

LYNNE MOUNDAY  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 030013

A.P. # 197-011-004-000

In the matter of the application of  
**William & Jana Saunders (PLN030013)**

**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 a three-year extension request for a previously approved cottage industry winery, also including an increase in the production limit of 1,000 cases per year to 2,000 cases per year, located at 67 East Carmel Valley Road, Carmel Valley, one half mile east of Carmel Valley Village, Carmel Valley Master Plan, came on regularly for hearing before the Zoning Administrator on May 29, 2003.

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

**FINDINGS OF FACT**

**1. FINDING:** The subject Use Permit, (PLN030013), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County General Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 67 East Carmel Valley Road, Carmel Valley. The parcel is zoned "LDR/2.5-D-S." (Low-Density Residential, 2.5 acres per unit, with Design Control and Site Plan Review District) The site is physically suitable for the use proposed. 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:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Monterey County General Plan
- b) The certified Carmel Valley Master Plan
- c) Chapter 21.14 of Monterey County Zoning Ordinance regulations for the "LDR/2.5-D-S" Zoning District, and
- d) Chapter 21.64.095, Regulations for Cottage Industries

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department and Environmental Health Department. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property, as conditioned. Each agency has reviewed the application and some have recommended conditions of approval.

**EVIDENCE:** Project referral form, with recommendation for approval of the winery by the Carmel Valley LUAC on March 3, 2003, by a vote of 4-0.

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

**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, and in project file PLN030013.

**EVIDENCE:** The on-site inspection by the project planner on May 8, 2003 to verify that the proposed project complies with the Carmel Valley Master Plan.

**EVIDENCE:** Chapter 21.14 of Title 21 permits cottage industries in the LDR zoning district with a Use Permit. The County has determined that a micro-winery is a cottage industry and is thereby consistent with Section 21.64.095 of Title 21 (Zoning) of the Monterey County Code.

**EVIDENCE:** There is no record of any complaints from abutting properties regarding the operation of the cottage industry winery.

2. **FINDING:** The proposed project is categorically exempt from the California Environmental Quality Act.

**EVIDENCE:** Section 15301 of the Monterey County CEQA Guidelines categorically exempts the extension of the permit for the proposed winery from environmental review. These exemptions address continued operation of existing facilities and uses.

**EVIDENCE:** The micro winery will continue to operate within a 510 square foot basement of an existing residence, as well as on a 350 square foot portion of an existing 1,800 square foot concrete pad. There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate the site is not suitable for the proposed use, nor is there other evidence in the record to indicate the site is not suitable for the project.

**EVIDENCE:** The increase in production will result in the production of an additional 1,000 cases of wine. This increase will result in additional use of the grape crushing machinery outside on the site, however, this machinery utilizes an electric motor which produces little noise, therefore, increased usage will not result in additional significant noise impacts.

**EVIDENCE:** No negative wastewater impacts will occur as a result of the increase in use of process water, as wastewater from processing is currently dispersed onto the vineyards as irrigation and percolates into the ground. The Environmental Health Department has determined the additional 1,185 gallons of wastewater produced may be disposed of in the same way, with no modifications or expansion of any wastewater disposal system.

**EVIDENCE:** According to the Environmental Health Department, the well for the property does not draw from the Carmel River Alluvium, therefore, no additional overdraft from this aquifer will result from the additional winery process water resulting from the increase in wine production.

**EVIDENCE:** Conversations with Roger Beretti on May 7 and May 13, 2003 regarding wastewater disposal and well information for the site.

**EVIDENCE:** Resolution No. 010226

3. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

**EVIDENCE:** Materials in file PLN030013 and PLN010226.

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

**EVIDENCE:** The property is located on Carmel Valley Road, which is the main access road to the site.

**EVIDENCE:** The Public Works Department reviewed the proposed project, and has indicated no adverse traffic impacts will occur.

**EVIDENCE:** Materials in file PLN030013 and PLN010226.

5. **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 (vineyards). 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 Low Density Residential Zoning District set forth in Chapter 21.14 in Title 21.

6. **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, and the 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:** Conversation with project applicant on May 7, 2003 regarding grape crushing machine.

**EVIDENCE:** Site inspection by Planner on May 8, 2003.

**EVIDENCE:** Materials in file PLN030013 and PLN010226.

**EVIDENCE:** Preceding findings and supporting evidence.

7. **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 (PLN030013) is for the continued operation for three years of an established cottage industry winery with increase in production from 1,000 cases per year to 2,000 cases per year, located in an existing 510 square foot basement of an existing residence and periodically on 350 square feet of an existing 1,800 square foot concrete slab. The project is located 67 E. Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 197-011-004-000), located at one-half mile east of Carmel Valley Village, in the Carmel Valley Master Plan area. 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)**

2. The applicant shall record a notice which states: "A permit (Resolution 030013) was approved by the Zoning Administrator for Assessor's Parcel Number 197-011-004-000 on May 29, 2003. The permit was granted subject to 11 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)**

**Prior to Commencement of Use:**

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 people, 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, except for such advertising as may be incorporated within the four square nameplate allowed for the residence. The location and design of such name plate shall be subject to the approval of the Zoning Administrator.
  - 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 1,000 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. Provide evidence of compliance with all U.S. Bureau of Alcohol, Tobacco and Firearms and California Alcoholic Beverage Control Department permitting requirements in the form of photo copies of all permits, prior to issuance of any permits for or installation of crush, storage or handling facilities for a bonded winery on the premises. **(Planning and Building Inspection Department)**

**Continuous Permit Conditions:**

5. 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.
6. Wine production shall be limited to 2,000 cases per year. **(Planning and Building Inspection Department)**

7. 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 Department)**
8. This Use Permit shall expire on May 29, 2006. **(Planning and Building Inspection Department)**
9. The owner shall make application for any subsequent Use Permit no later than February 1, 2006. **(Planning and Building Inspection Department)**
10. The applicant shall obtain from the Monterey County Water Resources Agency proof of water availability on the property in the form of an approved water release form. **(Water Resources Agency)**
11. 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)**

**PASSED AND ADOPTED** this 29th day of May, 2003.

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