

RESOLUTION NO. 010124

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

In the matter of the application of  
**Thomas Russell TR (PLN010124)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the establishment of a 500 case per year cottage industry/winery sited 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, came on regularly for hearing before the Zoning Administrator on December 13, 2001.

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, and as conditioned, 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 May 29, 2001, by a vote of 4-1 with no recommended conditions of approval.

*"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."* (Fire District)

26. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (Fire District)
27. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. (Fire District)

**Continuous Conditions:**

28. 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. (Division of Environmental Health)
29. This Use Permit for the micro winery is subject to the following time limits:
1. The initial Use permit shall not be issued for more than one year from the date from which the applicant receives a final inspection from the Monterey County Building Inspector for the micro winery;
  2. The second Use Permit shall not be issued for more than three years; and
  3. The third and subsequent Use Permits shall not be issued for more than three years.

Consequently, this initial Use Permit shall expire one year from the date of commencement of use of the micro winery and is subject to subsequent review prior to granting of additional permits for the micro winery. (Planning and Building Inspection)

**PASSED AND ADOPTED** this 13th day of December, 2001.

  
 LYNNE MOUNDAY  
 ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **DEC 14 2001**

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

**DEC 26 2001**

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.

