

RESOLUTION NO. 010135

A.P. # 424-131-007-000

In the matter of the application of  
**Pianetta Enterprises LP (PLN010135)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for a winery to occupy approximately 1,600 square feet within an existing 4,800 square foot agricultural storage building; initial production would be two tons per year, increasing to approximately 100 tons per year over a five-year period and employing approximately five employees on site, located at 75751 Indian Valley Road, San Miguel, came on regularly for hearing before the Zoning Administrator on June 13, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1.     **FINDING:**     The subject Use Permit, File No. PLN01013, as described in Condition No. 1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the South County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 75752 Indian Valley Road, San Miguel area. The parcel is zoned "F/160" (Farmlands) and "PG/160" (Permanent Grazing). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.  
**EVIDENCE:**     Application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development located in Project File No. PLN010135.  
**EVIDENCE:**     The Planning and Building Inspection staff reviewed the project, as set forth in the application and accompanying materials, for conformity with the General Plan, the South County Area Plan, and Chapters 21.30 and 21.34 of the Monterey County Zoning Ordinance (Title 21).  
**EVIDENCE:**     The project site is physically suitable for the proposed use as described in the project file. The proposed development was reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, California Department of Forestry and Fire Protection, and Regional Water Quality Control Board, Central Coast Region. There was no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.  
**EVIDENCE:**     The project was reviewed by the Bradley/Parkfield Land Use Advisory Committee on August 2, 2001, and it recommended approval by unanimous vote (6 ayes).  
**EVIDENCE:**     The Zoning Administrator considered any written and verbal public testimony submitted at the public hearing on the subject Use Permit.  
**EVIDENCE:**     Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
2.     **FINDING:**     The proposed project will not have a significant environmental impact.  
**EVIDENCE:**     Sections 15301 and 15303 of the Monterey County CEQA Guidelines, relating to existing

facilities and conversion of small structures and facilities, categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application. The winery will be located within an existing 4,800 square-foot agricultural warehouse building. Wine processing equipment will occupy approximately 1,600 square feet within the building, and barrel storage will occupy the remainder. Initial production will be two tons per year, and Condition No. 9 limits production to 65 tons per year until an upgraded wastewater disposal system is approved by the Monterey County Director of Environmental Health. Condition No. 11 limits public wine tasting. Wine tasting on site will be by appointment only, and will be for the purpose of facilitating the purchase of case goods. Such wine tasting will occur within the existing and approved 2,000 square-foot office/ residential building on the site. The project was reviewed by the Monterey County Environmental Health Division, and the California Regional Water Quality Control Board, Central Coast Region. The Regional Board indicated that, with proper management practices, the proposed winery operation is not expected to pose a significant threat to water quality or public health. Therefore, no waste discharge requirements will be issued, but compliance with a Monitoring and Reporting Program issued by the Regional Board is required. Condition No. 8 requires compliance with that requirement.

EVIDENCE: No new land disturbance is proposed in association with this project. The winery will use an existing building, and will receive grapes from existing vineyards on the property.

- 3 FINDING: The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Environmental Health Division, Public Works Department, Water Resources Agency, California Department of Forestry and Fire Protection, and the California Regional Water Quality Control Board, Central Coast Region. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood, or the County in general.

EVIDENCE: File and application materials located in Project File No. PLN010135.

4. FINDING: This project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

### **DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. This Use Permit allows a winery within an existing 4,800 square-foot agricultural warehouse building. Wine processing equipment will occupy approximately 1,600 square feet within the building, and barrel storage will occupy the remainder of the building. Initial production will be two tons per year, and is limited to 65 tons per year until an upgraded wastewater disposal system is approved by the Director of Environmental Health. Following any approval of an upgraded wastewater disposal system, production is limited to 100 tons per year. This Permit is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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 Operations:**

2. Prior to commencement of operations, the applicant shall obtain a water supply permit from the Division of Environmental Health. (Environmental Health)
3. All improvements shall comply with the California Uniform Retail Food Facilities Law (CURFFL) as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining any building permit or final inspection. Tasting of wine made onsite is except from CURFFL. (Environmental Health)
4. 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)
5. A minimum of 10,000 gallons of water shall be available for fire protection. Water tank, placement, hydrants and supply line shall comply with Monterey County Ordinance No. 3600. (California Department of Forestry)
6. Applicant shall provide evidence of a bonded winery permit from the Bureau of Alcohol, Tobacco and Firearms and any permit from the State Department of Alcohol and Beverage Control for the tasting room. **(Planning and Building Inspection)**
7. The applicant shall record a notice which states: "A Permit (Resolution # 010135) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 424-131-007 on June 13, 2002. The permit was granted subject to 17 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)

**Continuous Permit Conditions:**

8. The applicant shall comply with the Monitoring and Reporting Program, dated 5/29/02, issued by the California Regional Water Quality Control Board, Central Coast Region, to the satisfaction of the Regional Board and the Monterey County Director of Environmental Health. (Planning and Building Inspection; Environmental Health)

9. Based on the capacity of the existing winery wastewater system, grape crushing in the winemaking building shall be limited to 65 tons per year. Any increases will require an upgraded wastewater disposal system as approved by the Director of Environmental Health. (Environmental Health)
10. Based on the capacity of the existing wastewater system for the manufactured home/office, wine tasting and public assemblages shall be limited to 15 people per day. (Environmental Health)
11. There shall be no public wine tasting on the site. Wine tasting shall be by appointment only, and shall be for the purpose of facilitating the purchase of case goods. Such wine tasting shall occur within the existing and approved 2,000 square-foot office/residential building on the site. (Planning and Building Inspection)
12. Any intensification of use (such as public wine tasting) and amendment to the Use Permit will require further traffic analysis. (Public Works)
13. The Applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
14. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
15. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources)
16. The property and all improvements shall be continuously maintained by the applicant, and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
17. All exterior lighting shall be 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. (Planning and Building Inspection)

**PASSED AND ADOPTED** this 13th day of June, 2002.

Original Signed By:

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LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION 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 90<sup>th</sup> 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 Salinas.

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