

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03034

A.P. # 418-293-045-000

**FINDINGS AND
DECISION**

In the matter of the application of
Mark Chesebro and Caroline Mitchel Trs (PLN020010)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the conversion of an existing 1,056 sq. ft. dairy and cheese-making facility (original use permit #ZA-7256) to a winery for the processing of grapes grown on site, approximately 2,000 cases annually; approximately 7 acres of grapes planted on 40 acres and located on slopes not exceeding 15 percent, no construction or grading is proposed with this project; located at 37509 Tassajara Road, Carmel Valley, southerly of the intersection of Tassajara Road and Carmel Valley Road, Cachagua area, came on regularly for hearing before the Planning Commission on June 11, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING:** The Chesebro Use Permit (PLN020010), as described in Condition #1 and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, Cachagua Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is 40 acres in size and is located at 37509 Tassajara Road (Assessor's Parcel Number 418-293-045-000). The parcel is zoned "RC/40-D" or Resource Conservation, 40 acres per unit. The site is physically suitable for the use proposed.

EVIDENCE: The application and plans submitted for the Use Permit in project file PLN020010 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The project planner conducted a site visit on October 2, 2002, to verify that the proposed project complies with the Cachagua Area Plan. The project will not create an adverse visual impact when viewed from a common public viewing area.

EVIDENCE: The Cachagua Land Use Advisory Committee reviewed and recommended approval (5 – 0 vote) of the Use Permit on March 26, 2003.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Cachagua Fire Protection District, Monterey County Agricultural Commissioner's Office, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Environmental Health Division. There has been no indication from these agencies that the site is not suitable. There are no physical or environmental constraints such as geological or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
- 2. FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303(c) of the CEQA Guidelines categorically exempts the proposed project from environmental review. No adverse environmental impacts were identified during staff review of the project application.

EVIDENCE: Analysis prepared by staff to determine if an Initial Study is required in file PLN020010.

3. **FINDING:** The winery will not intensify the use of the property from what currently exists.
EVIDENCE: A Use Permit (ZA-7256) was approved for a dairy and cheese-making facility by the Zoning Administrator in 1990.
EVIDENCE: A description of the winery operation in file PLN020010.
EVIDENCE: Analysis prepared by staff to determine if an Initial Study is required in file PLN020010.
EVIDENCE: No grading or construction is proposed.
EVIDENCE: The project will result in a reduction of water use by 89 percent.
EVIDENCE: Organic waste will be reduced since the sheep and goat grazing operation will cease.
4. **FINDING:** The winery will not adversely impact existing traffic conditions.
EVIDENCE: Public Works Department reviewed PLN020010 and deemed it complete with no conditions.
EVIDENCE: Analysis prepared by staff concludes that truck traffic would consist of three trips annually.
5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: Sections 21.36.020 and 21.44.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property
6. **FINDING:** The establishment, maintenance, and operation of the proposed use or structure applied for 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 or to the general welfare of the County.
EVIDENCE: Preceding findings and supporting evidence.
7. **FINDING:** The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The Chesebro Use Permit (PLN020010) allows for the conversion of an existing 1,056 sq. ft. dairy and cheese-making facility (original Use Permit #ZA-7256) to a winery for the processing of grapes grown on site. Approximately 2,000 cases will be produced on an annual basis. Currently, there are approximately 7 acres of grapes planted on the 40 acre parcel. All of the vineyards are located on slopes not exceeding 15 percent. No construction or grading is proposed with this project. The cheese-making equipment will be removed and new equipment will be installed for the wine production. This requires no electrical or plumbing changes. The conversion will result in a reduction of water use by 89 percent. It is anticipated that the production will be phased over a 5-8 year period beginning in 2003 with 300 cases. The winery will be a family-run operation with no employees. There will be no retail sales and no public wine tasting on the property. The winery will not use any grapes trucked in from other sites. Most of the case goods will be stored in an offsite warehouse in Salinas and distributed from there. Truck traffic for transporting the case goods to Salinas will consist of 3 trips annually. Organic solid waste (4 to 6 cubic yards annually) generated by the winemaking will be spread on vineyards on the property as fertilizer. The property is located at 37509 Tassajara Road, Carmel Valley (Assessor's Parcel Number 418-293-045-000), southerly of the intersection of Tassajara Road and Carmel

Valley Road, Cachagua area. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to Commencement of Use or Issuance of Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution No. 020010) was approved by the Planning Commission for Assessor's Parcel Number 418-293-045-000 on June 11, 2003. The permit was granted subject to 13 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. All exterior lighting shall be down-lit, unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three copies of an exterior lighting plan, which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection prior to the issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
4. Prior to commencement of use or issuance of building permits, the applicant shall comply with all Fire Department requirements. **(Cachagua Fire Protection District)**
5. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**
6. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

Continuous Permit Conditions:

7. If, during the course of any land disturbance, cultural, archeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archeologist. The Monterey County Planning and Building Inspection Department and a qualified archeologist (i.e., an archeologist registered with the Society of Professional Archeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
8. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

9. Advertising is not permitted for the winery on the property, except for such advertising as may be incorporated within the four square foot nameplate allowed for the residence. The location and design of the nameplate is subject to approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
10. Wine processing shall be limited to grapes grown on the property. Wine production shall not exceed 2,000 cases per year. **(Planning and Building Inspection)**
11. No on-site retail sales are permitted at any time. **(Planning and Building Inspection)**
12. No public wine tasting or public assemblage is permitted under this permit on this property. **(Planning and Building Inspection)**
13. Winery wastewater discharge shall comply with the Prohibitions, Recommendations and Specifications of the General Waste Discharge Requirements for Discharges of Winery Wastes set forth by the Regional Water Quality Control Board (General WDRs). **(Environmental Health)**

PASSED AND ADOPTED this 11th day of June, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot
NOES: None
ABSENT: None

Original Signed By:

JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

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