

In the matter of the application of
John William and Jana Saunders (PLN060282)

FINDINGS & DECISION

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the continued operation, for five years, of an established Cottage Industry micro-winery; producing 2,000 cases of wine per year. The operation is conducted in a 510 square foot basement of an existing 4,152 square foot single family dwelling and on 350 square feet of an existing 1,800 square foot concrete slab. The property is located at 67 East Carmel Valley Road, Carmel Valley, Carmel Valley Master Plan, and came on regularly for hearing before the Zoning Administrator on January 25, 2007.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
(b) The project planner conducted a site visit on May 25, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
(c) The proposed use conforms to the requirements of Section 21.64.095(C), Regulations for Cottage Industry.
(d) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review.
(e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File No. PLN060282.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended on previous Use Permits (PLN010226 and PLN030013) have been incorporated.
(b) The property is located at 67 E Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 197-011-004-000), Carmel Valley Master Plan. The parcel is zoned Low Density Residential/2.5 acres per unit-Design Approval-Site Plan Review ("LDR/2.5-D-S"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is, therefore, suitable for the proposed development.

- (c) Staff conducted a site inspection on May 25, 2006 to verify that the site is suitable for this use.
- (d) Materials in Project File No. PLN010226, PLN030013, and PLN060282.

3. FINDING: SEWER AND WATER SERVICE – Adequate sewer and water service exist or can be provided.

- EVIDENCE:** (a) Previous Use Permit (PLN010226 and PLN030013) a Water Resources Agency condition required the applicant obtain an approved Water Release Form as proof of water availability as a continuous condition. A Water Release Form was never obtained. Therefore, Condition No. 9 has been placed on this Use Permit (PLN060282), to be satisfied prior to commencement of the use, that a Water Release Form be obtained.
- (b) As approved by the Division of Environmental Health. The water and septic systems were not evaluated or designed to support activities such as wine tasting, public assemblages, and similar accessory uses. Such uses shall be prohibited without further review and approval by the Division of Environmental Health, as stated in Condition No. 6. Further review may also be required by other agencies.
- (c) Materials in Project File No. PLN010226, PLN030013, and PLN060282.

4. FINDING: ROAD AND TRANSPORTATION FACILITIES – Adequate road and transportation facilities exist for the use.

- EVIDENCE:** (a) The Public Works Department reviewed the proposed use and has not indicated that adverse traffic impacts will occur.
- (b) Materials in Project File No. PLN010226, PLN030013, and PLN060282.

5. FINDING: COMPATIBILITY – The use proposed is compatible with the area.

- EVIDENCE:** (a) Section 21.14.050.V allows Cottage Industries, pursuant to Section 21.64.095 and subject to a Use Permit, in Low Density Residential Zoning Districts.

6. FINDING: CEQA (Exempt) - The project is categorically exempt from environmental review.

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts the continuing use of existing facilities involving no expansion of use beyond that existing at the time of the lead agency's decision.
- (b) No adverse environmental effects were identified during staff review of the development application during a site visit on May 25, 2006.
- (c) See preceding and following findings and supporting evidence.

7. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

8. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** (a) Preceding findings and supporting evidence.

(b) Materials in Project File No. PLN010226, PLN030013, and PLN060282.

9. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
EVIDENCE: Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

DECISION

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

PASSED AND ADOPTED this 25th day of January, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON FEB 13 2007

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 FEB 23 2007

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.

Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Saunders File No: PLN060282 Approved by: Zoning Administrator	APNs: 197-011-004-000 Date: January 25, 2007
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permu Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Use Permit (PLN060282) allows the continued operation, for five years, of an established Cottage Industry micro-winery; producing 2,000 cases of wine per year. The operation is conducted in a 510 square foot basement of an existing 4,152 square foot single family dwelling and on 350 square feet of an existing 1,800 square foot concrete slab. The property is located at 67 E Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 197-011-004-000), Carmel Valley Master Plan. This permit was approved 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 the RMA - Planning Department. 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwis e stated	

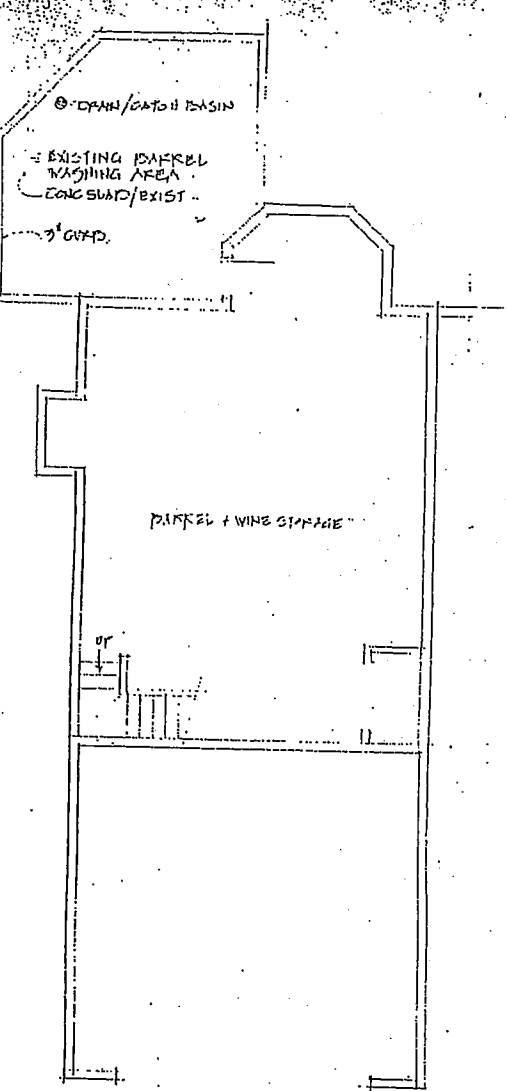
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060282) was approved by the Zoning Administrator for Assessor's Parcel Number 197-011-004-000 on January 25, 2007 . The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	

<i>Permu- Cond- Number</i>	<i>Ming- Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
4.		PD – NONSTANDARD (1) Prior to the commencement of the use the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the micro-winery cottage industry. The regulations are as follows: <ol style="list-style-type: none"> 1. A total of two persons, other than the resident and immediate family residing on site, may be employed in the cottage industry. 2. There shall be no advertising for the cottage industry on the property, except for such advertising as may be incorporated within the four square foot nameplate allowed for the residence. The location and design of such nameplate shall be subject to the approval of the Zoning Administrator. 3. There shall be no advertising for visitation of the micro winery in any brochures, publications, or advertisements that feature or identify wineries of Monterey County. 4. Adequate access and parking must be provided on-site to accommodate the residential use and employees of the cottage industry. 5. Wine processing shall be limited to grapes grown 	Submittal of approved and Recorded Deed Restriction to RMA - Planning Department.	Owner/ Applicant	Prior to the commencement of use.	

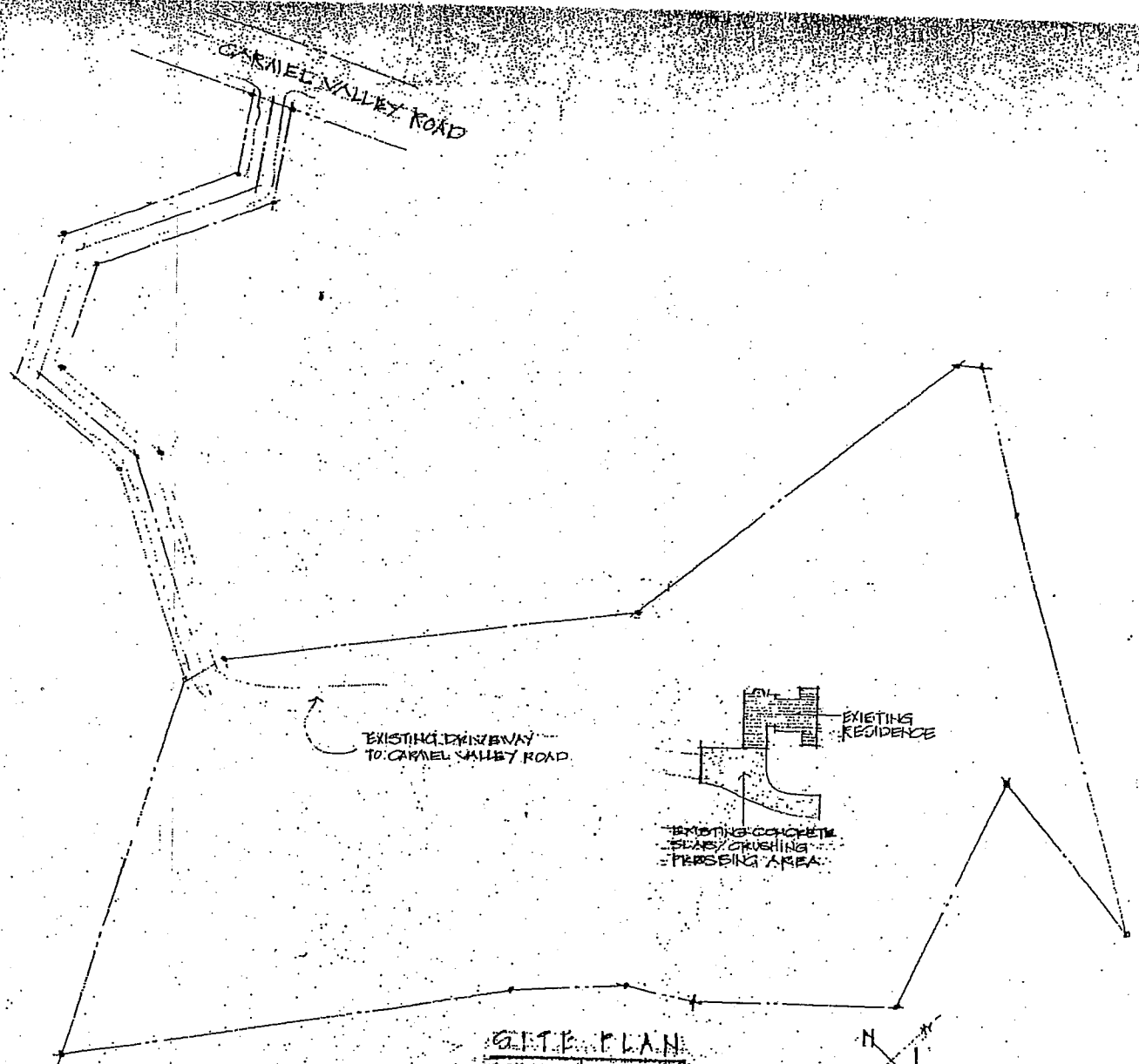
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>on the property. Wine production shall not exceed 2,000 cases per year.</p> <p>6. No on-site retail sales are permitted at any time.</p> <p>7. No public wine tasting is permitted on the property.</p> <p>(RMA – Planning Department)</p>				
5.		<p>PD – NONSTANDARD (2) 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. (RMA – Planning Department)</p>	Submit copies of all permits to the RMA – Planning Department for review.	Owner/Applicant	Prior to commencement of use.	
6.		<p>PD – NONSTANDARD (3) 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. (RMA – Planning Department/Environmental Health)</p>	Submit applicable applications to the Environmental Health and/or the RMA – Planning Department.	Owner/Applicant	Ongoing	
7.		<p>PD – NONSTANDARD (4) Wine production shall be limited to 2,000 cases per year. (RMA – Planning Department)</p>	Limit wine production to 2,000 cases per year.	Owner/Applicant	Ongoing	
8.		<p>PD – NONSTANDARD (5) This Use Permit shall expire five years from the date this Use Permit is granted. (RMA – Planning Department)</p>	Submit application for subsequent Use Permits, if so desired, to the RMA – Planning Department at least thirty days prior to the expiration of this Use Permit.	Owner/Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
9.		WR – NONSTANDARD (1) Proof of water availability on the property in the form of an approved Water Release Form shall be obtained from the Monterey County Water Resources Agency. (Water Resources Agency)	Obtain an approved Water Release Form from the Monterey County Resources Agency.	Owner/Applicant	Prior to commencement of use.	
10.		WR – NONSTANDARD (2) Provide 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 to the Water Resources Agency. (Water Resources Agency)	Provide 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 to the Water Resources Agency.	Owner/Applicant	Prior to commencement of use.	

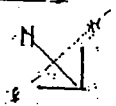
END OF CONDITIONS



FLOOR PLAN: 1/4" = 1'-0"

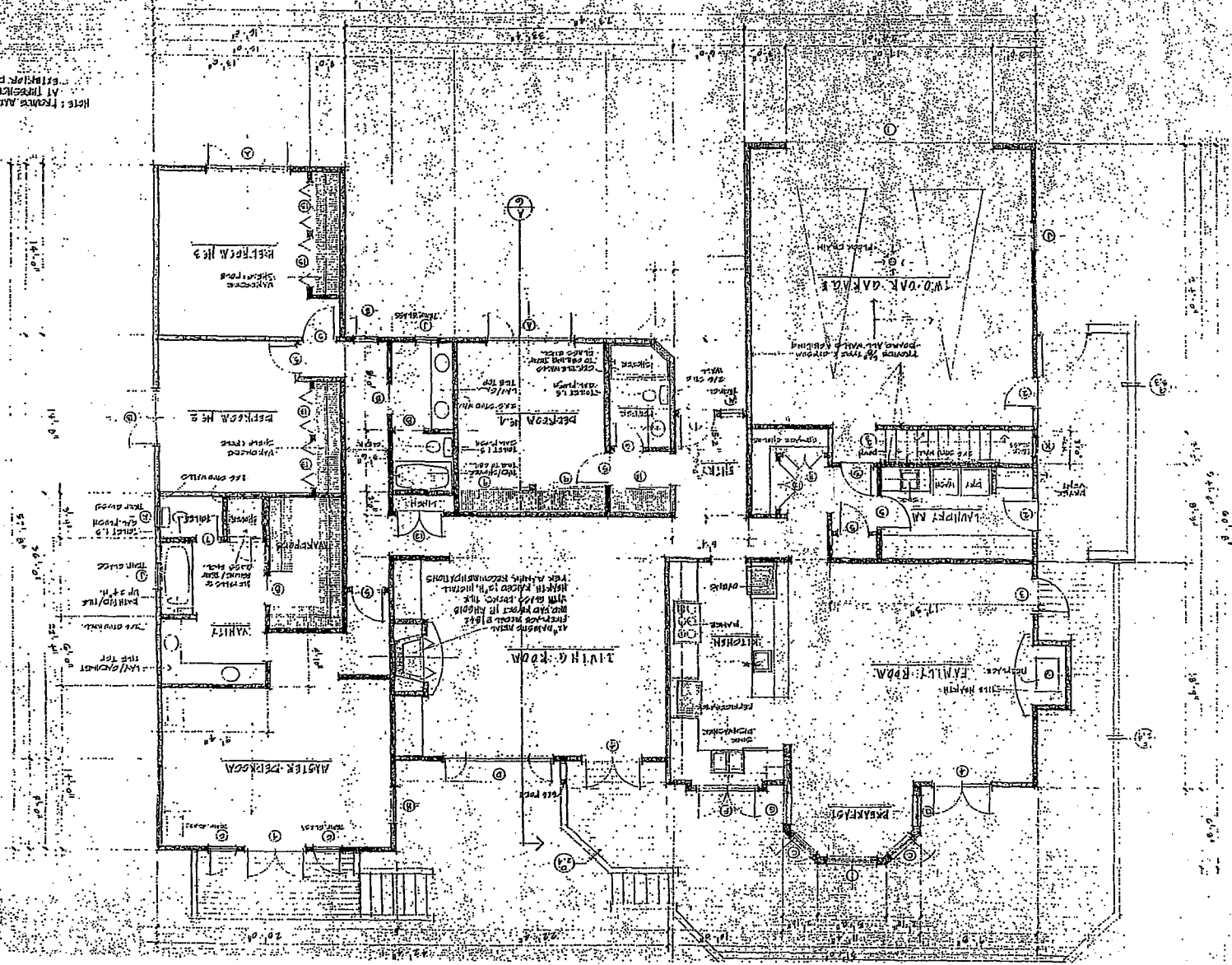


SITE PLAN
 SCALE: 1" = 50'-0"



FLOOR PLAN

Notes: FRAMES, ALL 2" HEIGHT
ALL THRESHOLDS AT ALL
EXTERIOR DOORS.






CARMEL VALLEY

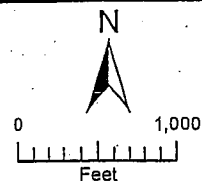


APPLICANT: SAUNDERS

APN: 197-011-004-000

FILE # PLN060282

 300' Limit  2500' Limit  City Limits



PLANNER: SAVAGE