

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

JAY NEWELL (PLN080453)

RESOLUTION NO. 080453

Resolution by the Monterey County Zoning
Administrator:

- 1) CEQA: The project is categorically exempt per Section 15301 Class 1.
- 2) Approving an amendment to an existing Use Permit (PLN020597) to allow an increase in wine production from 1,000 cases to 2,900 cases annually and to allow the production of wine from grapes imported from other vineyards.

(PLN080453, Jay Newell, 51210 Bradley-Lockwood Rd., Lockwood, South County Area Plan APN: 423-051-035-000)

The Newell application (PLN080453) came on for public hearing before the Monterey County Zoning Administrator on April 9, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) The project, as described and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, South County Area Plan, South County Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for an agricultural processes development. During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the Monterey County General Plan,
 - South County Area Plan,
 - Monterey County Zoning Ordinance (Title 21)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 property is located at 51210 Bradley Lockwood Road, Lockwood (Assessor's Parcel Number 423-051-035-000), South County Area Plan. The parcel is zoned RG/40, which allows for an agricultural processing facility pursuant to Title 21.32.050 (M) subject to a Use Permit. Therefore, the project is an allowed land use for this site.
- c) Planning File PLN020597, allowed for the conversion of an existing 460 square foot garage to a winery on a 45-acre parcel (Assessor's Parcel Number 423-051-000). The parcel is planted in vineyards. The Use Permit allowed for the production of 1,000 cases of wine per year produced from grapes grown on-site. The subject application is an amendment to the existing use permit (PLN020597) to increase the allowed wine production from 1,000 cases to 2,900 cases annually and to allow the production of wine from grapes imported from other vineyards. This amendment is consistent with the zoning designation of the property.
- d) The project planner conducted a site inspection on March 9, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- e) The project was not referred to the South County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC.
- f) 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 PLN080453.

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, South County 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 have been incorporated.
 - b) The proposed amendment is physically suitable for the use proposed. Environmental Health has determined that the waste water system on site will accommodate the production of up to 2900 cases annually.
 - c) Staff conducted a site inspection on March 9, 2009 to verify that the site is suitable for this use.
 - d) 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 File No. PLN080453.

3. **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) The project was reviewed by RMA - Planning Department, South County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (**Exhibit 1**).

b) Preceding findings and supporting evidence for PLN080453.

4. **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.

EVIDENCE: a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
b) Staff conducted a site inspection on March 9, 2009 and researched County records to assess if any violation exists on the subject property.
c) There are no known violations on the subject parcel.
d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080453.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE: a) California Environmental Quality Act (CEQA) Guidelines Section 15303 Class 1 categorically exempted the original Use Permit from environmental review based on the conversion of small structures. Section 15301 Class 1 categorically exempts the proposed Use Permit Amendment based on the negligible increase in use. The Use Permit Amendment allows for an increase in production within the existing facilities disposal and structural capabilities. The proposed amendment will not result in any new or increased significant environmental impacts. Therefore, the amendment is exempt from environmental review under the CEQA Guideline provisions.
b) No adverse environmental effects were identified during staff review of the development application during a site visit on March 9, 2009
c) See preceding and following findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

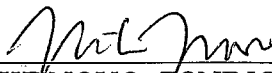
EVIDENCE: a) Section 21.80.040 Monterey County Zoning Ordinance (Planning Commission).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Determine the project is categorically exempt
- B. Approve an amendment to existing winery Use Permit PLN020597 to increase allowed production from 1,000 cases to 2,900 cases annually and to allow the production of wine from grapes imported from other vineyards, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of April, 2009.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAY 11 2009**

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION / CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **MAY 21 2009**

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.

RESOLUTION 080453 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Newell
File No: PLN080453 **APNs:** 423-051-035-000
Approved by: Zoning Administrator **Date:** April 9, 2009

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

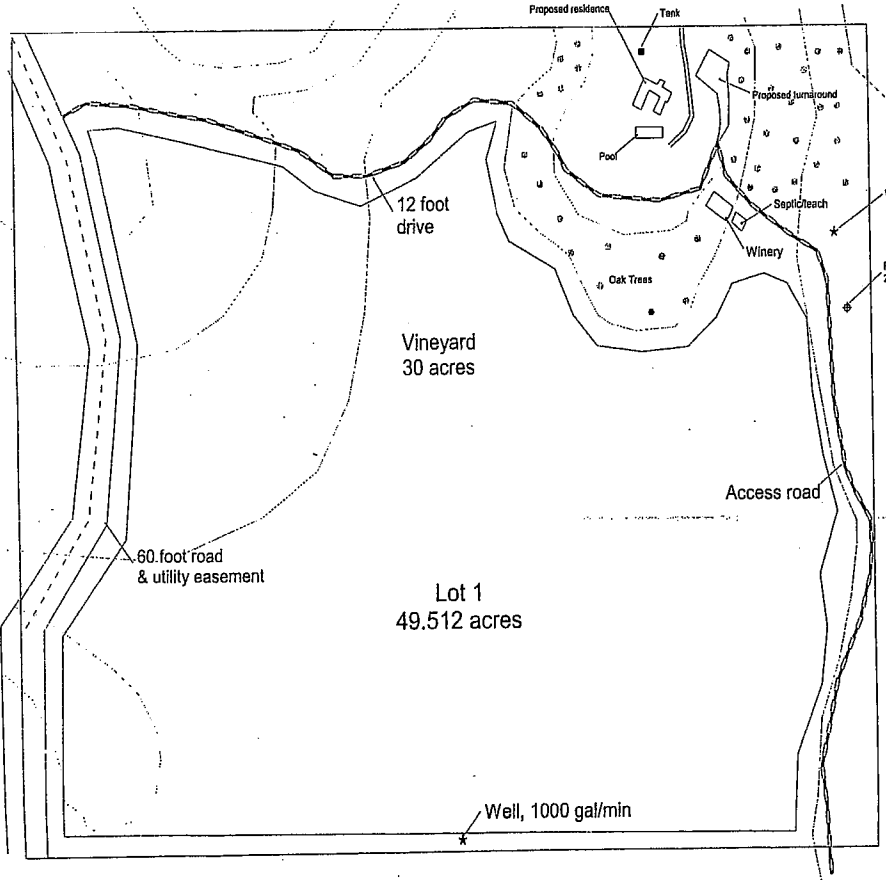
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
RMA – Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Use Permit Amendment (PLN080453), amends an existing winery Use Permit (File No.PLN020597) to increase allowed production from 1,000 cases to 2,900 cases annually and to allow the production of wine from grapes imported from other vineyards. The property is located at 51210 Bradley Lockwood Road, Lockwood (Assessor’s Parcel Number 423-051-035-000), PLAN080453. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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.</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 080453) was approved by the Zoning Administrator for Assessor's Parcel Number 423-051-035-000 on April 9, 2009. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>RMA- Planning</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
3.		<p>SP001- NONSTANDARD CONDITION This amendment is subject to all the conditions of planning File No.020597, excepting and amending conditions 1, 10, and 19.</p>				
<p>RMA – Public Works Department</p>						
4.		<p>PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Bradley Lockwood Road. (Public Works)</p>	<p>Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.</p>	<p>Owner/ Applicant</p>	<p>Prior to Building/ Grading Permits Issuance</p>	
<p>Fire Agency (South County Fire District)</p>						
5.		<p>FIRE030 – OTHER NON-STANDARD CONDITIONS The existing driveway is to be designated as one way, with the exit onto the private road and the entrance off of Bradley-Lockwood Road commensurate with the address.</p>		<p>Owner/Applicant</p>		

6.		FIRE030 – OTHER NON-STANDARD CONDITIONS The access is to be equipped with a Knox access system. (Either a Knox Padlock or a Knox key switch on the electronic gate.)		Owner/Applicant		
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END OF CONDITIONS

Rev. 03/01/2009



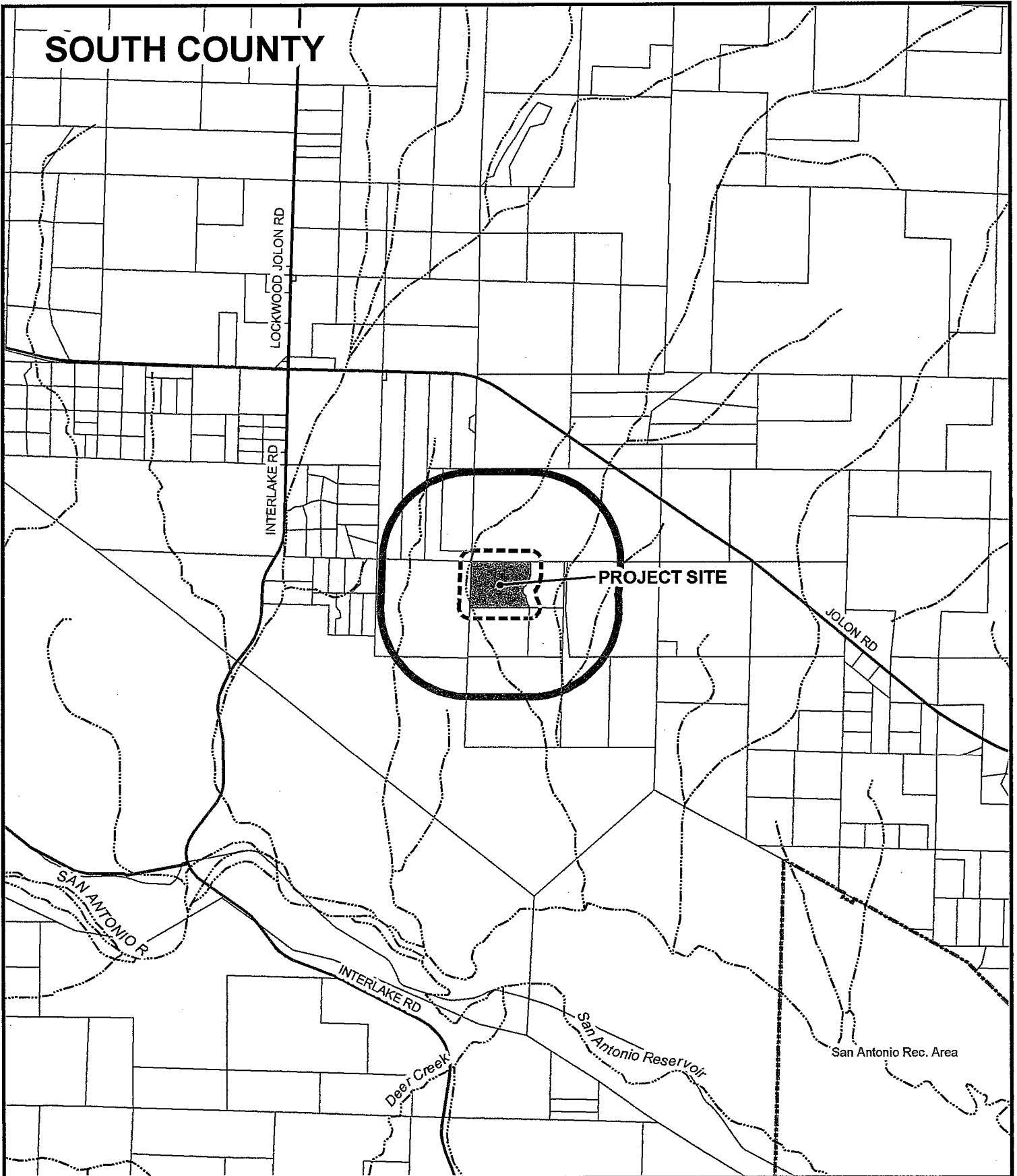
Dickson-Newell Residence
51210 Bradley-Lockwood Road
Bradley, CA 93426
APN-423-051-035



Newell Winery
May 5, 2003
File Number PL14020597
Contact: Rachel Dumas
805-239-4502

Bradley-Lockwood Road
40 feet



SOUTH COUNTY



APPLICANT: NEWELL

APN: 423-051-035-000

FILE # PLN080453

 300' Limit  2500' Limit  City Limits

