

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030221
A.P.# 197-021-005-000

In the matter of the application of
Dean & Karolyn Hatfield (PLN030221)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for establishment of a cottage industry (micro brewery) for the processing and making of beer in a 130-square foot portion of an existing approximately 1,800 square foot barn. The proposed micro brewery would produce between 1,000 and 10,000 gallons of beer per year (20-200 gallons per week). The property is a 44-acre parcel located at 66 East Carmel Valley Road, Carmel Valley), north of Carmel Valley Road, east of Carmel Valley Village, Carmel Valley Master Plan area., came on regularly for hearing before the zoning administrator on April 29, 2004.

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

FINDINGS OF FACT

1. FINDING: The subject Use Permit, (PLN030221), as described in condition #1 and as conditioned, conforms to 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 66 E. Carmel Valley Road, Carmel Valley Area. The parcel is zoned "LDR/2.5-D-S" (Low Density Residential, 2.5 acres/unit, with Design Control and Site Plan Review Overlays). 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 Carmel Valley Master Plan
- c) Chapter 21.14 of Monterey County Zoning Ordinance regulations for the "LDR" Zoning District
- d) Section 21.64.095 Regulation governing "Cottage Industries"

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, the Central Coast California Regional Water Quality Control Board and the Water Resources Agency. 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. The Carmel Valley Fire Protection District and the Water Resources Agency have recommended conditions of approval in addition to the conditions recommended by the Planning and Building Inspection Department.

EVIDENCE: Project referral form, with recommendation for denial of the Use Permit by the Carmel Valley Land Use Advisory Committee on April 5, 2004, by a vote of 3-1, 1 absent.

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 PLN030221.

EVIDENCE: The on-site inspection by the project planner on April 5, 2004 to verify that the proposed project complies with the Carmel Valley Master Plan.

EVIDENCE: Chapter 21.14 of Title 21 permits Cottage Industries, which by definition and previous action of the Zoning Administrator, Planning Commission and Board of Supervisors includes the artistry of crafting beverages (Section 21.64.095), in any residential zoning district with a Use Permit.

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

EVIDENCE: Section 15301(Class1) of the California Environmental Quality Act (CEQA), categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified.

3. **FINDING:** Adequate water supply and sewage disposal facilities exist on the site. Documentation from the Central Coast Regional Water Quality Control Board (“RWQCB”) found that if the Hatfield micro-brewery produced 10,000 gallons of beer per year, it would generate up to 2,000 gallons of processed wastewater per year. Most of the wastewater is generated from the equipment cleaning process, (approximately 40 gallons per day). According to the RWQCB some of the wastewater “typically contains residual beer constituents (yeast and sugar), and may contain minor volumes of residual food-grade surface disinfectants.” “Approximately half (20 gallons per day), is proposed to be disposed to the existing septic tank and leach field; while remaining half is to be captured in a floor drain and discharged to a gravel-filled trench adjacent to the barn, as approved by the Central Coastal California Regional Water Quality Control Board and the Monterey County Division of Environmental Health.

EVIDENCE: Materials in file PLN030221.

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 PLN030221.

5. **FINDING:** The proposed micro-brewery is compatible with the area.

EVIDENCE: The project is located in a rural residential setting. The subject parcel is approximately 44 acres. The project has been conditioned to ensure compliance 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 Monterey County Planning and Building Inspection Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, the Central Coast California Regional Water Quality Control Board 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: Documentation from the Central Coast Regional Water Quality Control Board (“RWQCB”) found that if the Hatfield micro-brewery produced 10,000 gallons of beer per year, it would generate up to 2,000 gallons of processed wastewater per year. Most of the wastewater is generated from the equipment cleaning process, (approximately 40 gallons per day). According to the RWQCB some of the wastewater “typically contains residual beer constituents (yeast and sugar), and may contain minor volumes of residual food-grade surface disinfectants.” “Approximately half (20 gallons per day), is proposed to be disposed to the existing septic tank and leach field; while remaining half is to be captured in a floor drain and discharged to a gravel-filled trench adjacent to the barn. The solid waste materials (“mash” and yeast), would be composed for reuse in an onsite garden area.

The small scale micro-brewery qualified for and was granted a Waste Discharge waiver on December 5, 2003 from the Central Coast California Regional Water Quality Control Board (RWQCB). The Waste Discharge waiver will expire on December 2008.

EVIDENCE: Personal communication with Matt Thomson, Regional Water Quality Control Board, on April 5, 2004.

EVIDENCE: The on-site inspection by the project planner on April 5, 2004 to verify that the proposed project complies with the Carmel Valley Master Plan.

EVIDENCE: Per the Public Works inter-department referral, there will be no significant increase in traffic as a result of the micro-brewery operation.

EVIDENCE: Site inspection by Project Planner on April 5, 2004.

EVIDENCE: Materials in file PLN030221

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 (Hatfield PLN030221) for the establishment of a Cottage Industry (Micro-Brewery) for the processing and making of beer in a 130 square foot barn. The proposed micro-brewery would produce between 1,000 and 10,000 gallons of beer per year (20-200 gallons per week). The

project is located 66 E. Carmel Valley Road (Assessor's Parcel Number 197-021-005-000), in the Carmel Valley 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 Department)**

2. The applicant shall record a notice that states: "A permit (Resolution 030221) was approved by the Zoning Administrator for Assessor's Parcel Number 197-021-005-000 on April 29, 2004. The permit was granted subject to 9 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 Department)**
3. In accordance with the Water Discharge Requirement waiver, granted by the Central Coast California Regional Water Quality Control Board, this Use Permit shall expire December 5, 2008. **(Planning and Building Inspection Department)**

Prior to Commencement of Use:

4. Prior to commencement of the micro-brewing operation and sales of any brewed product, the applicant shall provide proof to the Department of Planning and Building Inspection that all requisite permits have been obtained from the California Department of Alcoholic Beverage Control and the Federal Bureau of Alcohol, Tobacco and Fire Arms. **(Planning and Building Inspection Department)**

Prior to Issuance of Demolition, Grading or Building Permits:

5. The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. **(Water Resources Agency)**
6. The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. **(Water Resources Agency)**
7. The Micro-brewery operation must comply with the 2001 Uniform Fire Code. **(Carmel Valley Fire Protection District)**

Continuous Permit Conditions:

8. The applicant shall record a deed restriction stating the regulations applicable to the micro-brewery 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-brewery in any brochures, publications, or advertisements.
- d. Adequate access and parking must be provided on-site to accommodate the residential use and employees of the cottage industry.
- e. Beer production shall not exceed 10,000 gallons per year or 200 gallons per week.
- f. No on-site retail sales are permitted at any time.

(Planning and Building Inspection Department)

- 9. 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)**

PASSED AND ADOPTED this 29th day of April, 2004.

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 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 Salinas.

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