

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020602

A.P.# 416-452-020-000

In the matter of the application of  
**Thomas G. Russell TR (PLN020602)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a second Use Permit for a Cottage Industry Micro winery for another three years (original one-year Use Permit # PLN010124). This renewal will allow production to be 2,000 cases per year; the old permit limited production to 1,000 cases per year. The Cottage Industry is located in an existing 1,240 sq. ft. agricultural building located at 505 Corral De Tierra Road, Salinas, west of the intersection of Corral De Tierra and Underwood Roads, Toro Area, came on regularly for hearing before the Zoning Administrator on October 9, 2003.

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

**FINDINGS OF FACT**

**1. FINDING:** The subject Use Permit (PLN010124), as described in Condition 1, conforms with the plans, policies, requirements and standards of the Toro Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 505 Corral de Tierra Road (Assessor's Parcel Number 416-452-020-000) in the Toro area. The parcel has two zoning designations. The portion of the parcel where the proposed use is located is zoned Resource Conservation, 10 acres per dwelling unit, Visual Sensitivity District (RC/10-VS). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Toro Area Plan;
- b) Chapter 21.36 of the certified Monterey County Zoning Ordinance (Title 21) regulations for the "RC" Zoning District;
- c) Chapter 21.46 of the certified Monterey County Zoning Ordinance (Title 21) regulations for the "VS" Zoning District; and
- d) Section 21.64.095, Regulations for Cottage Industries.

**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The Monterey County Planning and Building Inspection Department, the Water Resources Agency, the Public Works Department, the Environmental Health Division, the Parks Department, and the Salinas Rural Fire District have reviewed the proposed development. There has been no indication from these agencies that the site is not suitable for the proposed development. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on the subject property. Each agency has recommended conditions for project approval where appropriate.

**EVIDENCE:** Project referral form, with recommendation for approval of the project by the Toro Land Use Advisory Committee on January 13, 2003, by a vote of 4-1 with the comment that they were

told that the permitted 2,000 cases per year is the maximum production that will ever be permitted.

**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 the project file.

**EVIDENCE:** Chapter 21.36 of Title 21 permits cottage industries in the "RC" zoning district with a Use Permit. A micro winery is a cottage industry and is thereby, consistent with Section 21.36.050 DD. of Title 21 (Zoning) of the Monterey County Code which establishes special regulations for cottage industries.

**EVIDENCE:** The Board of Supervisors determined that a micro winery qualifies as a Cottage Industry. The proposed micro winery is consistent with the requirements contained in the Zoning Ordinance and with the Board's determination. The proposed project is a small-scale micro winery that will be operated inside an existing 1,240 square foot building. No additional structures will be built to accommodate the micro winery.

2. **FINDING:** The proposed project will not have a significant adverse impact on the environment.

**EVIDENCE:** Section 15301 (Class 1) of CEQA categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

**EVIDENCE:** The micro winery will operate in an existing building with grapes from the same property. 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.

3. **FINDING:** Adequate sewer and water service exist or can be provided.

**EVIDENCE:** The Water Resources Agency and the Environmental Health Division reviewed the proposed project. These agencies required certain conditions that have been incorporated as conditions of approval of the Use Permit.

**EVIDENCE:** Materials contained in the project file PLN020602.

4. **FINDING:** Adequate road and transportation facilities exist for the use.

**EVIDENCE:** The Monterey County Department of Public Works reviewed the proposed project and determined that the project did not require any condition to address traffic impacts.

**EVIDENCE:** Materials contained in the project file PLN020602.

5. **FINDING:** The proposed use as approved and conditioned will not create a substantially adverse visual impact when viewed from a common public viewing area.

**EVIDENCE:** The proposed micro winery will be located within an existing structure. No new construction, additions, grading or vegetation removal is proposed. Consequently, the proposed use will not create an adverse visual impact.

**EVIDENCE:** Materials contained in the project file PLN020602.

6. **FINDING:** The proposed micro winery is compatible with the area.

**EVIDENCE:** The project is located in a rural setting adjacent to similar residential and agricultural uses. The project has been conditioned to insure compliance with the regulations for Cottage Industries as defined in Title 21, and with the regulations for the Resource Conservation Zoning District set

forth in Chapter 21.36 in Title 21.

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:** Preceding findings and supporting evidence.
8. **FINDING:** The decision on the proposed project, as approved by the Zoning Administrator, 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 (PLN010124) for Thomas G. Russell Trust consists of a 2,000 case per year cottage industry/winery located in an existing 1,240-square foot agricultural building. The project is located at 505 Corral de Tierra Road (Assessor's Parcel Number 416-452-020-000), in the Toro area. The portion of the parcel where the proposed use is located is zoned Resource Conservation 10 acres per dwelling unit, Visual Sensitivity District (RC/10-VS).

The proposed project is in accordance with County ordinances 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)**

*Note: Certain conditions for the original Use Permit Approval are included below:*

#### Prior to Commencement of Use:

2. The applicant shall record a notice stating: "A permit (Resolution 020602) was approved by the Zoning Administrator for Assessor's Parcel Number 416-452-020-000 on October 9, 2003. The permit was granted subject to 22 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. The applicant shall record a deed restriction stating the regulations applicable to the micro-winery cottage industry on this site. These regulations are as follows:
  - a. A total of two persons, other than the resident and immediate family residing on-site, may be employed

in the cottage industry.

- b. There shall be no advertising for the cottage industry on the property.
- c. There shall be no advertising for visitation to the micro-winery in any brochures, publications, or advertisements that feature or identify wineries of Monterey County.
- d. Adequate access and parking must be provided on-site to accommodate the residential use and employees of the cottage industry.
- e. Wine processing shall be limited to grapes grown on the property. Wine production shall not exceed 2,000 cases per year.
- f. No on-site retail sales are permitted at any time.
- g. No public wine tasting is permitted on the property.

**(Planning and Building Inspection Department)**

- 4. 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. Prior to commencement of use, the applicant shall submit 3 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 submitted to the Director of Planning and Building Inspection, for approval. **(Planning and Building Inspection)**
- 5. 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)**
- 6. The applicant shall comply with Ordinance No. 3932, 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:
  - a. 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.
  - b. 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 Agency & Planning and Building Inspection)**
- 7. A fire safety inspection shall be conducted prior to commencement of use. **(Salinas Rural Fire District)**
- 8. A storage plan shall be submitted to the Salinas Rural Fire District prior to the fire safety inspections. **(Salinas Rural Fire District)**
- 9. Prior to commencement of wine making operations, install winery wastewater septic system under permit of the Division of Environmental Health. **(Environmental Health Division)**

**Continuous Conditions :**

- 10. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Salinas Rural Fire District)**
- 11. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire

engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Salinas Rural Fire District)**

12. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Salinas Rural Fire District)**
13. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Salinas Rural Fire District)**
14. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. **(Salinas Rural Fire District)**
15. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Salinas Rural Fire District)**
16. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. **(Salinas Rural Fire District)**
17. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Salinas Rural Fire District)**
18. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Salinas Rural Fire District)**
19. Amendments to the storage layout shall be submitted to the Salinas Rural fire District for approval prior to making the storage changes at the site. **(Salinas Rural Fire District)**
20. Wine tasting, public assemblages and similar accessory uses were not presented as part of this application. Therefore, the water and septic systems have not been evaluated or designed to support such activities, which must be prohibited without further review and approval by the Director of Environmental Health. **(Environmental Health Division)**
21. 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. **(Environmental Health Division)**
22. This Use Permit for the micro winery is subject to the following time limits:  
the third and subsequent Use Permits shall not be issued for more than three years. Consequently, this second Use Permit shall expire three years from the date of approval of continued use of the micro-winery and is subject to subsequent review prior to granting of additional permits for the micro winery.

**PASSED AND ADOPTED** this 9th day of October, 2003.

Original Signed By: \_\_\_\_\_

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.