented for approximately 2 months during the harvest season. Lift operation areas would be on asphalt and concrete surfaces and occasionally in the vineyard area for composting of grape skins.

Forklift operation during the off season is a single lift and operation is limited to from 7:00 a.m. to 7:00 p.m. weekdays. Areas of operation are on concrete surfaces.

EXHIBIT C

There may be occasional limited use on the weekends for gardening and vineyard work, limited between the hours of 8:00 a.m. - 5:00 p.m.
For the past 15 years the average amount of time of forklift operation have been approximately 23 minutes a day.

Bottling is located in building 1-A marked on plan. Bottling occurs approximately 3 times a month during the non-harvest season. Glass is delivered in semi trucks of up to 2,500 cases in the Truck Loading Area. After bottling, wine is removed in semi trucks of up to 1,200 cases and in the same Truck Loading Area. All off and on loading occurs in the Truck Loading Area. Truck delivery for glass **is** approximately 10 - 15 loads per year. Shipping of bottled wines is about 2 - 3 shipments per month. At times a mobile bottling line would be hired and used to reduce the bottling time to one third. This truck as a mobile bottling line would be located on the concrete surface of the truck delivery area.

Building changes are as-built. Building 1B is a 810 sq. ft. as built office/storage upstairs, and storage down stairs addition. This is attached to the main winery building noted as 1A. Building #2 is an as-built conversion of a garage to and office. Both of these are noted in plans. Both were implemented years prior to our purchase of the winery.

Tasting Room: would be open to the public 7 days a week from 12:00 noon *to* 5:00 p.m. Winery and Tasting Room will be closed Easter and Thanksgiving days. The tasting room is located over 120 feet from the nearest residential property line excluding the owner's.

Wine sold would be limited to wine bottled on site only. The winery will participate in annual events open to the public sponsored by the Santa Cruz Mountain Wine Growers Association. Of these events there are currently 4 passport days a year that are on Sat. and an open house weekend that is known as the vintner's festival in June.

Special Events:
Winery would like to hold two concert weekends a year that had been traditional events until 1999. One Mother's Day Weekend and another date to be determined. Limited to 375 person capacity per day in the "lower garden area". Music would not exceed 65 dba at the boundaries of the winery property. Music would not extend

EXHIBIT C

beyond 6:00 p.m. Excess parking would be off sight and guests would be shuttled in by van. These concerts would be the only events that live amplified music would be played. This would take place on the grass and deck area of the lower garden area and the source of music amplification would be greater than 250 ft to the nearest residence.

As a service to the local community the winery would like to make its picnic area available to 10 small weddings a year limited to 75 guests and no amplified music.

These weddings would be held only on Fridays or Saturdays and would not go beyond 6:00 p.m. These would take place in the lower garden area.

In order to promote wine and food the winery would host four dinner events a year limited to 85 guests on a Friday or Saturday. These would end by 10:00 p.m. and be limited to accompanying acoustical music. This would be hosted on the grass area in the lower garden.

As a service to the local community the winery would host 6 events for local nonprofit organizations limited to 150 people. These events would not take place on Sunday and would end at dusk. This would be hosted on the grass area in the lower garden.

The proposed above events and availability to the public are for the commercial and promotional purposes of the winery only. The owner does reserve the right for the private enjoyment of their property with family and friends during non-business hours within the same guidelines as any other residential neighbor.

Lighting is as built and is marked on the winery plans. No expansion of lighting is planned at this time.

A single 12 sq. ft. non illuminated directional sign will be hung at the winery entrance to simplify finding the winery for traffic on Felton Empire Rd.

Total number of full time employees would be less than 10, and part time less than 10 at any one time.

EXHIBIT C

Vineyard would be planted with vinifera varietal grapes to be used in the future production of wine and the winery. This vineyard would utilize sustainable agricultural methods. Our winery has over a 60 year history of production and under our management have put forward a leadership role in organic growing, production and waste reduction within the wine industry. We have been recently been given an "excellent" rating and review for our tasting room hospitably by the San Francisco Chronicle, and have been the most award winning winery at the Santa Cruz Co. Fair for 2002 and 2003.

Our goal is to continue to produce the highest quality wines using organic and sustainable methods while keeping a positive relationship our neighbors and community.

John C. Schumacher

Sincerely, John C. Schumacher
General Partner Schumacher Land & Vineyard Co.

EXHIBIT C1

SUMMARY RECOMMENDATION

Adopt a Resolution of Intention to Amend 76-1294-U

INTRODUCTION

Site Description

The property covered by Use Permit 76-1294-U is comprised of one parcel (formerlyknown as APN 065-05 1-08; now known as APN 065-051-14, 15 and 23) of about 7.14+ - acres (EMIS Estimate) in size (Exhibit A). No amendment to 76-1294-U was ever applied for and approved Historically, the site contained a small vineyard in the northwestern portion of the property and a small-scale winery/ processing facility in the southeast portion of the site. No vineyard presently exits on the site. The site is gently sloping to the southeast. Access to the site is via a corridor to Felton Empire road (Exhibit B).

General Plan/ Zoning

The site is designated Suburban Residential on the San Lorenzo Valley Area General Plan Map (Exhibit C). The objective of the Suburban Residential Designation is as follows:

> "To provide *suburban* density residential *development* ***(1-5*** net developable *acres per* unit) in areas with developable land, *access from adequate roads* maintained to *rural* road standards, *water service, soils* of good septic suitability, and fire protection meeting standards outlined in section 6.5 of the public Safety and Noise Element."

The implementing zone districts for the Suburban Residential General Plan designation are R-1 (Single Family Residential), RR (Rural Residential) or RA (Residential Agricultural). Either the Rural residential (RR) or Residential Agricultural (RA) zone district would be an appropriate implementing ordinance for this general plan designation at this location (County Code Section 13.10.170(d)). Both of these zone districts allow a winery of this size as a conditional use. It is important to note that one of the general purposes of the residential districts is to "protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes" (see County Code section 13.10.321 (a)).

The site is within the R-1-15 and A zone districts (Exhibit D). The R-1-15 is limited to the 60 foot by 150 foot corridor access to Felton Empire road, with the remainder of the site in the A zone district. The A (Agricultural) Zone district zoning of the site is not an implementing zone District for the Suburban Residential General Plan designation and is inconsistent with the General Plan.

A winery is a conditional use within the A Zone District.

Eackoround

76-1294-U

On 08/30/76, application #76-1294-U was submitted to the County to operate a bonded winery, producing, bottling, and selling within an existing building on APN 065-051-08. The application form indicated that the proposal was at a site that previously had a non-conforming winery operation that had ceased to operate about 1970 (Exhibit E). Any and all non-conforming rights for the winery ceased *six* months after the previous operation closed down (County Code Section 13.04.470(e)).

That application was scheduled for consideration by the Zoning Administrator at a noticed public hearing on

September 24, 1976. The staff report indicates the proposal considered by the Zoning Administrator was:

> "To operate a *bonded* wine?, producing and *bottling*, and selling in an existing building. Wine produced would be sold through a distributorship and *at* private invitational tasting. The operation will be confined to grapes grown on the property. It is *expected* to be to only be a part time endeavor due to the size *of* the vineyard."

The small nature of the operation was clearly stated in the findings adopted when the project was approved whic refer to the "processing and selling of products grown on the site" and to the "relatively small scale of the proposed winery" being "consistent with zoning objectives" (Exhibit F). This proposal was consistent with the applicable ordinance in effect at that time which allowed for the processing of products produced on the premise with a use permit (see 13.04.205.28).

78-1117-MLD and 78-1116-V

This was an application to redivide 5 parcels (APN 065-051-08, 09, 10 and 065-061-18 and 065-073-03) into 2 parcels of about 7.2 +- acres and 8 +- acres and a Variance to reduce the required IO-acre minimum building site area to facilitate a redivision of property. This project was considered by the Zoning Administrator on December 1, 1978 and was approved at that hearing. The approval voided on February 1, 1980 because the Conditions of Approval were not met (i.e.; parcel map was not recorded prior to the expiration date).

80-624-MLD and 80-623.V

This was an application to redivide 5 parcels (APN 065-051-05, 08, 09, 10 and 065-061-18) into 3 parcels and a Variance to reduce the required 10 acre minimum building site area to facilitate a redivision of property. This project was considered by the Zoning Administrator on October 3, 1980 and was approved at that hearing. A Minor Variation to this permit was approved on February 6, 1981 clarifying the parcels involved. The approval (Exhibit G) which combined what is now known as APN 065-051-14, 15 and 23 into one legal parcel was xercised when a Parcel Map was recorded on September 1, 1982.

Staff is recommending the recording of an Affidavit to Retain as One Parcel to implement this action.

PERMIT REVIEW ISSUES

In 1982, issues related to the winery operation began to be raised by the neighborhood. These concerns included dust generation from the unpaved road, noise from the operation and traffic and parking impacts associated witf the tasting and sales. These seem to have been addressed by the operator and were resolved until the mid 1990's (Exhibit H).

At that time, the County received a Complaint and a Code Compliance file was established regarding the operation and the buildings. The operation had expanded to include such things as children's Easter egg hunts, weddings, outdoor concerts and fundraisers. In addition, it was alleged that an expansion of the winery operatior has taken place with tour buses regularly stopping for tasting and that a majority of the grapes used come from of site. Finally, several buildings/ structures have been constructed/ had additions constructed without permit (Exhibit H and I).

The operational permit for this winery evaluated and approved only a small scale (grapes grown on site only) winery with limited on site sales only. The current operation has expanded to include other properties and the us has significantly expanded to include daily tastings and other gatherings. It is also clear that a significant amount not all of the grapes utilized are brought in from off site. The following is a brief summary of the major issues noted in the Code Compliance notes, correspondence to the Planning Department and information from other agencies regarding this use.

Wine Production

The original approval was based upon the utilization of the grapes grown on-site. Staff has consulted with several members of the industry and reviewed information from Mr. Hibble (Executive Director of the Santa Cruz Mountain Winegrowers Association: S. C. Sentinel 09/10/01; Exhibit J) and determined the following to be applicable:

Typical Grape yield per Acre in Santa Cruz .Appellation (non-irrigated)	1 to 2 tons per acre
Amount of wine produced per ton of Grapes	155 +-Gallons
Amount of Gallons per Case	2.377 Gallons

Based upon this information, the Hallcrest site had about 5 acres in grapes, with this equal to the following:

Grape Production	5 to 10 tons of Grapes
Anticipated Wine Production	775 to 1550 +-Gallons
Cases of Wine Produced (750ml Bottles)	326 to 652 cases of wine

It is staffs understanding that due to an infestation of disease, the actual vineyard at Hallcrest has been completely removed. The vineyard has not been replanted.

Recent information from the Hallcrest Winery website (Exhibit K) indicates that they produce about 5,000 cases of wine per year.

Cases of wine produced	5,000 cases
Wine Production	11,885 +- Gallons
Grape Production	76.7 +- Tons of Grapes

It is clear that a significant increase in the on-site wine production has occurred (worst case, an increase in processing volume by over 15 times), with this increase directly related to other issues/ nuisances created by the operation. This significant intensification of use required discretionary permit approval and none was found. Further, an E-MAIL sent 4/23/02 by Hallcrest Vineyards regarding the 2002 harvest and possible employment opportunities indicates that they "crush 400 to 500 tons of fruit" and they "custom crush for about 11 other labels" (Exhibit K). This would be the equivalent to more than 62,000 gallons or 26, 000 cases of wine being processed on the site (assume only 400 tons processed).

.Noise

The noise generation associated with the increase in production has created a nuisance to the area. Neighbors have confirmed that this includes the noise generated by the semi trucks, the forklifts, the worker's voices, the operation of the cooling units at night and the seven days a week operation of the winery, which has impacted the residential neighborhoods greatly. In addition, uses have also been conducted on the site (i.e. weddings, fundraisers, etc.), which generate noise. It must be understood that because this property is designated Suburban Residential and not Agricultural on the General Plan, the provisions for the exemption of noise caused by farming operations is not applicable.

Dust Generation

The intensified activity associated with the grape processing and the other uses being conducted on site has resulted in increased vehicle use of the unpaved road and parking area. This has resulted in the generation of dust from these activities. In addition, the tilling of the soil and the past application of soils additives/ fertilizers has also contributed to the generation of dust. This dust generation has created a significant nuisance.

Other Uses of the Site

The on site operation has been expanded and the use intensified to include such things as children's Easter Egg

hunts, weddings, outdoor concerts (From the information available, the operator has voluntarily ceased the weddings and outdoor concerts when the County complained.) and fundraisers. In addition, it was alleged that an expansion of the winery tasting room operation has taken place with tour buses regularly stopping for tasting.

Traffic

The increase in production along with the other uses conducted on the site has created an increase in the traffic in the area and according to the information submitted by the neighbors and in the Code Compliance notes, a parking problem.

Site Design

The operator has located a vehicle (cars and trucks) and bin storage area adjacent to the abutting single-family dwellings properties. This has resulted in the generation of dust and noise, and a visual nuisance.

Odors

The composting of the grape waste/ residue and the on-site storage of fertilizer for the vineyard resulted in an odor nuisance in the past. This was significant enough to cause the Environmental Health Services Agency to issue a Notice to Abate on July 17, 1998 (Exhibit L). Subsequent to that action; EHS has not received any complaints (Personnel Communication with EHS staff 05/05/03).

Building/ Construction

From a review of the Code Compliance log and the permit history for the site, construction has been done without the benefit of the required permits. This includes the installation of Stainless Steel Tanks, installation of refrigeration equipment, expansion of buildings, construction of buildings and conversion of buildings to a new use (i.e.; conversion of a garage to an office).

Summary

From a review of the files and the survey by Dunbar and Craig dated 01/27/03, it is clear that the use involves several more properties than the single APN noted on the use permit. It is also clear that the actual use goes far beyond the small-scale winery considered by the County at the public hearing in 1976.
County Staff has met with the owner of the property or their representative several times in the hope that these conflicts could Le resolved and the use be brought Lack into compliance with all permit conditions and exhibits. In an attempt to resolve some of the violations involving the operation, Schumacher Land and Vineyard submitted application 03-0032 on 01/31/03. That application was determined to be incomplete for processing on 02/10/03. The applicant withdrew the application on 03/17/03 (Exhibit M). Clearly, these negotiations have been unsuccessful.

ANALYSIS

The existing operation including the parcels involved is not in compliance with use permit 76-1294-U. This unpermitted intensification of use and associated permit non-compliance has created a significant nuisance related to traffic, noise, illumination and glare, potential odors, and dust to the neighborhood and creates a potential traffic hazard to the patrons, the neighbors and the general public and must be resolved.

'CountyCode Section 18.10.136outlines the process for permit revocation. This section states the following

> "Any permit heretofore or hereafter granted may be *revoked or* amended in lieu of revocation by the Planning Commission or *Board of Supervisors,* as prowided herein, upon a finding that any *term* or

condition of the permit has not been, or is not being complied with or that the permit has been issued or exercised in violation of any statue, law or regulation, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety."

The permit revocation process involves an initial public hearing to consider the adoption of a Resolution of Iintention to Revoke or Amend. Adoption of that Resolution will also set a subsequent public hearing to Consider the adoption of a Resolution to Revoke or Amend the operational permit.

Counsel has advised that for the purposes of this review, the following definition of nuisance from the California Civil Code is applicable:

> Anything which is injurious to health, ... or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable **lake,** or river, bay, stream, canal, or basin, or any public park, square, street or highway, is a nuisance.

Your Commission has three options available in this situation. The first option is to find the project in complete compliance with the existing Permit, Permit Conditions of Approval, and any associated exhibits. In staffs opinion, this is not the case.

The second option is for your Commission to initiate an amendment to the permit (Exhibit N), which would address tlne areas of non-compliance. With your Commission's direction, an amendment to the existing permit would be processed that corrects the deficiencies and clarifies the use permitted and where it is permitted, and most importantly addresses the nuisance created by the existing operation. This process could be initiated by adopting tlne Resolution of Intention attached hereto as Exhibit N. The County Code then provides the permitee a reasonable opportunity to correct the issues and requires a hearing to be scheduled before the permit is amended.

The third option is the actual revocation of the use approval for the property. This option is the most serious and carries with it significant ramifications. It should only be utilized if no amendment of the permit will resolve the nuisance or if tlne applicant indicates that they do not intend to comply.

CONCLUSION

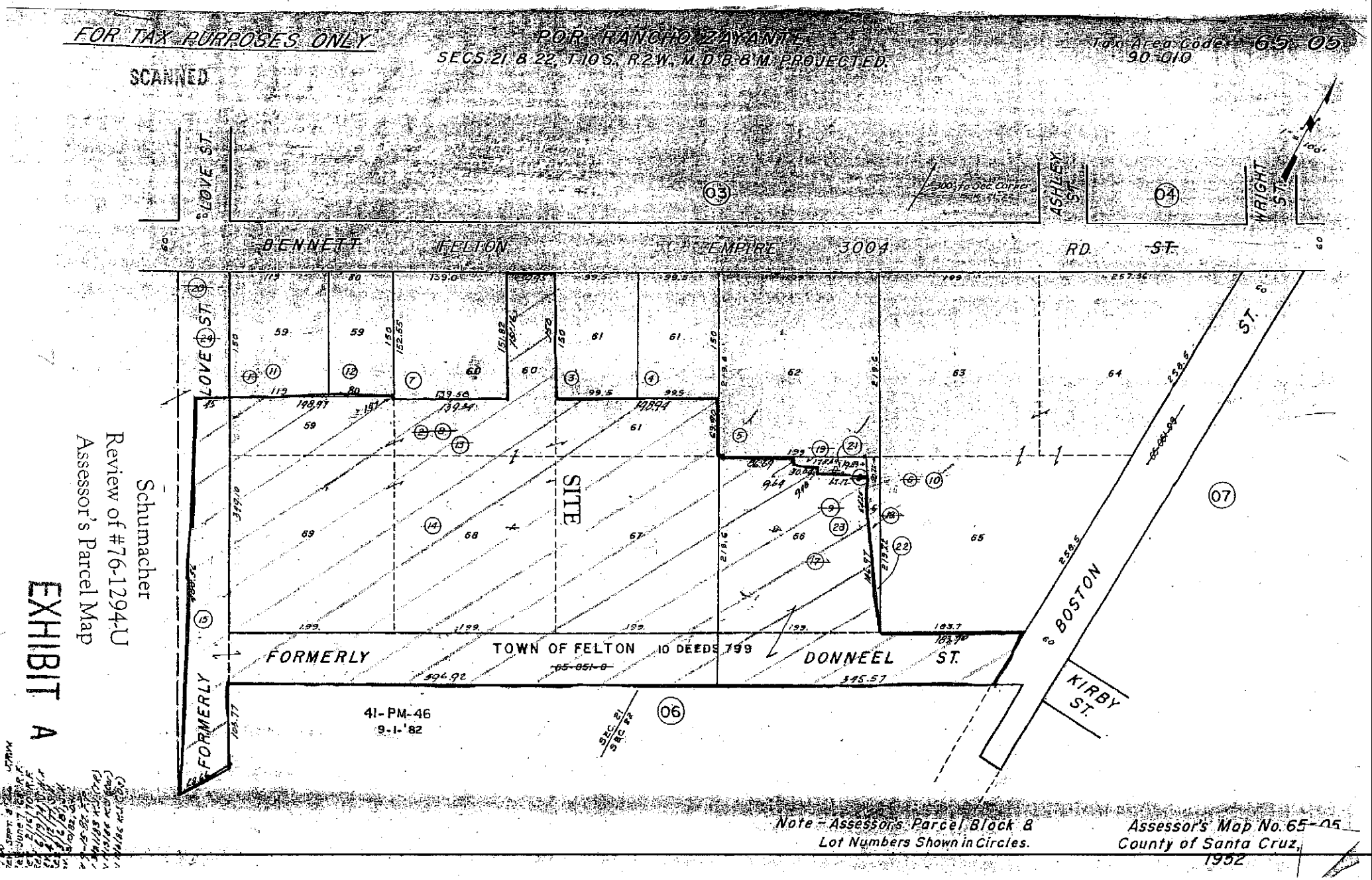
It is clear that the operation has been changed (i.e.; no grapes are on the site and all of the grapes are brought in from off site) and has intensified and this intensification of use has created a significant nuisance to the neighborhood. The use is not in compliance with tlne only approved permit for the site. Attempts have been made to resolve this conflict and bring the use/ site into conformance/ compliance with the permit conditions to no avail. It would be appropriate, therefore, given the nuisance created by the operation and the associated public health and safety issues involved, to Adopt a Resolution to Initiate an Amendment to the Existing Permit (Exlnibi M).

STAFF RECOMMENDATION

It is RECOMMENDED that your Commission adopt the Resolution of Intention to Amend Permit 76-1294-U attached as Exhibit N and direct that a Public Hearing before your Commission be set at a future date for consideration of the permit amendments.

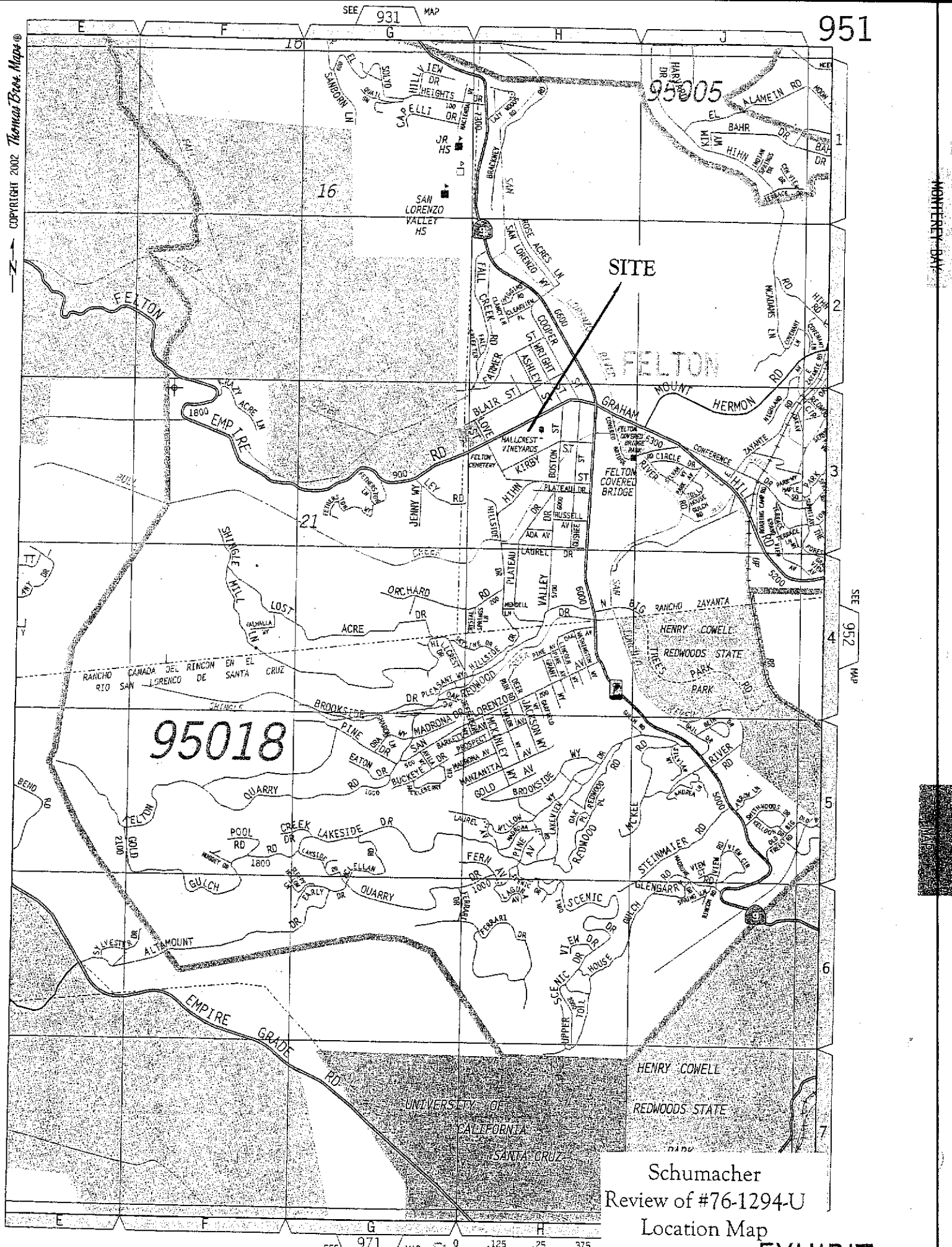
Prepared By: Don Bussey
Don Bussey
Project Manager

Reviewed By: C Graves
Cathy Graves
Principal Planner



Schumacher
Review of #76-1294-U
Assessor's Parcel Map

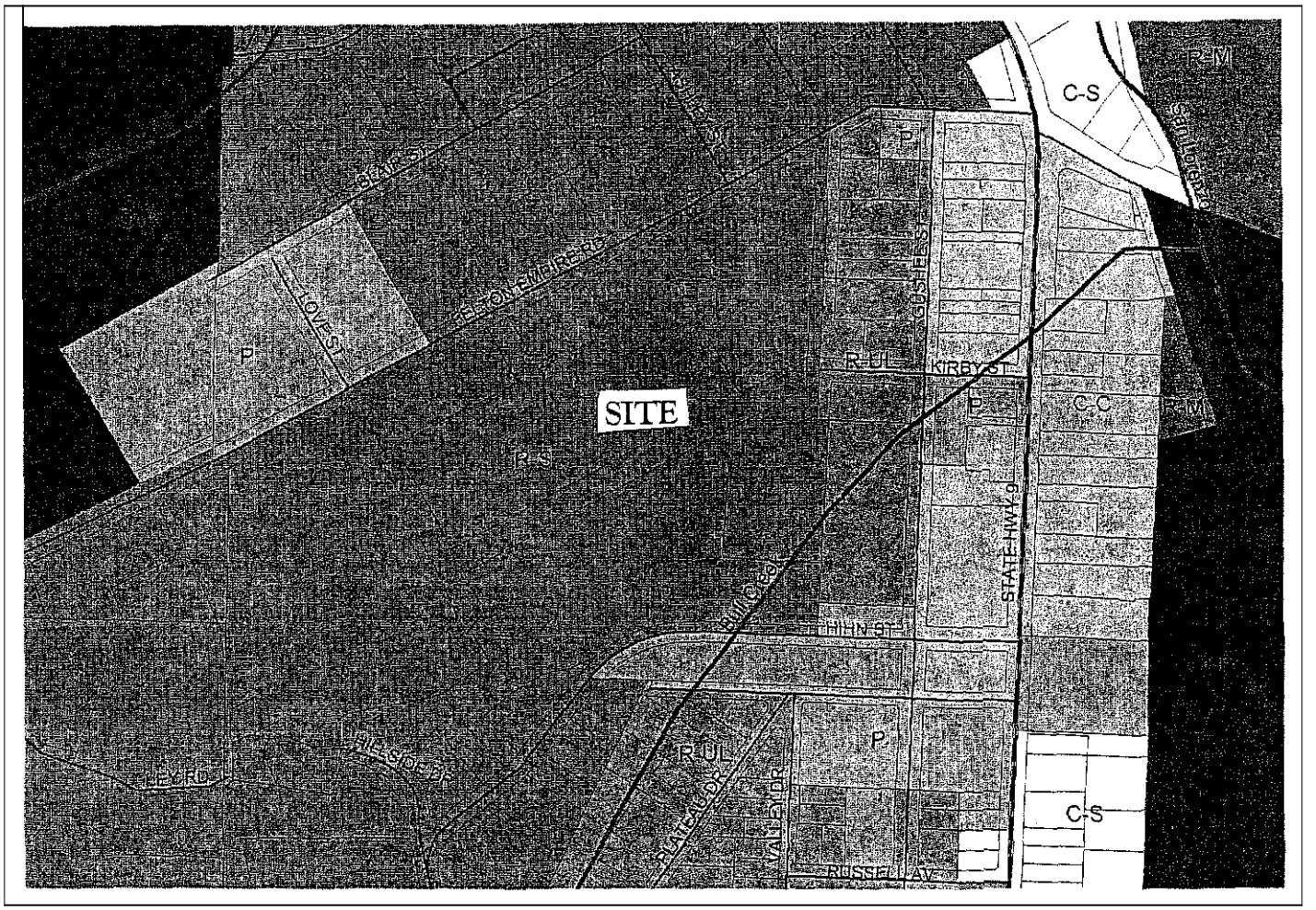
EXHIBIT A



Schumacher
Review of #76-1294-U
Location Map

EXHIBIT B

General Pian Map



500 0 500 1000 **Feet**

Legend

- State highways
- Streets
- Intermittent Stream
- Perennial Stream
- Parcel boundaries
- Service Commercial
- Community Commercial
- Public Facilites
- Residential - Urban Low Density
- Residential - Urban Medium Density
- Suburban Residential
- Parks and Recreation

N

Map created by Santa Cruz County Planning Department:
May 2003

EXHIBIT C
Schumacher
Review of #76-1294-U
General Plan Map

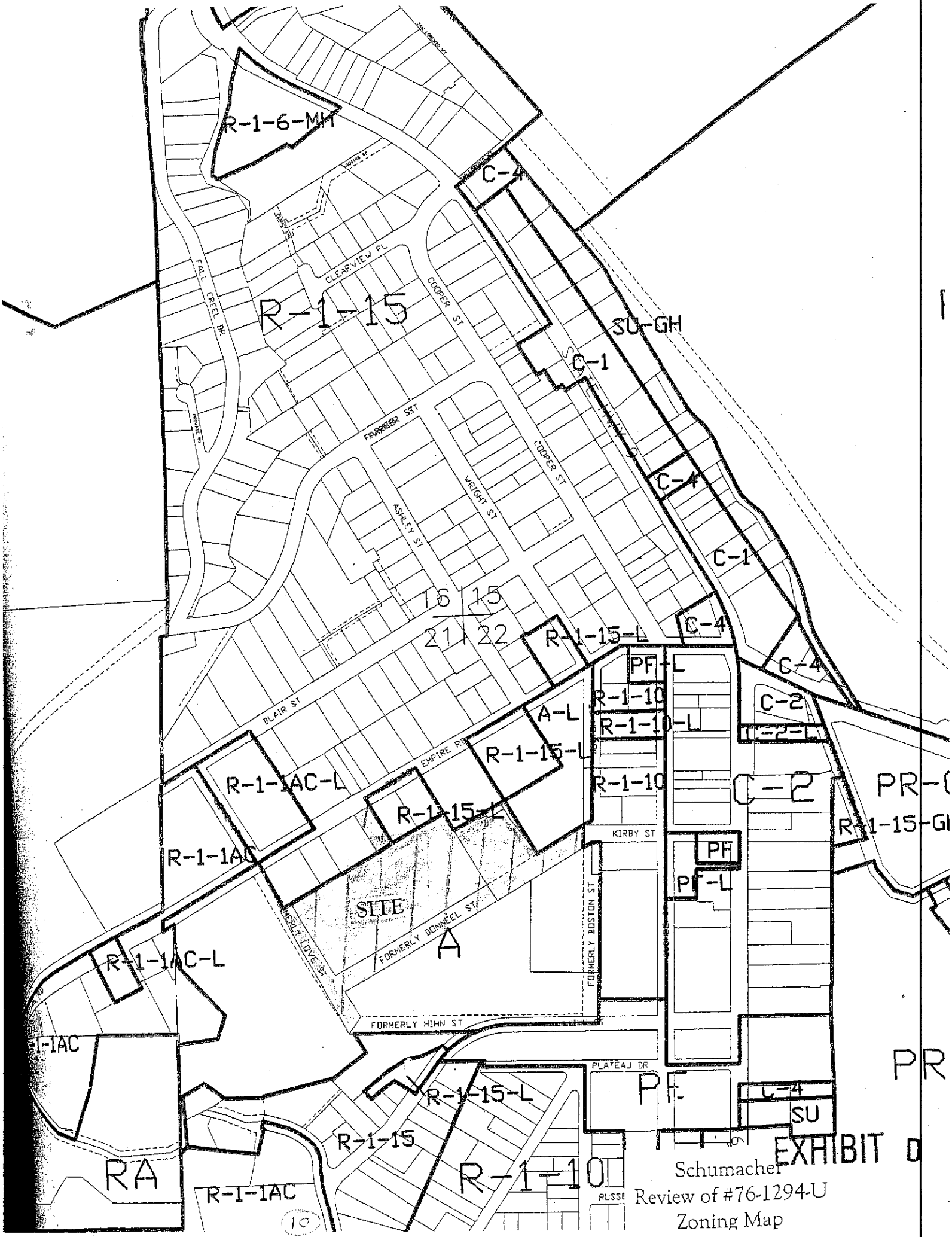


EXHIBIT D

Schumacher
Review of #76-1294-U
Zoning Map

SANTA CRUZ COUNTY PLANNING DEPARTMENT
400 GOVERNMENTAL CENTER
701 OCEAN STREET
SANTA CRUZ, CALIFORNIA, 95060
(408) 425-2191

USE PERMIT APPLICATION — Application Number 76-1194-U

Applicant's name DBA "TWO FRIENDS" (JOHN R. PINARD) JAMES BEAUREGARD
Mailing address 379 FELTON-EMPIRE RD Business phone (408) 335-3939
City, state, zip Felton, Ca 95081 Home phone 423-5964
Applicant's interest: owner X, prospective buyer ____, lessee ____
agent ____, building contractor ____, other ____
(Permit, if approved, will be sent to applicant unless otherwise requested).
Property owner's name Penny Griffiths
Mailing address Felton-Empire Rd Business phone ( )
City, state, zip 643 Felton-Empire Rd Home phone 335-4803
Other person to be notified of hearing James Beauregard
Mailing address 379 Felton-Empire Rd Business phone 423-9453
City, state, zip Santa Cruz Home phone ( )

PROPOSAL:
To operate a bonded winery producing, bottling & selling wine in existing bldg.
Winery has been operating since 1938, closed for the last 6 yrs.

PROPERTY DESCRIPTION: South side

Address 379 FELTON-EMPIRE RD,
Location FELTON, CA about 600' west of the intersection of Ashley St.
Assessor's Parcel No. 65-051-08 (all) X (part) ____ Supv. Dist 5th
Zone District A-10 Parcel size 20 Acres (sq. ft. ____) (acres ____)
Date purchased ____ Deed recorded in Volume ____ Page ____

DIRECTIONS:

A Planning Department staff member will visit your property; therefore, your application must include adequate directions for driving into it. Please warn us of any impassable roads or locked gates. See that your road has a name sign at the intersection, and that the house or mailbox has a number on it. On the property, place stakes to mark the lot boundaries and the location of proposed construction. If we cannot locate your project, your permit may be delayed.

1/8 MILE PAST INTERSECTION OF HIWAY 9 & FELTON EMPIRE RD TURN LEFT ON DIRT ROAD (BLACK MAILBOX) & FOLLOW TO WINERY

(Do not write on the back of this page. Attach additional sheets if needed.)

EXHIBIT E

SERVICES:

Fire District FELTON

Water supply: existing well____, drill new well____, spring____

mutual system (name)_____ public company (name) CITIZENS UTILITY

Sewage Disposal: Sanitation District (name) SEPTIC TANK

existing septic system X, install new septic system____

Road Access: State Highway____, County road X, existing private road X

easement (width)____.

Present condition of access road: paved____, oiled____, gravel X,

graded dirt____, ungraded____. Width____ feet.

OTHER COUNTY ACTION ON THIS PARCEL (Recent or pending):

Give date and application number of rezoning, minor land division, use permit, variance, moving permit, grading permit, mobile home permit, Health Department permit, or other.

PLOT PLAN:

Attach two copies at least 8½" by 11" drawn to scale. Show the following features:

X Outline of the entire property
X All roads and rights-of-way abutting it or crossing it
X All driveways, existing and proposed
___ All structures, existing and proposed, including dimensions and setbacks from property lines
X Significant features such as topography, well, streams, large trees, etc. Adjacent parcels if owned by this applicant

ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE: required____, not required ✓.

NEIGHBORHOOD ACCEPTANCE: Attach letters, if available.

HOMEOWNER'S ASSOCIATION: (name)_____

REMARKS:

FEE: Make check payable to "County of Santa Cruz"

I certify that all of the information supplied in this application is true and that the plans are correct according to the best of my knowledge:

Signature of property owner (not agent): Date:

See attached.

FOR OFFICE USE:
Application received by: Date: 8/30/76

A 11 ***010.0
6-7-76-0599-000997 TOTAL A CH ***010.0

PLN-2
7/73

EXHIBIT E

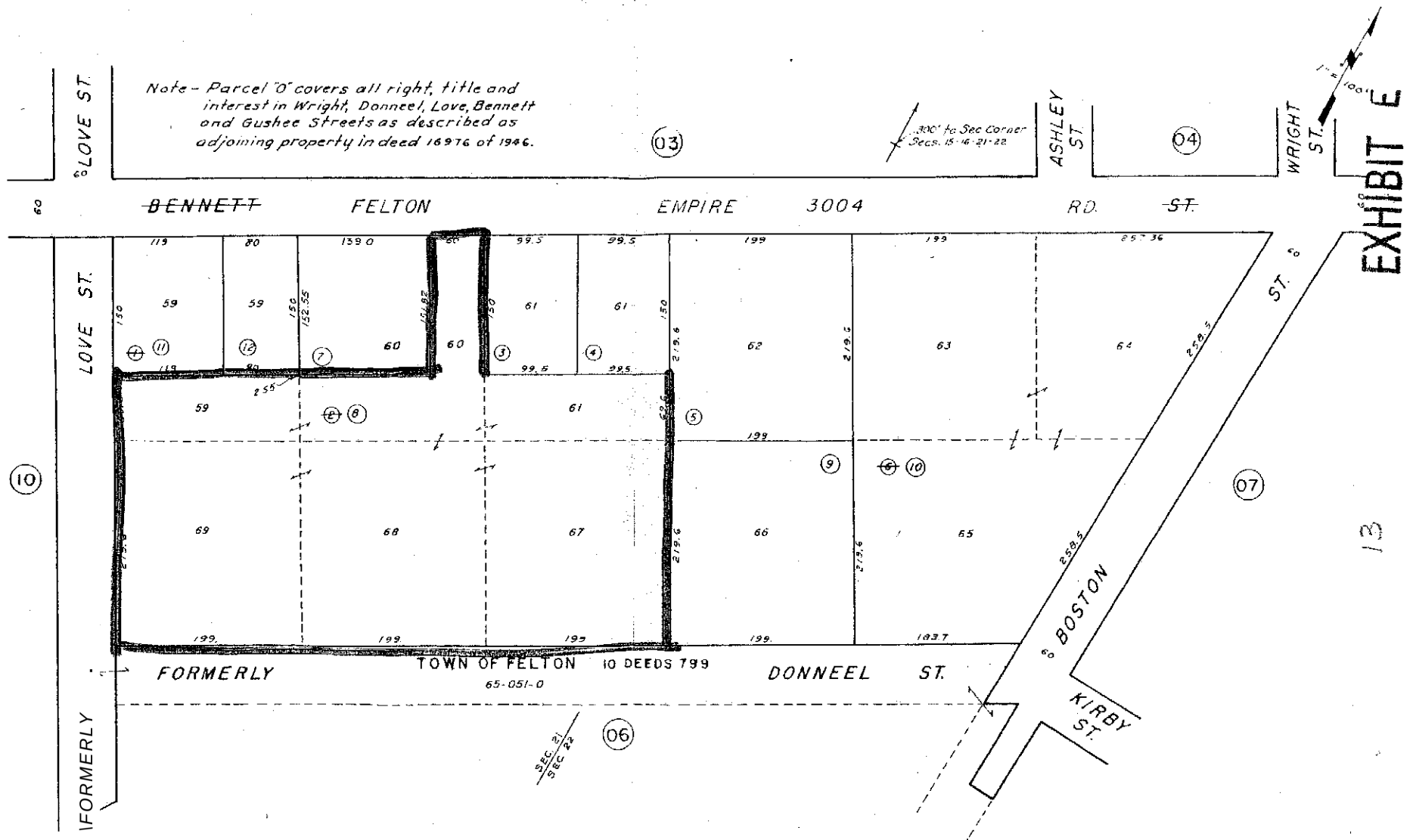
FOR TAX PURPOSES ONLY

POR. RANCHO ZAYANTE

SECS. 21 & 22, T. 10 S., R. 2 W., M. D. B. & M. PROJECTED.

Tax Area Code 65-05
90-041

62



POR. 16-129-O

REV. SEPT. 1966 JCMW
REV. JUNE 7 1968 R.F.
REV. 2/16/70 R.F.

ZONING ADMINISTRATOR
STAFF REPORT

Meeting Date Sept. 24, 19

Agenda Item No. : 54

APPLICANT: JOHN R. POLLARD AND JAMES BEAUREGARD
OWNER: Penry Griffiths
Application No.: 76-1294-U

Assessor's Parcel No. : 65-081-08

Supervisorial District: Fifth

Section: 21 & 22 T 10 S, R

Location: South side of Felton-Empire Road (379 Felton-Empire Road), about 600 feet southwest of the intersection of Ashley Street.

EXISTING SITE CONDITIONS

Parcel Size: 20 acres
Land Use: Vineyards and winery (vacant), single-family dwelling.
Topography: gently sloping
Vegetation: Vineyard/Oak - savanna
Surface Water: None
Soil Type: Soquel Loam, Stoneytorie Rating: 63 out of 100; Class: Phase

SPECIAL ENVIRONMENTAL CONCERNS

Fault Zone: NO
Slope Stability: NO
Liquefaction: NO
Flood Plain: NO
Erosion: NO
Other:

SERVICES

Fire Protection: Felton Fire District
Sewage Disposal: septic tank
Water Supply: Citizens Utility
School District: San Lorenzo Valley
Drainage: natural
Access: Felton-Empire (county maintained) and partially gravelle private right-of-way.

PLANNING POLICIES

Zone District: Agriculture-10acre Adopted: Aug 1972 Area: SLV
General Plan: Suburban Village ½ac/du Adopted: 1974 Area: SLV
Suburban Residential 1-5 ac/du
PROS Element: Existing Urban Adopted: 1973
Coastal Zone: N/A

ENVIRONMENTAL REVIEW COMMITTEE ACTION: N/A

PROPOSAL

To operate a bonded winery, producing bottling and selling in an existing building.

54

EXHIBIT F

Applicant: JAMES BEAUREGARD AND JOHN POLLARD
Date: September 24, 1976
Item No.: 54

PROPOSAL:

To operate a bonded winery, producing and bottling and selling in an existing building. Wine produced would be sold through a distributorship and at private invitational tastings. The operation will be confined to the processing of grapes grown on the property. It is expected to only a part-time endeavor due to the size of the vineyard.

SITE PLAN/DRAINAGE:

All necessary improvements already exist.

BUILDING DESIGN:

The existing winery had been in operation since 1938. It has been closed for the last 6 years but remains in immaculate condition.

PARKING/CIRCULATION/ACCESS:

Parking is available for approximately 10 cars with adequate turn around space. Visitors to property are generally expected to be controlled through invitational tastings. A partially gravelled drive serves as access. The soil is extremely rocky, thus the driveway and parking area have withstood traffic with little need for improvement.

SERVICES:

The Environmental Health Department will need a plot plan showing the sinks and toilet facilities that will be involved in the wine tasting.

LANDSCAPING:

Existing vegetation is adequate.

SIGNS:

The applicant has indicated that he would repaint an existing directional sign of dimensions no larger than 2'x2'. The sign is wood and should be painted with dark tones to blend with surrounding residential properties.

54

EXHIBIT F

***USE* PERMIT FINDINGS**:

Required Findings:	Remark.;:
(a) That the proposed location *of* the conditional **use is in accordance** with the objective *of* the **zoning ordinance and** the purposes of the district in which the site is **located.**	(a) The zone district encourages agricultural use of the property. Processing and selling of products grown on the site are allowable through the use permit procedure.
(b) That the establishment, maintenance or operation *of* the **use** or building will not, under the circumstances of **the** particular **case**, be detrimental to the health, safety, **peace,** morals, comfort and general welfare of persons residing or working in the neighborhood **of the** proposed use or **be** detrimental or **injurious** to property and **improvements** in the neighborhood or to the **general** welfare of the **County**.	(b) The winery provides a pocket of open space within the suburban community. The relatively small size of the proposed winery is consistent with zoning objectives.
(c) **That** the proposed use is consistent with the **general** plan,	(c) The proposal. does not preclude the existing residential or eventual residential use of the property. The vineyard and winery have existed for some 40 years in compatibility with the surrounding residential neighborhood.

RECOMMENDATION:

APPROVAL, of the winery and 1 directional sign subject to the following conditions:

1. The directional sign shall be no larger than 2'x2' and shall be painted in earthen tones so as to be unobtrusive.

2. Any necessary permits shall be obtained from the Environmental Health Department prior to the establishment of the use.

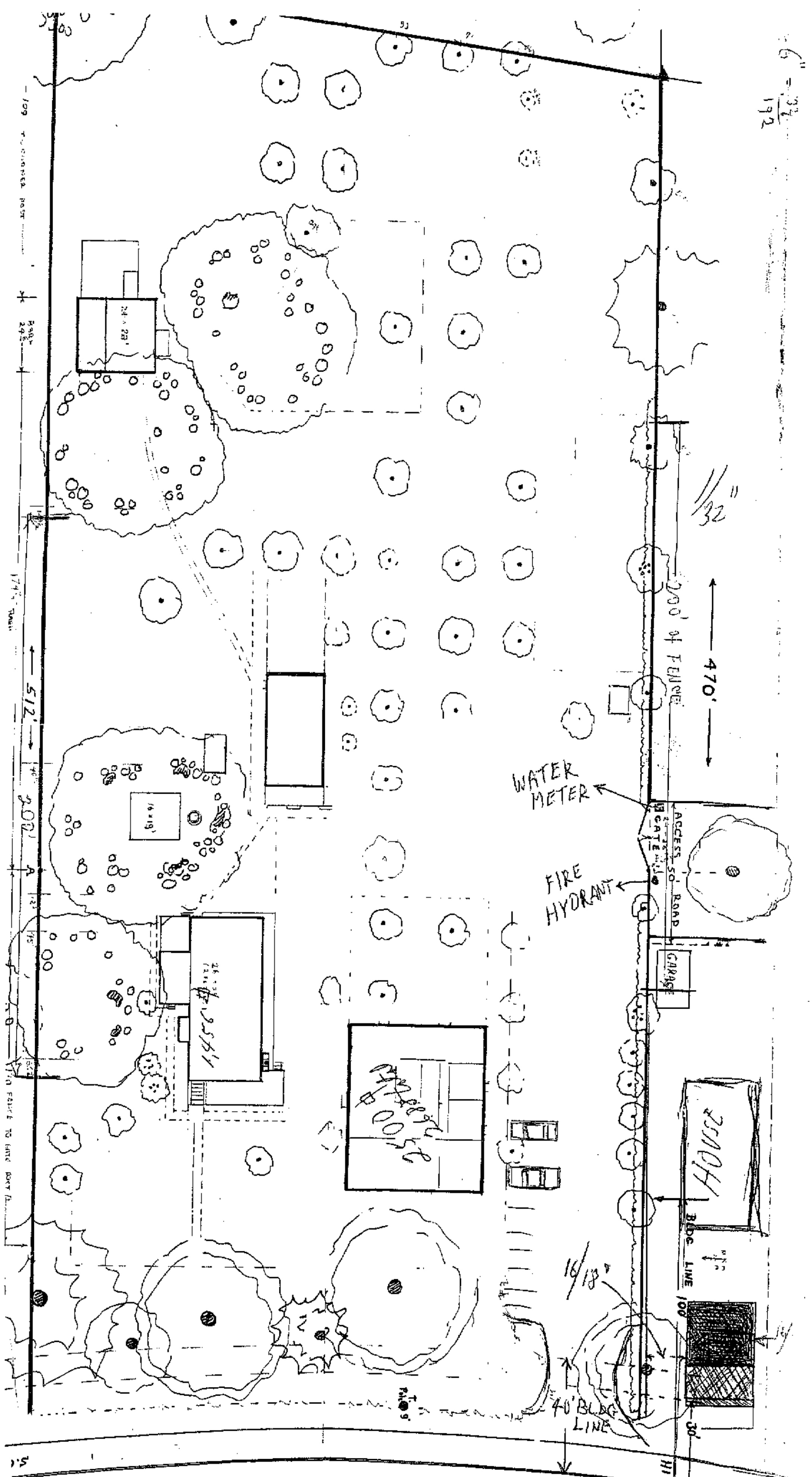
LA/db
9/13/76

APPROVED BY THE ZONING ADMINISTRATOR SEPTEMBER 24, 1976 BASED ON STAFF REPORT FINDINGS AND SUBJECT TO RECOMMENDED CONDITIONS.

meb.

54

EXHIBIT F



WATER METER
FIRE HYDRANT
ACCESS ROAD
GATE
GARAGE
HOUSE
470'
200' of FENCE
512'
202'
1/32"
16/18"
40' BLDG LINE
BLDG LINE 100
30'
HIGHWAY 9

EXHIBIT F

COUNTY OF SANTA CRUZ

·PERMIT·

NUMBER 76-1224-U

ISSUED TO JAMES BLANCHARD FOR FRANK GRIFFITH

370 Felton-Empire Road, Felton, CA 95

PARCEL NO.(S) 65-081-08
65-051-08

LOCATION OF USE

South side of Felton-Empire Road (370 Felton-Empire Road) about 600 feet southwest of the intersection of Ashley Street.

PERMITTED USE

To operate a bonded winery, producing bottling and selling in an existing building, and 1 directional sign subject to the following two (2) conditions:

1. The directional sign shall be no larger than 3' x 3' and shall be painted in earthen tones so as to be unobtrusive.

2. Any necessary permits shall be obtained from the Environmental Health Department prior to the establishment of the use.

LA/db

THIS PERMIT WILL EXPIRE ON October 8, 1977 IF IT HAS NOT BEEN EXERCISED.

NOTE: APPLICANT MUST SIGN, ACCEPTING CONDITIONS, OR PERMIT BECOMES NULL & VOID.

James Blanchard

SIGNATURE OF APPLICANT

SANTA CRUZ *COUNTY* ZONING ADMINISTRATOR

BY _____ DATE 10/3/76

Development Processing

PIN 6
Rev. 6/75

·NOTE·THIS IS NOT A BUILDING PERMIT·

EXHIBIT F

'MUNITY RESOURCES AGENCY

COUNTY OF SANTA CRUZ

Governmental Center

701 Ocean Street * Santa Cruz, California 95060

(408) 425-2191

CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP FOR PARCEL ADJUSTMENT NO. 90-624 -MLD

PROPERTY OWNER (Parcel A) PENN & MAGUE (PROPERTIES) ASSESSOR'S PARCEL NO. 65-051-05 08, 09 & 10

ADDRESS 643 FELTON-EMPIRE ROAD FELTON, CA 95018

PROPERTY OWNER (Parcel B) ~~[illegible]~~ ASSESSOR'S PARCEL NO. ~~[illegible]~~

ADDRESS

(☐ Other property owners are listed on attached sheet.)

LOCATION OF PROPERTY SOUTH OF FELTON-EMPIRE ROAD AND WEST OF BOSTON STREET (FELTON AREA)

. correspondence and maps relating to this property line adjustment shall carry the above noted "MLD" number and Assessor's Parcel Numbers.

This Tentative Parcel Map is approved subject to the following conditions:

1. The attached Tentative Map shows how the property lines may be adjusted. No new parcels may be created. All other State and County laws relating to improvement of the property, or affecting the public health and safety remain applicable.

2. BEFORE RECORDING DEEDS OR PARCEL *MAPS:* The property owner(s) shall sign the enclosed form to combine Assessor's parcels, pay any pending taxes on the property, and return the form and a certification from the Tax Collector to the Community Resources Agency.

3. The following checked items shall be complied with:

   a. ☑ Submit a parcel map to the County Surveyor. Do not record deed(s) of conveyance until the parcel map has been approved and recorded. The parcel map shall carry the following note: This parcel map does not create any new parcels. and it only permits the conveyance of portion(s) of parcel(s) as shown to the owner(s) of adjacent parcels to be combined with adjacent parcel(s).

   b. ☐ NO parcel map is required. File deed(s) of conveyance with the County Recorder.

EXHIBIT G

4. The deed(s) of conveyance must contain the following statement after the property description:

The purpose of this deed is to combine the above described portion of Assessor's Parcel No. [illegible], 65-061-07 with Assessor's Parcel No. 65-051-08 as approved by the County of Santa Cruz on _____ under 80-624- -MLI This conveyance may not create a separate parcel, and is null and void unless the property described is combined as stated.

5. [illegible]

This Tentative Parcel Map was approved on 10-19-80, subject to the above conditions, and expires 14 months from this date. The Parcel Map, if required, shall be submitted for checking to the County Surveyor at least 3 weeks prior to the expiration date

HENRY R. BAKER, DIRECTOR
COMMUNITY RESOURCES AGENCY

STAFF PLANNER Reddick Brown, Jr.

BY: [signature]

CHIEF OF DEVELOPMENT PROCESSING

ATTACHMENT: Tentative Parcel Map
Parcel Combination Form

copies to: Applicant
County Surveyor (if 3a checked1
County Assessor (if 3b checked)

MINOR VARIATIONS TO THIS PERMIT WHICH DO NOT AFFECT THE OVERALL CONCEPT OR DENSITY MAY BE PERMITTED UPON APPROVAL OF THE PLANNING DIRECTOR AT THE REQUEST OF THE APPLICANT OR PLANNING DEPARTMENT STAFF.

EXHIBIT G

COUNTY OF SANTA CRUZ

INTER-OFFICE CORRESPONDENCE

TE: June 24, 1981

TO File No. 80-624-MLD/80-623-V APN 65-051-05,08,09,10

FROM: Staff Planner Rudy Brown, Jr.

SUBJECT: Recommendation Regarding Request for Minor Variation 1:

Analysis and Discussion of Request:

The staff request a minor variation to the tentative map of 80-624-MLD. The reason for a minor variation is due to an Assessor's error where they did not indicate the correct contents of a deed filed prior to 3/06/67 which indicated the parcels as shown on Exhibit "A". The correct parcel description is listed in Exhibit "B" but the APN maps were not corrected until 3/6/81, and the Planning staff did not have accurate information at the time of approval.

Minor Variation 1 will correct the tentative map by removing APN 65-061-18 (shown as Lot E on the original tentative map) from the new tentative map. Thereby, permitting the applicant to file an accurate Parcel map.

Recommended for approval by Susan G Blair/mc, date 6-29-8
Susan Blair

Approved by Kris Schenk, date 6/30/81
Kris Schenk

NGTE: The permit shall be corrected to reflect the approved Minor Variation. The corrected permit shall be filed and a copy sent to applicant (and Surveyor's Department, Department of Public Works in case of a Minor Land Division).

EXHIBIT G

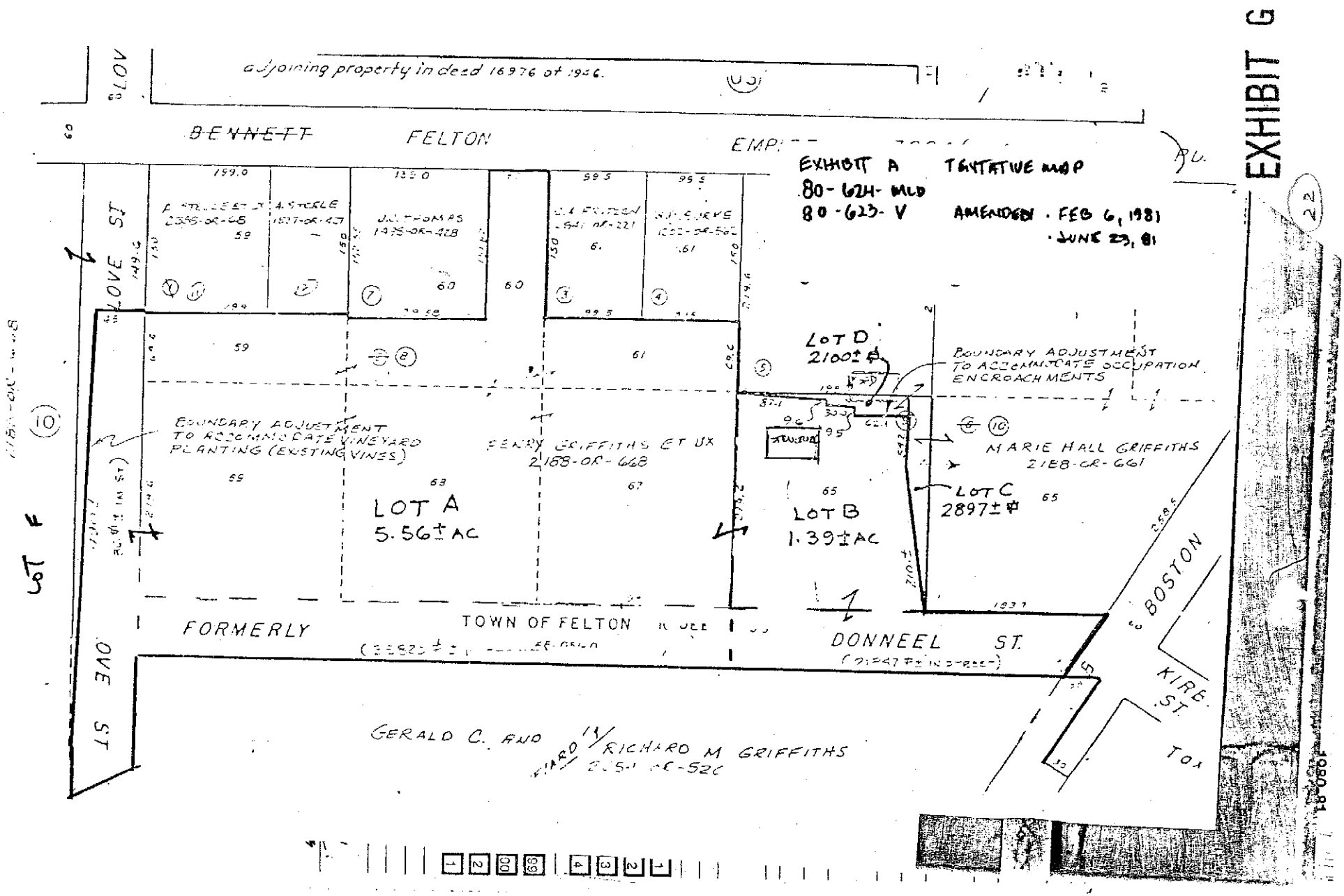


EXHIBIT G
EXHIBIT A TENTATIVE MAP
80-624-MLD
80-623-V AMENDED · FEB 6, 1981
· JUNE 23, 81
adjoining property in deed 16976 at 196.
BENNETT
FELTON
LOVE ST
LOT D
2100± ☆
BOUNDARY ADJUSTMENT TO ACCOMMODATE OCCUPATION ENCROACHMENTS
BOUNDARY ADJUSTMENT TO ACCOMMODATE VINEYARD PLANTING (EXISTING VINES)
HENRY GRIFFITHS ET UX
2188-OR-668
MARIE HALL GRIFFITHS
2188-OR-661
LOT A
5.56± AC
LOT B
1.39± AC
LOT C
2897± ☆
FORMERLY
TOWN OF FELTON
DONNEEL ST.
BOSTON
KIRE ST.
GERALD C. AND RICHARD M GRIFFITHS
2.54 AC-52C
LOT F

Katherine Moody
365 Felton Empire Road
Felton, California 95018

Felton Empire Vineyard
379 Felton Empire Road
Felton, California 95018

September 3, 1982

Gentlemen,

As neighbors of the vineyard we request that you c the problen of unacceptable dust levels, noise and traffic in the neighborhood. First, we want the road from Felton Empire Road to the winery gravelled or paved. Second, we request that the gate be kept shut on weekends and during the week when no deliveries are expected. And last, we would like signs posted requesting visitors to park in the lot.

We believe we have been more than patient waiting for you to rectify these long standing problems. It has been three years since we asked you to repair the road to limit the dust levels. Since then, we have been put off time and again. We were told this would be the summer our dust problems would end. We were told repairs would start early in July, then late in July. It is now September, and not only are we still eating dust and putting up wish excessive traffic, but we understand there aren't even firm plans to repair the road.

EXHIBIT H

We are most anxious for you to comply with our requests, and trust that you will voluntarily honor your commitments in the interest of good will among neighbors.

Very truly yours,

Mara Jansen 345 Felton Empire Rd., Fel
Russell M. Silvey P.O Box 77 Felton 95
Katherine Moody 365 Felton Emp
Wm Jansen 345 Felton Empire Rd, F.
Ruth 325 Felton Empire Rd, Felt
Woodrow L. Burdett 358 - Felton
Marguerite Burdett; 358 Felton Emp. Rd
Alice Harder, 344 Felton Empire Rd
Katherine G. Fowler - 405 Felton Empire Rd
Dorothy Fleet - 449 Felton Empire Rd
Martha Moffett 427 Felton Empire
Everett Moffett 427 Felton Empire
Ethel Moody 365 Felton Empire Rd

cc: Joe Cucchiara, County Supervisor

EXHIBIT H

Dear Fred,

Here is a copy of the letter we sent the vineyard. I appriciate your continuing concern. Please keep in touch about whatever information you can give me about their use permit. If you want, I can send you a list of our grievances.

Kathy Moody
home 335-4678
work 476-0220 - 1535

EXHIBIT H

BOARD OF SUPERVISORS
(408) 425-2201

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER 701 OCEAN STREET SANTA CRUZ. CALIFORNIA 95060-4069

DAN FORBUS (FIRST DISTRICT) | ROBLEY LEVY (SECOND DISTRICT) | GARY A. PATTON (THIRD DISTRICT) | E. WAYNE MOORE, JR. (FOURTH DISTRICT) | JOE CUCCHIAR (FIFTH DISTRIC

September 27, 1982

Katherine Moody
365 Felton-Empire Road
Felton, CA 95018

Dear Kathy:

Just a brief note to thank you or senaing ne a copy of your September **3,** 1982 letter to the Felton-Empire 'Vineyard. I was pleased to learn that the Vineyard manager has been cooperative with the neighborhood.

I have asked the Planning Director to provide me with a response to your inquiry concerning whether or not the vineyard is required to obtain a use permit for their continued operation. Upon receipt of a response from the Planning Director, I will once again be in contact with you.

Again, thank you for bringing this matter to my attention. Stay in touch!

Sincerely,

JOE CUCCHIARA, Supervisor
Fifth District

JC:tk

cc: Planning
Felton-Empire Vineyard

EXHIBIT H

Greg and Nora Jansen
345 Felton Empire Rd.
Felton, CA 95018
335-3834
July 17, 2001.

Santa Cruz Co. Planning Dept.
701 Ocean St.
Santa Cruz, CA 95060

Dear Mr. James,

Thank you for your time yesterday. We very much appreciated your fair, straightforward, common sense approach to this long standing neighborhood problem. Thank you also for your instinctive understanding about the immediacy of this situation. You gave us hope that we may finally get a fair and impartial hearing and therefore a fair and impartial resolution to this very unfortunate and seemingly intractable problem.... hope that our two wonderful 100+ year old houses will get the respect they deserve... hope that our neighborhood may once again be a pleasant place to live.

The following is the list of our essential and immediate concerns:

* Move the 80 or so large storage bins away from our property... far enough away so that we don't have to hear the-dreaded forklift loading and unloading cargo.

* Wine tasting, since it takes place 6-7 days a week, 6 to 7 hours a day, is problematic on several different levels at several different places. We realize this will come up a. a point of disagreement during mediation, however some relief from the ever-preser specter of wine tasting would be a true gift.

* Due to the sheer size of their operation, the upcoming crush is going to very bothersome. The problems come from the duration (how many months the crush goes on), daily hours of operation, numbers and size of trucks in and out and close proximity to neighboring houses (right now all of the hubbub {fork lifting, crushing, etc.} takes place within 25 to 75 ft of our property line). Possible solutions might include limiting the crushing operation to normal business hours a majority of the crush-related days with an occasional evening extension when absolutely necessary.... moving some of the operation as far away as necessary (or possible) so that the noise is not heard from our houses, etc. Again, just like the wine tasting issue, any relief in any of these areas would make this potentially troublesome time more bearable.

Once again we thank you for your time, your understanding and your insightful nature. We hope Kathy Moody, our wonderful neighbor, will be willing to go through this potentially stressful mediation process. No matter what, we are grateful for your efforts.

Until our next meeting, we remain, sincerely yours,

Greg and Nora Jansen

EXHIBIT H

Grea and Nora Jansen
345-Felton Empire Rd.
Felton, CA 95018

Kathv Moodv
365 Felton Empire Rd.
Felton, CA 95018

Santa Cruz Co. Planning Dept
701 Ocean St.
Santa Cruz, CA 95060

February 26, 2002

Dear Mr. James,

It has been over 8 months since we visited you in your office. We have not heard from you or anyone else in your department about the neighborhood problems we outlined in our meeting nor have we received a response from either our July 17th or our October 2nd letters of last year. The quality of life in our once, wonderful little neighborhood, continues to erode day by day and year by year. We continue to be confused about your departments course of inaction. We are confused that Hallcrest has been allowed to continue to violate county codes, ordinances and permit constraints in light of the facts that:

* even though the Hallcrest property is zoned R/A and/or AG 10 ... there are no residences and no agriculture on the property ... it is a purely commercial enterprise in a residential neighborhood
* they have had outstanding red tags for over two years and other violations continue to be ignored
* since the code compliance dept. has not required Hallcrest to adhere to their use permit or required them to get a new one, and since their permit was granted before the winery codes were adopted in the early 1980's, they have no limitations on the amount of grapes trucked into their property, no limitations on the amount of wine they produce, no limitations on the length and duration of the crush, no limitations ... etc.
* we first contacted your code compliance dept. in October of *1997*... four and a half years should be ample time for any business to make the changes necessary to comply with county codes or the changes necessary to eliminate the negative impact on the neighboring properties

This is not a comprehensive list of the issues but it is an outline of some of the more compelling reasons to have your code compliance department deal with this long standing neighborhood problem once and for all. Since our last meeting, the noise and light pollution from this commercial enterprise has continued to escalate. The time is long past due to have this business come to grips with its growing negative impact on the health and well being of its residential neighbors.

Sincerely,

Greg Jansen, Nora Jansen and Kathy Moody

cc. Gerald Bowden, 4665 Scotts Valley Dr., Scotts Valley, CA *95066*

EXHIBIT H

Wines of the Santa Cruz Mountain

Attention Wine Lovers!!

Winemaker Wednesdays

at the

... interesting! Wine tasting 7 days a week! No limits on wine tasting? More hours of wine tasting than any other winery except Bargetto — How can this be?

Andersen Vineyards
P.O. Box 1117, Felton 336-3525
Quality wines, organically estate grown Merlot and Cabernet Sauvignon. Available late spring or early summer of 2002. Presently offering wholesale only. No tasting room available.

Aptos Vineyard
7276 Mesa Drive, Aptos 662-9102
Pinot Noir and Chardonnay produced by Hallcrest Vineyards. No tasting room available.

Bargetto Santa Cruz Winery
3535 N. Main Street, Soquel 475-27
Established in 1933. Features Santa Cruz Mountain Wines – Chardonnay, Pinot Grigio, Pinot Noir, and Merl Courtyard overlooks Soquel Creek. Gift shop and art gallery. Open da Mon. – Sat. 10 to 5, Sun. 12 to 5.

Burrell School Vineyards
24060 Summit Road,
Los Gatos 353-6290
Located in the historic 1890 Burrell School House. Producing Santa Cruz Mountains Ch[illegible]y and premium red varietals. Cha[illegible]ay and Merlot vines. Open Sat. & Sun. 11 to 5 or by appointment.

Cinnabar Vineyards & Winery
23000 Congress Springs Road, Saratoga
(408) 741-5858
Cinnabar produces Estate Chardonnay, Cabernet Sauvignon and Pinot Noir, as well as, Central Coast Chardonnay, Merlot and a Bordeaux blend "Mercury Rising." Open to the public on Passport Days, Vintner's Festival and Annual Grape Stomp the last weekend in September.

Clos La Chance Wines
One Hummingbird Lane,
San Martin (408) 741-1796
Family owned and operated winery. Our new location will be open for tasting and private events starting April 2002. Call for more information.

Clos Tita Winery
Kendal Lane, Santa Cruz 439-9235
Specializing in Santa Cruz Mountain Pinot Noir and Cabernet Sauvignon production. Traditional methods utilized, very limited production. No tasting room available.

Cronin Vineyards
1 Old [illegible] Honda Road,
Woo[illegible] (650) 851-1452
This tiny winery overlooking the San Francisco Bay and Portola Valley, carefully nurtures small quantities of Chardonnay, Cabernet Sauvignon, Merlot and Pinot Noir. Visitors with appointments welcome.

Felton E[illegible]
17075 Mo[illegible]
Cupertin[illegible] 741-0307
Located a[illegible]ast side of the Santa Cruz Mountain[illegible] 2,200 ft. elevation. Easy access from all points. Incredible vistas. Estate Wine Zinfandel specialty. Personal tours. Call for an appointment.

Hallcrest Vineyards
379 Felton Empire Road,
Felton 335-4441
Hallcrest Vineyards invites you to enjoy the beautiful estate and visit the nostalgic tasting room which is open seven days a week, 11 to 5:30. Call for directions.

Kathryn Kennedy Winery
13180 Pierce Road, Saratoga
(408) 867-4170
Cabernet Sauvignon is produced from our estate vineyard in Saratoga. Additional wines are made using grapes from other select vineyards. We are closed to visitors but purchases may be made directly from the winery, by mail, phone, Internet or fax. We welcome your call.

McHenry Vineyard
Bonny Doon Road,
Santa Cruz (530) 756-3202
We specialize in fine Pinot Noir. Open only for Passport Program, Vintner's Festival, and Annual Open House the weekend before Thanksgiving.

Taste the best certified, organically grown and processed, non-sulfited wines available on the market. Open daily 11 to 5:30. Please call for directions.

Picchetti Winery
13100 Montebello Road,
Cupertino (408) 741-1310
Featuring award winning wines and specialty gift items. We have picnic grounds and hiking trails too. Ask about private events and our Sunday Jazz series. Open daily 11 to 5.

River Run Vintners
65 Rogge Lane, Watsonville 726-3112
Open by appointment and located near the town of Aromas, River Run works with vineyards of character to produce Cabernet Sauvignon, Merlot, Chardonnay, Syrahs and Zinfandels.

Roudon-Smith Winery
2364 Bean Creek Road,
Scotts Valley 438-1244
Established in 1972. Specializing in Santa Cruz Mountains Estate Chardonnay, Merlot, Cabernet Sauvignon, Syrah and Claret. Limited supply of reserve wines starting with the 1978 vintage. Saturday 11 to 4:30, Sun. by appointment.

Pelican Ranch Winery
2364 Bean Creek Road,
Scotts Valley 426-6911
Phil and Peggy Crews believe that the b[illegible] wine starts with the best fruit. Their Chardonnay, Syrah and Pinot Noir com[illegible] [illegible]est quality vineyards in [illegible] California. Open [illegible] 11 to 5.

[illegible]ineyards
[illegible]gs Road, Sara[illegible]

and operated wi[illegible] tion Zinfandel. [illegible]yrah and Chardon[illegible] pecializing in exc[illegible] Open daily 11 to

[illegible]s Forgarty, produces Mountain Pin[illegible] Monterey Coun[illegible] g room open [illegible]1 to 5. Available for [illegible]rate meetings and events.

[illegible]ver Mountain
P.O. Box 3969, Santa Cruz 439-8716
Handcrafted limited amounts of excep[illegible] tional single-vineyard varietal wines true to their terroir, the vintage and t[illegible] the grape variety. Not open to the pu[illegible] lic at this time.

Trout Gulch Vineyards
3575 Trout Gulch Road,
Aptos 471-2705
Award-winning Chardonnay and Pin[illegible] Noir of deep varietal character made from grapes especially grown on our mountain estate. Wine tasting and tours not available at this time.

Woodside Vineyards
340 Kings Mountain Road,
Woodside (650) 851-3144
Estate bottled wines include Chardonnay, Pinot Noir, Zinfandel an[illegible] Cabernet Sauvignon, the latter from th[illegible] century-old La Questa Vineyards. Cal[illegible] for an appointment.

Zayante Vineyards
420 Old Mount Road,
Felton 335-7992
A small family-owned winery specializing in award-winning estate grown Santa Cruz Mountain wines. Lovely views. Open Passport Saturdays, Vintner's Festival and by appointment for parties of six or more.

EXHIBIT H

Hallcrest
VINEYARDS

3/18/02

County of Santa Cruz
Code Compliance
701 Ocean St.
Santa Cruz Ca. 95010
Attn. Vince LoFranco

Re: Noise complaints at Hallcrest Vineyards, Felton

Dear Vince,

After being contacted by your office as to the recent noise complaints by our neighbors, I called the closest neighbors to us in order to investigate the source of the problem. I called the Jansens, Cathy Moody and Glen LuQue. Nora Jansen responded for her family and Cathy Moody. The source seams to be coming from our Heat exchange (cooling) system that does run at night because of the power savings for night, time use provided by P G & E. 'This system has been in place and in effect since we purchased the winery from Felton Empire and we simply installed a newer system to replace the, old one that Felton Empire had, thereby making it more energy efficient..

Although we can't hear this our selves at night when our windows are closed, it is audible when windows are open. Glen LuQue told me that the noise is hardly noticeable and not bothersome. I'm assuming that because we have double pain windows and that the Jansens and Cathy Moody might have single pain windows that there may be an audible enough of difference to them. This also may be one of the sources of the primary noise complaints in the past, according to Nora Jansen.

After talking to Nora Jansen we have several options. One, is to move the system to the other side of the winery and away from nearby residences. this would be done at considerable expense and would require a building permit that is currently not available because our situation is in limbo with the use permit. Moving this apparatus is something we've wanted to do for several years. Besides reducing the noise to the neighborhood it reduces it to our tasting room guests.

The second option is to build a temporary sound proof shed around the

EXHIBIT H

Historic Winery in the Heart of the Santa Cruz Mountains
379 FELTON EMPIRE ROAD • FELTON, CA 95018 • 831-335-4441 • FAX 831-335-4450
EMAIL: owwwine@cruzio.com • www.webwinery.com/hallcrest

Hallcrest
VINEYARDS

cooling system. This may not involve a permit. Some engineering would be required as to not effect proper air flow too and from the system. We are exploring this option first and have had the system off the past week until we can get this up and running. This would be a temporary fix and we would hope to move it to a better location in the long run with the planing department's blessing.

I've also asked Nora Jansen to provide a list of the other items that our neighbors feel impact them from our winery. This would be a copy of what was provided by them in Aug. to Alvan James in Planning. The point is for **us** to see what we can accomplish to further the reduced any impact within reason. I can not make any immediate or long term guarantees but with a reasonable list of items we will at least know what may achievable.

If you have any questions feel free to call me at **(831) 335-4441**

John C Schumacher

Sincerely, John C. Schumacher
Winemaker/President
Hallcrest Vineyards Inc.

cc. Cathy Moody, The Jansens, Glen & Barbera LuQue

EXHIBIT H

Historic Winery in the Heart of the Santa Cruz Mountains
379 FELTON EMPIRE ROAD • FELTON, CA 95018 • 831-335-4441 • FAX 831-535-4450
EMAIL: OWwwine@cruzio.com • www.webWinery.com/hallcrest

Kathy Moody
365 Felton Empire Rd
Felton, CA 95018
(831) 335-4676

Greg or Nora Jansen
345 Felton Empire Rd
Felton, CA 95018
(831) 335-3834

Board of Supervisors
701 Ocean St.
Santa Cruz, CA 95060

March 19,2002

Re: Parcel # 065-051-23
Zoning and use permit
violations Hallcrest Vineyards

Dear Supervisors:

It is with gratitude that we write this letter of Commendation to Code Compliance Officer Vince LaFranco. Through his perseverance and clear sighted common sense approach to a long standing neighborhood problem, we have experienced at least some relief from a very bothersome motor noise; a noise we've endured for yeurs. Thank you Mr. La Franco. Even though this particular motor problem is not completely resolved and many other code violations remain in a strange state of suspended animation, Vince LaFranco's efforts have made a positive difference in our lives and for that we are very grateful. Please support the efforts of staff members who through common sense, integrity and hard work make lives more livable by upholding the Planning/Zoning Ordinances and Codes we as a society have adopted.

Mr. La Fronco is a member of a good crew (at least in our experience) of code compliance officers that we hove met in the last five years in the course of trying to resolve our conflicts of interest with our neighbors. We especially appreciate the efforts of Dave Laughlin and Richard Niestadt who we first contacted with our concerns about Halicrest Vineyards and their continued expansion and violations of their use permit and county codes, in 1993. We tried working things out ourselves for the next 4 years and then returned to the County for *help* in 1997 when personal negotiations failed. Several other code compliance officzrs over the nzxt few years diligently worked on this convoluted problem and at one point (a year ago) the case was slated for Administrative Hearing, However the process was mysteriously derailed and the case once again went into hibernation. Mr. La Franco a few weeks ago, started breathing some life back into the process and gave us some relief from at least one of the egregious neighborhood problems and in so doing bolstered our mental well being as well as our faith in the system. Hopefully our neighborhood problems will soon be resolved and Mr. La Franco can use his time and considerable skill to help other people regain their common law rights.

Sincerely,

Greg Jansen, Nora Jansen and Kathy Moody

cc Vince La Franco, Planning Dzpt., 701 Ocean St. Santa Cruz, CA 95060
cc David Laughlin, Planning Dept., 701 Ocean St. Santa Cruz, CA 95060

EXHIBIT H

Michelle

Kathy Moody
365 Felton Empire Rd
Felton. CA 95018

Greg or Nora Jansen
345 Felton Empire Rd
Felton, CA 95018

re: Hallcrest

April 4,2002

Dear Vince,

We are sad to report that the motor is back on. Probably John, in his own unique style, will blame you or possibly us for his inaction. Maybe you could give him another call and work your magic. It is truly driving us crazy (but then so are the constant forklift noises, the trucks, etc.).

In this letter, we are not going to list all of the daily assaults on our sensibilities, the seasonal problems, the increased activity, the hours of operation or the wine tasting. We want to focus on the purely objective, "nothing but the facts Ma'am" approach. We realize that the Code Compliance Dept. is going through revamping and that our case is likely one to be "revamped". Whether this means that our case will finally be dealt with or will be shelved, we do not know. However, we will doeverything we can to see that our neighborhood is once again a peaceful place to live. In that regard, we would like to list what we consider the most important points of this rather convoluted neighborhood situation.

* Hallcrest is operating under a permit that was granted in *1976* ...there is some question within your department as to whether the 3 page staff report is actually a part of the permit or not. We have had reputable sources that tell us that definitely the staff report is part of the permit. The two reasons cited are (1) the Board Agenda item # 54 is printed on the pages so obviously the entire permit ,including the staff report was presented to the Board and (2) the permit was granted under the county ordinance #13.04.205.28 b 20 and 13.04.210.2B.I (the ordinances in effect and from which the permit was drawn in *1976,* attached) which allows production of products grown on the property (Principle nner Glenda Hill gave us this information last year). This is very important for a number of reasons, as you can imagine.

* Hallcrest is a large commercial enterprise (not an agricultural enterprise since there is not one single grape vine on the property) using an agricultural permit in a residential neighborhood.

* The owner is a businessman and he wants to be successful (as any of us would). He needs to grow more in order to be profitable. This site has never been an appropriate parcel and will never be capable of producing his level of economic demands. Everyone involved in this situation needs to understand this, bite the bullet and do what's necessary to resolve this conflict for everyone's sake, including the owner of Hallcrest. He shouldn't continue to try *to* develop a piece of property that always has been and will continue to be, so ill-suited to his needs.

We are going to present this information, along with a detailed accounting of the history of our neighborhood saga and pictures of the violations, to the Board of Supervisors. We hope that the bottle neck in the process is eliminated and that no further action by us will be required. *Any* sensible human being will recognize that "noise which unreasonably interferes with neighbor's comfortable enjoyment of life and property constitutes a nuisance".

Good luck Vince and thanks for the help.

Sincerely,

Katherine Moody, Greg Jansen, Nora Jansen

Kathy Moody, Greg Jansen and Nora Jansen

cc Gerry Bowden, 4665 Scotts Valley Dr., Scotts Valley, CA 95066
cc David Laughlin, Planning Dept., 701 Ocean St. Santa Cruz, CA 95060
cc Alvin James, Planning Dept., *701* Ocean St. Santa Cruz, CA 95060

EXHIBIT H

40. Tallow manufacture;
41. Tanneries and curing and storage of rawhides;
42. Wood and bones distillation;
43. Wood pulp and fiber reduction and processing.

(2) Banks, restaurants including drive-in restaurants, and service stations.

(3) Retail stores and watchman's living quarters incidental to and on the same site with an industrial use.

(4) Public buildings and grounds.

(5) Accessory structures and uses located on the same site as a conditional use.

(Ord. 839, 11/28/62)

13.04.205.28 -- REGULATIONS FOR AGRICULTURE DISTRICTS

(a) Permitted Uses

(1) Agriculture, except those uses listed hereunder as Conditional Uses.

(2) Accessory buildings and accessory uses related to products produced on the premises:

(i) Barns, stables;

(ii) Fruit packing, drying and storage sheds;

(iii) Greenhouses of 500 square feet or less;

(iv) Home occupation;

(v) Offices incidental and necessary to conduct a permitted use;

(vi) Stands for the display and sale of agricultural commodities produced on the premises;

(vii) Storage tanks and pumps for fuel.

(3) One-family dwelling of the owner or lessee of the land or an employee of the owner or lessee of the land upon which the use or permitted use is carried on.

(4) Facilities for fish and wildlife enhancement and preservation.

(5) Non-illuminated signs appurtenant to any permitted use not in excess of 20 square feet in area.

(6) Signs with a maximum area of six square feet for the sale or lease of property upon which displayed.

EXHIBIT H
1976 Zoning ord.

(b) Uses Permitted Subject to Securing a Use Permit

	Minimum Required Acreaae
(1) Agriculture with structures, e.g., nurseries, mushrooms	2-2/1
(1-a) Temporary (not more than 3 years) use of a mobilehome or travel trailer for caretaker or watchman in isolated areas	30
(2) Servants quarters	2-1/2
(3) Commercial feed lot	2-1/2
(4) Farm labor quarters	20
(5) Caretaker's quarters (permanent structure)	20
(6) Fire protection works and facilities	2-1/2
(7) Flood control works including channel rectification and alteration; streets and highways; and dams, canals and aqueducts of any public water project	
(8) Foster home	2-1/2
(9) Guest house	2-1/2
(10) Kennels	2-1/2
(11) Labor camp	40
(12) Lumber mill	40
(13) Poultry and other fowl in excess of 100/acre	2-1/2
(14) Public utility facilities, structures and uses	2-1/2
(15) Riding academies and public stables	5
(16) Small animals in excess of 100/acre (e.g., rabbits, hamsters, guinea pigs, chinchilla, mink)	2-1/2
(17) Small animal hospital	2-1/2
(18) Veterinary Office	2-1/2
(19) Zoo and natural science museum	2-1/2
(20) Processing of products produced on the premises	10

13.04.205.29 "AP" - AGRICULTURAL PRESERVE - USES

(a) Permitted Uses

(1) All agricultural uses, except those uses listed hereunder as Conditional Uses.

(2) One-family dwellings of the owner or lessee of the land or an employee of the owner or lessee of the land upon which the use or permitted use is carried on, but not to exceed one dwelling for each five acres of total site area.

(3) Accessory buildings and accessory uses, including storage tanks and pumps for fuel to be used on the premises; fruit packing and storage sheds; barns, stables and other farm out-buildings.

(4) Drying, packing or other processing of an agricultural commodity performed on the premises where it is produced.

EXHIBIT H

District	"M-1"	"M-2"
(1) Minimum front yard	15 feet	30 feet
(2) Minimum front yard on site across a street from "R-1", "RR", "RA" or "A" District	25 feet	50 feet

One foot shall be added to each yard for each three (3) feet of height above the lowest 16 feet of height of a structure.

(b) Side and Rear: The minimum side yards and rear yards shall be as follows:

District	"M-1"	"M-2"
(1) Minimum yard adjoining interior lot line	10 feet	20 feet
(2) Minimum yard adjoining street	15 feet	25 feet
(3) Minimum yard adjoining an "R-1", "RR", "RM", "RA" or "A" District	10 feet	100 feet
(4) Minimum yard on site across street or alley from "R-1", "RR", "RM", "RA" or "A" District	25 feet	50 feet

(Ord. 839, 11/28/62)

13.04.210.25.4 -- "M" - INDUSTRIAL - HEIGHT OF STRUCTURES

In an M-1 district no structure shall exceed 45 feet in height.

In an M-2 district there shall be no height limit except that no structure within 200 feet of an "R-1", "RR", "RM", "R-A" or "A" district shall exceed 35 feet in height and no structure within 500 feet of an "R-1", "RR", "RM", "R-A" or "A" district shall exceed seventy-five (75) feet in height.

(Ord. 839, 11/28/62)

13.04.210.28.1 -- "A" - AGRICULTURAL - SITE AREA

Economic agricultural units may be of varying sizes depending on the land, crop or product, transportation, etc.

It is intended that larger 10 to 100-acre area designation be applied to such large land uses as: grazing, timber, orchards, vineyards, field crops.

It is intended that smaller 2-1/2 to 10-acre designations be applied to small farms or isolated parcels with such uses as: mushroom growing; flower, herb and spice nurseries; poultry; fur animals.

Agricultural districts shall be combined with a minimum site area. The site area shall be designated on the Zoning Map by the number of acres (e.g., A-2-1/2, A-5, A-10, . . . A-40, shall mean: 2-1/2-acre minimum site area, 5-acre minimum site

from 1976 Zoning Ord

EXHIBIT H

Scott Melair
Halcrest Winery

Greg or Nora Jansen
345 Felton Empire Rd
Felton, CA 95018
(831) 335-3834

Kathy Moody
365 Felton Empire Rd
Felton, CA 95018
(831) 335-4678

Michelle Green
701 Ocean St.
Santa Cruz, CA 95060

June 24,2002

Re: Parcel # 065-051-23
Zoning and use permit
violations Hallcrest Vineyards

Dear Michelle,

Thank you for taking the time to help resolve this protracted and long-suffering issue. As you could tell from the tenor of our phone conversation, our patience has met its limit. Hopefully with your help and encouragement, we can regain some of the neighborhood serenity we once enjoyed.

During our conversation you implied that there was a misunderstanding between us and Alvin James which has contributed to this latest deloy (in a long series of delays). Due to the fact that we have sent 3 separate letters to Mr. James since our meeting in July 2001 (2 of which were sent certified mail) and have not received a reply to any of them, it is difficult for us to believe that communication is the problem. We have enclosed the first and last letter we sent to Mr. James for your information and perusal.

Thank you again for your time and energy on our behalf. We look forward to hearing from you on or before the 16th.

Sincerely,

Greg Jansen

Nora Jansen

Kathy Moody

cc. Vince La Franco, Planning Dept., 701 Ocean St. Santa Cruz, CA 95060
cc. Gerald Bowden, 4665 Scotts Valley Dr., Scotts Valley, CA 95066

EXHIBIT H

Nora & Greg Jansen and Kathy Moody
345 & 365 Felton Empire Rd , Felton, CA 95018

July 8, 2002

Dear John,

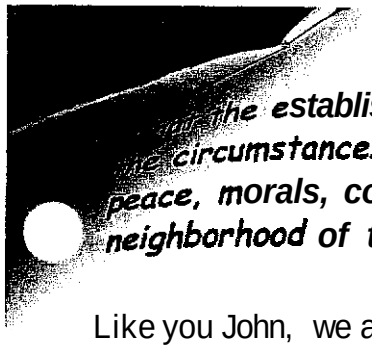
Thank you for asking for a list of the winery operations that negatively impact our neighborhood. The problems that were present 10 years ago, the problems we tried to resolve amicably for years (before we asked the county for help in 1997), the problems that we have enumerated in countless letters and phone conversations to you and the county, are virtually the same issues we have today. We have enclosed a list of issues to help refresh your memory. We are cognizant and appreciative that we are no longer enduring the continuous stream of weddings, jazz festivals, receptions, Funk Fests and bus tours. However, these neighborhood headaches took phone calls and phone calls and phone calls, letters and letters and letters, countless distressed and disquieted mornings, afternoons and evenings and years and years to finally stop (events that should never have begun in the first place).

After visiting the county archives and listening to the audio tape of the Sept. 24th, 1976 Zoning Administration meeting where John Pollard was granted the permit you are now using, we were reminded of how our neighborhood used to be before you took over. We were reminded about a time before semi-trucks, 7 days-a-week wine tasting, trucked in grapes, endless hours of forklift activity, continuous motor noise, parking lot noise, constant in and out of workers, wine tasters, trucks, cars and delivery vans and problematic garbage and crate storage and activity. We were reminded that the permit was granted with the understanding that it was to be a part-time endeavor, that wine tasting would be by invitation only, that the wine produced would come only from grapes grown on the property (in fact, Mr. Pollard, on the tape, needed to get special permission just to truck in grapes in order to balance sugar content and/or acidity levels... a request that was granted only after it was determined that bringing in grapes wouldn't necessarily happen every year and even then would be a very minimal amount!) Also on the tape, the zoning administrator says quite plainly, " Permit # 76-1294 U is approved based on the findings of the staff report and subject to the recommended conditions. " ***The very restrictive staff report is an integral part of the permit.***

John, one point you have never fully understood, is that we bought our houses with the knowledge that we were moving next to a small vineyard that processed its grapes to produce a limited quantity of high quality wine ... it was an agricultural enterprise primarily. We did not buy houses in a commercial zone and we bought them many years before you took over the winery. However, since then, you have chosen your needs over those of the neighborhood. You have chosen to ignore a legally binding use permit that was carefully drafted to protect the serenity of a neighborhood.

Understandably you want to be successful. We do not blame you for that. In order to be successful however, as you have told us in the past, you need to continue to grow. You need to operate a winery much larger than the current permit allows and one much larger than this small, part-time winery located in a neighborhood, can accommodate. It is unfortunate that you purchased a winery that was so ill-suited to your needs, dreams and desires. We are sorry about these facts but have no control over them. All we want (all that we have ever wanted) is to regain the peace and serenity the current use permit tried to insure. The Planning Department personnel took into account the location, proximity to neighboring residences, impact of traffic, wine tasting, etc., before they drafted the staff report and before they said,

EXHIBIT H



...the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to the property..."

Like you John, we are not sure whether or not the necessary changes, the ones that would make it possible for us to enjoy a relatively peaceful neighborhood and those that would allow you to run a successful and prosperous business, are even possible. The location of the winery, the size of your current operation and the existence of the natural sound corridor created by the trees, hillside and prevailing winds, make the operation of your business (and consequently any expansion of your business), without detrimental affects to neighboring properties, highly improbable if not impossible. Past actions by all parties seem to indicate a lack of commitment to mediate the daunting list of problems. There exists a woeful lack of trust and the current "neighborhood vs winery" situation is fraught with win-lose scenarios. Your gain (financially) is our loss (in peace and quiet) and visa versa. Successful mediation needs at least a small amount of fertile middle ground and none of us over the last 10 years has found any. We are not opposed to mediation ... we wouldn't have spent so much money on David Subocz and wouldn't have invested so much time trying to get the process off the ground if we were. However, if mediation is to be attempted again, you will need to "carry the ball" this time and your attitude hopefully will be "This is what I can do to help ameliorate the current problems," instead of the attitude we've encountered in the past ("This is what I can't do,").

We are sorry that our neighborhood difficulties have been allowed to drag on for so long. Obviously we are not sure how to resolve them. We are sure however, that we need to have significant relief from the almost daily noise incursion from your business; we are sure that we do not want to live through another crush like last year's; we are sure that our patience has been exhausted. We implore you to start taking some positive actions ... either adhere to the limitations of the current permit, file for an amended permit, implement the necessary changes in your daily and seasonal operations so that we can once again live in a peaceful and friendly neighborhood or ???? We have been exposed to 10 years of nonviolent psychological torture directly due to the business decisions you have made that overstep (by leaps and bounds) the current permit. Please do not ignore your responsibilities to correct these problems any longer.

You have never responded to any of our letters since we first wrote to you in ***1997.*** We hope that, because you requested this one, a written response will be forthcoming. We have noticed lately however, that you have been a bit more neighborly. We hope this trend continues. We also hope somehow, someway and in the not-too-distant future, that your business can prosper and that we all can enjoy our wonderful homes in this once peaceful, serene and beautiful part of the world. We will continue to be in contact with the county and will continue to pursue other avenues for resolution of these issues. We look forward to hearing from you.

Sincerely, your neighbors,

Kathy Moody

Nora James

cc Gerry Bowden, *4665* Scotts Valley Dr., Scotts Valley, CA 95066
cc David Laughlin, Planning Dept., 701 Ocean St. Santa Cruz, CA *95060*
cc Alvin James, Planning Dept., 701 Ocean St. Santa Cruz, CA *95060*
cc Michelle Green, Planning Dept., 701 Ocean St. Santa Cruz, CA *95060*

EXHIBIT H

Storage Crates:

Your choice of storage locations for grape crates has caused and continues to cause problems. Because these are stored literally next to your neighbors' property lines and the moving, emptying and replacing of these boxes necessitates the use of a forklift, the noise is nerve wracking. The storage location of these crates is not neighbor friendly.

Time and **Hours** of Operation:

Because you live next to the winery, you can work (schedule deliveries, run the forklift, schedule meetings, run the forklift, move boxes, run the forklift, clang bottles, run the forklift, etc.) anytime day or night. We are never free from the possibility of early morning, late evening, weekend or holiday truck deliveries or the possibility of early morning, late evening, weekend or holiday forklift activities or the possibility of early morning, late evening, weekend or holiday general "hubbub" (banging, clanging, yelling, scraping, that always seems to be happening),

7 days a week wine tasting is a problem (see parking lot section).

No Limits:

Since you choose to ignore the use permit and all of its restrictions, you have no limits on the amount of production; therefore there are no limits to the noise that we have been or will be exposed to.

Vineyard (Field):

Because of the prevailing afternoon winds, any discing, mowing etc. that takes place on windy days (or after 2 p.m. on most days), blows dust onto and into neighboring houses. The condition has been exacerbated now that there are no more grapevines on your property,

The Crush:

(1) Semi Trucks

Last year there were over 16 separate semi truck grape deliveries to the winery during the crush season alone. These trucks not only are very noisy and have no place in a neighborhood as we've said, but also these deliveries were accompanied by all of the incumbent clanging and banging of loading and unloading and the endless hours of forklift and miscellaneous de-stemming and crushing activity afterwards.

(2) Location **of** Winery Operations

Because your choice to locate all of the grape storage bins right next to neighboring residences, all of the loading, moving and unloading of grapes happens within a few feet of your neighbors. The crusher is also located in particularly effective place for maximum noise levels into neighboring houses.

(3) **No** Limits

The crush lasted a very long time last year (the first semi rolled in on 9/5 and there were still grapes being delivered at the end of October ... **4** trucks came in on the 28th.) **I f** you were to use grapes only from your vineyard **as** the permit requires, or if you were to bring in only the amount of grapes equal to what would have been produced on your property, the crush would **be** measured in days not months. We need to be assured of reasonable limits to this seasonal activity. The permit, because of the requirement to process only **grapes grown** on the property, is self limiting.

EXHIBIT H

Semi Trucks:

We look forward to a day when the grapes used to make wine at Hallcrest 'Winery are once again grown primarily on the property as the permit requires. Until then, there has to a more neighborly, less intrusive, less noisy and less overpowering way of trucking in the grapes and trucking out the product other than using huge 18 wheel, semi trucks. They come in at all times day and night ... they take forever to back-up (continually beeping as they do so), turn the corner and finally get situated. Then there is the yelling (usually over the sound of the forklift) and discussion that goes on about how and where to park, unload, etc. Besides all of the grape deliveries, semi trucks seem to be the choice for many other winery needs throughout the year. Semis belong in commercial zones, not neighborhoods.

Trucks, Delivery Vans, Cars and Other Vehicles:

A major disrupter of peace in the neighborhood is the noise caused by cars, trucks, delivery vans, etc., taking their cargo and or people to and from the winery. This *is* definitely an accumulative problem ... neither the **Sears** delivery van nor the Fed. Express truck nor the recycling truck nor the cargo trucks nor the many cars nor the small trucks with trailers nor the ??? etc. are that bothersome individually.... if you take the noise in totality however, the neighborhood impact is intolerable.

Forklift:

A **major** source of noise pollution ... the noise from the forklift can travel through walls and can be heard/felt inside of almost every room in both our houses. Every time you fire up that machine, our nerves shatter. The rumble of a forklift can travel a long way. The problem in our neighborhood is exacerbated by the fact that much of the forklift activity happens within feet of neighboring properties. The noise from the forklift is a real problem that needs to be addressed.

Parking **Lot:**

The current location (abutting neighboring properties) and ever increasing use of the parking lot, make it a constant source of problems. Besides all of the noise from the deliveries and general traffic mentioned above, the 7 days a week, 6 to 7 hours a day wine tasting, is truly problematic. Besides the noise wine tasters make simply coming and going, many continue the "partying" in loud voices after leaving the tasting room.

The semi-trucks, due to the fact that they are huge and because of their large turning radius, make a lot **of noise** in the parking lot going in, when they wait and going out. The parking lot *is* a misnomer .. it is a major thoroughfare ... all traffic, all cargo, all grapes, all Fed Ex trucks, all garbage and recycling trucks, all cars, all vans use the parking lot *as* a thoroughfare.

Lights:

Night lights are not shielded and are not directed away from neighboring houses. This problem is especially prevalent during the crush when, night after night, activities at the winery go on well past dark.

Motors:

This is a major source of mental stress. The motor drones on hour after hour after hour. It can go on at anytime day or night, can be heard inside our houses and can last for days. *A* neighborhood should not be subjected to this kind of incessant and stressful noise.

EXHIBIT H

Jeff Almquist
701 Ocean St.
Santa Cruz, CA 95060

Re: Parcel # 065-051-23
Hallcrest Vineyard

Neighbors of Hallcrest Vineyard
P.O. Box 52
Felton, CA 95018
July 22, 2002

Dear Supervisor Almquist,

Our neighborhood situation is still languishing in a strange state of suspended animation. As you probably know, a year and a half ago, our case was due to go to Administrative Hearing, but for some reason the process got derailed. Over a year ago, we met with Alvin James and have subsequently sent him 3 letters and as yet have not received a single reply. Several months ago, with the encouragement of Vince LaFranco from Code Compliance, John Schumacher requested a list of the problematic winery operations. We have enclosed our letter to him and the list for your consideration.

Though we have made some mistakes along the way, we have always done our best to go through proper channels in our attempts to seek a fair and just resolution to our problem. For years we tried to resolve the issues ourselves as a neighborhood... we had many, many meetings and many, many conversations. All attempts were fruitless. It was only under duress that we finally went to the County for help. That was 5 years ago. We have been nothing if not fair, patient and reasonable during this long and drawn out affair.

For years now, we have been exposed to nonviolent psychological torture and it has caused much stress, anguish and health problems. The people and institutions whose job it is to uphold and enforce county edicts have been unable or unwilling effectively deal with this case. We are readying a packet of information to send to you and the other Board members, detailing our case with the hope that you may find the information helpful as you wrestle with the task of remodeling the Planning Department. We have also made initial contact with the Grand Jury and will be filing a petition shortly.

We are exploring all options, public and private, to finally achieve resolution to this long-standing situation. Hopefully, if you have any sway in these matters, you will see to it that "Right be done" and encourage appropriate Planning Dept. personnel to follow through with a plan of action that would not only uphold county ordinances but would also help us regain the peace and serenity we once enjoyed and that any neighborhood is entitled to.

Sincerely,

Neighbors of Hallcrest Vineyard

cc. Michelle Green, 701 Ocean St., Santa Cruz, CA 95060
cc. Vince La Franco, Planning Dept., 701 Ocean St. Santa Cruz, CA 95060
cc. Gerald Bowden, 4665 Scotts Valley Dr., Scotts Valley, CA 95066

EXHIBIT H

Board of Supervisors
701 Ocean St.
Santa Cruz, CA 95060
Re: Planning Department

Neighbors of Hallcrest Vineyard
P.O. Box 52
Felton, CA 95018

July 24,2002

Dear Supervisor _____

This letter concerns the problems we addressed in the correspondence we sent to you in March o this year (we've included o copy for your convenience ... addendum #1). We understand that your grou has undertaken the formidable task of revamping the Planning Dept. In the last 5 years, in our unsuccessful attempts to stop unbearable noise pollution, we have seen the good, the bad and the ugl of the Planning Dept. We have been down a very rocky and bizarre road and have ended up in the Twilight Zone. We are sending you this information for several reasons: (1) we hope you can use thi: information to amend Planning and Code Compliance procedures so that other citizens are not forced down the same frustrating and stressful road that we have had to travel; (2) we hope your group cai encourage "the powers that be" in the Planning Department to uphold and enforce the county ordinances and procedures currently in effect; (3) we hope you can create an environment in the Planning and Code Compliance system that eliminates most (if not all) of the politics and one that encourages objectivity, common sense and rule of law.

So as to not burden you with too many details, we've listed just the salient facts of our situatioi Upon request, we can supply supporting documentation for every statement included in this letter.

* Our homes, for the past 10 years, have been subjected to massive and intolerable noise pollution emanating from Hallcrest Vineyard. The specifics of the kind, amplitude and duration of the noise, have been exhaustively recorded in letters to the Planning Dept.

* Hallcrest Vineyard is a very large and noisy commercial enterprise. operating a business in an *established* neighborhood using a ***verv*** restrictive (albeit ignored) agricultural permit *(Ag 10 Acre)* on a property where not one grapevine is growing.

* Because Hallcrest Vineyord is operating well outside the very restrictive permit, the neighborhood adjacent to the winery has been and continues to be inundated with constant, *peace shattering, stressful and mentally tormenting noise.* The permit states:

(1) "... operation will be confined to the processing of grapes grown on the property". There are no grapes on the property ... they truck in all of their grapes using large semis ... since the owner chooses to ignore the conditions of the permit, there has been and continues to be, virtually no limit as to the amount of grapes that are or can be processed on his property... no limit os to the hours of operation ... no limit as to the length, hours or noise levels during the intolerable "crush" ... no limit to the numbers or size of trucks and other vehicles in and out of the winery ... no limit to the wine tasting no limit os to .....

(2) "It is expected to (be) only a part-time endeavor due to the size of the vineyard. It is very much a full-time business.

(3) "Visitors to the property are generally expected to be controlled through invitational tastings." Public wine tasting goes on 7 days a week, 6 hours o day.

EXHIBIT H

(4) ***"That the establishment, maintenance or operation*** of ***the use or*** **building** ***will*** **not,** ***under the circumstances of the particular case, be detrimental to the health, safety, peace. morals. comfort. and general welfare*** of ***persons residing or working in the neighborhood of the proposed use or be detrimental ...."***

* Neighbors of Hallcrest Vineyard were asked by employees of the Planning Dept. to gather information by taking photographs and collecting other documentation ... we have spent over 1100 hours over the past four and a half years at this task. We have amassed over 150 photographs, have made countless phone calls and have written many, many letters and we are virtually in the same place now as we were then. (For years Hallcrest, without any permits, ran large public festivals, weddings and other functions. Code enforcement was successful in alleviating our neighborhood from these intrusions. However, after they were re tagged, our neighborhood continued suffering through countless functions for **two** more years. It took innumerable phone calls and meetings with employees of the Planning Dept., even after they were red tagged, to finally stop these obnoxious and distressing events!)

* Neighbors of Hallcrest Vineyard have met with ***9*** different employees of the Planning Dept.... most of whom commiserate with our position ... many of whom agree that the winery is operating well outside the bounds of the permit and outside the bounds of common neighborliness.... all of whom however, have been either unable or unwilling to deal effectively with the noise problems or the permit violations.

* In January *of* 2001, this case **was** slated to go to Administrative Hearing but was mysteriously derailed. Since then we have been told repeatedly that the case is "out of our hands" **by** code compliance officers and the case was referred to Mr. Alvin James who suggested mediation as the best avenue for resolution. We have sent three letters to Mr. James since our personal meeting with him in July of last year, and have not received a single reply (we have included our last correspondence to him in this packet... addendum #2).

* Mediation is a verygood process in some neighbor vs. neighbor disputes. However, **it is** not a good process in all situations. We have explored mediation and found **it** not serviceable for several important reasons: (1) Mediation can only work when there is equal motivation and participation **on** both sides. We are the only side who has ever put any time or energy in this direction. **We** spent over $700 on consulting fees (Hallcrest spent nothing) specifically to advance the prospect of mediation. The consultant's efforts were continually stalled and/or ignored by Hallcrest. (2) Mediation is not an appropriate solution in complicated situations where there is little or no middle ground. Our situation is very complicated with many difficult problems to solve and the process would be very time consuming, stressful and, according to our attorney, with no chance for mutual satisfaction. (3) Mediation eliminates confidentiality. In our case this non-confidentiality has helped to degrade the social fabric of our neighborhood (since the owner of Hallcrest is also a neighbor). (4) When attempting to use mediation in code violation cases, the violations should be recognized and acknowledged by all participants prior to mediation. This has always been a stumbling block in our case. (5) Private negotiation of public county policy is a very tenuous proposition (is it even legal?). (6) If mediation is a process that the Planning Dept. wishes to use, an objective process needs to be developed, parameters and protocols established, qualified mediators chosen, etc.

EXHIBIT

In our case the onus has fallen on us to do it all. Frankly, we have spent so much time and energy already, that the prospect of setting up the entire affair is absolutely overwhelming

* Neighbors of Hallcrest were living in the neighborhood prior to the granting of the current use permit (in *1976)* and long before the present owner took over in 1989.

* The owner of the winery has steadfastly refused to either apply for a new permit or amend current one. The owner of the winery continues to operate his business with disregard for neighbor's rights and wishes. The owner of the winery has never responded to any of our letters (we have included copies of our first and last letters to the owner of Hallcrest ... addenda #3 and 4).

* Neighbors of Hallcrest are concerned only with regaining a peaceful neighborhood.

We fully realize that there is another side to this conflict. We know the owner of the winery doing his best to make his business as successful as possible. However, this actuality does not override the rights of his neighbors ... this actuality does not override the fact that he bought a winery totally ill-suited to his ambitious nature ... this actuality does not override the fact that he failed to research the limits of the property and of his permit before he purchased the winery and made improvements. We empathize with his position and we tried for years to solve the situation as a neighborhood. We were unable to find any middle ground. There seems to be no solution that allows him to operate the size and kind of business he desires and not drive his neighbors from their homes. What is the Planning Dept. (especially the Code Compliance arm of the Planning Dept.) for, if not to regulate these kinds of competing interests? What are the code and permit requirements for, if they can be so cavalierly and so overtly ignored? What do private citizens have to do to insure basic common law rights?

As we informed Supervisor Almquist in a prior letter, we are in the process of filing a complain. with the Grand Jury. We are not filing a complaint against any member of the Planning Dept. specifically. On the contrary, we have found most employees very understanding and sincere. We ha especially appreciated our contacts with Vince LaFranco, Glenda Hill, Dave Laughlin and Claire Machado.... good people trapped in a politicized system unable to effectively deal with situations f a variety of reasons including poorly designed procedures, politics and large case loads.

We look forward to hearing from you. We hope you can use this information to help design a mor responsive and effective Planning Dept. We would be happy to supply additional information if it would be helpful.

Sincerely,
Neighbors of Hallcrest Vineyard

Greg Jan Terence Moody Karl Jans

cc Jerry Bowden, 4665 Scotts Valley Dr., Scotts Valley, *CA* 95066
cc Vince La Franco, Planning Dept., 701 Ocean St. Santa Cruz, *CA 95060*
cc Michelle Green, Planning Dept., 701 Ocean St. Santa Cruz, *CA 95060*
cc Alvin James. Planning Dept.. 701 Ocean St. Santa Cruz. *CA 95060*

EXHIBIT H

County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA'CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ	ELLEN PIRIE	MARDI WORMHOUDT	TONY CAMPOS	JEFF ALMQUIST
FIRST DISTRICT	SECOND DISTRICT	THIRD DISTRICT	FOURTH DISTRICT	FIFTH DISTRICT

August 19, 2002

Greg and Nora Jansen
345 Ftlton Empire Road
Felton, CA 95018

Dear Mr. and Ms. Jansen:

Thank you far your most recent communication regarding our focus on Planning Department operations and your long-standing concerns about Hallcrest Vineyards. I share your frustration that an equitable resolution of your dispute has been so elusive.

I believe that an overriding concern regarding planning in the entire San Lorenzo Valley **has** less to do with "politics" than with an historic layering of complex and often contradictory regulations that can defy clear and concise interpretation. The San Lorenzo Valley presents an unusual challenge for County planners. Our geology, frequently unclear property lines, and unusual historical uses can confuse even the most astute planner. It is my hope that our look at Planning regulations and procedures will create a more user-friendly environment for the residents of our District.

Regarding your specific neighborhood situation, it is my hope that the Planning Department will be able to find a reasonable accommodation that will provide some measure of relief for you, and that will also allow an historic San Lorenzo Valley winery to remain in business. I appreciate your willingness to engage in this problem solving process.

Sincerely,

JEFF ALMQUIST, Supervisor
Fifth District

JA:pmp

2913N5

EXHIBIT H

Michelle Green

From: Greg Jansen [GNJansen@netscape.net]
Sent: Tuesday, August 20, 2002 11:33 AM
To: Michelle Green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DSC00004.jpg

Dear Michelle,

Thanks again for your attitude, help and kind voice. we will send you these emails periodically if that is OK. We also could send to others... Nr. James, Mr. Almquist, other supervisors, Vince, ???? Please let us know if that would **be** good or make it easier for you.

The truck pulled in around 7:15 .... The attachments show the truck (these are the typical size that cruz in) but it **does** not capture the sound it makes or the sound of the forklift (we are convinced that this noise can be used as psychological torture since the sound from a forklift can easily penetrate walls) or all of the clanging, banging and scraping that accompanies these deliveries. One photo was taken from a Jansen bedroom and the other from Kathy Moody's yard.

Tharks again for your help
Hallcrest Neighbors

EXHIBIT H

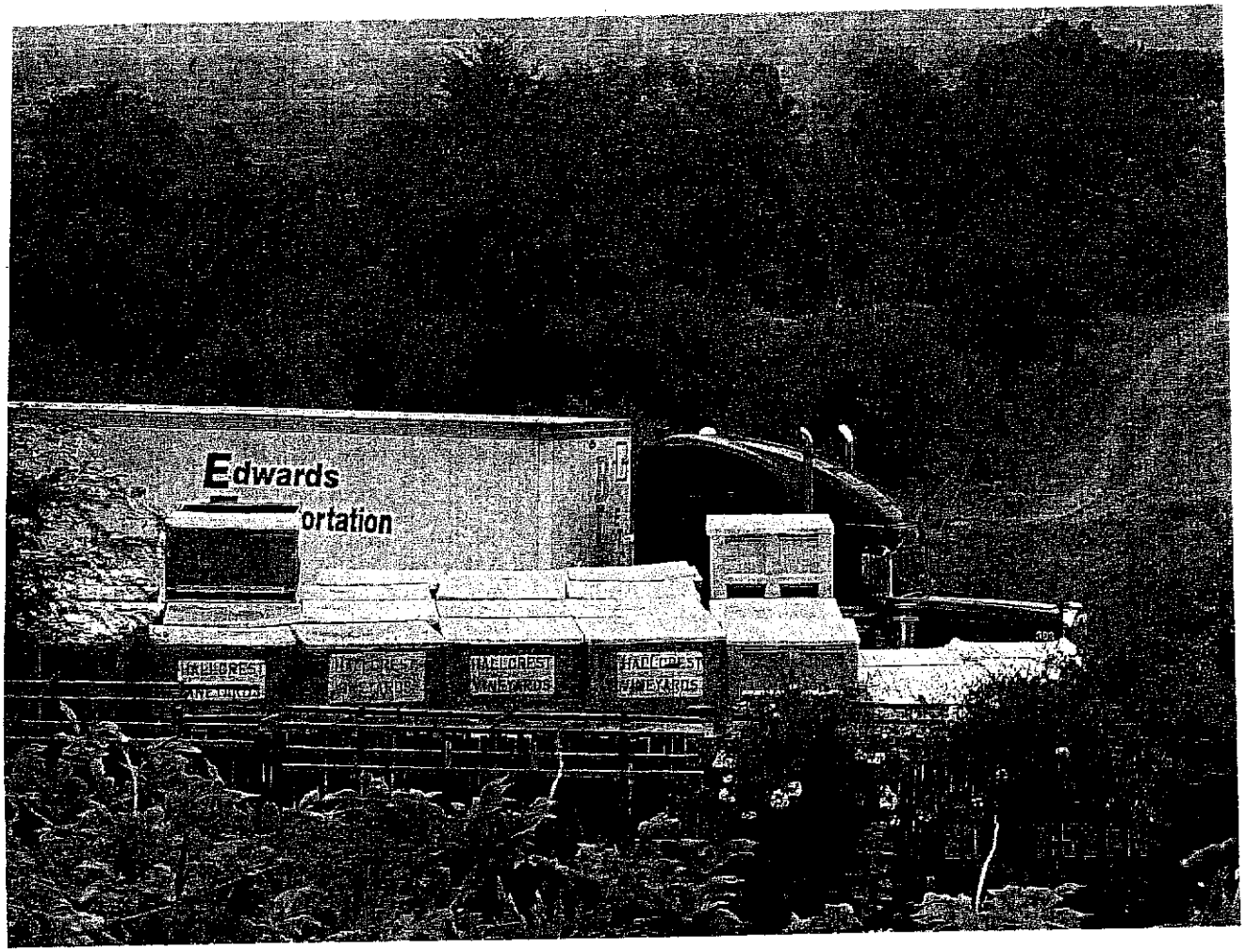

EXHIBIT H

EXHIBIT H

Michelle Green

From: Greg Jansen [GNJansen@netscape.net]
Sent: Thursday, August 22,2002 4:46 PM
To: Michelle Green


DSC00006 1.JPG


.DSC00008 1.JPG

Dear Michelle,

This cne cane in yesterday ... pulled in, beeped several times, laboriously turned around, and finally parked .... then of course the dreaded forklift.

Thanks for being there for us.

Neighbors of Hallcrest

EXHIBIT

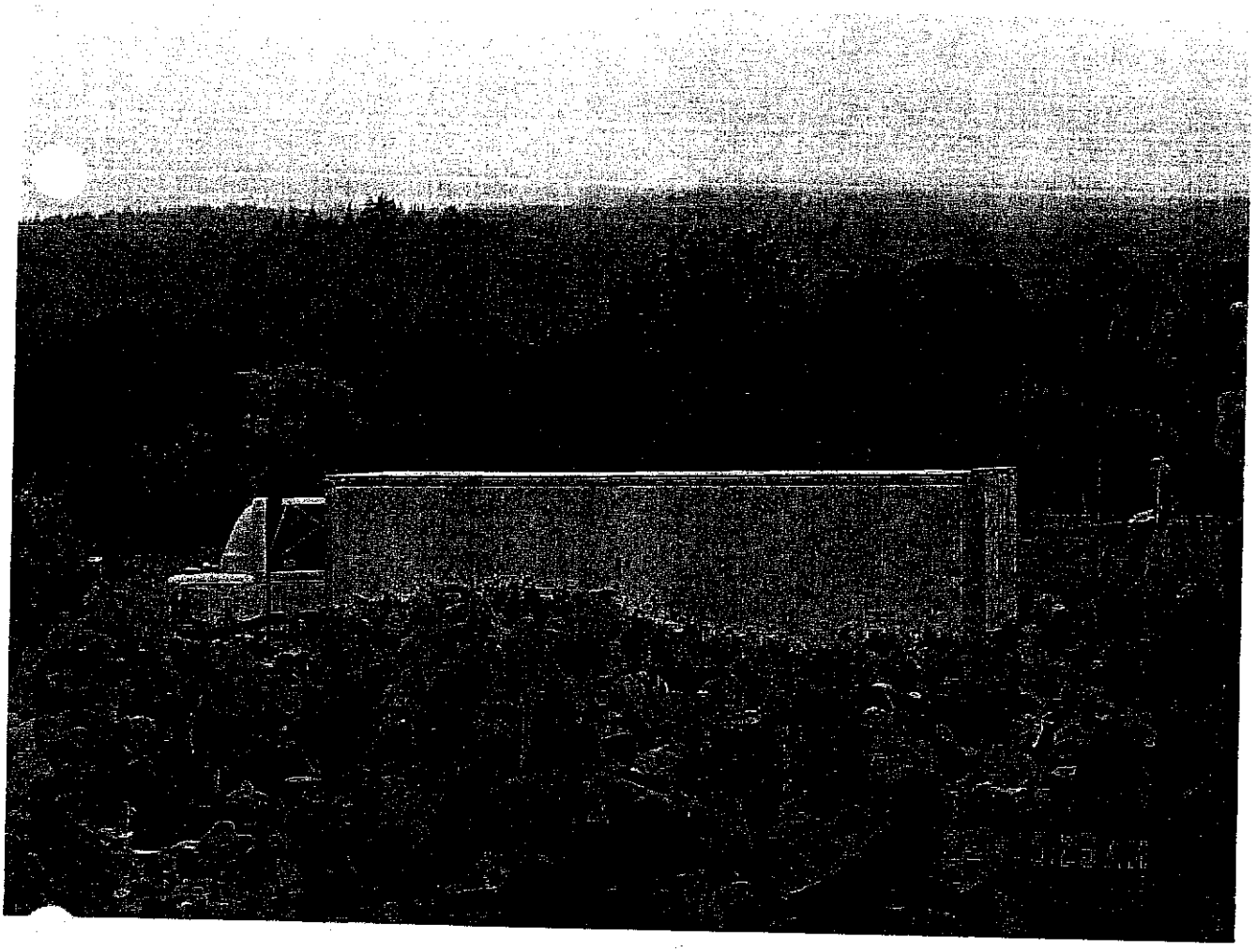

EXHIBIT H

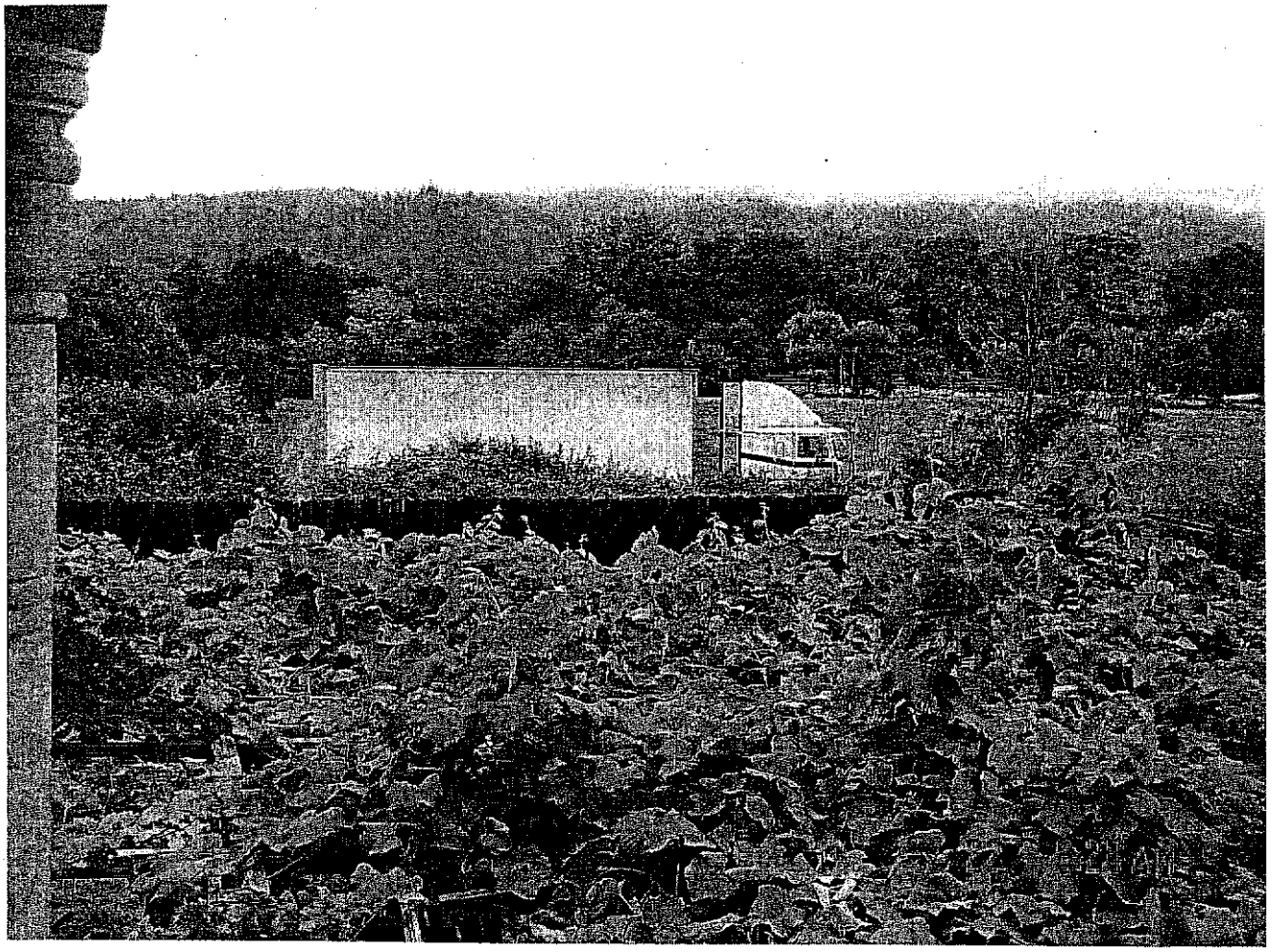

EXHIBIT H

Jeff Almquist
701 Ocean St.
Santa Cruz, CA 95060

Re: Parcel # 065-051-23
Hallcrest Vineyard

Neighbors of Hallcrest
P.O. Box 52
Felton, CA
95018

Sept. 6, 2002

Dear Jeff:

Thank you for answering our letter and addressing our concerns. It was especially comforting t receive your communication since the last 3 letters to the Planning Dept. and all of our letters to the owners of Hallcrest (even the last letter we sent on July 8th of this year, one that Mr. Schumacher requested) have gone unanswered.

We appreciate knowing your general concerns regarding planning issues in San Lorenzo Valley. V understand that many situations encountered by the Planning Dept. are unclear and contradictory. We understand that concise interpretations are sometimes hard to find. Our neighborhoods situation however, is neither unclear nor contradictory. There should be no difficulty interpreting the permit in question (the Zoning Administrator on the original tape recording was emphatic, decisive and clear).

The planners who drafted the original and current permit Hallcrest is now using, clearly understood our neighborhood and its history. They created a very straightforward and restrictive permit. The planners understood that this area was *an historic residential and agricultural area* that needed protecting, "The operation will be confined to the processing of grapes grown on th operty." The planners understood that the vineyard and winery needed to remain small," It is expected to be a part-time endeavor .,. ". The planners understood that the historic Hallcres winery had ..." existed for some 40 years in compatibility with the surrounding residential neighborhood", and they drafted a permit that would ensure future compatibility (if followed).

Your characterization of Hallcrest's present operation as historic is interesting since there is *very little* historic about the present operation. If this was the historic San Lorenzo Valley wine that you referred to, we would not be writing this letter today. The historic (Chaffee Hall's) winei used a trailer on the back of a Jeep to transport grapes from the vineyard (there are now semi trucks and forklifts transporting grapes). The historic operation used grapevines imported from Switzerland and used only grapes from these vines to make the wine (the present owner pulled out all of the vines and now there are no grapevines growing on the property at all). The historic operation aged the wine in oak barrels and stored all of them inside the winery (stainless steel tanks now dot the property). The historic operation had wine tasting only occasionally with appropriate "private invitational tastings" (there is now public wine tasting that goes on 7 days a week, 6 to 7 hours a day). The historic operation didn't disc or plow on Mondays out of deference t neighbors' laundry day (present owner now callously and without consideration schedules winery operations disregarding the effects to neighbors). No one would rather see the history of the winery preserved any more than the Neighbors of Hallcrest. The present operation is a large commercial business using an historic name and building and has no credible connection to Hallcrest tory.

We hope, as you do, that the Planning Dept. will be able to find a "reasonable accommodation" that would provide a full measure of relief for our neighborhood and that would allow a full time, commercial winery to remain in business. However. a reasonable accommodation has been

EXHIBIT H

elusive thus far because the historic Hallcrest Winery was not designed to contain a large, full-scale, commercial business; it has been elusive because our area is *primarily* a *residential neighborhood* (our houses were built over 100 years ago, long before even the original Hallcrest Winery was started and we the, neighbors, were living in our homes prior to the granting of th 1976 use permit); it has been elusive because our area is secondarily an agricultural zone (the current use permit is an *agricultural permit ... a permit that allows only the processing of product grown on the property*); it has been elusive because our area is not a commercial zone. Noisy commercial businesses and residences have very little, if anything, in common. Trying find middle ground where essential win-win scenarios can be found will be very difficult. We sincerely hope the Planning Dept. will be successful at this formidable task and we trust that it will happen Sooner rather than later.

We are very pleased that politics are not involved in this case. We remain confused however, why the owner is allowed to continue illegitimate operations unabated? Why was this case taken o of Code Compliance and given to the head of the Planning Dept.? Why was the case taken off the Administrative Hearing schedule and put back in the "frozen cadaver" category? It's because we've asked these questions many times and yet have never been given answers (only vague innuendoes) th we assumed that subterranean political activity was involved ... we hope either you, someone from the Planning Dept. or the Grand Jury can give us answers to these questions very soon.

Because no one in the county has held the owner of the winery accountable over the years, and because the owner retains a very callous and cavalier attitude towards neighborhood rights, the issues have been allowed to grow to an immense and intractable state. We have never felt that either you or Mr. James has any expectations of the owner to curtail the winery operations that negatively impact our neighborhood. We recognize your personal and professional desire to allow th winery to continue unfettered operations and we can only hope that at some point you and the Planning Dept. can shift your focus from us to the party that is directly responsible for the situation, the owner of Hallcrest Vineyards. This situation has really nothing to do with us... it ha everything to do with residential and neighborhood rights, permissible and non permissible agricultural pursuits, zoning and permit regulations and common sense.

These last 5 years have been very stressful on the neighbors of Hallcrest. The constant noise intrusion, the stressful and unproductive meetings and phone calls with government employees, the drain of hours and hours of work compiling information and writing letters (to no avail), the pervasive uncertainty and the lack of control over the peace and serenity of our homes has taken its toll, mentally, physically and emotionally. We are drained, we are tired and we are fed up.

We look forward to regaining and preserving the history that was once Hailcrest Vineyards and its surrounding neighborhood. Thanks for your interest.

Sincerely,

Nora Lane — Kathy Mosday

Neighbors of Hallcrest Vineyard

cc Gerry Bowden, 4665 Scotts Valley Dr., Scotts Valley, CA 95066
cc Michelle Green, Planning Dept., 701 Ocean St. Santa Cruz, CA 95060

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EXHIBIT H

Susan Mauriello
Chief Administrative Officer
701 Ocean St.
Santa Cruz, CA 95060

Nora & Greg Jansen and Kathy Moody
345 & 365 Felton Empire Rd .
Felton, CA 95018

Oct. 11,2002

Dear Ms. Mauriello:

We are asking for your heip because we have exhausted all other public avenues for resolution of our neighborhood's very long standing and flagrant noise pollution issues. Our case involves a business which was intended to be a small part-time agricultural pursuit, but one that has mutated into a very large commercial enterprise operating in (disturbing?.. ruining?)a well established neighborhood. The business has ignored all limitations of their restrictive permit and the Planning Dept. has been unwilling or unable to effectively deal with the issues. Over the-past five years we have had over 15 meetings with Planning Dept. personnel, have met with our supervisor three separate times, have sent 20 letters or documents detailing ow plight and have made countless phone calls. Most Planning Dept. personnel shake their heads , agree that this is an egregious situation that should be dealt with, commiserate with our situation, but everyone says "it is out of my hands". The case was scheduled to go to Administrative Hearing but was, for unexplained reasons, taken off that track, pulled out of the Code Compliance Division and put on Alvin James' desk. It has remained there, frozen in time, since January of 2001. Since then we have sent three letters to Mr. James .. none of which has been answered. We have been in almost weekly contact with Michelle Green for the past 5 months, but have still had no movement, no resolution and no relief from the ever increasing noise.

We have attached copies of recent letters that we've sent to the Board of Supervisors and to the owner of the winery (John Schumacher). These letters explain most of the important the details of our situation. We hope you, after reading these documents and contacting the Planning Dept., will understand the situation and our frustration. We appeal to you to encourage Alvin James et ai. to allow the Code Compliance Division to do their job and restore some semblance of peace to our neighborhood.

Our case is very simple, straightforward and clear. Please do not let anyone from the Planning Dept. to try to convince you otherwise, For years the Department's uniformed cursory opinion of our situation contributed to the lack of movement. A very restrictive Staff Report which was attached to the original (and current) *1976* use permit, was not considered a part of the binding permit conditions. However, the Zoning Administrator said (at the Sept. 24th 1576 ZA Meeting) "Use permit application #76-1294 will be granted based on the findings set forth in the Staff Report and subject to the two conditions." It could hardly be more legal or more clear. We will not bog you down with any more of the details at this time but would be happy to supply you with any supporting documentation you might find necessary.

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We are reasonable people who do not wish to harm anyone ... we only want the quiet enjoyment of our homes to be restored. We are also tenatious and hard working people who expect public employees to uphold the codes and ordinances we as a society have adopted to maintain order, peace and sanity. We have been at this for 5 years and will if necessary take 5 more. We will exhaust all avenues, public and private to finally resolve this absurd situation.

We look forward to hearing from you... thank you for your help.

Sincerely,

Kathy Moody Nora Jansen Greg Jansen

EXHIBIT H

Sent

Nora & Greg Jansen and Kathy Moody
345 & 365 Felton **Empire Rd** , Felton, CA 95018

July 8, 2002

Dear John,

Thank you for asking for a list of the winery operations that negatively impact our neighborhood. The problems that were present 10 years ago, the problems we tried to resolve amicably for years (before we asked the county for help in 1997), the problems that we have enumerated in countless letters and phone conversations to you and the county, are virtually the same issues we have today. We have enclosed a list of issues to help refresh your memory. We are cognizant and appreciative that we are no longer enduring the continuous stream of weddings, jazz festivals, receptions, Funk Fests and bus tours. However, these neighborhood headaches took phone calls and phone calls and phone calls, letters and letters and letters, countless distressed and disquieted mornings, afternoons and evenings and years and years to finally stop (events that should never have begun in the first place).

After visiting the county archives and listening to the audio tape of the Sept. 24th, *1976* Zoning Administration meeting where John Pollard was granted the permit you are now using, we were reminded of how our neighborhood used to be before you took over. We were reminded about a time before semi-trucks, *7* days-a-week wine tasting, trucked in grapes, endless hours of forklift activity, continuous motor noise, parking lot noise, constant in and out of workers, wine tasters, trucks, cars and delivery vans and problematic garbage and crate storage and activity. We were reminded that the permit was granted with the understanding that it was to be a **part**-time endeavor, that wine tasting would be by invitation only, that the wine produced would come only from grapes grown on the property (in fact, Mr. Pollard, on the tape, needed to get special permission just to truck in grapes in order to balance sugar content and/or acidity levels... a request that was granted only after it was determined that bringing in grapes wouldn't necessarily happen every year and even then would be a very minimal amount!) Also on the tape, the zoning administrator says quite plainly, " **Permit # 76-1294 U** is **approved based on the findings of the staff report and subject to the recommended conditions.** " ***The very restrictive staff report is an integral part of the permit.***

John, one point you have never fully understood, is that we bought our houses with the knowledge that we were moving next to a small vineyard that processed its grapes to produce a limited quantity of high quality wine ... it was an agricultural enterprise primarily. We did not buy houses in a commercial zone and we bought them many yeurs before you took over the winery. However, since then, you have chosen your **needs** over those of the neighborhood. You have chosen to ignore a legally binding use permit that was carefully drafted to protect the serenity of a neighborhood.

Understandably you want to be successful. We do not blame you for that. In order to be successful however, as you have told us in the past, you need to continue to grow. You need to operate a winery much larger than the current permit allows and one much larger than this small, part-time winery located in a neighborhood, can accommodate. It is unfortunate that you purchased a winery that was so ill-suited to your needs, dreams and desires, We are sorry about these facts but have no control over them. All we want (all that we have ever wanted) is to regain the peace and serenity the current use permit tried to insure. The Planning Department personnel took into account the location, proximity to neighboring residences, impact of traffic, wine tasting, etc., before they drafted the staff report and before they said,

EXHIBIT H

"That the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious io the property..."

Like you John, we are not sure whether or not the necessary changes, the ones that would make it possible for us to enjoy a relatively peaceful neighborhood and those that would allow you to run a successful and prosperous business, are even possible. The location of the winery, the size of your current operation and the existence of the natural sound corridor created by the trees, hillside and prevailing winds, make the operation of your business (and consequently any expansion of your business), without detrimental affects to neighboring properties, highly improbable if not impossible. Past actions by all parties seem to indicate a lack of commitment to mediate the daunting list of problems. There exists a woeful lack of trust and the current "neighborhood vs winery" situation is fraught with win-lose scenarios. Your gain (financially) is our loss (in peace and quiet) and visa versa. Successful mediation needs at least a small amount of fertile middle ground and none of us over the last *10* years has found any. We are not opposed to mediation ... we wouldn't have spent so much money on David Subocz and wouldn't have invested so much time trying to get the process off the ground if we were. However, if mediation is to be attempted again, you will need to "carry the ball" this time and your attitude hopefully will be "This is what I can do to help ameliorate the current problems," instead of the attitude we've encountered in the past ("This is what I can't do,").

We are sorry that our neighborhood difficulties have been allowed to drag on for so long. Obviously we are not sure how to resolve them. We are sure however, that we need to have significant relief from the almost daily noise incursion from your business; we are sure that we do not want to live through another crush like last year's; we are sure that our patience has beer exhausted. We implore you to start taking some positive actions ... either adhere to the limitations of the current permit, file for an amended permit, implement the necessary changes in your daily and seasonal operations so that we can once again live in a peaceful and friendly neighborhood or ???? We have been exposed to 10 years of nonviolent psychological torture directly due to the business decisions you have made that overstep (by leaps and bounds) the current permit. Please do not ignore your responsibilities to correct these problems any longer.

You have never responded to any of our letters since we first wrote to you in 1997. We hope that, because you requested this one, a written response will be forthcoming. We have noticed lately however, that you have been a bit more neighborly. We hope this trend continues. We also hope somehow, someway and in the not-too-distant future, that your business can prosper and that we all can enjoy our wonderful homes in this once peaceful, serene and beautiful part of the world. We will continue to be in contact with the county and will continue to pursue other avenues for resolution of these issues. We look forward to hearing from you.

Sincerely, your neighbors,

cc Gerry Bowden, *4665* Scotts Valley Dr., **Scotts** Valley, CA *95066*
cc David Laughlin, Planning Dept., 701 Ocean St. Santa Cruz, CA *95060*
cc Alvin James, Planning Dept., 701 Ocean St. Santa Cruz, CA *95060*
cc Michelle Green, Planning Dept., 701 Ocean St. Santa Cruz, CA *95060*

EXHIBIT H

Semi Trucks:

We look forward to a day when the grapes used to make wine at Hallcrest Winery are once again grown primarily on the property as the permit requires. Until then, there has to be a more neighborly, less intrusive, less noisy and less overpowering way of trucking in the grapes and trucking out the product other than using huge 18 wheel, semi trucks. They come in at all times day and night ...they take forever to back-up (continually beeping as they do so), turn the corner and finally get situated. Then there is the yelling (usually over the sound of the forklift) and discussion that goes on about how and where to park, unload, etc. Besides all of the grape deliveries, semi trucks seem to be the choice for many other winery needs throughout the year. semis belong in commercial zones, not neighborhoods.

Trucks, **Delivery Vans,** Cars **and Other Vehicles:**

A major disrupter of peace in the neighborhood is the noise caused by cars, trucks, delivery vans, etc., taking their cargo and or people to and from the winery. This is definitely an accumulative problem ...neither the Sears delivery van nor the Fed. Express truck nor the recycling truck nor the cargo trucks nor the many cars nor the small trucks with trailers nor the ??? etc. are that bothersome individually.... if you take the noise in totality however, the neighborhood impact is intolerable.

Forklift:

A major source of noise pollution ...the noise from the forklift can travel through walls and can be heard/felt inside of almost every room in both our houses. Every time you fire up that machine, our nerves shatter. The rumble of a forklift can travel a long way. The problem in our neighborhood is exacerbated by the fact that much of the forklift activity happens within feet of neighboring properties. The noise from the forklift is a real problem that needs to be addressed.

Parking Lot:

The current location (abutting neighboring properties) and ever increasing use of the parking lot, make it a constant source of problems. Besides all of the noise from the deliveries and general traffic mentioned above, the 7 days a week, 6 to 7 hours a day wine tasting, is truly problematic. Besides the noise wine tasters make simply coming and going, many continue the "partying" in loud voices after leaving the tasting room.

The semi-trucks, due to the fact that they are huge and because of their large turning radius, make a lot of noise in the parking lot going in, when they wait and going out. The parking lot is a misnomer .. it is a major thoroughfare ... all traffic, all cargo, all grapes, all Fed Ex trucks, all garbage and recycling trucks, all cars, all vans use the parking lot as a thoroughfare.

Lights:

Night lights are not shielded and are not directed away from neighboring houses. This problem is especially prevalent during the crush when, night after night, activities at the winery go on well past dark.

Motors:

This is a major source of mental stress. The motor drones on hour after hour after hour. It can go on at anytime day or night, can be heard inside our houses and can last for days. A neighborhood should not be subjected to this kind of incessant and stressful noise.

EXHIBIT H

Storage Crates:

Your choice of storage locations for grape crates has caused and continues to cause problems. Because these are stored literally next to your neighbors' property lines and the moving, emptying and replacing of these boxes necessitates the use of a forklift, the noise is nerve wracking. The storage location of these crates is not neighbor friendly.

Because you live next to the winery, you can work (schedule deliveries, run the forklift, schedule meetings, run the forklift, move boxes, run the forklift, clang bottles, run the forklift, etc.) anytime day or night. We are never free from the possibility of early morning, late evening, weekend or holiday truck deliveries or the possibility of early morning, late evening, weekend or holiday forklift activities or the possibility of early morning, late evening, weekend or holiday general "hubbub" (banging, clanging, yelling, scraping, that always seems to be happening).

7 days a week wine tasting is a problem (see parking lot section).

No Limits:

Since you choose to ignore the use permit and all of its restrictions, you have no limits on the amount of production; therefore there are no limits to the noise that we have been or will be exposed to.

Vineyard (Field):

Because of the prevailing afternoon winds, any discing, mowing etc. that takes place on windy days (or after 2 p.m. on most days), blows dust onto and into neighboring houses. The condition has been exacerbated now that there are no more grapevines on your property.

The Crush:

(1) Semi **Trucks**

Last year there were over 16 separate semi truck grape deliveries to the winery during the crush season alone. These trucks not only are very noisy and have no place in a neighborhood as we've said, but also these deliveries were accompanied by all of the incumbent clanging and banging of loading and unloading and the endless hours of forklift and miscellaneous de-stemming and crushing activity afterwards.

(2) Location **of Winery** Operations

Because your choice to locate all of the grape storage bins right next to neighboring residences, all of the loading, moving and unloading of grapes happens within a few feet of your neighbors. The crusher is also located in particularly effective place for maximum noise levels into neighboring houses.

(3) No Limits

The crush lasted a very long time last year (the first semi rolled in on *9/5* and there were still grapes being delivered at the end of October ... 4 trucks came in on the 28th.) If you were to use grapes only from your vineyard as the permit requires, or if you were to bring in only the amount of grapes equal to what would have been produced on your property, the crush would be measured in days not months. We need to be assured of reasonable limits to this seasonal activity. The permit, because of the requirement to process only grapes grown on the property, is self limiting.

EXHIBIT H

Michelle Green

-om: Greg Jansen [GNJansen@netscape.net]
ant: Thursday, October 03,20028:50 PM
To: Michelle Green

DSC00009.JPG

Michelle,

Here it is. Thanks for carrying the ball on this point .. you've brought a measure of sanity into this bizarre affair. This is really a telling bit of tape as you'll discover. The critical part of the tape is the Zoning Admins statement that the permit " is granted based on the findings set forth in the Staff Report". The Staff Report is a very restrictive document and the ccntentior. has been (according to Mr Almquist anyway) that the report is not a part of the permit. There can be no docbt... no misintrepretation that it indeed is a part of the permir. The Report says things like "the operation will be confined to the processing of grapes grown on the property.... it is expected to be a part time endeavor... Wine casting by invitation only, etc."

The other very impcrtant part is the discussion with John Pollard. It becomes obvious that trucking in grapes should be very limited and allowed only to balance acidity, etc.

By the way, the picture is of a tanker truck that the stayed for hours at the winery today ... Whar is a tanker truck doing at a winery? ... what is the owner doing on this property? Please show Mr. James this picture and ask him what in the world is a huge tanker truck doing at This "historic" winery .... grapes aren't brought in on tanker trucks.... wine isn't deivered in tanker trucks, hmmmm. We've had over 12 semis and now tanker trucks ... what's going cn on this property?

Once again, thank you for your integrity and honesty.
Greg (for Nora and Kathy)

Verbatim Transcipt

Zoning Administration Meeting
Seprember 24th, 1976
Item #54 .. Use Permit Application #76-1294

Zoning Administrator, " Item 54 , use permit application #76-1294 and this is to operate a bonded winery to prod-ice .... uh now we're talking ... ah, to produce... producing and bottling and selling in an existing building. The property is located on the south side of Felton Empire Grade Road about 600 feet from uh.. . Ashley. Miss Anderson..."

Inspector Anderson, " This winery had been in operation since 1938. But has ... the use ... (inaudible) disccntinced for the last 6 years so everything is already established. The winery is in immaculate shape. Parking is available for about 10 cars with turn around space. Visitors to the property will generally be through invitational only arrangements with winetastings being handled the sane way. A partially gravelled drive serves as access and the soil here is very rocky so the driveway needs to be maintained with little maintenence.

The Environmental Health Dept. will need a plot plan showing the sinks and toilet facilities that will be involved in the wine tasting and the applicant has indicated that he would repaint the directional sign, thar already exists or. the property that show where the winery is located or. Felton Expire. The (inaudible) sign can be made and the recommendation is for approval subject to the following conditions: Tie directional sign shall be no longer than... no larger than 2'x2' and shail be painted in earthen tones and that any necessary permits shall be btained from the Environmental Health Dept. prior to the establishment of the ise."

Zoning Administrator, " This is a public hearing. Does anyone wish to speak to irem

EXHIBIT

54 ? (inaudible).. No free samples?"

John Pollard, "No."

Unidenified woman's voice "Your name please?"

John Pollard, "John Pollard. I would like to ... (inaudible) second page under Proposal. It says the oper ... the operation wiil be confined to the processing of grapes grown or. the property. Uh, at times, it might be necessary to include grapes from other properties io adjust for acid balance, sugar balace things like that. And so maybe if we have that as primarily. (noise .. inaudible';:

Zoning Administrator, "It's uh... I understand would be a minimal thing."

John Pollard, "Yes."

Zoning Administrator, "And uh.. . is it uh... this is kind of

John Pollard, "This year it wasn't necessary, but I dor't want to shut myself off in future years."

Zoning Administrator, " Right .... that's the old Hallcrest Winery isn't it? Does anyone else wish to speak to this item? Use permit application #76-1294 will be granted based cn the findings set forth in the Staff Report and subject to the two conditions. ... Okay?"

John Pollard, "Thank you."

EXHIBIT H

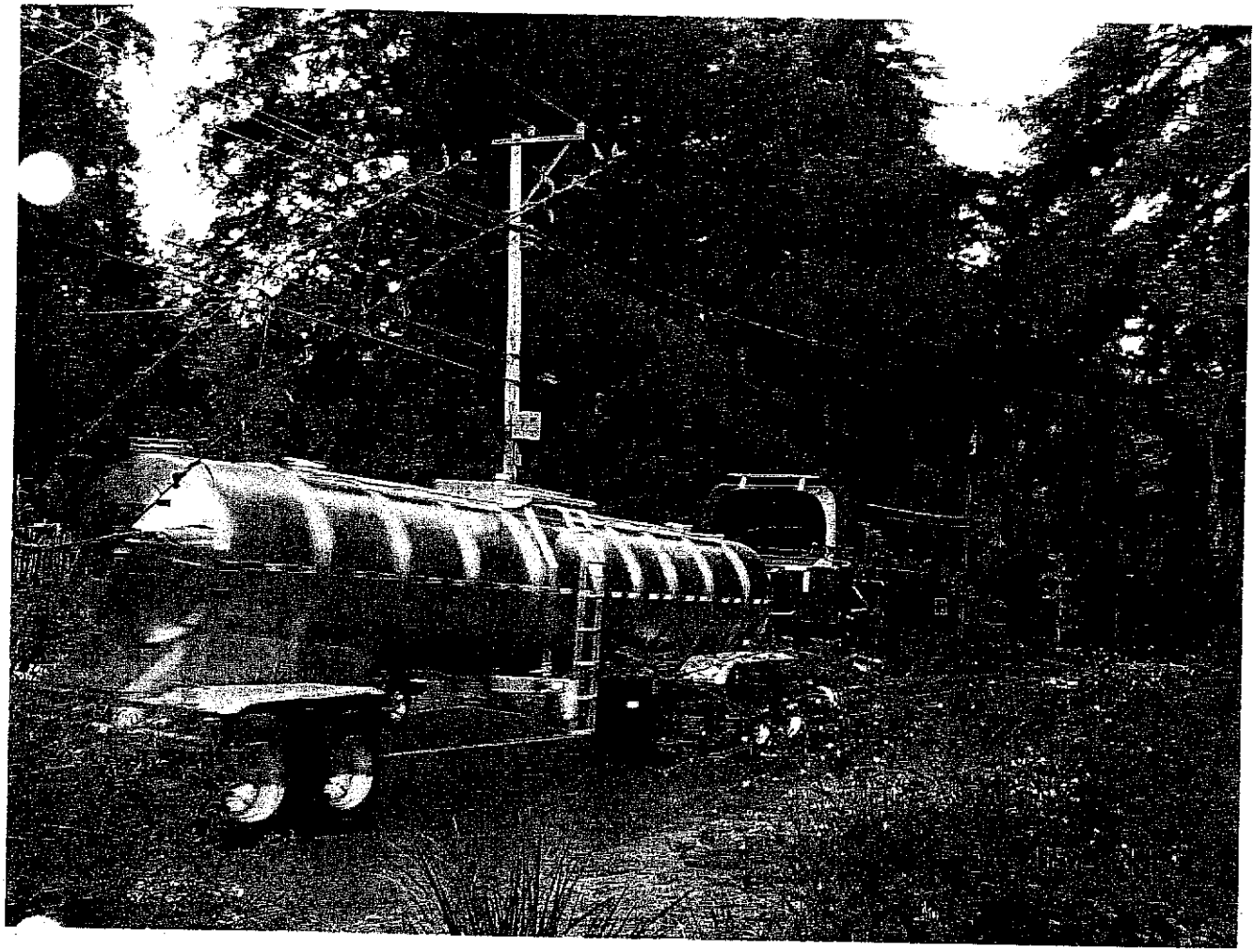


EXHIBIT H

Michelle Green

From: Greg Jansen [GNJansen@netscape net]
Sent: Monday, December 02,2002 7.26 PM
To: Alvin James
Cc: Michelle Green; vince.lafranco@co.santa-cruz.ca **us**
Subject: Hallcrest noise


DSC00012.jpg


DSC00019.JPG


DSC00018.JPG

Dear Mr. James,

As we patiently await your phone call, we thought you might be interested in pictures of the tanker truck that rolled into the "vineyard" (corporation yard?) around 4:00 this afternoon. Now what would a tanker truck be doing at an historic, part-time, "relatively small", neighborhood winery? Could it be that **the** owner of the winery is exceeding the limits of his very restrictive permit? Hmmmm

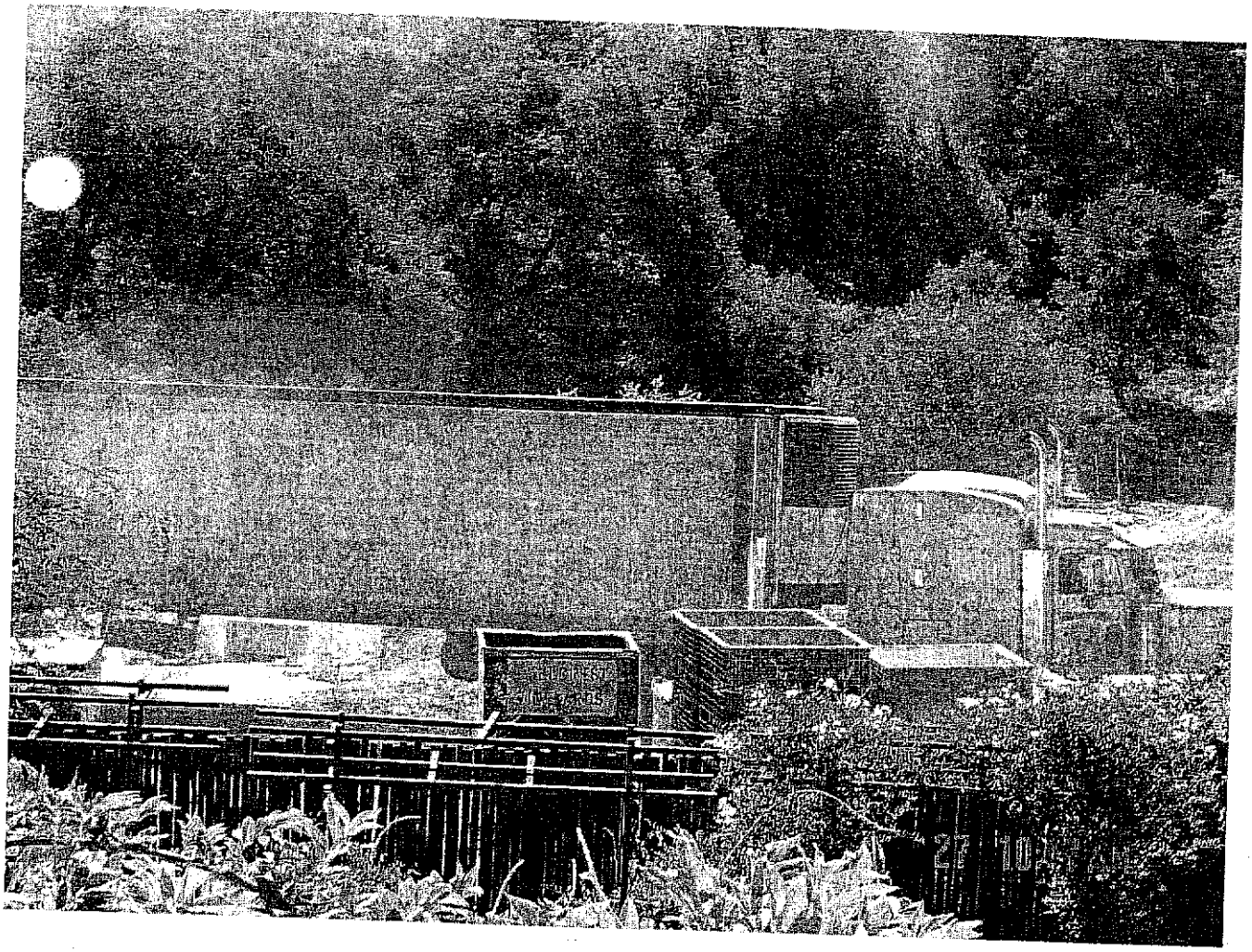
Could this be happening because the permit is not being enforced? ***We,*** the neighbors are, on a daily basis, being bombarded witn stress producing, health affecting, mind numbing NOISE.

We anxiously await your phone call and the news that this Odyssey wiil soon be resolved.

Neighbors of Hallcrest "Vineyard"
Greg Jansen, Nora Jansen, Kathy Moody

PS We also sent a picture of one of the many misc. trucks that serenaded our neighborhood these past two months (our **fence** is in the foreground of this picture)

EXHIBIT H



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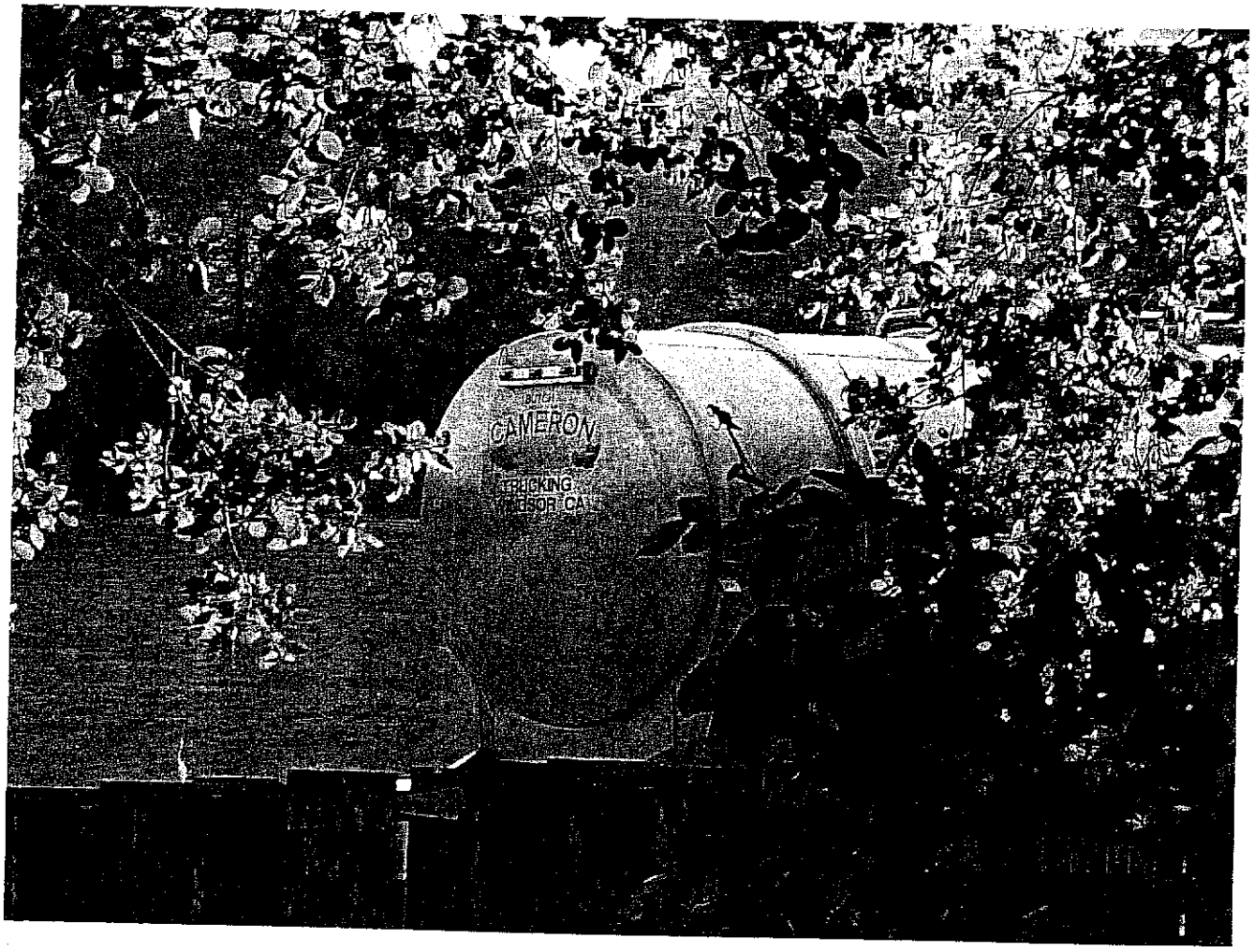

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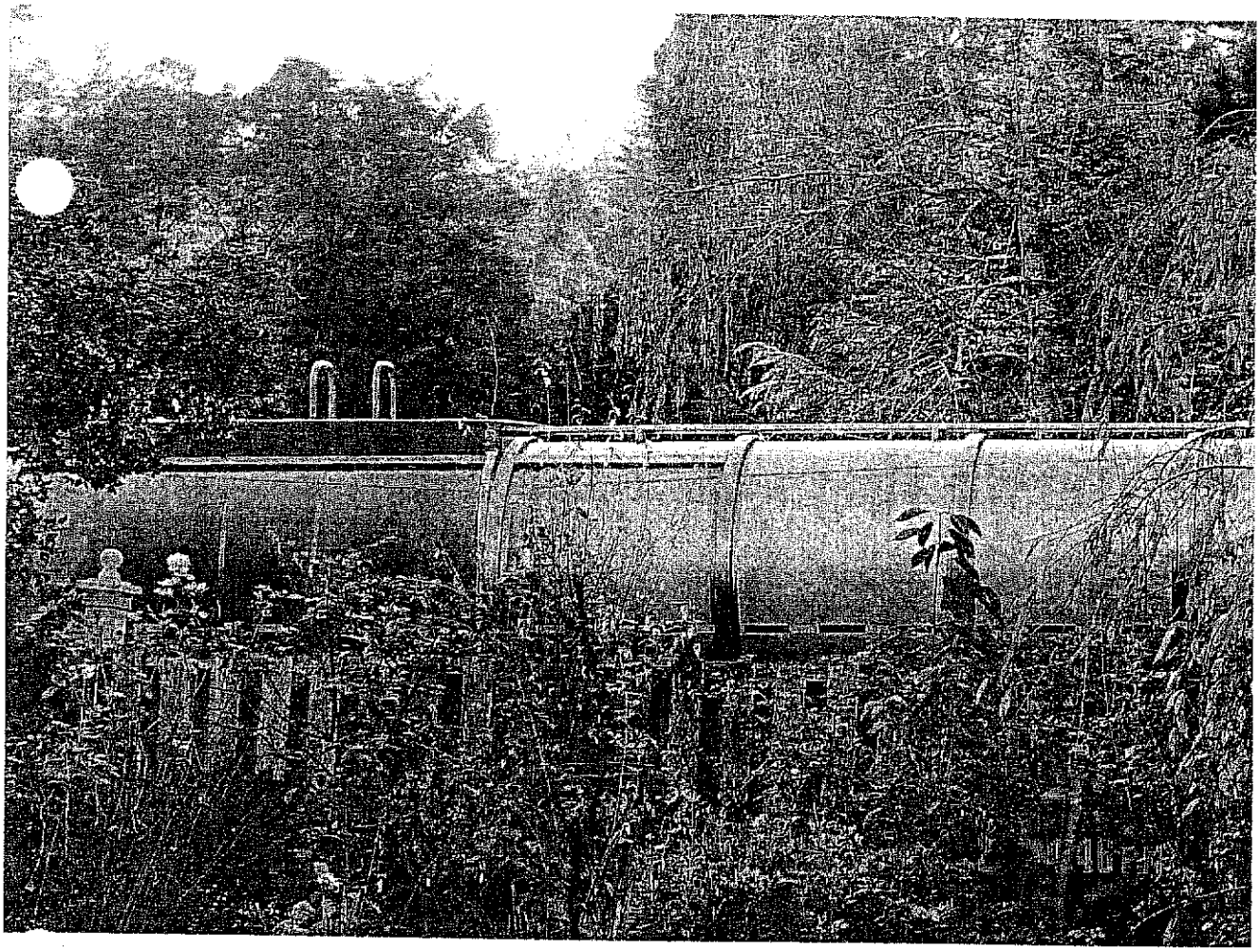

EXHIBIT H

Michelle Green

From: Greg Jansen [GNJansen@netscape.net]
Sent: Tuesday, December 10.2002 5:55 PM
To: Alvin James
CC: Jeff Almquist; Michelle Green; vince.lafranco@co.santa-cruz.ca.us; Erik Schapiro

Dear Alvin James,

in late October when last we spoke, you said;
(1) that you fully expected the owner of Hallcrest Wirery to apply for an amended permit by the middle of November. It's now closing in or. the middle of December and, since we have not been notified, we are assuming that that did not happen. And why should it? There is no impelling reason what-so-ever for the owner to do anything that might rock the boat. For the last 5 years he has been allowed to expand his business unfettered; he's been allowed to truck in an unlimited amount of grapes, make an unlimited amount of wine, make as much noise as he pleases, have 7 days a week, 6-7 hours a day wire tasting and nothing happens; Wny would you think he would apply for a new or amended permit?
(2) you said that you would read the verbatim transcript cf the original Sept. 1976 Zoning Admin. Meeting that I sent to you ana I agreed to research and determine exactly what was meant by the ZA (in 976) when he "granted the pernit based on the findings set forth in the staff report and subject to the two conditions..." I have done my homework and hopefully you have done yours.

We concluded our conversation in Oct. with the agreement that we would talk soon and get clarity on the pernit. The one that you maintain is poorly written but what is, in actuality, according to the people I spoke to (two lawyers and a senior Zoning Officer in the Planning Dept.), an old but none-the-less, very binding and very limiting permit. And one that if adhered to, would protect the sanctity of our neighborhood. It has not been adhered to and the winery operations have been allowed to expand well beyond the scope of the permit ... no questions about it.

* We still await your call ...we've called you three times and have sent you an e nail. A week ago your secretery said that you would be getting back to us. We assumed she meant sometime befcre the next ice age.

* The Grand Jcry members seemed to rhink that your agency has the power and the right to demand conpliance or at least to demand that the owner apply for a new pernit. Is this true?

* In addition to all of the truck, fork lift and car noise, in addition ro all of the clanging, banging and yelling, in addition to all of the noise from the throngs of wine tasters, there is a motor noise that goes on for hours and hours and days and days at a time. A noise that we have complained about for months and months (to Vince LaFranco)... one tha: can be heard at night in our bedroom and in the daytime in our livingroom ... a noise that the owner said (in a letter to Vince LaFranco) he could deal with is several ways.... that was in March ... 9 months ago. Vince did his best, had some success at first, but, since "the file" was on your desk and not in the hands of code compliance, NOTHING HAS YET BEEN DONE BY EITHER THE OWNER OR BY YOU ... WHO IS IN CHARGE? WHY WAS IT TAKEN OUT OF CODE CDMPLIANCE? WHY DID THE CASE NCT GO TO ADMINISTATIVZ HEARING AS IT WAS SCHEDULED? WHAT DO FRIVATE CITIZENS HAVE TO DO TO GET A GOVERNMENTAL AGENCY TO DO THEIR JOBS?

Please encourage your Dept. to effectively administer current county codes and procedures to finally re-establish our common law right to the peaceful enjoyment of our homes. We hope to hear fron you in the next day or two.

Greg Jansen (for

Nora Jansen and Kathy Moody)
345 Felton Empire Rd
335-3834

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EXHIBIT H

Michelle Green

From: Greg Jansen [GNJansen@netscape.net]
ant: Friday, December 13, 2002 4:31 PM
To: Alvin James
CC: Jeff Almquist; Michelle Green; vince.lafranco@co.santa-cruz.ca.us; Erik Schapiro


DSC00031.JPG


DSC00036.jpg

Dear Mr. James,

As we continue to patiently await your phone call, we thought more current (this afrernooni pictures of inappropriately large trucks that continile to roli into the "vineyard" might be interesting.

Even if these unbelievably loud and obnoxious activities that we have endured these many years were legal (which of course they are not),. the negative impact on our neighborhood would still be way out of bounds... the trucks ate absurdly large and noisy, the forklift operations and other winery activities take place right next to neighbors and the wine tasting din (not only the noise from the cars, car doors, etc. but also the noise of the "happy" people leaving the parking lot) goes on 7 days a week.

Now a vineyard is an agricultural pursuit... a winery is not. The permit is an agricultural permit. As soon as Halicrest pulled out the grapevines (which was well over 2 years ago), the permir became INVALID. The permit was granted for the purpose of growing a limited amount of grapes and to process those grapes ONLY... The permit does not grant the unfettered expansion of a large commercial enterprise.

We fully believe that if either you, or Mr. Almquist or any number of other influential people and/or county employees were living where we do, that this travesty would have been corrected years ago.

As the motor blares, as the trucks roll in, as tne forklift rattles and groans, as the many wine tasters stream into the "vineyard, as our once peiceful mornings, afternoons, evenings and rights are shattered by the careless activities of an ambitious and thoughtless businessman, we patiently await your positive resolution of this truly unbelievable situation.'

Greg Jansen (for Nora Jansen and Kathy Moody)
345 Felton Empire Rd
335-3834

EXHIBIT H

EXHIBIT H

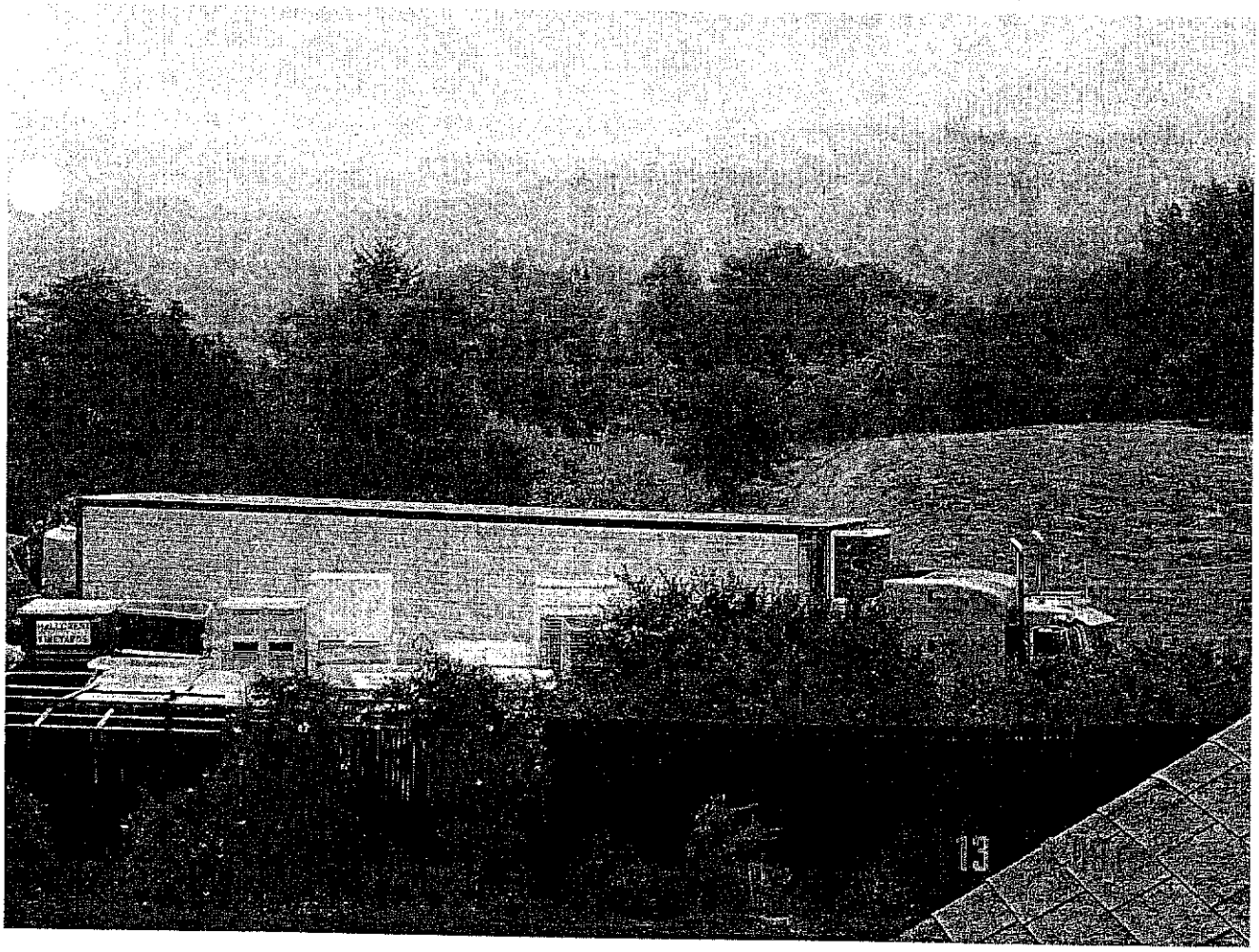


EXHIBIT H

Michelle Green

From: Greg Jansen [GNJansen@netscape.net]
Sent: Monday, December 23,2002 8:48 PM
To: Alvin James
CC: Jeff Almquist; Michelle Green; vince.lafranco@co.santa-cruz.ca.us; Erik Schapiro
Subject: help, help, help


DSC00031.JPG


DSC00036.jpg

Dear Mr. James,

As we continue to patiently await yocr phone Call, we thought more ccrrent (this afternocn) pictures of inappropriately large trucks that continue to roll into the "vineyard" might be interesting.

Even if these unbelievably loud and obnoxious activities that we have endured these many years were legal (which of course they are nx), the negative impact on our neighborhood would still be way out of bounds... the trccks are absurdly large and noisy, the forklift operations and other winery activities take place within a few feet of neighbor's property and the wine tasting din (not only the noise from the cars, car doors, etc. but also the ncise of the "happy" people leaving the parking lot) goes on 7 days a week.

Now a vineyard is an agricultural pursuit... a winery is not. Hallcrest's permit is an agricultural permit. As soon as Hallcrest pulled out the grapevines (which was well over 2 years ago:, the permit became INVALID. The permit was granted for the purpose *of* growing a imited amount of grapes and to process those grapes ONLY... The permit does not grant the unfettered expansion of a large commercial enterprise.

We fully believe that if either you, or Mr. Almquist or any number of other influential people and/or county employees were living where we do, that this travesty would have beer. corrected years ago.

As the motor blares, as the trucks roll in, as the forklift rattles and groans, as the many wine tasters stream into the "vineyard, as our once peaceful mornings, afternoons, evenings and nights are shattered by she careless activities of an ambitious and thoughtless businessman, we patiently await your positive resolution of this truly unbelievable situation.

Greg Jansen (for Nora Jansen and Kathy Moody)
345 Felton Empire Rd
335-3834

EXHIBIT H

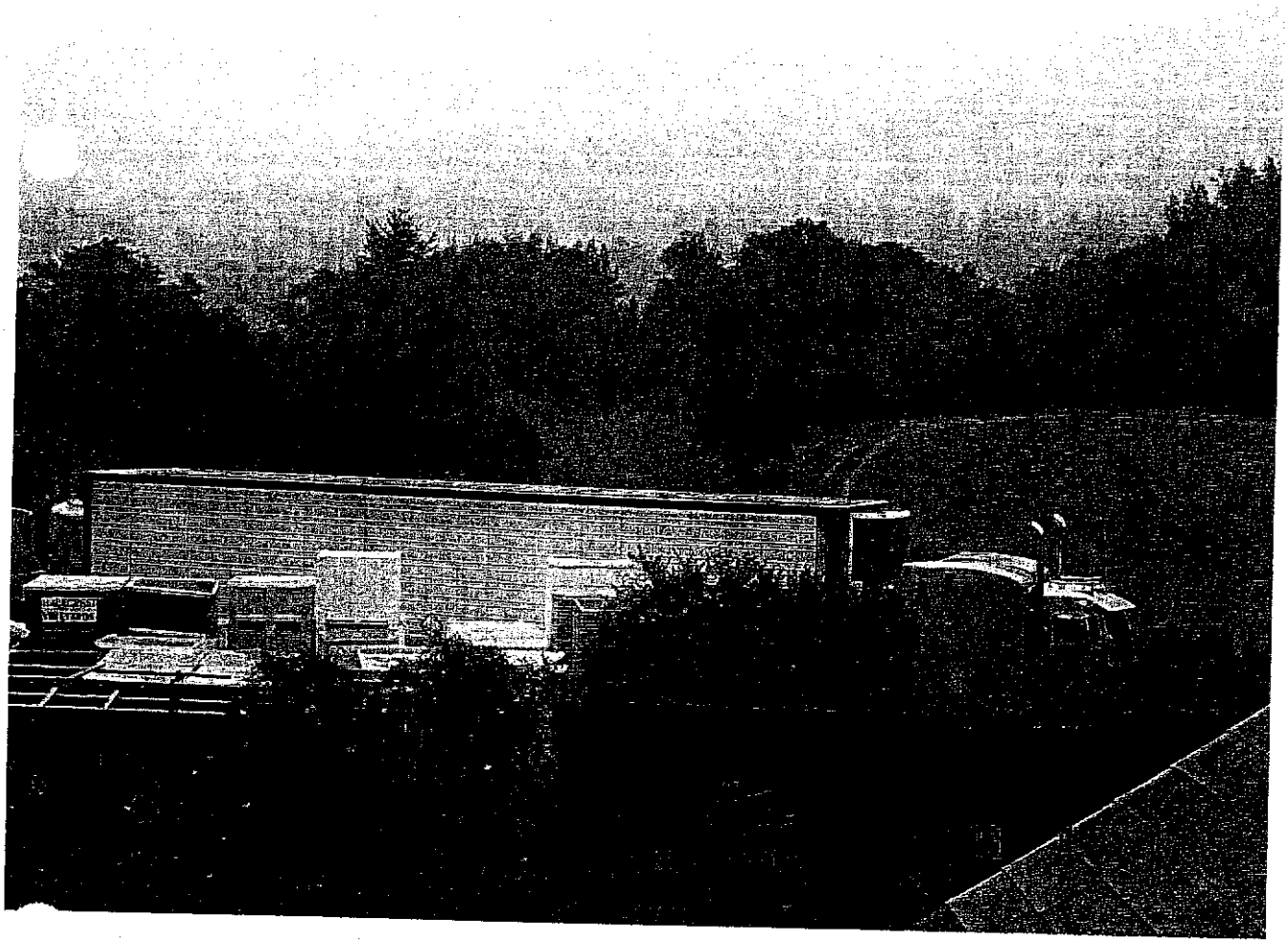


EXHIBIT H

Kathy Moody
365 Felton Empire Rd
Felton, CA 95018
(831) 335-4678

Greg and Nora Jansen
345 Felton Empire Rd
Felton, CA 95018
(831) 335-3834

Dave K.
County Counsel
701 Ocean St.
Santa Cruz, CA 95060

Re: Parcel # 065-051-23
Zoning and use permit
violations Hallcrest Vineyards

Dear Dove,

We thought this article, which ran a few *days* ago in the Sentinel, was **wry interesting.** *As* the article points out, the Ahlgren's run a small yet very successful winery in Boulder Creek. They have a very limited capacity, wine taste only on Saturdays and undoubtedly *do* not ship their grapes, bottles or wine in semi-trucks. Because of their limited scale, the impact on the neighborhood is limited and probably very acceptable i o neighbors.

This is exactly the kind and size of winery Hallcrest used to be and Should continue to be. **Obviously it is very possible to run a successful, small, neighborhood friendly winery in today's economy.** This is the kind and size of winery the ZA approved in 1976, and should be the kind and size of winery that's allowable today.

As you probably already know, Bob S. is no longer with the County... he was the 8th or 9th (we've lost track) Planning Dept. employee to be assigned to this case. Please pass a copy of this article on to # *9* or *10* (if and when another person gets this dubious assignment). Let us know if you need other copies for Alvin or ?. Also, we can supply copies of our letters and photo packets that we've sent to the Planning Dept., if Hallcrest's file turns out to be permanently missing.

Sincerely,

Kathy , Greg and Nora

EXHIBIT H

VED
Kathy Moody
Greg and Nor
345 Felton Empire Rd

Life is a Caberne

Boulder Creek couple finds niche in competitive wine industry

By GWENDOLYN MICKELSON
SENTINEL CORRESPONDENT

BOULDER CREEK

While large winemakers like E & J Gallo market their wines worldwide, small California wineries have mushroomed in number since the 1970s and consumers can now find drinkable bottles of wine at Trader Joe's for $2.

In this landscape, how can you compete if you're a tiny artisan house like Ahlgren Vineyard of Boulder Creek?

Dexter and Val Ahlgren, vibrant and active at 74 and 70, respectively, employ several workers seasonally and on a part-time basis, but they are the only full-time employees of Ahlgren Vineyard. Their wines are popular in New England and in Germany, but for the most part Ahlgren wines are found in local restaurants and stores. A mid-size U.S. winery produces 50,000-60,000 cases a year; Ahlgren produces 2,500-3,500.

"We are dinky!" says Dexter.

They make seven or eight varieties — including semillon, chardonnay, zinfandel, syrah, merlot, cabernet franc, cabernet sauvignon and others — but their main specialty is high quality across the board.

"That's our niche," says Val. "And we can't charge as much as a Napa winery can, so the value is recognized as exceptionally good."

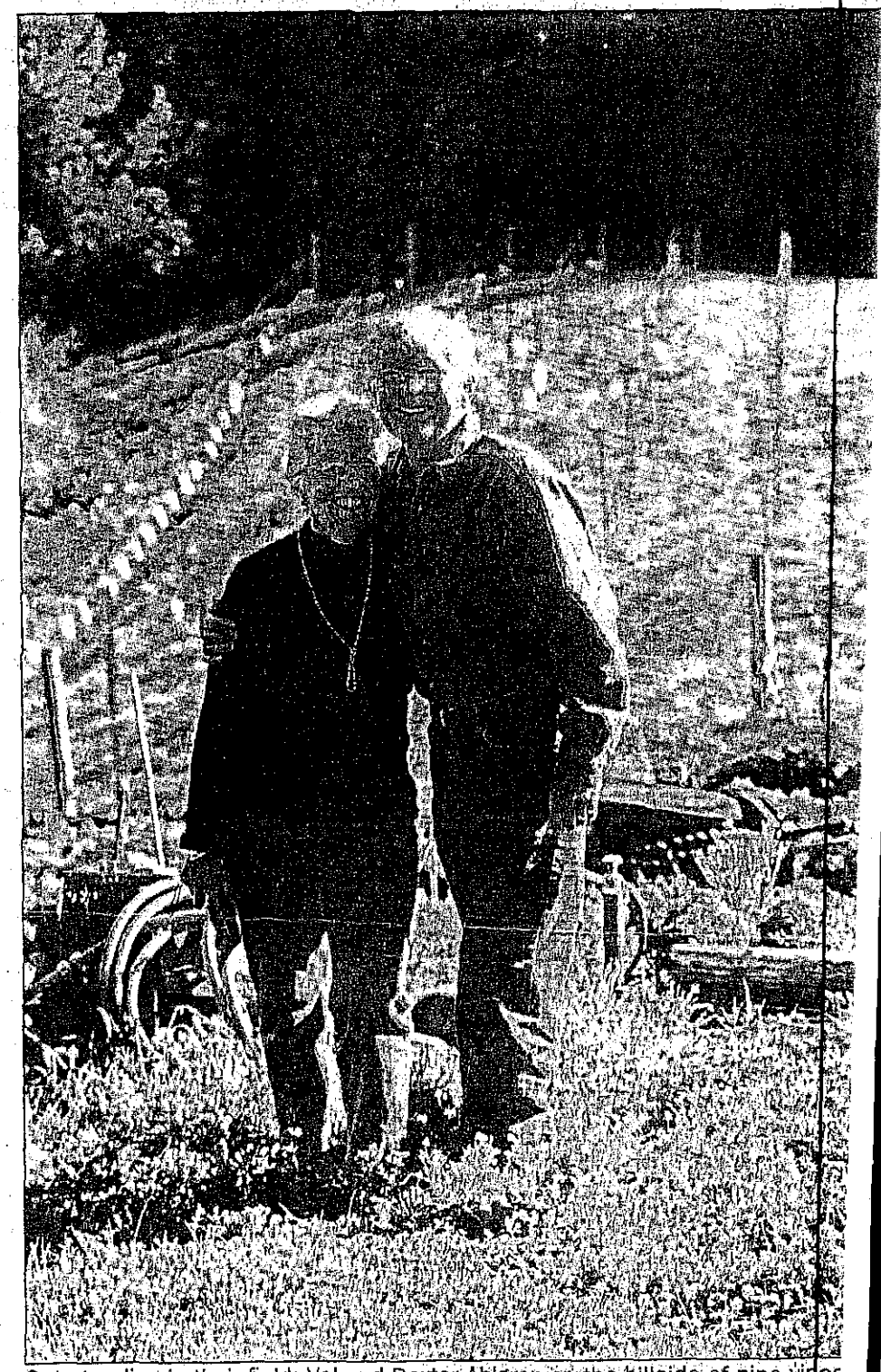
The Ahlgrens came into winemaking as a personal pursuit. Each had taken career paths far from the vintner's life, Dexter as an engineer, Val as a community college instructor. When Val left the community college to spend more time with the family in 1970, she began experimenting with winemaking and brewing. By 1972, Dexter's interest also was captured by the winemaking process, and the garage of the Ahlgrens' suburban Sunnyvale home was converted into a wine cellar.

That year, they found the Boulder Creek property and proceeded to build their home and the cellar that now incorporates a modest tasting area, winemaking and bottling equipment and 199 barrels of developing wine, where Assistant Winemaker Ken Gallegos says the "magic" happens.

"The barrels impart oak and oak flavor into the wine for a couple of years," he says, "and the wine breathes while it ages there."

On nice days, tasting takes place outside on the patio against a backdrop of forested mountains. The Ahlgrens' land encompasses 12½ acres, but only 1 acre is planted with

Please see **WINE** on **BACK PAGE**

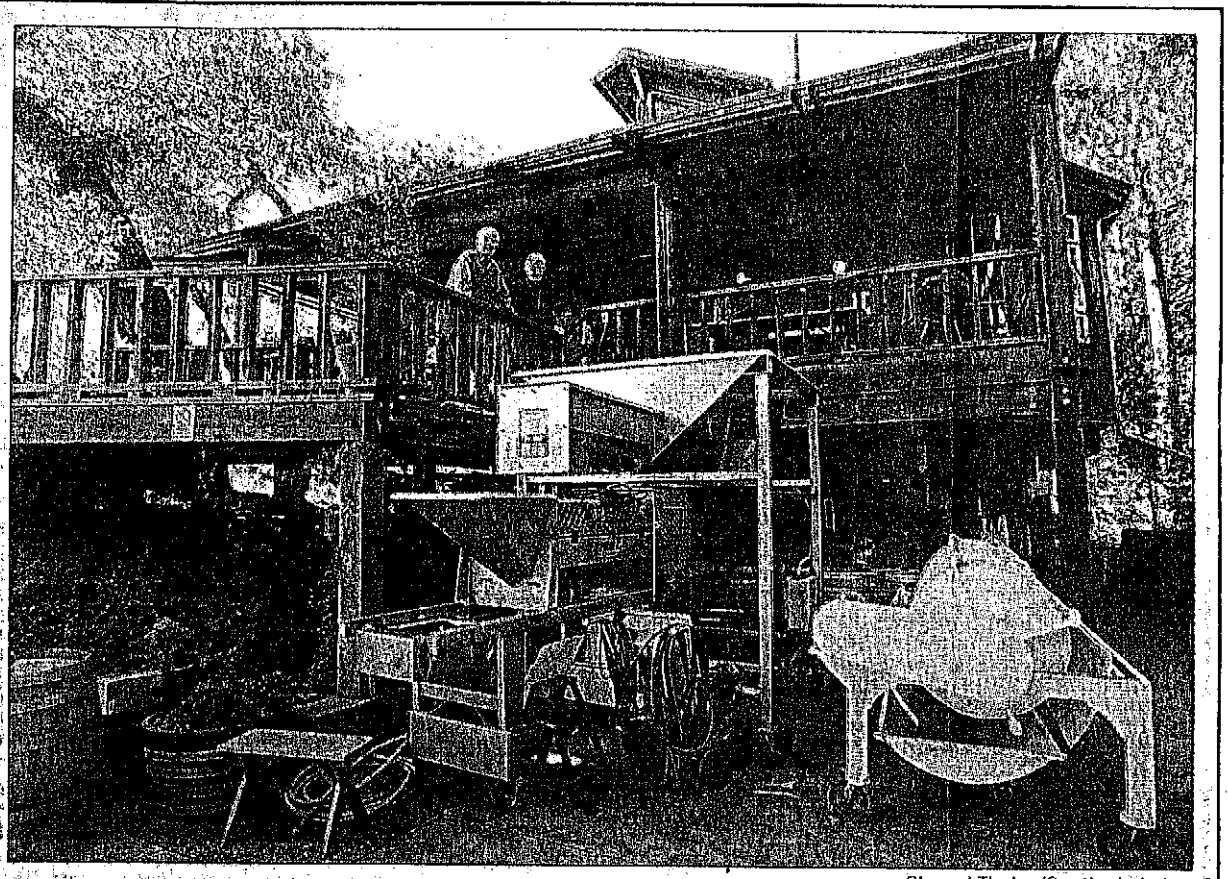


Out standing in their field: Val and Dexter Ahlgren on the hillside of pino vines Ahlgrens make seven or eight varieties of wine at their small winery.

75

EXHIBIT H

EXHIBIT H



Shmuel Thaler/Sentinel photos

Ahlgren Vineyards' cellar and winemaking equipment is situated in Dexter and Val Alghren's Boulder Creek home.

Wine: Low-key local business going strong

Continued from *Page* D1

grapevines.

"The land is so steep and difficult here, and there's very little water for irrigation," says Val.

They buy the other grapes they need from select vineyards with whom they've established lasting relationships. All of the processing

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est also was capture
process, and the garage
urban Sunnyvale home
a wine cellar.
That year, they found
property and proceeded t
and the cellar that now in
est tasting area, winema
equipment and 199 barr
wine, where Assistant W
legos says the "magic" h
"The barrels impart
into the wine for a couple
"and the wine breathes
On nice days, tasting

Don,

We thought these articles might prove helpful. We highlighted what we thought might be pertinent. If they are not useful, toss them ... we have the originals.

Greg, Nora and Katherine

EXHIBIT H

Bill Lovejoy/S

eyards.

Lorraine Schumacher offers a sample in the tasting room at Hallcrest Vin

LORRAINE SCHUMACHER, HALLCREST VINEYARDS

It was a chance meeting at 1 a.m. that started Lorraine Schumacher in the **wine business.**

It was 1981, while Lorrain was living in Sacramento. that **she** stopped in to visit her brother.

Her husband-to-be, John, was rooming at her brother's home and interning at Felton-Empire Winery.

The two met **when** boih arrived at the home one morning at L For Lorraine it was love at first sight, but John, at age 21, was not entertaining such feelings.

But soon they begin dating, and Lorraine helped John with the chores in his small Davis winery, Schumacher Cellars where everything had to be done bv hand.

They married, in 1986 and in September of '87 John, Lorraine and John's sister Shirin purchased the Felton-Empire site and restored the name, "Hallcrest Vineyards."

Lorraine did the bookkeeping, and handled winery events such as the annual Jazz Festival, while caring for their first child, Sean.

She then took a two-year break from the business as the commute to the winery from their home in Bonny Doon was becoming tedious, especially since there was a second child, Jeannine.

Later, when a one-acre parcel of property behind the winery became available for sale, the Schumachers jumped at the chance to build their **own** two-story Victorian home, designed by Scotts Valley architect Russell Short, whose sister worked in their tasting room. Lorraine remembers the 13-month process **as** a stressful year, and to top it off, baby Austin arrived just **as** they **were** about to move in His arrival prompted another retreat from the business, this time for three years.

During this time, Lorraine kept her position as a director for The Santa Cruz Mountains Winegrowers Association board. She remains **a** director today.

Each **year** John and Lorraine employ interns from countries such as Austria, Australia, **Russia,** Switzerland. Costa Rica and France. They stay *in* the family home from as little as two months to as long as a year,

At this time, the main emphasis is on time spent as a family, wine promotional opportunities are sometimes set aside.

But publicity generated by The Organic Wine Works, started in 1987, has more than made up for any missed promotional opportunities. About 80 percent of the total 20.000 case production is devoted to **organic wines,** enjoyed by many celebrities.

Entertainer Sting and his wife use the wines for "Save The Rain Forest" events at the New York Waldorf Astoria.

Lorraine occasionally opens uP their home far personal wine dinners, and has donated the entire winery site to non-profit groups who have proven to be responsible hosts fo? **their** events.

"Having a business in Santa Cruz, **close** to the ocean and **the** redwoods, is the best of all possible lifestyles," she says. "What more could anyone want?"

EXHIBIT H

Wines before their time

Dan Coyro/Sentinel photos

Hallcrest Vineyards makes several varieties of organic wine.

Area vintners among the first to go organic

S

— makes organic wine and wine from organic grapes, This in a county that is home to dozens of organic farms and grocery **stores,** as well **as** an organic product certification agency.

But while organic produce **has** made the transition from **hippie** food to haute cuisine, winemakers generally have been reluctant t" go **green** because of the it, wine goes **sour** after a **few pears.** Most winemakers scoff ***at*** **the notion** quality **wine** can **be made** without sulfites.

Schumacher. also **a** winemaker, is out to prove **them** wrong.

organic **Wine** Works, Hallcrest's sulfite-free wine,

Please see ORGANIC WINE — PAGE A4

■ *organic farmers fall victim to their own success — Page A4*

EXHIBIT H

Organic wine

Continued from Page A1

was the first wine certified by Santa Cruz's California Certified Organic Farmers. CCOF is the state's main organic certification agency.

While his organic wines must be consumed within a few years after bottling, Schumacher maintains that they hold their own against traditionally made wines.

He likens sulfite-free and traditional wine to salted and unsalted bread. At first, the sulfite-free varieties may taste different from what a drinker expects in a pinot noir or chardonnay, but soon fresh fruit flavors and other nuances come through, he said.

Schumacher said he decided to make non-sulfite wines because people who are allergic to sulfites were being left out of the market. Since 1988, all wines made with at least 10 parts per million of sulfites must carry a warning label.

A graduate of the UC Davis enology program, the Harvard University of winemaking schools, Schumacher said he had to blaze a new path in winemaking that didn't rely on chemicals.

"I had to throw the book out on everything I learned," he said.

He said the public has responded, with sales of Organic Wine Works wines growing 15 to 20 percent a year. He now sells about 20,000 cases annually.

"It's not a flash in the pan thing," he said.

In addition to the Organic Wine Works wines, all Hallcrest label vintages since 1995 have been made with organic grapes and minimal sulfites.

Although there are only a handful of organic wines to choose from, Organic Wine Works is the top seller at Santa Cruz County's New Leaf Markets, said Scott Roseman, founder and wine buyer for the organic specialty stores.

But because some organic wines are of poo[illegible]ity, organic wines are still t[illegible]g for acceptance, he said.

"Sometimes the organic label works against the wine," he said.

Sulfite-free wine is likely to remain a small, niche market. But wines made with organic grapes are on the rise throughout the industry.

Bonny Doon Vineyard, one of the county's most popular vineyards, is following Hallcrest and going organic, too.

The winery lost its local vineyards to disease many years ago, and today grows its grapes in Soledad and buys fruit from other growers. But Bonny Doon is converting its 70 acres of traditional vineyards to organic. It usually takes three years to make the transition.

"Fundamentally, we don't believe you need all those chemicals," said Arthur O'Connor, Bonny Doon's Australian-born viticulturist.

"But it's all about flavor," he said. "Line up a conventionally grown tomato and an organic tomato. What would you rather eat? They're miles apart."

In defense of area vintners, O'Connor said giving up chemicals to tame weeds, molds and fungi is tough in the often damp, still air of the county's canyons and valleys.

Most of the grapes used locally come from out of the county.

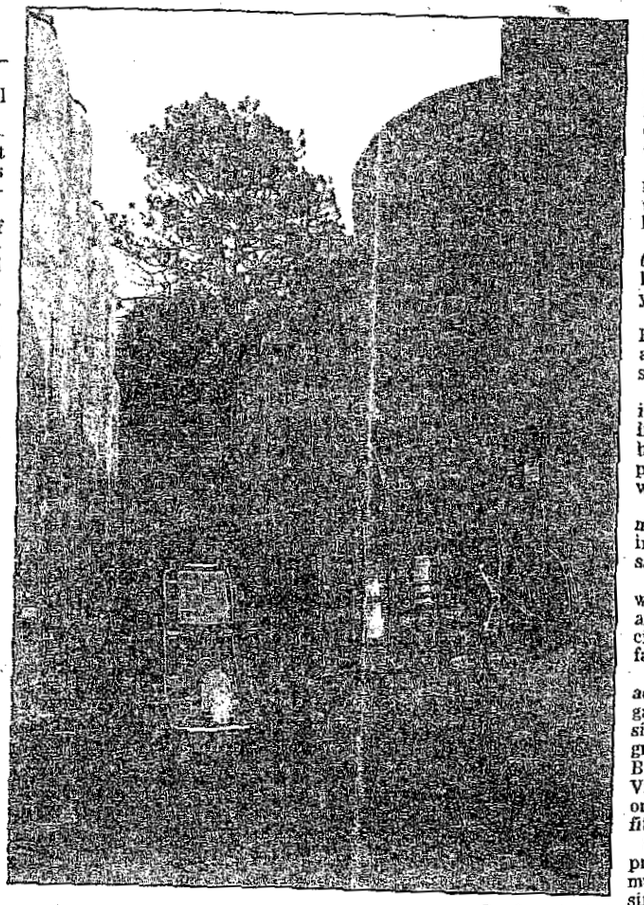
While converting to organic methods can be costly and time-consuming, O'Connor said he's out to prove that breaking the "addiction" to chemicals can be cheaper.

"If we can make organic grape growing cheaper than conventional, then everyone will do it," he said.

For Bonny Doon, he said, the cost is about the same.

Outside the county, more and more wineries are starting to make "green" wine, too.

Berkeley's Chez Panisse restaurant is the high church of organic food. Through her restaurant and cookbooks, owner Alice Waters arguably has done more than anyone to popularize the virtues of fresh local organic produce.



Dan Coyro/Sentinel

Winemaker Ed Oliver and John Schumacher are among the few vintners who are producing organic wines.

The restaurant has long served organic produce and meats but is only now switching to what wine director Nicholas Griffin calls "sustainably produced wine."

"It's the final piece of th[illegible]zle," he said.

Chez Panisse's famed wine list will soon contain only wines that are sustainably produced. Wines in the restaurant's cellar that don't fit "the program" will be phased out, Griffin said.

Sustainable wines may be certified organic or they may come from winemakers who show a commitment to minimal use of pesticides and reverence for the environment, Griffin said. Some winemakers do not want to be certified organic because of the restrictions involved but are still committed to ecological farming and wine production, he said.

For Griffin, selecting wines will now involve more than tasting. It will mean visiting wineries to see how the wine is made.

"You can imagine people want to be on the Chez Panisse wine list, and they will tell you what you want to hear," he said.

Griffin said wineries such as Frog's Leap, Iron Horse, Ponzi and Navarro are good examples of sustainably produced wine.

Currently the demand for organic or sustainably produced wine is limited. But just as Chez Panisse helped create a market for organic produce, it aims to do the same for wine.

"You're definitely going to see more of them because we are going to be promoting them," Griffin said.

Already some bigger California wineries like Mondavi and Fetzer are putting pesticides and herbicides aside in favor of organic farming methods.

At Fetzer, all of the winery's 700 acres of vineyards are certified organic. Because of the company's size, Fetzer has to buy non-organic grapes to supplement production. But in 1993 it launched Bonterra Vineyards, a brand made with all organic grapes and minimal sulfites.

Sid Goldstein, Bonterra's vice president of marketing and communications, said organic grapes simply make for better tasting wine. Bonterra is the biggest seller of organically grown wine, producing 80,000 cases annually.

Goldstein admits the market for organic wine is still small.

"Consumers aren't screaming for it," he said. "It remains to be seen if it will become something bigger."

Dan Lee grows grapes for Morgan winery in Salinas. His Double L vineyard at the base of the Santa Lucia Mountains in the north Sali[illegible]

a farm tour hosted by the [illegible]cal Farming Conference he[illegible] Pacific Grove last week.

The winery has been around since 1982 but only started organic viticulture when it bought the Double L ranch in 1996.

Pinot noir and chardonnay grapes, varieties that do well in the in the cool, foggy part of the valley, are grown there.

Lee said his move to organics was motivated by several factors. As a UC Davis-trained microbiologist, he touts the benefits of a "living soil," teeming with beneficial microbes and bacteria. Soil that is not sterilized with herbicides may help fend off some pests, he said.

By nurturing a healthy soil and relying on the climate to produce good fruit, Lee is hoping the organic approach will tease out the "terroir" of the area, a French term for wine that reflects the soil, climate and growing conditions of a specific area.

Looking east across the valley from his vineyards, Lee said he likes being one of the few organic winegrowers in the area.

But Lee won't be alone for long.

Standing in the background as Lee spoke to the farm tour were two representatives of San Benito County's Calera winery. They drove out to see Lee's vineyard because they are contemplating a move toward organic grapes.

John Gillespie, president of the Wine Market Council, an industry marketing firm, threw cold water on the idea.

"Consumers aren't interested," he said.

If that's the conventional wisdom, wineries like Hallcrest, Bonny Doon and others are content to swim against the tide.

EXHIBIT H

Don Bussey

From: Michelle Green
Sent: Wednesday, June 25,2003 9:53 AM
To: Don Bussey
Subject: FW: Another tanker

DSC00010.JPG DSC00015.JPG

You have plenty - I just sent this to keep the re burning -
Michelle

-----Original Message-----
From: Greg Jansen [mailto:SNJansen@r.etscape.net]
Sent: Wednesday, June 25, 2003 8:53 AM
To: Michelle Green
Cc: Michelie Green
Subject: Another tanker

Dear Michelle,

We hope all is well with you. The pictures of today's tanker are probably not necessary but just in case here they are. Thinqs are normal around here, motors, tankers and forklifts galore.
We do not have Don's email so if he would like the pictures, we can arranqe.
Thanks again for being there for us.

Respectfully yours,

Greg and Nora

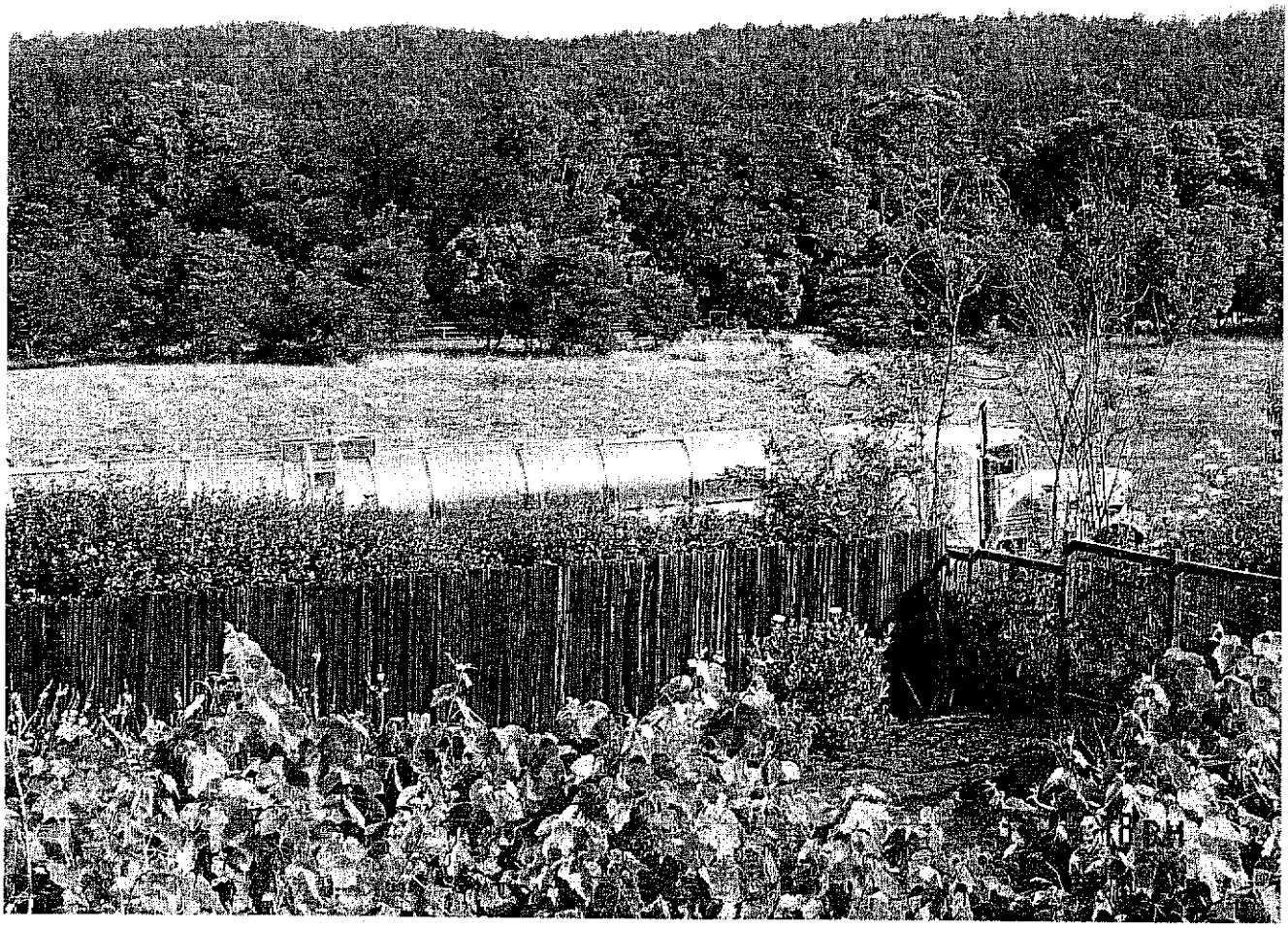
p.s. Michelle, we sent this on Tuesday but it wasn't delivered for sone reason... since then we've had 4 semi's and other misc trucks. We have pictures of most of them... we'll send if they'd be helpful.

Thanks again for everything.

80-A

1

EXHIBIT H



80-B

EXHIBIT H

80-C

EXHIBIT H

HARDCOPY AT 12:04:14 ON 04/08/03
USER PLN401 ON LU R62G3205 LOGGED ON TO VSE20711 ACB TU0009

04/08/03 I V COUNTY OF SANTA CRUZ - ALUS 3.0 ALPCC100
12:04:05 ALLEGED VIOLATIONIINVESTIGATIONS ALSCC100B

APN: 065 051 23 NOTE: HO-FILE STAFF NAME: NIEUWSTAD
OWNER: SCHUMACHER LAND & VINEYARD COM : DISASTER ID:
SITUS: 379 FELTON EMPIRE RD UPDATED: 021403 RWN C
STATUS: ACTIVE REDTAGGED
MAGNATUDE: 5
CONTACT DATE: 100697 INVEST.CODE: Z93 USE PERMIT VIOLATION
RESOLVE DATE: LAST ACTION: I8 Recorded Red Tag
FOLLOW-UP DATE: 060602 FOLLOW-UP: F6 Will Check Compliance
ARCHIVE DATE: PRIORITY: B
ALLEGED VIOLATION/INVESTIGATION:

: 1) EXCEEDING USE PERMIT 76-1294-U (CONCERTS AND : PLANNING STATUS: A
: PUBLIC EVENTS, BUILT STAGE/DECK, OVERSIZE SIGN) : TAX STATUS: A
: 2) CONVERTED GARAGE/STORAGE STRUCTURE TO OFFICES. : SUPERVISORIAL DIST: 5
: 3) CONST'D ADDITIONS TO EXIST'G WINERY BUILDING. :

PF16 - TO SEE ACTION CODES PF15 . TO SEE AVAILABLE HISTORY

EXHIBIT I

10107197 BILLING HOURS 1 FOR On-Site Inspection, Added by RWN

site inspection 19.7.97 confirmed that the winery is in operation. asting room was open with 4 customers at time of visit. Spoke with LORRAINE SCHUMACHER who shmed me around the site. She said that the three major structures were on the property when they bought it in 1981. She believes that the original winery building was constructed in 1941 but it appears to me that it may have been added on to maybe 20 ;ears ago. It is used for bottl irg and a tasting room. An approximately 400 sq ft garage his been con verted to offices. There is also an 800+ sf concrete block "bin room" and wine "library". A wooded area below the winery has been 1andcsaped andconverted into an ampitheatre with a 400+ sq ft wocden stage. The vi nyards are diseased and not producing and the therefore the grapes need to be imported until the vines can be replaced. There were several workers cleaning rrechanical equipment and tanks at the time of my visit.

Owner says that after receiving my letter in 1993 they ceased the commercial musical events and now do mostly weddings and community fund raising events and these are done only during the summer.

10/07/97 The Status Code was Conducted Site Inspection. Added by RWN
STATUS CODE CHANGED, THE OLD CODE WAS (Complaint Received).

10/07/97 BILLING HOURS .15 FOR Phone Calls. Added by RWN

cwner JOHN SCHUMACHER called 10.7.97 to inquire about the purpose of my visit. I explained that there has been another complaint about the live entertainment and that I had been asked to research the permit history of the property and needed to see the site to get an idea of what the situation is.From what I saw I advised him that he will need to ammend his Use Permit and may need some building permits. Asked him to call me after his meeting on Thursday...

10/15/97 The Status Code was Conducted Site Inspection. Added by MEA

10/15/97 The Status Code was Conducted Site Inspection. Added by MEA

Two new complaint letters received on this property...ma

02/18/98 The Status Code was Conducted Site Inspection. Added by DL
FOLLOW-UP CODE CHANGED, THE OLD CODE WAS (). FOLLOW-UP DATE CHANGED, THE OLD DA E WAS ( )

03/20/98 The Status Coae was Issued Red Tag. Added by RWN
FOLLOW-UP DATE CHANGED, THE OLD DATE WAS (980301). STATUS CODE CYANGED, THE CLD CODE WAS (Conducted Site Inspection).

03/20/98 BILLING HOURS 1.25 FOR On-Site Inspection. Added by RWN

met wiowner LORRAINE SCHUMACHER as site on 3.16.98 and advised her that

EXHIBIT I

I was posting a Red Tag for the several violations on the property because they had not come in voluntarily after written and verbal requests. She understood and promised to begin the permit process to amend Use Permit to include outdoor concerts and public events. I also included the approximately 800 sq ft of (wood framed) additions to the existing approximately 403 sq ft (concrete block) winery building with the understanding that if th e assessor reccrds showed these as legal non-conforming or if a building permit is located the additions would be deleted form the violation. Also advised her that the extensive winery and processing mechanical equipment which appears fairly new would require permits.

03/26/98 The Status Code was Issued Red Tag. Addea by EMW
Notice of Zoning Code Violation and Intent to Record letter, with Notice of Violation of Santa Cruz County Code, mailed (certified/ registered) to Schumacher Land & Vineyard Company, 3/26/98(emw)

04/08/98 BILLING HOURS .1 FOR Complaint Investigation. Added by RWN

found advertisement for "Easter Egg Hunt" hangirg on County Building basement bulletin board 4.8.98 (children $7.50, adults $2.50)...Hallcrest has a new parking lot. Follow the signs

---

06/18/98 BILLING HOURS .1 FOR Complaint Investigation. Added by RWN

phone cail from complainant inquiring about status of any applications. He says things have quieted down a lot but the other aay a tour bus came by, arid a fork lift was working all night...I cailed him back to advise that no application as yet, so I will "record" the viiolation so that they are aware that we have not forgotten about then...

06/18/95 The Status Code was Issued Red Tag. Added by RWN
FOLLOW-UP CODE CHANGED, THE CLD CODE WAS (F6). FOLLOW-UP DATE CHANGED, THE OLD ATE WAS (980601).

06/29/98 BILLING HCURS .1 FOR Phone Cal's. Added by RWN

neighbor called *to* advise that there was an "Art Festival" this Sunday

---

07/16/38 The Status Code was Issued Red Tag. Added by EMW
Notice of Santa Cruz County Lode Violation(s) taken to Recorder's office 7/16/98(emw)

07/16/98 The Status Code was Recorded Red Tag. Added by EMW
STATUS CODE CHANGED, THE OL3 CODE WAS (Issued Red Tag)

07/16/98 The Status Code was Recorded Red Tag. Added by EMW
Recordation of Santa Cruz County Code Violation(s) letter, with copy of Notice of Santa Cruz County Code Violation(s), mailed to Schumacher Land and Vineyard Company, 7/16/98 (emw)

35/27/98 The Status Code was Recorded Red Tag. Added by EMW
Notice of Santa Cruz County Code Violation(s) recnrded as 1998-0040413,

EXHIBIT I

7/16/98 (emw)

07/20/99 BILLING HOURS .1 FOR Phone Calls. Added by RWN

phone message from complainant "activity is increasing again...huge wedding 1ast weekend".

37/25/99 The Status Code was Recorded Red Tag. Added by RWN

referred case to SAL to prepare Admin Hearing after consultation with DSL...

07/26/99 BILLING HOURS .15 FOR Conference with Parties. **Added** by RWN

spoke to board aide SSTJ and advised her that we are getting complaints again about weddings and load music at Hallcrest Vinyards. She was surprised to learn that they had not yet applied for a Use permit amendment...

08/02/99 The Status Code was Recorded Red Tag. Added by DL
FOLLOW-UP CODE CHANGED, OLD=(F1). FOLLOW-UP DATE CHANGED, OLD=(19980701).

12/01/99 BILL HOLRS 1/SAL FOR Complaint Investigation. Added by SAL
Conducted site inspection & investigation regarding al 1eged complairts of building additions to winery structures w/o permits, oversize sign, and violations of use permit. Met w/ PO, and observed the violations posted by CCI III R. Nieuwstad, I advised PO that there has not beer, any attempt by PO's to correct violations that were posted. PO requested aoditional fine *of* one week to ten davs to address the violations w/ building & zoning counter staff. Reschedule of Code compliance recheck is for 12-15-99. SAL

12/01/99 The Status Code was Recorded Red Tag. Added by SAL
FOLLOW-UP DATE CHANGED, OLD=(19990806).

12/08/99 BILL HOURS 1/DLH FOR Conference with Parties. Added by DLH

12/09/99 BILL HOURS 2/SAL FOR Conference with Parties. Added by SAL
Met w/ parties (PO), and Zoning staff D. Houghton, on 12-8-99, at Felton Permit Center. Discussion centered on what is needed to rectify Notice of Violations on this parcel as well as other parcels owned by this PO. In addition questions by PO were also addressed, regarding: special inspection. application for building permit, demo permit, etc. Use Permit amendment/change is needed if PO decides to enlarge winery operation, live concerts, weddings, fund-raisers. etc.. PO will contact Code Compliance after the New Year as to PO's corrective actionper Planning Dept. requirements. SAL

07/26/00 BILL HOURS .25/RWN FOR Conducted Site Inspection. Added by RWN

site visit 7.25.00 verified that the sign has been reduced to less than 2 sq ft as required. Took photo.

EXHIBIT 1

- -

07/26/00 BILL HOURS .2/RWN FOR Conference with Parties. Added by RWN

spoke with SHIRIN SCHUMACHER who said trey are trying to correct the violations "one at a time" and have stopped having amplified music. Rather than apply for an amendment to their winery Use Permit they are baiting for the outcome of public hearings being held in conjunction with the proposed winery in Bonny Doon that also wants tc have weddings and public events. 07/25/00 = EFFECTIVE DATE FOR HOURS WORKED

- -

11/06/00 The Status Code was Recsrded Red Tag. Adaed by DL
Met with gleda hill and nieuwstad. hill concluded that operation is substantially in violation of use perrrit. nieuwstad to prepare response memo to almquist and prepare case for referral to hearing officer. DLaughlin

- -

12/26/00 BILL HOURS .2/RWN FCR Phone Calls. Added by RWN

spoke with owner John Schumacher on or about 11/17/00 and advised him that I was drafting him a letter advising that an ammended Use Permit is needed because he-nod trucks in the grajes for crushing 11/17/00 = EFFECTIVE DATE FOR HOURS WORKED

- -

12/25/00 BILL HOURS .75/RWN FOR Sent Letter. Added by RWN

mailed letter to owner advising that an ammended Use Permit is required

- -

12/26/00 BILL HOURS 2.5/RWN FOR Complaint Investigation. Added by RWN

prepared Admin Hearing referral...

- -

03/12/21 The Status Code was Recorded Red Tag. Added by LAD
Additicnal complaint received "forlifts operating after hours" on 3-5-01. ld

- -

07/23/01 The Status Code was Recorded Red Tag. Added by RCC
FOLLCW-UP DATE CHANGED, OLD=(19991215), NEW=(19991215)

- -

10/10/01 BILL HCURS 1/RWN FOR Conference with Parties. Added by RWN

meeting with Alvin J, David Lee. DL, & RWN to discuss status of Hallcrest Vinyards violations. Discussed Use Permit language and several options to mitigate the neighbor's complaints regarding wine tasting and grape crushing.

- -

10/10/01 BILL HOURS 2/RWN FOR On-Site Inspection. Added by RWN

met with owner JOHN SCHUMACHER at site to discuss grape crushing and wine tasting and to investigate alternate entrances to winery. Wine Tasting room typically open from 11:30 am to 5:30 pm with perhaps 10-50 people on any given day. The grape crushing usually goes from September to November depending upon the summer weather. He has approximately 100 wooden crates 4'x4'x2' which are unloaded behind the Jansen property,

EXHIBIT I

taken by forklift to the winery building parting lot where the crates are dumped into a hopper and then crushed and the sqeezings travel through p'pes via gravity to the winery where they are processed into wine. The crates are returned to the unloading area to be reused and are then stored beside the office building in the winter after the harvest season. Forklift was operating at tine of site visit and was a bit loud. Owner took me to lower parts of property where there are two possible alternate entrances, one an existing steep dirt road, and another paper street that could be developed. Owner gave me a copy cf his site plan to be copied and returned.

- -

10/11/01 The Status Code was Recorded Red Tag. Added by RCO
FOLLOW-UP DATE CHANGED, OLD=(20011009), NEW=(20011009).

- -

02/11/02 The Status Code was Recorded Red Tag. Added by RWN
FOLLOW-UP CODE CHANGED, OLD=(F8), NEW=(F6) FOLLOW-UP DATE CHANGED
OLD=(2001 120), NEW=(20011120).

- -

08/14/02 BILL HOURS .75/RWN FOR Cn-Site Inspection. Added by RWN

Site inspection confirmed that the stack of "pallets" are being stored in thesame location behind the Jansen property. 06/28/02 = EFFECTIVE DATE FOR HOURS WORKED

- -

12/04/02 BILL HOURS .5/RWN FOR On-Site Inspection. Added by RWN

driveby at request of DSL did not observe any delivery trucks but I did observe that the "sandwich sign" is back *(exceeds* 2 sq ft Use Permit size) and that the winery mechanical equipment and the addition to the winery building remain.

- -

02/10/03 BILL HOURS .25/CMA FOR Plan Check. Added by CMA
Received discretionary application 03-0032. I passed it on to Richard Nieuwstad this date since this is his case.

- -

02/14/03 BILL HOURS .2/RWN FOR Complaint Investigation. Added by RWN

re4viewed Use Permit appl'n 03-0032 with comments that it is incomplete in that it does NOT address all issues that were Red Tagged in 1998. Also requested payment of code costs of $1,225.15 within 30 days of issuance of Use Permit and obtaining Building Permits and completing all required inspections within 365 days of issuance.

EXHIBIT I

Santa Cruz Mountains
WINEGROWERS ASSOCIATION

SCMWA Wineries
p orte
Articles
t
Events
Maps
SCMWA Home

Transportation
Return to Aull-N-Aull WebWinery

ONLINE EDITION
Santa Cruz Sentinel
SERVING THE COUNTY SINCE 1856
207 CHURCH STREET • SANTA CRUZ • CALIFORNIA • 95060 • USA • (831) 423-4242

September 10,2001

Wine-grape growers report a healthy, early harvest

By BRIAN SEALS SENTINEL STAFF WRITER

Santa Cruz area wine-grape growers say they have half of the equation for a successful season — Mother Nature apparently has uncorked a high-quality grape crop this year.

Whether that will translate into equally good wine remains to be seen.

Still, growers are brimming with enthusiasm.

"This one has potential to be a banner year," said Paul Wofford of Regan Vineyard near Corralitos.

A mild summer with minuscule rain resulted in an earlier-than-usual harvest, most growers say.

"It looks like we'll be done in September," said Van Slater of Hunter Hill Vineyard. "It looks just great."

That was the word from many growers who say this year's grape gathering is coming earlier than last year.

For some growers, the harvest has already happened.

Jeff Emery of Santa Cruz Mountain Vineyard harvested roughly 10 acres last weekend.

EXHIBIT J

"It was excellent," Emery said. "We had the largest crop we've had since 1984."

Normally, an early harvest isn't good news. In wine-grape growing, the general rule for a healthy harvest is "hang time," meaning the longer the grapes have to mature, the better quality they will be.

But there's a balance involved. Fruit that hangs on into late autumn rains runs the risk of getting moldy.

However, there was early spring-like weather this year, which, combined with the relatively gentle summer weather, has growers predicting good quality.

"The prime indicator (of quality) is the growing season," said Dane Stark of Page Mill Winery of Los Altos Hills.

David Estrada of Clos Tita, Santa Cruz, said the winery's one-acre was harvesting this week, about 10 days earlier than usual. He said the quality of this year's harvest should be on par with last year.

While quality is expected to be similar to last year's levels, quantity statewide is projected to slightly dip. About 3.4 million tons of wine grapes were harvested in the state last year, said Karen Ross of the California Association of Winegrape Growers. This year's projection is about 3.1 million tons, down from last year but still the second best season ever, Ross said.

The bad news for growers around the state, Ross sad, is that a wealth of supply combined with an economic downturn in much of the San Francisco Bay Area will keep prices down. The good news for consumers is that a wealth of supply combined with an economic downtown will keep prices down.

"There's going to be some great bargains for consumers," Ross said.

There are more than 40 wineries in the Santa Cruz appellation that stretches from Half Moon Bay to Mount Madonna, according to the Santa Cruz Mountains Wmegrowers Association

Wine grape crops were grown on 477 acres in the county in 2000 and represented a gross value of $1.74 million, according to the county agricultural commissioner's office. That is up from about $1.5 million in

gross sales in 1999.

Last year's harvest yielded 768 tons, up from 686 tons in 1999.

The appellation is unique because of its elevation, which tends to provide a cooler growing period and a plethora of micro-climates that allow grapes to be grown for a variety of different wines, such as pinot noir, chardonnay and cabemet sauvignon, among others.

The cool elevations provide greater hang time, which yields a tastier fruit, said John Hibble, executive director of the Santa Cruz Mountains Winegrowers Association.

Mountainous terrain also means the vineyards are smaller. While Central Valley vineyards might yield 5 tons of grapes per acre, vineyards in the Santa Cruz appellation might yield closer to 1 to 2 tons per acre, Hibble said. That allows local growers to focus on the quality of their crop.

"Our wines tend to be much more flavorful," Hibble said.

EXHIBIT J

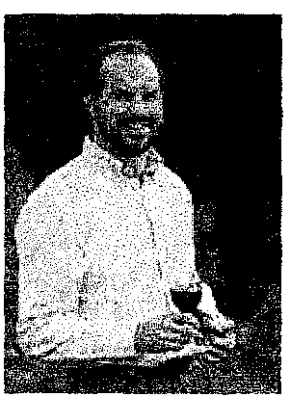
Hallcrest

Limited bottlings of premium wines

Hallcrest Wines
Articles
Events
Home
Map
Recipes
Review Order/Checkout
Shipping Info
Organic Wine Works
St. Croix

History of Hallcrest Vineyards & The Organic Wine Works

Hallcrest Vineyards was founded in 1941 by Chafee Hall. Widely recognized as one of the small winery pioneers in post-prohibition times, Hall produced only wines made from his estate planted White Riesling and Cabernet Sauvignon grapes. In 1945 he constructed the buildings which are still used today. Though small in production, Hallcrest wines were served at such world renowned establishments as the Fairmont Hotel, Top of the Mark, and the Waldorf Astoria in New York City. The last vintage under the Hallcrest label was produced in €964 when Hall retired due to a death in the family. In September of 1987, the Schumachers restored the site's original name. A family operation once again, Hallcrest Vineyards is dedicated to perpetuating the estate's history and reputation of great wines.



John C. Schumacher has a long history of winemaking. His first attempt at producing wine came at age of 13 when his parents left for vacation and left some plums on the tree. Before his mother could return to can her plums, John piled a bunch in a vat and waited for the magic to happen. Already interested in science and biology, Schumacher had read that naturally occurring yeasts on fruit skins would ferment juice into wine. "It got pretty spoiled," he admits with an embarrassed ***grin.*** "But the next year we ended up with some good plum wine." By the end of high school, Schumacher already knew what vocation he would pursue and so he entered the U.C. Davis oenology program.

EXHIBIT

John, his wife Lorraine and his sister Shirin purchased the old Felton Empire site in 1987 and became the most award-winning winery in the Santa Cruz Mountains in the first years of production. While the awards are largely a testament to John's winemaking proficiency, the success of the winery is a team effort. Lorraine handles all on-site marketing and public relations pertaining to the historic, chateau-style estate. Shirin is the office manager and with the out of state sales.

Hallcrest Vineyards produces just under 5,000 cases annually and each wine reveals its limited production on the label. John Schumacher produces a full line of wines including Chardonnay, White Riesling, Merlot, Cabernet Sauvignon, and Zinfandel. With the introduction of wines from organically grown grapes and establishing the first certified organic vineyard on the Central Coast, John has become a pioneer in the ecological movement.

Now the introduction of "The Organic Wine Works" (OWW) has taken the country by storm. John was challenged by an industry that believed quality wines couldn't be produced without the use of sulfites or other additives. Not only has the Organic Wine Works become the nation's first certified organic wine without the use of sulfites but it has also gotten positive reviews by prominent wine writers. This has given John C. Schumacher the reputation of being a rebel winemaker in the industry.

Located just a half mile from the small town of Felton, Hallcrest Vineyards is one of the most charming locations in the Santa Cruz mountains. The Schumachers invite you to enjoy the beautiful estate and visit the nostalgic tasting room which is open seven days a week.

Hallcrest Vineyards is also proud to produce "The Organic Wine Works" product line, featuring unsulfited wine for those with allergic sensitivities.

URL: **http:/iHallcrestVineyards,com**

Group Tours of the winery are available for your group.

Hallcrest Vineyards produces wines under the following three labels:

- Hallcrest Vineyards brand, Hallcrest Vineyards's premium wines from the Santa Cruz Mountains.
- The Organic Wine Works brand, 100% CCOF Certified Organically Grown and Processed Wine which features unsulfited wine for those with allergic sensitivities
- St. Croix brand, Hallcrest Vineyards's offering traditional style wines with value pricing.

TO PLACE TELEPHONE ORDERS 703-802-2223

EXHIBIT K

Hallcrest

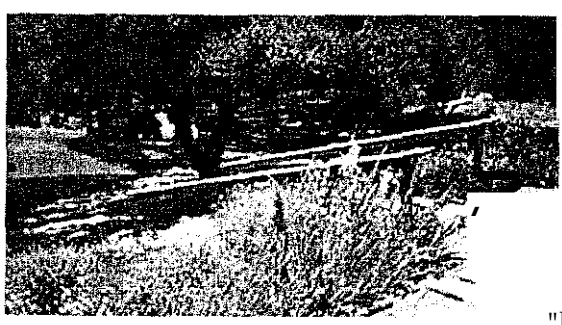
Limited bottlings of premium wines

Hailcrest Wines
Articles
Events
Home
Map
Recipes
Review Order/Checkout
Shipping Info
Organic Wine Works
St. Croix

Weddings and More...

Nestled in the Santa Cruz Mountains, in the quaint town of Felton is the historic site of Hallcrest Vineyards; Hallcrest is a beautiful, unique location for your special event. Our Estate garden is located below the winery. The lawn area is surrounded by a bountiful English-style cottage garden. **A** beautiful array of flowers encircle the garden. Large oak trees grace the grounds with lacy shade and a view of the vineyard to the west. Focal point in the garden is a redwood stage. We are pleased to have a new addition to the gardens. Beyond the stage, there is a wonderful kidney shaped lawn, flanked with an ever blooming array of fragrance and color. **A** triple redwood arbor accents this new area, with the vineyard in view just beyond the low hill.

Now you can capture your special event in Hallcrest Vineyards Estate Garden.



We have a newly completed addition in the Estate Garden. The new area envokes the feel of a traditional cottage garden, complete with a beautiful lawn surrounded by a meandering pathway and lots of color. The serenity of the area is enhanced "by arbors drenched in flowers, with benches to rest and enjoy the atmosphere. Come by and visit the garden.

We have facilities to accommodate up to 150 guests for private wine tastings, picnics, seminars, dinners or other events where a relaxed atmosphere adds to the enjoyment of your party.

We are temporarily not accepting reservations pending permit renewal
For more information, please contact the winery at (831) 335-4441.

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EXHIBIT K

Address:
Hallcrest Vineyards
379 Felton Empire Road
Felton, CA 95018
Tel: (831) 335-4441 or (800) 699-9463
URL: http:l/www.HallcrestVineyards.coin

Group Tours of the winery are available for your group.

TO PLACE TELEPHONE ORDERS 703-802-2223

Hallcrest Vineyards harvest 2002

From: K Likit (*hallcrest@hotmail.com*)
Date: Tue Apr 23 2002 - 11:13:20 PDT

- **Next message:** SMPratt@solanocountv.com. "Solano County Department of Agriculture Job Openings"
- **Previous message:** Mari Wells "harvest work"
- **Messages sorted by:** [date] [thread 1[subject 1[author]

Hello,
Hallcrest Vineyards is looking for harvest help for the crush of 2002. We are a small winery in the Santa Cruz Mountains crushing 400-500 tons of fruit and *making* both conventional and organic wines. In addition to ow three house brands, we custom crush for about 11 other labels. This creates the opportunity to work with a lot of different fruit from almost every major growing region in the state so a good chance to see a variety of appellations in one place. The work will be mostly cellar work with some lab work. We are small and operate with a small crew so everyone is involved in almost everything. Hours are long as with any crush, but we try to give everyone at least one day off per week. This *is* a paid position and room and partial board may be possible. Ideally, we would like to have someone from about the middle of August until late November or early December, but we can see. If interested please email hallcrest@hotmail.com. Thanks

Kenny Likitprakong

- **Next message:** SMPratt@solanocounty.com: "Solano County Department of Agriculture Job Openings"
- **Previous message:** Mari Wells: "harvest work"
- **Messages sorted by:** [date 3 [thread] [subject] [author]

EXHIBIT K

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COMPLAINT #3249

HEALTH SERVICES AGENCY

(408) 454-2022

COUNTY OF SANTA CRUZ

ENVIRONMENTAL HEALTH SERVICE
701 OCEAN STREET, ROOM 312, SANTA CRUZ CALIFORNIA 95060

NOTICE TO ABATE NUISANCE IMMEDIATELY.

July 17, 1998

Hallcrest Winery
ATTN: Schumacher
379 Felton Empire Gr.
Felton, CA 95018

On July 15 1998, this [illegible] an [illegible] complaint [illegible] y
p[illegible]pert[illegible] there is a large horse manure accumulation and a fly breeding [illegible]isa

Please abate the environmental nuisance a[illegible]d [illegible] with state and local codes b[illegible] st i
the ite ns bel

✖ A[illegible] op[illegible]g shal be [illegible]ll daily and enclosed in a proper fly g container for
di[illegible]p[illegible]d. On a weekly basis all manure [illegible]ll [illegible] removed from the property to a proper
disposal site or [illegible]ir in [illegible]f tight [illegible]i

[illegible]ou [illegible]ay [illegible]p[illegible]al thi[illegible] order of abatement by [illegible]g a written appeal, specifying the gr[illegible] [illegible]p
which it is made, accompanied by a $75.00 appeal fee, [illegible]c[illegible]t[illegible]e C[illegible]ty's Hearing Office[illegible] th[illegible]
10 days from the receipt of this notice. The [illegible]d[illegible] to abate will be stayed pending the appeal.

The En[illegible]ent[illegible]l Health Service appreciates your cooperation in this matter. [illegible]ail[illegible]t
[illegible]ply vi[illegible]nvi[illegible]nmental health [illegible]nd [illegible]ar[illegible]it[illegible]tion [illegible]od[illegible] p[illegible]i[illegible] t 7-31-98, [illegible]ay r[illegible]sult ir[illegible] g[illegible]l
[illegible]1[illegible] assu[illegible]:[illegible]r[illegible]p[illegible]li[illegible]e By Resolution of the Board of Supervisors, a $87.00 reinspection
[illegible] ill [illegible]e ch[illegible]arg[illegible]l[illegible]h[illegible] violations noted are not corrected prior to the reinspection [illegible]te. If you
have any questions, please telephone the number noted above between 8:00 - 9:30 a.m., [illegible]l[illegible]id[illegible]
[illegible]l[illegible]gh Th[illegible]l

Lowell Rau REHS

LOWELL RAU, R.E.H.S.
Senior Environmental Health Specialist

cc: Complainant: Please advise if action is not taken within 14 days or we will close our file.

HSA-92.LTR [Rev. 2/94]

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EXHIBIT L

APN 65-051-23

#3249

Environmental Health Service
ATTN: Lowell Rau, R.E.H.S
701 Ocean Street, Room 312
Santa Cruz, California 95060

July 31, 1998

Dear Sirs,

In answer to your letter dated July 17.1998, recieved by us Wed. July 29, 1558; at 379 Felton Empire Road, we operate a California Certified Organic Farmers certified grape vineyard, zoned A-1. In keeping with good agriculture practice we find it necessary to augment the soil from time to time. Because we are organic we add organic matter such as composted horse manure or grape skins.

This year we determined through extensive soil testing that the soil needed a large amount of organic matter. To meet this need we trucked in previously composted Horse Manure one load at a time: in keeping with the neighbor's request that we not run several trucks on the dirt access road in any one day-to keep down the dust. We are storing it on site until we have enough to spread with a tractor; in keeping with the neighbor's request that we run the tractor at times when they will not be disturbed and as few days as possible each year. C. C. O. F. defines compost as organic matter composted over 60 days. The material that we brought in this year was 60 to 300 days old, and clearly falls under the qualifications of C.C. O. F. We will be adding to the site matter that is only 30 days old that will compost with the older matter for at least 30 days.

Due to El Nino and through no fault of ours, there are a lot of bugs everywhere. We are disturbed that your department would give credence to such a complaint with out investigating the circumstances. We do not feel that unfounded complaints warrant you charging us $75 to answer the complaint. We believe the complaint to be unfounded and the result of a personal problem on the part of our neighbor, whom we have many times in the past tried to placate. We operate a vineyard, he knew this when he bought the property. I will be happy to discuss this matter with you in person any time: (831) 335 - 4441.

Thank you for your time.

Shirin Schumacher
Hallcrest Vineyards, Vice Pres.
379 Felton Empire Road
Felton, Ca. 95010

EXHIBIT L

SANTA CRUZ COUNTY HEALTH SERVICES AGENCY
ENVIRONMENTAL HEALTH SERVICE

~~FIELD NOTE DATA SHEET~~

SUBJECT: Hollcrest Vineyard
379 Felton Empire Rd   FILE 65-051-23

BY: ____________   Page

DATE	
8-3-98	[redacted] called manure still present
8-4-98	Site inspection manure present in piles, tarped
8-5-98	Meeting w/ Shirin Schumacher owner. piled tarped manure is composted + inert. owner wants to hold on site 60 days prior to use for organic grape standard, contractor + education look fly control. Manure located where is balanced water area for compost process. Manure expected to be turned into the soil in fall soil ammendment. Called + informed complainant of disposition

PHD-28
REV. 9/74

Over ☐

EXHIBIT L

#3249

SANTA CRUZ COUNTY HEALTH SERVICES AGENCY
ENVIRONMENTAL HEALTH SERVICE

FIELD NOTE DATA SHEET

SUBJECT: Hillcrest Vineyard
379 Felton Empire GD

FILE 65-051-23

BY: ____________

Page ______

DATE	
8-3-98	[redacted] called manure still present.
8-4-98	Site inspection manure present in piles tarped
8-5-98	Meeting w/ Sherwin Schumacher owner piled tarped manure is composted & inert. owner wants to hold on site 60 days prior to use for organic grape standard, contractor & education about fly control. Manure located where is because water avail for compost process. Manure imported to be turned into the soil in fall soil ammendment. Called & informed complainant of disposition. JK

PHD-28
REV. 9/74

Over ☐

EXHIBIT I

PLANNING DEPARTMENT

GOVERNMENTAL CENTER

COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ. CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123

DEVELOPMENT PERMIT APPLICATION

PHONE: (831) 454-2130
PRINT DATE: 01/31/2003
APPLICATION DATE: 01/31/2003

APPLICATION NO.: 03-0032

PARCEL NO.	SITUS ADDRESS
065-051-23	379 FELTON EMPIRE RD FELTGN 95018

PROJECT DESCRIPTION:
Proposal to revise the operating hours and relocate the cooling system at an existing winery:' Requires an Amendment to Commercial .Development Permit 76-1294. Property located on the south side of Felton Empire Grade Road, about 1000 feet west from Highway 9 in Fe!ton

DIRECTIONS TO PROPERTY: GRAHAM HILL ROAD NORTH TC FELTCN. STRAIGHT TO FELTON EMPIRE GRADE RCAD. SITE IS ON THE LEFT SIDE, ABOUT 1000 FEET FROM HIGHWAY 9.

OWNER:	SCHUMACHER LAND & VINEYARD COMPANY	379 FELTON EMPIRE RO FELTON CA 95018
APPLICANT:	SCHUMACHER LAN? & VINEYARD COMPANY BUS. PHONE: (831)335-4441	379 FELTON EMPIRE RD FELTCN CA 95018
TO:	RICHARD BEALE LAND USE PLANNING. INC.	1CC DOYLE STREET, SUITE E SANTA CRUZ CA 95062

APPLICATION FEES:	**RECEIPT: 00068971**	**DATE PAID: 01/31/2003**
COMM/INDUS/INSTIT DEVEL 2-20K SQ FT -ACP	1000.00	#13470
ARCHAEOLOGICAL SITE REVIEW < 20	284.00	#13470
ARCHAEOLOGICAL SITE REVIEW < 20	-284.00	#13470
BIOTIC PRE-SITE	105.00	#13470
BIOTIC PRE-SITE	-105.00	#13470
EROSION - ADDITIONS/DETACHED STRUCTURES	297.00	#13470
EROSION - ADDITIONS/DETACHED STRUCTURES	-297.00	#13470
ENVIRONMENTAL EXEMPTION	30.00	
ENVIRONMENTAL EXEMPTION	-30.00	
DEVLOPMENT PERMIT - COMMERCIAL	285.00	
APPLICATION INTAKE E	105.00	
RECORDS MANAGEMENT FEE	15.00	
DPW ROAD PLAN REVIEW COMM 1-5K SQ FT	750.00	
DPW ZONE 8 PLN CK NEW COMM < 5K SC FT	735.00	
URBAN DES REV PROJ SUBJ TO CODE SEC 1311	242.00	#13470
URBAN DES REV FROJ SUBJ TO CODE SEC 1311	-242.00	#13470
FLAT FEE CONVERTED TO AT COST	1000.00	#13470
*** TOTAL ***	3890.00	

PARCEL CHARACTERISTICS FOR: **06505123**
ZONE DISTRICT(S): AGRICULTURE
GENERAL PLAN LAND USE DESIGNATION(S): SUBURBAN RESIDENTIAL
GENERAL PLAN LAND USE DESIGNATION(S): FELTON VILLAGE PLAN
PLANNING AREA: SAN LORENZO VALLEY
GENERAL PLAN RESOURCES & CONSTRAINTS: GW

ORIGINAL - OFFICE

1 of 2

EXHIBIT M

County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN D. JAMES, DIRECTOR

February 10,2003

Schumacher Land & Vineyard Company
379 Felton Empire Grade Road
Felron, CA 95018

Subject: Application # **03-0032;** Assessor's Parcel #: **065-051-23**
Owner: **Schumacher Land & Vineyard Company**

Dear Scliumacher Land & Vineyard Company:

This letter is to inform you of the status of your application. On 1/3 1/03, the above referenced application was submitted for an Amendment to Use Permit 76-1294 with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

I have reviewed the submitted material and determined that additional information and/or material is necessary. At this stage, your application is considered **incomplete**. Please keep in mind that the original Use Permit (76-1294-U) was for " A bonded winery that includes production, bottling and selling of wine in an existing building". In the Zoning Administrator proceedings in the 1976 Public Hearing for the Use Permit, the property owners stated they anticipated a small-scale operation with the primary grape resource grown on-site. No part of the discussion included a description for *the* type of vehicles to be used, location and time while in use, or possible noise generated during the operation. In addition, the owners anticipated public wine tasting that would be invitational only. The winery operation and scale has evolved over the years and the Planning Department has received a variety of nuisance complaints from the surrounding residential neighborhood. This Amendment application will be processed to bring the property's uses into conformity with *an* amended, approved use permit. It is anticipated that a public hearing will be required to make the amendments to the use approval.

For your Amendment application review to proceed, the following items must be submitted:

1. Include plans drawn to scale representing all areas of use including:

   a. Areas (for entrance, exit, parking, and circulation) of vehicles used for the yearly wine production and public tasting. Identify all variety and size of vehicles.

EXHIBIT M

b. Label areas of storage, temporary stacking, and storage material

c. Label building use (areas within the buildings) and all stationary machinery, i.e., cooling systems, generators, etc., that generate noise beyond the building perimeter.

d. Display all outside public gathering areas

e. Label all outdoor lighting, its height, and hours in use.

f. Any proposed relocation of access, circularion, parking and new buildings

g. Any material or substance during the wine production that creates a potential odor

2. A program statement that includes: the yearly volume of wine production specific to the various seasons, bottling location (include mobile bottling vehicles), hours of winery operation throughout the year (including all vehicle operation, deliveries, and public wine tasting), hours and location of forklift operation, source and quantity of all off-site grapes (or other stage of wine production resource) received. Statement should include any future expansion of the operation involving additional production levels, vehicles and hours of operation, etc.

You should submit the required materials to the Planning Department at one time. Revisions to plans should be included in complete, updated sets of plans. The number of sets required shall be the same number as originally submitted, to allow for routing to all agencies, unless otherwise specified in this letter. (Please submit all plans folded into ~ 8.5" x 11" format). You have until 3/15/03, to submit the information indicated. Pursuant *to* Section 18.10.430 of the Santa Cruz County Code, fai-lure to submit the required information may lead to abandonment of your application and forfeiture of fees. If your application is abandoned, or if there is failure to diligently pursue the application, the Planning Commission may consider issuance a Resolution of Intention to amend Use Permit 76-1294-U pursuant to County Code Section 18.10.136.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee for administrative appeals (currently this fee is $390, but is subject to change) and a letter addressed to the Planning Director stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be received by the Planning Department no later than 5:00 p.m.

Should you have further questions concerning this application, please contact me at: (831) 454-3181, or e-mail: robert.stakem@co.santa-cruz.ca.us

Sincerely,

Bob Stakem
Project Planner
Developnient Review

EXHIBIT M

LAW OFFICES OF
BOSSO, WILLIAMS, SACHS, ATACK & GALLAGHER
AND PETER L. SANFORD
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

ROBERT E. BOSSO
LLOYD R. WILLIAMS
PHILIP M. SACHS
CHARLENE B. ATACK
JOHN M. GALLAGHER
PETER L. SANFORD
CATHERINE A. PHILIPOVITCH
PASCHA R. STEVENS
MICHELLE E. ANDERSON
EDWARD L. CHUN
SUZANNE P. YOST
JENNIFER J. GRAY

MAILING ADDRESS: P.O. BOX 1822
SANTA CRUZ, CA 95061-1822
LOCATION: 133 MISSION STREET, SUITE 280
SANTA CRUZ, CA 95060
TELEPHONE: (831) 426-8484
FACSIMILE: (831) 423-2839
E-MAIL: ADMIN@SCLAWFIRM.COM

PETER L. SANFORD, APC *
SAN JOSE OFFICE:
333 W. SANTA CLARA ST.
#612
SAN JOSE, CA 95113
TEL: (408) 286-9700
FAX: (408) 286-9403
PLEASE REPLY TO SANTA CRUZ

* CERTIFIED SPECIALIST IN TAXATION LAW, THE STATE BAR OF CALIFORNIA, BOARD OF LEGAL SPECIALIZATION

March 17,2003

Via Facsimile & First Class Mail

Mr. Don Bussey
Project Planner
Development Review
701 Ocean Street, Suite 310
Santa Cruz, CA 95060

Re: Application No. 03-0032 (Schumacher Land & Vineyard Co.)
Dated January 31,2003
APN No. 065-051-23

Dear Mr. Bussey:

On behalf of our client, Schumacher Land and Vineyard Company, the above application is hereby withdrawn.

Kindly refund the unused fees to our client directly.

Thank you for your consideration of this matter.

Very truly yours,

ROBERT E. BOSSO

REB/ek
cc: John Schumacher
Schumacher Land and Vineyard Company
cc: Richard Beale

EXHIBIT M

H-3, b.2
7-23-03

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
Duly seconded by Commissioner
The following resolution is adopted:

RESOLUTION OF INTENTION TO CONSIDER AMENDMENTS OF PERMIT NO. 76-1294-U REGARDING PROPERTY LOCATED ABOUT 1400 FEET NORTH WEST OF THE INTERSECTION OF FELTON EMPIRE ROAD AND HIGHWAY NINE

WHEREAS, the Planning Commission finds that the existing winery operation on Assessor's Parcel Numbers 065-051-14, 15 and 23 does not conform with the project scope approved by Permit No. 76-1293-U; and

WHEREAS, the Planning Commission finds that a substantial and unpermitted intensification of the winery production and operation has taken place; and

WHEREAS, the Planning Commission finds that the existing winery operation is located adjacent to neighboring residential properties, who have registered complaints with the County about increased glare, dust, noise, odors and traffic emanating from the winery operation; and

WHEREAS, the Planning Commission finds that the intensification of the winery production and operatioin has resulted in the creation of glare, dust, noise, odors and traffic to such an extent as to constitute a nuisance as defined by the California Civil Code; and

WHEREAS, the Planning Commission finds that the intensification of the winery use and the attendant creation of glare, dust, noise, odors and traffic are detrimental to the public health and safety of others in the neighborhood; and

WHEREAS, the Planning Commission finds that the Permit 76-1294-U has been exercised in a manner which creates a nuisance and which is otherwise detrimental to the public health and safety.

NOW THEREFORE, BE IT RESOLVED AND ORDERED THAT THIS Commission declares its intention to consider amendments of Permit 76-1294-U; the proposed amendments are as follows:

Property

1. The permit recognizes a winery/ vineyard operation involving APN's 065-05 1-14, 15, 23 and APN 065-061-18.

EXHIBIT N

2. An Affidavit to retain as one parcel shall be recorded for APN's 065-051-14, 065-051-15 and 065-051-23. This will implement the requirements of Lot Line Adjustment 80-624-MLD approved on October 3, 1980.

Operational Standards

3. Hours of Operation:

Winery

a) The wine production facility including all forklifts and other outdoor operations and equipment shall be limited to the hours of 8:00 a.m. to 5:00 p.m. weekdays. During the months of September and October, the operation may include weekdays and Saturdays from 8:00 a.m. to 7:00 p.m. This shall include outdoor operations.

b) Any and all truck operations and deliveries related to the wine production facility and wine sale: shall be limited to the hours of 8 a.m. to 3 p.m. weekdays only. No overnight truck storage is permitted.

c) Tractor-trailer vehicles associated with deliveries to or from the winery or with the wine production are permitted. Deliveries and other operations of such vehicles are limited to the hours of 8:00 a.m. *to* 3:00 p.m. weekdays only, Operation of trucks or refrigeration equipment associated with such vehicles *is* expressly prohibited on weekends and between the hours of 3:00 p.m. and 8:00 a.m. on weekdays.

Tasting Room

a) The tasting room/ sales room shall be by appointment only.

b) A maximum of 12 persons, excluding employees shall be allowed at the facility at any time. This is also applicable to winery tours.

c) The hours for the appointments are limited to between 1:00 p.m. and 4:00 p.m. weekdays and the first Saturday of each month from 1:00 p.m. to 400 p.m.

d) During Passport Events (four times a year), the tasting room may be opened on Saturday and Sunday from 11:00 a.m. to 5:00 p.m. During this time no appointments shall be allowed. Visitors shall not exceed 12 at any time and all participants shall park on site.

e) No winery related parking is allowed on Felton Empire. The owner shall monitor the parking to ensure compliance and shall close off access to the sire and the facility when the parking lot is full.

4. Uses allowed. This permit allows for production, bottling, tasting and sales of wine (by appointment only) on site only and no processing of grapes or custom crushing for other off site labels is allowed.
5. No other use (i.e.; weddings, dinners, fundraisers, meetings, children's parties, etc.) is allowed or permitted. No outdoor music is permitted.
6. All noise generated by the wine production operation and tasting room shall be contained on site to the maximum extent possible. The noise level at the property line shall not exceed 60 Ldn.
7. The total onsite production for all wine processed/ bottled on site shall not exceed 10,000 gallons. A copy of the State of California Alcohol Beverage Control permit stipulating this limit shall be submitted to the Planning Department within 45 days of the effective date of this permit amendment.
8. Annual reviews: An annual review of the operation to review compliance with the Conditions of Approval shall Le conducted by the Planning Department and a report to the Zoning Administrator prepared. A public hearing may be required. These mandatory reviews shall cease after the operation is found in compliance for five consecutive years.

EXHIBIT N

Site Standards

9. Access road and parking surface:

Access Road

a) The access road from Felton Empire shall be improved to a minimum width of 18 feet with an all weather surface acceptable to the County (i.e.; 9 inches of compacted base rock with a 3 inch overlay of asphalt concrete).

An alternative access for employee's and deliveries off of Kirby Street or Hihn Road shall be developed to the above standards if it would comply with all applicable County policies.

Parking Areas (See Condition 11 for location)

a) The parking area for the tasting room shall provide for a minimum 10 parking spaces 8.5 feet by 18 feet in size and a turnaround area. A handicapped parking space may be required. All spaces shall be striped/ delineated.

b) The parking area for the employees shall be covered with an all weather surface acceptable to the county (i.e.; 9 inches of compacted base rock with a 3 inch overlay of asphalt concrete for all areas used by the delivery trucks and the forklifts and 6 inches of compacted base rock with a 2 inch overlay of asphalt concrete for the small vehicle parking area.) and shall be of sufficient size to provide for 10 parking spaces (8.5 feet by 18 feet) and an acceptable turnaround area.

10. All activities related to the production of wine shall be contained indoors whenever feasible. This shall include any cooling or refrigeration units. If this is not feasible, the unit shall be relocated consistent with the provisions in Condition 6 and Condition 11. Evidence of compliance prepared by a qualified professional shall be submitted to staff for review and approval

11. No outdoor areas used for storage bins, truck parking and storage areas, vehicle storage, or processing shal! be sited within 100 feet of any property line. All Buildings shall comply with the following site standards:

Front setback	40 feet min. (Northern Property Line)
Side and Rear Setback	20 feet min.

These standards are not applicable to any legal non conforming structure.

12. A site plan shall be submitted to staff for review and approval within 90 days of the effective date of this permit which reflects compliance with this standard.

13. A comprehensive landscape plan shall be submitted to staff for review and approval. The intent of this plan is to screen to the maximum extent possible the winery operation including the outdoor parking and storage areas from tlie adjoining properties.

14. All outdoor illumination shall be aimed downward and be shielded so that glare is not produced onto adjoining properties. All outdoor lighting with the exception of minimal security lighting shall Le turned off by 7 p.m. each day and shall not be turned back on until 8:00 a.m.

15. Building permits shall be obtained for all unpermitted structures and expansions or upgrades done to any of the buiidings that were unpermitted.

16. All requirements of the EHS shall be met with respect to the disposal of all grape residue and on site septic use. All grape residue/ waste shall be disposed of at a County approved off site location and shall not be stored or disposed off on the property.

17. No fertilizers to be used for any vineyard shall be stored on the property for longer than 48 hours. No on site composring is permitted on the property.

18. Signs: A maximum 4 square foot sign painted earthen tone is permitted. It shall be non-illuminated. No other signs including sandwich board signs ate allowed.

The sign shall clearly note that tastings are "by appointment only".

EXHIBIT N

Timing

19. Site Plans reflecting all of the above noted standards shall be submitted to Planning Staff for review and approval within six (6) months of the effective date of this permit amendment. The approved plans shall be implemented and final clearance issued within six (6) months of the plan approval date. Failure to meet this timeframe shall void this permit.
20. Building Permits shall be applied for within ninety (90) days of the effective date for all structures, additions and conversions done without permits. The Building Permit shall be obtained and all required inspections obtained including the final inspection clearance within 180 (one hundred and eighty) days of issuance. Failure to meet this timeframe shall void this permit.

BE IT FURTHER RESOLVED AND ORDERED that the _____ day of _____, 2003, at the hour of 9:00 a.m. in the Board Meeting Room, Room 525, Governmental Center, Santa Cruz, California, be and is hereby fixed as the time and place of the hearing on said proposed amendments.

BE IT FURTHER RESOLVED AND ORDERED that at that time, date and place hereby set for public hearing, all interested parties may appear and be heard on the proposed amendments.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 23rd day of July, 2003, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Ted Durkee, Chairperson

ATTEST:_____
Cathy Graves, Secretary

Approved as to form:

_____
David Kendig, Assistant County Counsel

EXHIBIT N

January 28, 20
Item #7

Ahlgren Vineyard
Andersen Vineyards
Aptos Vineyard
Bargetto Winery
Bonny Doon Vineyard
Burrell School Vineyards
Byington Winery
Chaine d'Or Vineyards
Cinnabar Vineyards
Clos LaChance Wines
Clos Tita
Cooper-Garrod Vineyards
Cronin Vineyards
David Bruce Winery
Devlin Wine Cellars
Equinox
Fellom Ranch Vineyards
Hallcrest Vineyards
Hunter Hill Vineyard & Winery
Kathryn Kennedy Winery
McHenry Vineyard
Mount Eden Vineyards
Obester Winery
The Organic Wine Works
Osocalis
P & M Staiger
Page Mill Winery
Pelican Ranch Winery
Picchetti Winery
Ridge Vineyards
River Run Vintners
Roudon-Smith Winery
Salamandre Wine Cellars
Santa Cruz Mtn Vineyard
Savannah-Chanelle Vineyards
Silver Mountain Vineyards
Soquel Vineyards
Storrs Winery
Thomas Fogarty Winery
Thunder Mountain
Troquato Vineyards
Trout Gulch Vineyards
Vinh-Rebhahn Vineyards
Woodside Vineyards
Zayante Vinyards

Santa Cruz Mountains
WINEGROWERS ASSOCIATION
scmwa.com

August 6,2003

Santa Cruz County Planning Commission
701 Ocean Street
Santa Cruz, CA 95060

Re: Hallcrest Vineyards & Winery

Dear Members of the Planning Commission:

We write this letter in support of Hallcrest Vineyards and their permit to make wine. Chafee Hall opened Hallcrest Winery in 1941 and was famous for producing the highest quality wines.

Up until recently, Hallcrest had participated in many of our annual events as well as other events hosted by the winery themselves - including weddings. Such events were a source of income and promotion. However, in accordance with noise complaints, Hallcrest has canceled all of their personal events and participates in very few Association events. With **so** much eliminated from their income, the winery is now having a difficult time.

The Santa Cruz Mountains has been recognized as a premium wine-producing region since the late 1800's. The southern Bonny Doon microclimate is ideal for several varieties of grapes; particularly Pinot Noir and Chardonnay and several others which thrive in cooler winegrowing regions. It is not suitable however, for popular varieties of grapes that require warmer climates such as Cabernet Sauvignon, Merlot, Zinfandel, and others. In the wine industry it is common practice to bring fruit from different growing climates to the winery to supplement the h i t that can be grown at the winery.

In fact, grape production in the Santa Cruz Mountains region is so limited that half of the wine produced must come from other districts. Any requirements to limit the production of wine to include only the fruit grown on the winery grounds would substantially limit the

economic viability of that winery. Many small wineries do not grow any of their own grapes. Adverse weather patterns can severely reduce or eliminate grape production. In addition, a leafhopper bug occasionally attacks local vineyards, which causes the plants to shrivel and die. It takes several years to replace these vineyards and the inability to replace the lost grapes would guarantee bankruptcy for any winery so restricted. Bonny Doon Winery, McHenry Winery and David Bruce Winery, among others, have been affected by this problem.

Winemaking is as much art as science. It is also one of the agricultural businesses that we value in this county. Agriculture, as a hole, is our county's largest income producer. Individual winemakers, however, are small businesses that can barely survive the myriad federal, state, and local regulations.

Hallcrest would like to be a good neighbor. The vast majority of the neighborhood feels they already are. Please help to resolve these issues with the least amount of regulation and let the parties move forward with closure.

On behalf of the 54 wineries located in the Santa Cruz Mountains Viticulture **Area,** we would l i e to strongly support *this* winery.

Sincerely,

John Hibble

John Hibble
Executive Director
Santa Cruz Mountains Winegrowers Association

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: 7/28/04
Agenda Item: # 7
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. 76-1294-U
APN: 065-051-05, 14, 15, 21, and 23

EXHIBIT H

Don Bussey

From: Greg Jansen [GNJansen@netscape.net]
Sent: Thursday, June 17, 2004 9:14 AM
To: Don Bussey
Cc: Tom Burns
Subject: meetings

Dear Don,

Thanks for your patient and thorough attitude at Tuesday's meeting. You never hurried the process but always remained attentive. We very much appreciated your time, energy and attitude.

Since the Planning Commission meeting is being held while we are out of the country, we would hope for two things... (1) that this conditional permit be as close to what what is acceptable before it's presented to the Commission and (2) that you present our concerns about the remaining areas we did not deal with or agree to ... the ones that are still in limbo.

Please consider the following clarifications from our meeting:

- 50,000 gals. production ceiling.... Please keep the 30,000- 40,000 gal. limits intact. The owner does not even have the space to move his garbage/recycling area let alone added storage, truck parking and all of the other incumbent noisy operations. We've been more than conciliatory... please do not include an upgrade in this area... it already seems that our #1 fear... semi trucks could be allowed, Don't sanction another 20% increase ... it is already too much.

- Though we did offer the winery owners a reprieve from the gallon limits in phase # 1, this in no means implies that we are not fully in support of the phasing process including Section G Compliance... we hope we made that clear.

- Weddings.... we only agreed to these if they were going to be moved far away from neighboring property lines... they are a nuisance and an intensification of noise. The winery 200 ft. limit should apply here. Our Section D (on page 3) is valid as written.
  If they are going to be written in the Phasing process, they should only be allowed in Phase #3 only and with our limitations (on page 3) intact.

We agreed to the extra event in Sept. (the Felton Businessman's Assoc. dinner) but the restriction should be, as with all events, no microphones/amplification allowed at all. We appreciated your stance and support of no other dinner events.

- 50 ft. boundary.... we apologize that we said that temporary winery truck parking would be OK but we are very afraid of the "Creep Factor if we allow any at all... we hope this space can be totally protected except for non-winery related delivery vehicles... we think it is reasonable that extra winery vehicles can wait in the parking lot.

- Please keep in the Tour Bus exclusion.

- We ran out of time and didn't discuss this one and if we should check with John before it goes to press, we'll do it but please add the forklift addition.....
- C-2b (page 6) "... south of the tasting room building during the months of the crush only." Supposedly in Phase 2 the owners will be moving the crushing unit any way So there will be no need for a gasoline powered forklift.

Thanks for your time... please contact us if ther is any confusion or if we can help ... Greg and Nora

Suggested Additions and Changes to the CONDITIONS OF APPROVAL

June 15, 2004

Suggested Additions

- We hope the following condition could be added, "... *small, neighbor-friendly trucks* ***(box*** or *cargo trucks) are the largest vehicles allowed onto the site...*" These smaller trucks would be the primary transporting vehicle (as they used to be).

  Semi-trucks are the number one disturber of peace in the neighborhood. They do not belong in a neighborhood. However, we understand the practical considerations of transporting grapes long distances and the cost benefit of using large trucks. If it is not feasible to allow only the smaller cargo trucks as we propose above, then we propose that semi-trucks be allowed **during the** crush **only** and should be equipped with smart alarms. Our house value and/or quality of life would still be negatively affected but if they are allowed for a defined period of time only, at least we would have some measure of predictability.

- Please consider adding ... " *All working vehicles that need to back up either for loading/unloading and/or getting in and out of the winery, should be equipped with smart alarms.*"

- Please consider adding ... *"Other than during the months of the crush, the winery is closed for all* ***operations*** *on Sundays."*

- Please consider adding ... "*With the exception of the area within 20 ft. of the SE corner of APN 065-051-04 (the general area which is now the garbage and recycling area), all natural screening within 50 feet of the southern boundary lines of APN 065-051-03 and APN 065-051-04 will be maintained to height of 8 to 10 feet to maximize sound proofing ability while keeping the view intact.*"

- B-4 (page 2) Please consider adding ... *"All vehicles driving into the winery need* to *pull back far enough* **so** *that the entire vehicle* ***is*** *completely behind APN 065-051-05 and 50 feet away from the SE corner of APN 065-051-04 before any loading/unloading* ***is*** *done.*"

- C-2b (page 6) Please consider adding "... *south of the tasting room building during the months of the crush only."*

- C-2c (page *6)* Please consider adding "... *grape crusher* <u>*and all associated bin washing*</u>

Suggested **Changes**

B-4 (page 2) Please consider the stipulation ... *"the cooling/refrigerator units should be relocated to the SE side of the existing winery buildings and covered with sound damping fencing."*

We should not attempt to solve this particular problem by merely shielding it in its present location. The owner has been given ample time and opportunity to try the shielding solution. If we okay this as a tentative solution and this remedy does not cure the noise problem, it will be very unlikely that the owner will then move the unit to the designated location. Even if he does move it and if past practices in any way predict future actions, the move will certainly not happen in a timely manner. This is a "mosquito in the ear" noise... an intermittent noise that ruins sleep and can truly be **called** a nuisance.

B-5 (page 2) • Please consider changing the first sentence to read, *"No outdoor areas used for storage bins, garbage/recycling, truck parking...."*

• Footage limits should be changed to, *"... within 50 feet of any neighboring property lines."*

There is a good reason why the footage limits in the winery ordinances is "200 ft. from nearest property lines." We are not asking for that distance, nor even half ... we are asking for 1/4 of that distance. Given the topography of the parcels in question, this probably is not far enough away from neighboring property lines to adequately reduce the noise impact but seems a reasonable distance.

C-1a (ii) (page 4) • Please consider changing the first sentence to read " *Removal of all winery related materials and equipment (including storage bins and garbage and recycling containers) from within 50 feet of the southern property lines of* APN *065-051-03 and 04."* (see above for explanation)

C-1c (page 5) Please consider eliminating the sentence, *"With the exception... property line."*

All properties should be protected as much as possible from public incursion. Please remember that alcoholic beverages are almost always a part of any public activities at this site.

C-2h (page 6) Please consider eliminating the sentence, *"With the exception... property line."*

E-2a(i) (page 8) Please consider changing to, *"... 12:00 to 5:00 Monday through Suturday."*

E-2a (iii) (page 8) Please consider changing the first sentence to read, *"Winery tours are only allowed during the months of May 1-Sept. 1, during regular tasting room hours and will supplant the normal public tasting on thot day. These tours....".*

Section D Special Events

Weddings, parties, meetings, fundraisers, receptions and other special events are a Pandora's Box that hopefully will stay shut. We are willing accept the burden of increased noise to due the production, bottling and distribution of 40,000 gallons of wine. We are willing accept the burden of the noisy, stressful months of the crush Sept. Oct. and Nov. We are willing accept the burden of the many hours of public incursion from wine tasting, passport events, vintner's weekends and tours. This is more than enough noise, more than enough disruption of the peaceful enjoyment of one's home, for any resident to have to tolerate.

We hope you consider the following suggestions before drafting any special event conditions.

1. Our first hoped-for recommendation would be that no regular special events would be considered at this time. One large public event with certain limitations would be fine. Other special events could be considered as an amendment to the this use permit a few years down the road after the currently proposed conditions have been tried and experienced and the anticipated noise reduction has hopefully been accomplished.

2. If there exists appropriate zoning and planning ordinances that give all wineries a legal right to hold functions, of course the owner should be allowed to hold functions (if these ordinances do not exist, a long hard look should taken at this site before granting the privilege to hold special events ... taking into consideration the close proximity to neighbors, the natural sound corridor that exists and the past history of events).

Since we have already lived through 4 or 5 years of "Special Event Hell", we know what doesn't work. Again, if events are a legally sanctioned right for all wineries, we would hope that the following limitations would be seriously considered before allowing any special events:

- No more than 4 special event functions per month (any combination of weddings, parties, meetings, passport events, seminars, group picnics, Vintner's Weekends, etc.)
- The only allowable events outside of the May 1-Sept. 1 event window, are the 3 Passport events in January, April and Nov.
- Parking for these events would be in a designated area on the far south portion of what used to be the vineyard.
- Events could be scheduled Tuesdays, Thursdays and the first and third Saturday from May 1st to September 1st.
- Saturday events could go from 11:00 to 7:00 ... from setup to vacating the property. Weekday events could go from 1:00 to 5:00 ... from setup to vacating the property.
- All event activity shall be located 200 ft. from the any neighboring property line (including all deliveries .... setup, cleanup and breakdown activities)
- No microphones or amplified music is allowed ... acoustic, stringed instruments only.
- One large event with up to 200 people is allowed per year, during May 1-Sept. 1, and would count as a special event in the limitation stated above.

Dear Don,

June 17,2004

Thanks for your patient and thorough attitude at Tuesday's meeting. You never hurried the process but always remained attentive. We very much appreciated your time, energy and attitude.

Since the Planning Commission meeting is being held while we are out of the country, we would hope for two things ... (1) that this conditional permit be as close to what what is acceptable before it's presented to the Commission and *(2)* that you present our concerns about the remaining areas we did not deal with or agree to ... the ones that are still in limbo.

Please consider the following clarifications from our meeting:

- 50,000 gals. production ceiling.... Please keep the 30.000- 40,000 gal. limits intact. The owner does not even have the space to move his garbage/recycling area let alone added storage, truck parking and all of the other incumbent noisy operations. We've been more than conciliatory... please do not include an upgrade in this area... it already seems that our #1 fear ... semi trucks could be allowed, Don't sanction another *20%* increase ... it is already too much.

- Though we did offer the winery owners a reprieve from the gallon limits in phase #1, this in no means implies that we are not fully in support of the phasing process including Section *6* Compliance.. . we hope we mode that clear.

- Weddings.... we only agreed to these if they were going to be moved far away from neighboring property lines... they are a nuisance and an intensification of noise. The winery 200 ft. limit should apply here. Our Section D (on page 3) is valid as written.

  If they are going to be written in the Phasing process, they should only be allowed in Phase #3 only and with our limitations (on page 3) intact.

  We agreed to the extra event in Sept. (the Felton Businessman's Assoc. dinner) but the restriction should be, as with all events, no microphones/amplification allowed at all. We appreciated your stance and support of no other dinner events.

- 50 ft. boundary.... we hope this space can be totally protected except for non-winery related delivery vehicles... any winery vehicles can wait in the parking lot.

- Please keep in the Tour Bus exclusion.

- Please add the forklift addition, • C-2b (page 6) **"... south *of the tasting room building during the months of the crush only."*** Supposedly in Phase 2 the owners will be moving the crushing unit any way so there will be no need for a gasoline powered forklift.

Thank you for your time and energy... please let us know if you have any questions or if we can help in any way.

Sincerely,

Greg and Nora Jansen and for Kathy Moody

cc Tom Burns

Dear Commissioner Durkee, July 12, 2004

We unfortunately can not make the next Planning Commission Hearing at the end of July at which the Hallcrest Vineyard/Winery amended use permit will be discussed. We are sorry that we cannot be there and ***want to*** be ***sure our nonattendance is not misconstrued as a lack of concern about the process or the outcome of the use permit.*** Kathy Moody has had a death in the family and as of the writing of this letter, does not expect to attend either. We are not aware of any other neighbor's plans regarding this meeting.

We will be attending our daughter's reenactment of her wedding for her husbands family in Barbados. We have been saving for this trip for over a year and have had it scheduled for 6 months. We informed Tom B. and Don B. about our plans but there was an unfortunate misunderstanding (the meeting was scheduled at the end of a long session when several other items were being discussed and our information must have been lost in the shuffle).

As we explained to Don, on one hand, more time is needed to discuss the many unaddressed details of the Conditions of Approval and yet on the other hand, it would be better for all concerned to end this process as soon as possible. We are torn... we, like John and Lorraine want it over and done with and yet several important issues and many details remain unresolved. As we explained to Don, after we receive the next draft of the Conditions of Approval, we, together with Kathy, will draft a detailed response giving our residential perspective and hopefully eliminating any questions regarding our view about specific conditions. We trust, that as long as our concerns can be objectively presented to you, the Commissioners, we have no personal need to be in attendance at the July meeting. We hope that any unresolved details can either be equitably dealt with or postponed somehow for further review. We feel that as long as all information is on the table for everyone to see and hear, we trust the people and the process to arrive at a fair conclusion.

We are relieved that the details of this permit will be objectively reviewed by your Commission. We realize that even though we have attempted throughout these many years to remain objective and understanding, that we are not. Our perspective of these issues and most likely the perspective of the owners of the winery, has been muddied by the inevitable clash of interests between businesses and residences. It will be good to let unbiased *eyes* look at the situation, weigh all of the facts and arrive at a just and equitable result.

We would be happy to help in any way. We would like to lighten your burdens not add to them. Please let us know if there is anything we could do in advance of the meeting that could be of service to you or the process. We have included our email address should you wish to respond to this letter. Thanks for your time and energy.

Sincerely,

Greg and Nora Jansen (gnjansen@netscape.net)

cc Commissioners **Shepherd, Bremner, Holbert, Osmer,** Hancock
cc Tom **Burns**
cc Don Bussey

July 27th, 2004

County of Santa Cruz
Planning Commission
701 Ocean St.
Santa Cruz, CA. 95060
Via: email

RE: Proposed Conditions for Revised Use Permit, Application # 76-1294-U, APNs 065-051-14,15, & 23.

Dear Planning Supervisors,

At long last we are at the public hearing, and I want to thank you and the Planning Department's extensive work and efforts to getting to this step of the process. I know that Don Bussey, Tom Burns and others have held extensive meetings with our Neighbors: the Jansens 2nd at one time, Cathy Moody. As a result of these many meeting and compromises the above staff report is submitted for your review. Over all my suggestions wouldn't deter as much. from the issues that have been addressed but would hope to simplify the restrictions recommended by the the Planning Department. This would hopefully alleviate interpretation and confusion of the permit. I do also have some major concerns that I'll address first.

Thank you again for taking the time and the vary thoughtful plan you proposed for the draft conditions to revise our permit. Most of the items and details seem to be achievable goals given the application of a certain amount of time and money . Our interest is to comply with the intent of your department's determination of lessening the nose impact on the immediate surrounding neighborhood while maintaining our vested rights to the use of the above parcels and continuing the viable operation of a winery and vineyard. Unfortunately, we may be beyond the point of being able to invest an additional, undermined amount of money into the improvements required by County Planning to meet all of the proposed conditions of approval. At this point in time we'll continue to move forward with our best efforts.

My concerns on just several points of the proposed conditions are:

In general as mentioned in the my previous letter two items that would make a significant impact on our ability to operate as a viable vineyard/winery operation

are:

1) Tasting Room:
Several Years ago we reduced our Tasting Room hours from (11:00 am - 5:30 pm) to (12:00 noon - 5:00) as a compromise to reduce general impact. It is imperative that a small winery have the ability to present its wines in at the winery and conduct retail sales. I would suggest to simply keep tours keep tours with in these hours also. Tours are not a big impact and show the intimate operation of our winery and what makes us unique being organic and in the Santa Cruz Mountains. Tours range from 4 to 30 peopie and most of the time in the cellar. Because of the historic nature of the building sight it may be difficult to make the tours to comply with ADA.

2) Referred to as B. 1. Limiting production to 40,000 gallons. @ 2.4 gallons per case = 16,666 cases.
This would bring our size from what industry standards call small wineries of 20,000 cases toward a boutique size of 5,000 cases. Wineries that produce in between these general economies of scale typically have failed. All though these economies of scale do change over a period of time and some flexibility may be needed in the future, limiting production to 50,000 gallons would be more feasible. This would be equivalent to 21,000 cases or at 165 gallons per ton = 303 tons. Prior to our purchase of the winery, Felton Empire crushed at least 450 tons of grapes from 1981 to 1986. The 50,000 gallon volume is what we have been operating under in the past because it complied with the winery ordinance (see County Code section 13.10.637) The parcel needed 10 acres minimum to comply which it originally was then redcced io 7 acres (see permit history) when several parcels were combined.

Other items in greater detail are:

Item #

B.2. After some research we could accomplish reducing the noise impact of music amplification at Weddings by using a devise that is implemented with great success at the Mill Pond. This devise automatically turns off the power and therefore the music if the decibel level is exceeded. We would request that amplified music be allowed if this engineered plan io keep the sound level to a minimum is approved by planning. It is also our understanding that wedding parties are impossible to book with out the use of some form of amplified music.

B. 3. We would ask that our noise tolerance levels be at the levels suggested by the winery ordinance (see County Code section 13.10.637) and that the exterior reading be clarified as to where the reading is being taken, such as the property line.

B. 5. We believe that a 50 ft. set back from the southern property line of APN's 065-051-03 and 04 is too much. This area has always been our property with legal access to the winery and for temporary parking. We would ask for maximum 20 foot set back. During the harvest there would be some storage of grape bins. During the off season we have made arrangements to transport & store these bins off sight at a great expense to us.

Relocation of the garbage and recycling area would cause a bottle neck since we are attempting to relocate processing to the north part of our property. Both the garbage co. and recyclers would not be able to gain easy access to that back portion of the property and we would therefore have to fire up the forklift on Sunday night or early Monday morning to move the containers for their access.

B. 6. Our outdoor lighting is minimal. We have no problem shielding the one light used for production but we do need light to walk to and from our office at night or to enjoy a private dinner out on our deck. We have always been conscientious about turning off lights when not in use. There is no ordinance for residences to have their lighting turned off from 7 pm - 8 am. Our out door lighting has always been less impact than any single residence. The Jansen's issue with this is they expect to have a private open space park for their own enjoyment using our property and at our expense.

B. 7. We need clarification of delivery & storage bulk fertilizer. Storage needs to be close to the winery for security purposes and we may have to do several application for the year from a single purchase/delivery.

B. 8. We request that the height of the sign be raised to 12 feet to allow for vehicles exiting the winery have a clear view of the road and to prevent vandalism to the sign.

B. 9. We have discouraged the use of double trailers but would like to point out that future grape deliveries may require double trailers if we reengineer the grape crush area to the north side of the property. Please don't tie our hands to solve the greater issues.

13. Because of the historic nature and design of the winery the AD.4 does allow for some exemptions as to cost of remodeling. Please note that if we have rebuild a new winery to comply it simply won't be economically feasible. This stipulation should be modified to general building code, not a definitive permit issue.

18. How do we minimize dust in the vineyard? Not use tractors? This is too general and needs to be more specific. Please note we have not gotten any complaints about dust except from one neighbor.

C. Production Phasing

We are currently in contract for over 250 tons and will need a variance for the 2004 harvest which may start in 30 days.

C. a. With harvest starting in 30 days it will be impossible for us to implement the modifications requested during harvest. We could start Nov. 1st of 2004 after harvest.

C. a. ii. We can initiate a land scape plan and have beer doing so to properly screen neighbors as required by the winery ordinance (see County Code section 13.10.637). How can we keep noise, dust, light etc. from impacting our neighbors if we are also restricted from minimizing the height of the vegetation. Referring to the Jansen's pictures of trucks they complain about in exhibit H this wouldn't be visible if the vegetation wasn't being cut down by them on our property. Either we minimize the impact or we don't.

C. 2. b. Our research has shown us that an electric forklift does not have the power to move the weight of one to two tons even or. minor grades. We can supplement our current gas forklift with a propane one that is slightly quieter.

D. Special Events

This is an area that we would like to just simplify.
1) We would only like to do 10 weddings a year. Only on Saturdays. After doing additional research Wedding parties are typically 150 people. We ask for a maximum of 125 people and to allow for some amplified music at a low decibel level and implement a system as described in our reference to B. 2. Otherwise the weddings won't be able to be booked and aren't worth while doing. We have

handled this size of wedding parties in the past with problems. Weddings would end by 6 pm cleaned up by 7pm.

For the one weekend concert a year we would ask the number of people be allowed would be 500. Or picnic grounds have handled up to 750 in the past on one day. The place looks empty with just 200 people for a concert. We are only asking for this because everybody in town keeps reminding me about the Bluegrass Fest we had and that we should bring tha: event back. We have accomedated this size of group before in the past and have not had problems. Parking can be taken off sight when the vineyard is replanted. Concerts (music) would end at 5 pm.

We can accornedate tours up to 30 people, no large buses. enclosed is a summery of tours and tasting room attendance since Oct. of 2003. As you can see the avg. # of people visiting is no more than 16 people a day including the tours. Our tours are mostly educational, groups ranging from different collages, schools, and environmental groups. The tours should be limited to the tasting room hours and it would be unnecessary besides impractical to close the tasting room while having a tour. Hours of a tasting room should always be consistent and customers should expect it to be open at standard time. There nothing that upsets a customer more than having a closed business when that say-s it is going to be oper.. We received a great review on our hospitality form the S. F. Chronical of 3 out of 4 stars (Excellent award) for our tasting room. This is a great reflection on what the Santa Cruz Mountains has to offer.

We would also like to have four evening special events, Limited up to 90 people. This is the only item besides the weddings and the concerts that would fall outside the normal tasting room hours. We would have these winemaker dinners, Felton Business Association Dinner etc. wrapped up by 10 pm. These events are important to the marketing and promotion of the winery and I don't think four dinners is unreasonable.

All of the Weddings (10 events) and Dinners (4 events) would be planned months in advance and we would give notice to the adjoining neighbors of these events.

Crush hours we would need from at least 6 am - 7 pm. The harvest pericd may start some years in August, so those hours should be just referred to as crush instead of limiting to specific months.

The limited number of trucks per week doesn't make sense. Crush is a time sensitive thing and we cannot control ripening of grapes. Limiting the tiuck traffic to regular business hours is simpler to follow. If we are having outside work done why offset truck traffic by another half hour or hour. It is just to complicated to follow.

Tasting Room:
2. a. ii. We can't control the number of people in the tasting room at one time. By referring to our chart or log you can see that traffic is fairly steady but how are we going to stop people from coming in at one time?

2. a iii. Tour we mentioned above again the impact is minimal and would be simpler to schedule during tasting room hour and not have close the tasting room. We will not schedule tours on wedding days nor during the concert.

As a summery for the hours of operation, tasting room, tours, trucks and weddings; lets keep it simple. Easier to manage, easier to follow, easier to comply!

A personal note:

All of the years of hard work, earthquakes, economic ups and downs, and putting up with the exaggerated complaints from one particular neighbor should not preclude us from our personal enjoyment or private use of the winery and vineyard property It should be clarified that we can enjoy the same rights as any other neighbor as a property owner would have for privately entertaining our family & friends,

If you have any further questions please feel free to call me. (831) 335-4441

Thank you for your time and consideration

Sincerely,

John, Lorraine, Shirin Schumacher and family
Schumacher Land & Vineyard Co.

Week:	Number Of Customers	Number of tours	Number of people given tour	Average # of People/Day	Notes
October-03	144	2	51	5	PARTIAL DATA
November-03	385	1	4	13	Passport Month
December-03	227	0	0	8	
January-04	348	1	14	12	Passport Month
February-04	266	1	10	9	
March-04	350	0	0	12	
April-04	376	0	0	13	Passport Month
May-04	389	4	76	13	
June-04	476	3	83	16	
July-04					Passport Month
August-04					
September-04					
October-04					

CRAIG LEE / The Chronicle; styled by JENNIFER SIMPSON

Roth Kase Surchoix Gruyere is the kind of cheese that people just can't stop eating: nutty, sweet and intense.

per vat to cook the [illegible] subtly enhances the flavor.

For the first few weeks, the young 16- to 18-pound wheels are rubbed repeatedly with yeast and brine, then selected bacteria are added to the wash. The bacteria break down the surface proteins, encouraging the development of aroma and flavor. Eventually the bacteria establish themselves on the rind, and the remaining washes are brine only. During its slow maturation on spruce planks, the Surchoix is turned and washed by hand more than 50 times.

Although the dairy releases the cheese as young as 4 months, the Surchoix aged 9 to 12 months is worth a search. The interior is dense, smooth and silky. The aro-

or a dessert wine such as a Monbazillac. A nutty amontillado or oloroso sherry would also work well.

Look for Roth Kase Surchoix Gruyere at Whole Foods in San Rafael, Mill Valley, Cupertino and Petaluma; the Cheese Board in Berkeley; the Pasta Shop in Oakland and Berkeley; Chow in Lafayette; Petaluma Market; Sonoma Market, Vella Cheese and the Cheese Maker's Daughter in Sonoma; and the Milk Pail in Mountain View.

Next up: Ricotta salata, a sheep's milk cheese.

Janet Fletcher is a Chronicle staff writer. E-mail her at wine@sfchronicle.com.

Hallcrest Vineyards in Felton is long on charm and hospitality

By Bill Daley
CHRONICLE STAFF WRITER

The tour of Santa Cruz wineries wasn't what I had hoped for. The tasting rooms were too busy or too slick or had staffs too uninterested. It was infernally hot and the car's air conditioning was on the fritz. Tired and frustrated, I came close to scratching the last stop, Hallcrest Vineyards. Thank goodness better judgment prevailed. For it was there, in Felton, that I found true hospitality.

Hallcrest Vineyards is not fancy. The public profile is so low we drove right past it on Felton Empire Road.

The tasting room is around back, past fields and flowers, in a 1941 cottage short on space but heavy with atmosphere. A counter runs the length of the room and behind it, just slightly taller, Virginia Olguin, a charming woman who manages to greet, pour, chat and handle sales for a steady stream of visitors. She has a real talent for the job. Visitors get free samples of seven wines culled from the regular Hallcrest line and the Organic Wine Works, the winery's sulfite-free collection. The range is ambitious, starting with a delicious 2000 Hallcrest Vineyards Perez Estates Santa Cruz Mountains Chardonnay ($20) and ending with an intriguing Organic Wine Works Vinotopia Ice Wine ($14 for 375 ml). In between, we sampled a number of red wines, including an intensely jammy 1996 Hallcrest Vineyards Andersen Vineyards Santa Cruz Mountains Cabernet Sauvignon-Merlot blend ($35).

Being able to compare organic and nonorganic wines side-by-side is a fun exercise. The 2002 Organic Wine Works Mendocino County Chardonnay ($12.50) had a strong grassy note while the 2001 Organic Wine Works Proprietor's Reserve Mendocino County Cabernet Sauvignon ($19.50) was very, very astringent.

Besides wine, the tasting room is outfitted with an assortment of wine paraphernalia, postcards and even the new Harry Potter book.

A shaded outdoor terrace, with tables and chairs and neighboring garden, is perfect for picnics. Bring your own food. Winery tours may be reserved in advance and cost $5 per person.

With its Organic Wine Works, Hallcrest Vineyards has entered one of the hottest new fields in winemaking today. Yet the winery's small scale and homey, old-fashioned style take you back to how winemaking used to be.

E-mail Bill Daley at bdaley@sfchronicle.com.

The Tasting Room

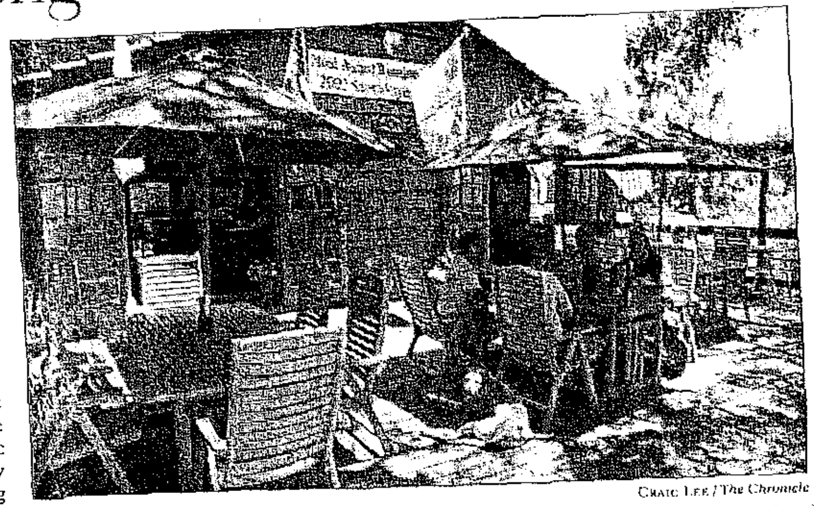
Hallcrest Vineyards

379 Felton Empire Road, Felton
(831) 335-4441
Noon-5 p.m. daily; closed Christmas and Easter
★★★

RATING KEY

★★★★ Extraordinary ★★★ Excellent
★★ Good ★ Fair ☆ Poor

Ratings are based on an anonymous visit by a Chronicle staff member and include atmosphere, value, staff attitude and the variety of activities available to the public.



CRAIG LEE / The Chronicle

Hospitable Hallcrest Vineyards in Felton offers a pleasant, sunny patio for picnicking outside its tasting room.