



Staff Report to the Zoning Administrator

Application Number: **05-0699**

Applicant: Powers Land Planning, Inc.
Owner: Paul Kemp
APN: 098-201-24

Agenda Date: March 16, 2007
Agenda Item: 3
Time: After 10:00 a.m.

Project Description: This is a proposal to develop a private winery with production of up to 20,000 gallons annually. Additionally, the proposal includes the construction of a 3,956 square foot winery structure to be used for production, storage and tasting, and grading of approximately 1,350 cubic yards. The applicant proposes to harvest grapes onsite. The grape crush will take place off site, while blending, storage and bottling operations will occur on site. Wine tasting will occur on the weekends by appointment and will be limited to 12 people at any one time. The applicant also proposes to be included in the quarterly "Passport Days" and annual "Vintner's Festival."

Location: Project is located on the northwest side of Lama Prieta Way approximately ¾ miles past the intersection with Mount Bache Road (26985 Loma Prieta Way).

Supervisory District: 1st District (District Supervisor: Janet Beautz)

Permits Required: Level 5 Commercial Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0699, based on the attached findings and conditions.

Exhibits

- | | | |
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| A. | Project plans | (Attachment 4): General Plan map |
| B. | Findings | (Attachment 10-13): Comments & |
| C. | Conditions | Correspondence |
| D. | Mitigated Negative Declaration
(CEQA Determination) with the
following attached documents:
(Attachment 2): Assessor's parcel
map
(Attachment 3): Zoning Map | E. Letter from Consultant regarding
Bottling operation, dated 1/19/07 |

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Parcel Information

Parcel Size:	5.3 acres
Existing Land Use - Parcel:	Single family dwelling and vineyard
Existing Land Use - Surrounding:	Residential
Project Access:	Loma Prieta Way
Planning Area:	Summit
Land Use Designation:	R-M (Mountain Residential)
Zone District:	SU (Special Use)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

Environmental Information

Geologic Hazards:	Within Mapped County Fault Zone
Soils:	Moderately to Highly Erodible
Fire Hazard:	Mapped Critical Fire Area
Slopes:	One fourth of parcel contains slopes over 30%
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	Approximately 1,485 cubic yards of excavation for driveway widening
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Mapped resource; site evaluation performed, no resources found

Services Information

Urban/Rural Services Line:	Inside <input checked="" type="checkbox"/> Outside
Water Supply:	Private Well
Sewage Disposal:	Private Septic system
Fire District:	Santa Cruz County Fire/CDF
Drainage District:	N/A

History

The parcel is currently developed with a single-family dwelling that was built in 1981. The house is non-conforming with respect to height. In 2003, permits were issued to construct a remodel and addition to the existing house. A code violation was issued in 2003 for clearing vegetation from slopes of more than **30** percent and for causing accelerated erosion. **An** erosion control plan was submitted and implemented to address the erosion and the violation was resolved in 2006.

Project Setting

The subject property is located on Lorna Prieta Way, a private road. The surrounding

neighborhood is characterized by very low-density rural residential development. The southwest portion of the parcel contains slopes of over 35%. The proposed commercial building site is located on the flatter portion of the property containing slopes of less than 15%. In addition to the single-family dwelling, approximately 3 acres are currently under cultivation with vineyards. The proposed building site is adjacent to the single-family dwelling and is served by an existing asphalt driveway. The driveway will be widened to 20 feet in order to accommodate the commercial development and approximately 1,485 cubic yards of grading is needed in order to create the wider driveway.

Project Description

The project consists of developing a winery with production of up to 20,000 gallons annually by constructing a 3,956 square foot, nonhabitable structure. The structure will accommodate production and storage, as well as a tasting room. After harvest, grapes will be hauled offsite for crush, combined with crush from grapes grown elsewhere, and brought back to the subject site for blending, bottling, and storage.

Eleven parking spaces will be provided to accommodate guests **for** weekend wine tasting, quarterly "Passport Days" and annual "Vintner's Festival." Regular weekend wine tasting, outside the Vintner's Festival and Passport Days, will be allowed by invitation only and will be restricted to no more than 12 guests at any one time, per Section 13.10.637(a)(2) of the county Ordinance.

The parcel contains an existing asphalt driveway that will be retained. In order to comply with standards for driveways serving commercial development, the existing driveway will need to be widened to 20 feet. Grading for the road will involve approximately 1,485 cubic yards of cut and 50 cubic yards of fill. A retaining wall approximately 200 feet in length and up to **12** feet in height will also be required along a portion of the widened driveway. Erosion control will be implemented during construction, to include Best Management Practices.

Project drainage improvements include a 95 lineal foot retention trench, **170** lineal feet of detention piping, and five storm water spreaders located along the widened driveway. The project will be served by **an** existing well and a new 10,000-gallon water tank will be provided to supplement the existing 5,000-gallon **tank** at the site in accordance with the County Fire Department regulations and the site's location within a mapped critical fire hazard area. The new 10,000-gallon tank will be located three feet from the property line as proscribed by County Fire/CDF.

No trees are proposed **for** removal as a part of **this** project.

Discussion & Analysis

Zoning & General Plan Consistency

The subject property is a 5.3-acre lot, located in the SU (Special Use) zone district. The proposed commercial development is an allowed use within the zone district and the project is consistent with the site's (R-M) Mountain Residential General Plan designation.

Winery Issues

The applicant is proposing to construct a winery complex with a maximum production capacity of **20,000** gallons of wine. The parcel is suitable for viticulture and a vineyard occupies approximately **3** acres currently. The grapes grown onsite will account for approximately 10% of the overall wine production. The harvesting of the grapes on site is anticipated to last for no more than a weekend and requires only **1** or **2** trucks to transport the grapes to Bargetto Winery in Soquel for crush.

The crush produced from the grapes grown onsite will be combined with grapes grown elsewhere. The wine from the combined crush will then be transported back to the subject site. This transport will require **6** truckloads over a **3-4** week period. The wine will be blended, stored and bottled onsite. A mobile bottling machine will be utilized for the final bottling process, which requires two sessions, **6** to **8** hours per session, to complete the bottling operation for the entire 20,000-gallon production. Information provided about the bottling operation indicates that the noise generated by the bottling operation falls within the noise restrictions contained in Section **13.10.637** of the County Ordinance.

A condition of approval for this project states that prior to allowing any onsite outdoor wine processing, an acoustic study must be submitted, which adequately documents that the noise generated from outside activities complies with the restrictions referenced above.

Eleven parking spaces are provided to accommodate parking for the weekend wine tasting as well as any employees, although the intent is for the winery to operate as a family-run business and employees are not anticipated. Overflow parking for the Passport Days and Vintner's Festival events *can* be accommodated onsite.

Design Review

The proposed nonhabitable accessory structure complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. The project has been reviewed and accepted by the County Urban Designer.

Environmental Review

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on January **8,2007**. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on January **11,2007**. The mandatory public comment period expired on February **5,2007**, with without any comments affecting the Negative Declaration.

The environmental review process focused on the potential impacts of the project in the areas of noise to the surrounding residential neighborhood, geologic issues associated with the County Fault zone, and erosion control. The environmental review process generated mitigation measures that will reduce potential impacts from the proposed development and adequately address these issues. Please refer to the attached Initial Study (Exhibit C) for full details.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- APPROVAL of Application Number **05-0699**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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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.**

This finding can be made, in that the project is located in an area that can accommodate limited commercial uses and is not encumbered by physical constraints to development, which cannot be adequately mitigated. An engineering geology report and geotechnical report were prepared for the site. The reports conclude that the development can safely occur on the property with the adherence to specific recommendations. All recommendations made in the technical reports must be implemented prior to building permit issuance and/or final. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. Environmental Review conducted for the project did *not* identify potentially significant environmental issues, which cannot be mitigated. The proposed nonhabitable accessory structure will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

- 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.**

This finding can be made, in that the proposed location of the nonhabitable accessory structure and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU (Special Use) zone district in that the primary use of the property will be one nonhabitable accessory structure that meets all current site standards for the zone district. A winery is an allowed use in the "SU" zone district and is an agriculturally related pursuit and service. The proposed winery and wine tasting use and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the "SU" zone district, which is to provide flexibility of use to achieve integrated design of major developments, good land use planning, and protection of open space, resource and environmental values.

- 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.**

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Mountain Residential (R-M) land use designation in the County General Plan.

The proposed nonhabitable accessory structure and winery operation will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the nonhabitable

accessory structure will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood. The structure and winery operations are located approximately 150 from the nearest residential structure.

The proposed winery structure will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed nonhabitable accessory structure will comply with the site standards for the SU zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity. Approval of the winery is also consistent with the General Plan policies 5.15.19, 5.15.20 and 5.15.21 "Wineries and Viticulture." The project grading is commensurate with the size and scope of the project, with most of the earthwork resulting from widening the driveway to accommodate Fire Department requirements.

A specific plan has not been adopted for this portion of the County.

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.

This finding can be made, in that the proposed nonhabitable accessory structure is to be constructed on a lot developed with an existing single-family residence. According to Jack Sohriakoff, Senior Engineer with the Road Engineering Section of the Department of Public Works, the expected level of traffic generated by the proposed winery operations is anticipated to be "negligible" and will not adversely impact existing roads and intersections in the surrounding area.

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.

This finding can be made, in that the proposed structure and winery operation is compatible with the land use intensities for the area and the specific site. The winery structure will complement and harmonize with the existing and proposed land uses in the vicinity (rural residential) and will be compatible with the physical design aspects and land use intensities of the neighborhood. The structure's size is comparable to existing wineries with production similar to that proposed for this project. The structure is naturally screened from existing residences in the area by vegetation and topography. Thus, the winery structure and operation, as approved and subject to the required conditions, will be compatible and integrated with the character of the surrounding neighborhood and the natural setting.

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- 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.**

This finding can be made, in that the proposed winery accessory structure will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce **or** visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: **Architectural Plans** (2 Sheets), prepared by William S. Bagnall Architects, Inc., dated 8/15/06.

Grading and Drainage Plans (9 Sheets), prepared by Robert L. DeWitt & Associates, Inc., dated 11/20/06

Landscape Plan, (1 Sheet), prepared by Gregory Lewis, dated 8/4/05

I. This permit authorizes the construction of a winery consisting of a **3,956 square** foot structure to be used for storage, production and wine tasting, with annual production of 20,000 gallons of wine, a wine tasting room open to the public (by appointment) and associated improvements including road improvements, parking for 11 cars, a 10,000 gallon water tank and approximately 1,485 cubic yards of grading. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Obtain a Building Permit from the Santa Cruz County Building Official.
- C. Obtain a Grading Permit from the Santa Cruz County Building Official.
- D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.

II. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in **8.5" x 11"** format.

2. Floor plans identifying each room and dimensions.
3. Structural details and color samples for the new water tank.
4. Grading, drainage, and erosion control plans. Erosion control plan must be prepared by a Certified Professional in Erosion and Sedimentation Control.
5. **For** any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height **of** the proposed structure.
6. Details showing compliance with fire department requirements, including all requirements **of** the Urban Wildland Intermix Code.
7. **A** site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas (including overflow parking), septic location, retaining walls and paving. **A** standard driveway and conform is required.
8. **A** final landscape plan. This plan shall include all hard scape locations, materials and details in addition to planting areas. The plan shall include the location, size, and species of all existing and proposed trees and plants and shall meet the following criteria:
 - a. Turflimitation. Turf areas shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall fescue. Turf areas should not be used in areas less than 8 feet in width.
 - b. Plant selection. At least 80 percent of the plant materials selected **for** non-turf areas (equivalent to 60 percent of the total landscaped area) shall be drought tolerant. Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.

- c. Soil conditioning. In new planting areas, soil shall be tilled to a depth of **6** inches and amended with six cubic yards of organic material per 1,000square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation management. **All** required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions, where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be utilized to maximize the efficiency of water applied to landscape.

Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be imgated separately. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit application. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet recommended on a monthly and annual basis.

- 9. Follow all recommendations of the Engineering Geology and Geotechnical Reports in the construction drawings submitted to the County for Building and Grading Permits. All recommendations contained in the County acceptance letter, November 23,2005, shall be incorporated into the final design. Plan review letters from both the engineering geologist and geotechnical engineer shall be submitted with the plans stating that the building envelopes, septic locations, grading plans, drainage plans, erosion control and building (foundation, retaining walls, etc.) plans have been reviewed and found to be in compliance with the recommendations of the engineering geology and geotechnical reports. Submit three copies of all technical reports, addenda and plan review letters with the building application.

10. An engineered drainage plan, which shows how and where buildings, paved roads and parking areas, and any other impervious areas will drain. All runoff from impervious structures shall be directed into retention structures for on-site recharge of groundwater. Drainage and retention systems shall be designed by the project Civil Engineer, for review and approval by Environmental Planning and Department of Public Works Drainage Section staff.
 - a. The drainage plan shall show all proposed impervious areas within the parcel.
 - b. The drainage plan shall include a maintenance plan for drainage structures and for maintaining all base rocked surfaces free of rills and erosion.
 11. Final plans shall include sprinkler plans for all new structures and shall meet all requirements of the County Fire District, including access and water supply. The owner/applicant shall pay the appropriate plan check fee of the County Fire District.
 12. Any new electrical power and telephone service connections shall be installed underground.
 13. All improvements shall comply with all accessibility requirements.
 14. No structure shall contain cooking facilities.
 15. The final building plans shall specify that the hours of construction shall be limited to between 8:00 a.m. and 5:00 p.m. weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation.
 16. Final plans shall include copies of the approved grading and erosion control plans.
- C. No land clearing, grading or excavation shall begin after August 15th of any calendar year. Final grading plans shall include:
1. Plans must show all areas to receive excess fill. Fill depths shall be specified on the plans. Erosion control measures shall be implemented in all fill areas.

2. Prior to building or grading permit approval, submit a detailed erosion control plan, prepared by a Certified Professional in Erosion and Sediment Control, for review and approval by Environmental Planning staff. The plan shall include the following elements:
 - a. Clearing and Grading schedule, clearly marked disturbance envelope, temporary driveway surfacing and construction entry stabilization, details of temporary drainage control including lines swales and erosion protection at the outlets of pipes;
 - b. Specifications for revegetation of bare areas, both temporary cover during construction and permanent planting;
 - c. Plan for repairing the existing rills on the west side of the property and for preventing progression of the erosion;
 - d. Notes that grading must commence prior to August 1 and must be completed, with revegetation in place, prior to October 15. Winter grading (October 15 **through** April 15) will not be approved for this project.
 3. Prior to building or grading permit approval the receiving site(s) for the excess fill shall be identified. A valid grading permit for any site other than the municipal landfill shall be submitted for review.
 4. Prior to final inspection of permits the applicant shall submit a letter from the soils engineer verifying the stability **of** the outboard fill wedge along the driveway and verifying that the drainage trenches will not cause accelerated erosion.
- D. Submit **four** copies **of** the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- E. Meet all requirements of and pay drainage fees to the County Department of Public Works, Drainage.
- F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- G. Meet all requirements and pay any applicable plan check fee of the Santa **Cruz** County Fire/CDF.
- H. Submit an exterior lighting plan. All lighting shall have the illuminations directed downward and shielded so the glare does not extend onto adjacent properties.

- I. The owner/applicant shall obtain approval for wine waste disposal from the Regional Water Quality Control Board. Copies shall be provided to the Planning Department prior to building permit approval.
 - J. Pay the Santa Cruz County Child Care fee in effect at the time of building permit issuance. On January 16, 2007 this fee would be \$132.48 for the wine tasting room (Category 2: \$0.23 per square foot) and \$401.28 for the storage and remainder of the winery structure (Category 1 : \$0.12 per square foot).
 - K. Provide required off-street parking for 11 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - L. Pay a Negative Declaration filing fee of \$1,800 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program, and file the Notice of Determination.
- III. Prior to site disturbance and during construction:
- A. Prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, and Santa Cruz County Resource Planning staff. The temporary construction fencing demarking the disturbance envelope, silt fencing and/or other erosion control measures will be inspected at that time, and permits for the receiving sites for the fill will be inspected.
 - B. Erosion shall be controlled at all times. Erosion control measures shall be monitored, maintained and replaced as needed. No turbid runoff shall be allowed to leave the immediate construction site.
 - C. Dust suppression techniques shall be included as part of the construction plans and be implemented during construction. Each day that it does not rain, all exposed soils shall be wet frequently enough to prevent significant amounts of dust from leaving the site.
 - D. Work hours for construction shall be confined to 8:00 a.m. to 5:00 p.m. weekdays only, unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation. A sign that includes contact information

- IV. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All disturbed areas shall be landscaped or seeded and mulched with an appropriate plant species.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - D. All required parking and driveway improvements shall be completed per the final site plans for the approved building permit. All handicapped parking shall be accessibility standards and shall be appropriately marked.
 - E. Water meters shall be installed that monitor water usage by fixtures.
 - F. The project must comply with all recommendations of the approved soils reports.
 - G. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native ~~American~~ cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100. shall be observed.
- V. Operational Conditions
- A. Wine production shall be limited to a maximum of 20,000 gallons per year unless an Amendment to this permit is obtained.
 - B. Grape residue shall be disposed of in a manner consistent with the fly and vector control requirements of the Environmental Health Department and consistent with wastewater requirements of the Regional Water Quality Control Board.
 - C. Amplified music is prohibited at all times.
 - D. Wine tasting shall be allowed on the weekend, by appointment only, and limited to 12 visitors at any one time.
 - E. The hours of operation for wine tasting room, wine related events and the sale of wine shall be limited to 11:00 am to 5:00 pm.

- F. The winery shall be allowed to participate in the Passport Days event, held four times and year, as well as the annual Vintner's Festival. These five annual events are the only special events allowed on site. Additionally, the winery shall not be registered on any bus tour routes. Arrival of guests by bus is not encouraged, and the owner/operator shall make every effort to prevent buses from coming to the winery.
- G. All activities related to the production of wine shall be contained indoors whenever feasible. Outdoor operations of the winery are restricted to 8:00 am to 6:00 pm. Exceptions to these hours during harvest, as defined as September 1 through November 1, and crush periods are permissible with 24 hour notification to adjacent neighbors and approval by the Planning Department.
- H. In order to ensure that the general noise standards in the County General Plan and the noise standards for wineries given in the Zoning ordinance are met and that off site noise impacts are not significant, prior to the commencement of crushing or bottling operations that occur outside the building an acoustic study shall be submitted to the Planning Department for review and approval. The report shall determine whether the expected noise level at the closest sensitive receptor will exceed the standards mentioned above. If standards may be exceeded, mitigations that reduce the noise to a less than significant level must be specified and implemented. If mitigation measures are not feasible or are not implemented outside operations shall be prohibited.
- I. Cooking facilities are prohibited.
- J. All landscaping and erosion control shall be permanently maintained.
- K. A sign shall be limited to one non-illuminated sign not exceed twelve square foot at Loma Prieta Way. Sign design shall be reviewed and approved by the Planning Department.
- L. All exterior lighting shall be shielded so as to direct light toward the ground. Light shall be shielded from adjacent properties.
- M. The owner/operator shall maintain records of winery production, number of tasting room visits and water use. These records shall be reported to the Department twice each year in January and July.
- N. The Zoning Administrator shall review the permit and conditions one year following the occupancy of the winery building. A public hearing may be held at the discretion of the Zoning Administrator.
- O. In the event that the winery should cease production of wine, then all wine tasting and wine related events shall immediately cease.

- P. 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.
- VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify **or** cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

VII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

A. Mitigation Measure: Pre-construction Meeting (Condition III.A.)

Monitoring Program: In order to ensure that the mitigation measures B – E (below) are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, and Santa Cruz County Resource Planning staff. The temporary construction fencing demarking the disturbance envelope, silt fencing and/or other erosion control measures will be inspected at that time, and permit s for the receiving sites for the fill will be inspected.

B. Mitigation Measure: Geologic Hazard (Condition II.B.9)

Monitoring Program: In order to avoid impacts from potential geologic and geotechnical hazards caused by seismic shaking, the development shall comply with all recommendations of the geologic report (Rogers Johnson Associates, August 2005) and geotechnical report (Haro, Kasunich and Associates, October, 2005). Prior to approval of building permits, applicant shall submit review letters from the project geologist, geotechnical, and structural engineers indicating that all recommendations are reflected on the project plans. Prior to obtaining final clearance, inspection letters from the geotechnical and structural engineers shall also be submitted.

C. Mitigation Measure: Erosion Control (Conditions ILC.2)

Monitoring Program: In order to mitigate the potential for erosion of the near surface soils to a less than significant level, the applicant shall:

1. Prior to building or grading permit approval, submit a detailed erosion control plan for review and approval by Environmental Planning staff. The plan shall include the following elements:

- a. Clearing and Grading schedule, clearly marked disturbance envelope, temporary driveway surfacing and construction entry stabilization, details of temporary drainage control including lines swales and erosion protection at the outlets of pipes;
 - b. Specifications for revegetation of bare areas, both temporary cover during construction and permanent planting;
 - c. Plan for repairing the existing rills on the west side of the property and for preventing progression of the erosion;
 - d. Notes that grading must commence prior to August 1 and must be completed, with revegetation in place, **prior** to October 15. Winter grading (October 15 through April 15) will not be approved for this project.
2. Prior to building or grading permit approval the receiving site(s) for the excess fill shall be identified. A valid grading permit for any site other than the municipal landfill shall be submitted for review.
 3. Prior to final inspection of permits the applicant shall submit a letter from the soils engineer verifying the stability of the outboard fill wedge along the driveway and verifying that the drainage trenches will not cause accelerated erosion.

D. Mitigation Measure: Noise (Conditions IV.H)

Monitoring Program: In order to ensure that the general noise standards in the County General Plan and the noise standards for wineries given in the Zoning ordinance are met and that off site noise impacts are not significant, prior to the commencement of crushing or bottling operations that occur outside the building an acoustic study shall be submitted to the Planning ~~Department~~ for review and approval. The report shall determine whether the expected noise level at the closest sensitive receptor will exceed the standards mentioned above, If standards may be exceeded, mitigations that reduce the noise to a less than significant level must be specified and implemented,. If mitigation measures are not feasible or are not implemented outside operations shall be prohibited.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please **note**: This permit expires **on** the expiration date listed below unless **you** obtain the required permits and commence construction.

Application # 05-0699

APN: 098-201-24

Owner: Paul Kemp

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Robin Bolster-Grant
Project Planner

Appeals: **Any** property owner, or other **person** aggrieved, **or** any other person ~~whose~~ interests are adversely affected by **any** act or determination of the Zoning Administrator, may appeal the **act** or determination to the Planning Commission in accordance with chapter 18.10 of the Santa **Cruz County** Code.