

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020597

A.P.# 423-051-035-000

In the matter of the application of  
**Minton & Shannon Newell (PLN020597)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for the conversion of an existing 460 sq. ft. garage to a winery on a 45-acre parcel with 30 acres planted in vineyards that will produce 1,000 cases of wine per year, located at 51210 Bradley Lockwood Road, Bradley, northeast of the Interlake and Jolon Road intersection, north of San Antonio Reservoir, South County area, came on regularly for hearing before the Zoning Administrator on August 28, 2003.

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

**FINDINGS OF FACT**

- 1. FINDING:** The subject Use Permit for conversion of an existing garage to a winery (Newell; PLN020597), as described in condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the South County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 51210 Bradley-Lockwood Road, Bradley (Assessor's Parcel Number 423-051-035). The parcel is zoned "RG/40" or Rural Grazing, 1 unit/acre. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any zoning violation abatement costs have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the South County Area Plan.

**EVIDENCE:** The proposed use is consistent with the development standards for the Rural Grazing designation, and specifically for an Agricultural processing facility pursuant to Title 21.32.050M, Monterey County Zoning Ordinance.

**EVIDENCE:** Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

**EVIDENCE:** The present parcel, Assessor's Parcel Number 423-051-035, is found to be a legal lot of record based on Planning and Building Inspection file no. LL920033 that created the present 44.98 acre parcel configuration, now found in Volume 18, Record of Survey Maps, Page 5.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in project file no. PLN020597.

**EVIDENCE:** Chapter 21.32.050M of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
- 2. FINDING:** The proposed winery is consistent with the "RG/40" (Rural Grazing) zoning of the property.

**EVIDENCE:** Wineries are allowed with a Use Permit pursuant to Section 21.32.050M of Title 21 (Zoning)

of the Monterey County Code.

3. **FINDING:** The project site is physically suitable for the proposed winery as described in the project file.  
**EVIDENCE:** The winery itself would operate within an existing structure on site, a 460 square foot garage that is at a location that exceeds the 6 foot minimum distance required between accessory and main structures on property designated for Rural Grazing. There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate that the site is not suitable for the proposed use, nor is there other evidence in the record to indicate that the site is not suitable for the project.  
**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the California Department of Forestry-South County Fire District. There has been no indication from these agencies that the site is not suitable for the proposed development. Only the Fire District has recommended conditions for project approval in addition to Planning and Building Inspection Department.
4. **FINDING:** The proposed winery conforms to the requirements for wineries set forth in section 21.06.1400 and 21.32.060( Site Development Standards), of Title 21 (Zoning) of the Monterey County Code.  
**EVIDENCE:** Conditions have been placed on the project to insure compliance with said Section 21.  
**EVIDENCE:** Application and materials in file no. PLN020597. Staff Report and Resolution of approval.
5. **FINDING:** Adequate sewer and water service exists or can be provided, and adequate road and transportation facilities exist for the use.  
**EVIDENCE:** The project was reviewed by Environmental Health Division, the California Department of Forestry-South County Fire District, and the Public Works Department and appropriate conditions, including the requirement for adequate parking, have been placed on the project.
6. **FINDING:** The proposed project will not have a significant environmental impact.  
**EVIDENCE:** Section 15303, Class 3 (d) and (3) of the California Environmental Quality Act Guidelines categorically exempts the proposed development from environmental review based on conversion of small structures from one use to another. No adverse environmental impacts were identified during staff review of the development application.
7. **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 Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, California Department of Forestry-South County Fire District, and Water Resources Agency. The respective departments 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 contained in the project file no. PLN020597.

8. **FINDING:** The 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. The subject Use Permit is to allow for the conversion of an existing 460 square foot garage to a winery on a 44.98 acre parcel with 30 acres planted in vineyards that will produce up to a maximum of 1,000 cases of wine per year. The project is located at 51210 Bradley-Lockwood Road, Bradley (Assessor's Parcel Number 423-051-035) in the South County Area.

The permit allows a winery in accordance with County ordinances [**Title 21.32.050M**] and land use regulations, subject to the following terms and conditions. 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 Commence of Use:

2. The applicant shall record a notice which states: "A permit (Resolution 020597) was approved by the Zoning Administrator for Assessor's Parcel Number 423-051-035 on August 28<sup>th</sup>, 2003. The permit was granted subject to 20 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. Prior to issuance of a septic system installation permit, submit a detailed winery wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. (**Environmental Health**)
4. Prior to commencement of winemaking operations, install a winery wastewater disposal system approved by the Division of Environmental Health. (**Environmental Health**)
5. Prior to commencement of winemaking operations, submit written evidence that General Waste Discharge Requirements for Discharges of Winery wastes or a waiver has been issued by the Regional Water Quality Control Board. (**Environmental Health**)
6. This permit allows the outdoor staging (fenced per condition 18) of grape and crush equipment during the crush season, includes necessary laboratory facilities for testing wine. The extent of the winery, except for

warehousing, is confined to the existing 460 square foot garage structure as shown on the plot plan attached to this permit. This winery shall meet the definition of a winery defined in Title 21.06.1400,

**Winery:**

“Winery means an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products or vegetables, to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.”

This definition is specifically modified by the following conditions that are specifically for this Use Permit request. **(Planning and Building Inspection)**

7. No persons, other than the resident and immediate family residing on site, may be employed in the winery. **(Planning and Building Inspection)**
8. There shall be no advertising for the winery on the property, except for such advertising as may be incorporated within the 4 square-foot nameplate allowed for the residence. **(Planning and Building Inspection)**
9. Adequate access and parking shall be provided on-site. A total of at least 5 parking spaces shall be provided as follows: Parking shall include 2 parking spaces for the residential use, 1 parking space for an employee, and 2 parking spaces for guests. One covered space for residence shall be provided. **(Planning and Building Inspection)**
10. Wine processing shall be limited to grapes grown on site; wine production shall not exceed 1,000 cases of wine per year. **(Planning and Building Inspection)**
11. There shall be no on-site public wine-tasting or retail sales. **(Planning and Building Inspection)**
12. The applicant shall be allowed the existing 18,000 gallons of water storage when a fire hydrant 50 feet from the building and a monitored smoke and fire alarm system are provided. **(CDF-South County Fire District)**
13. The hydrant shall be marked with a blue reflector and be supplied from the water storage tank with a 4 inch main and riser and must have at least one 2 ½ inch discharge with national hose thread. **(CDF-South County Fire District)**
14. The driveway shall be the minimum requirement as for a residence which requires a 12 foot width with a year-round driving surface capable of withstanding 40,000 pounds. Turns shall not be sharper than a 25 foot radius and shall not be steeper than 15% grade at any point. A turn-around must be available at the winery that meets Monterey County standards. **(CDF-South County Fire District)**
15. The applicant shall be required to apply for a Use Permit if the winery is proposed to be open to the public in the future, and the driveway will then be required to be upgraded to a road of two 9 foot wide lanes for a total road surface of 18 feet wide to meet the Monterey County standard road requirements. **(CDF-South County Fire District)**
16. The applicant shall be subject to further inspection by the CDF South County Fire District for additional minor requirements. **(CDF-South County Fire District)**

- 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)**
- 18. All equipment on the parcel shall be located within an enclosed structure or shall be fenced-in within one year. **(Planning and Building Inspection)**
- 19. Any expansion of the winery to a structure larger than 460 square feet, the production of more than 1,000 cases per year, the addition of public wine-tasting, events, or processing of commodities from other properties, shall require an additional Use Permit. **(Planning and Building Inspection)**

**Continuous condition**

- 20. 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 28th day of August, 2003.

Original Signed By:

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MIKE NOVO  
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.