

# Exhibit D

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

In the matter of the application of:

**GONTARYUK (PLN170657)**

**RESOLUTION NO. 18-039**

Resolution by the Monterey Zoning Administrator:

- 1) Finding the project is a conversion of an operation of an existing private structure, which qualifies for a Class 1 Categorical Exemption per Section 15301 of the CEQA Guidelines and does not meet any of the exceptions under Section 15300.2; and
- 2) Approve a Use Permit to allow establishment of a cottage industry that will produce between 100-150 cases of wine per year utilizing an existing garage.

[PLN170657 Gontaryuk, 8 Trampa Canyon, Carmel Valley, Cachagua Area Plan (APN: 417-221-006-000)]

**REVISED  
July 26, 2018**

**(This resolution  
supersedes the  
previous resolution  
mailed on  
June 29, 2018)**

**The Gontaryuk application (PLN170657) came on for a public hearing before the Zoning Administrator on June 28, 2018. 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 AND EVIDENCE**

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) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 2010 Monterey County General Plan;
    - Cachagua 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 8 Trampa Canyon (Assessor’s Parcel Number 417-221-006-000), Cachagua Area Plan. The parcel is zoned Resource Conservation, which allows establishment of a cottage industry with a Use Permit pursuant to Monterey County Code, Section 21.36.060. Therefore, the project is an allowed land use for this site.
  - c) The proposed project is located on a 15.03 acre (654,707 sq. ft.) parcel in Cachagua, located at 8 Trampa Canyon, Carmel Valley. The proposed cottage industry establishment will be located in a 500 square foot attached garage of an existing 4,700 square foot residence and will consist of a small production facility (approximately 100-

150 cases of artisan wine per year). Ninety percent (90%) of the anticipated production will be for sale, the remaining ten percent (10%) will be for personal consumption. Currently, there is a 1.5 acre vineyard on-site but no processing has taken place historically. The garage will be used for stemming and pressing of grapes. In addition, fermentation [(2) 1000 gallon stainless steel tanks] and storage [(10-15) 55 gallon casks] will also take place in the garage. Bottling (by hand) will be done offsite by a local winery in Marina. Wine barrels will be driven offsite in a non-commercial vehicle by the owner and delivered to Marina. Therefore, no mobile bottling will be required nor take place on-site. The applicant plans on establishing a wine club by on-line memberships and sales to local restaurants. Distribution to the wine club will amount to possibly twelve shipments per year. The shipments will come out of various United States Postal Service (USPS) and/or United Parcel Service (UPS) facilities in Carmel Valley and Carmel. No USPS or UPS pick-ups will occur on site. Deliveries to the local restaurants will be done by the owner, a few times a month depending on demand, in the owner's private, non-commercial vehicle. Equipment/Supply delivery to the home of wine bottles and barrels to site will be done once a year. Since the overall production is minimal, there are no significant impacts to the neighborhood with regards to traffic. Furthermore, the home will not be open to the public and no wine sales will take place on-site.

- d) The project site is designated for Resource Conservation (RC/40). Cottage Industry are principally allowed uses in the RC zone. The project involves the request to allow establishment of a cottage industry. Therefore, the project includes an allowed use on the site subject to a Use Permit.
- e) A Cottage Industry may be conducted in any zoning district which allows residential use, subject to the following standards:
  - 1. All Cottage Industry is subject to a Use Permit pursuant to Chapter 21.74. and the Zoning Administrator is the Appropriate Authority to consider such Use Permit.
  - 2. A total of two persons, other than the resident and immediate family residing on site, may be employed in the cottage industry.
  - 3. 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.
  - 4. Adequate access and parking must be provided on-site to accommodate the residential use, employees and two customers of the cottage industry.

An Operational Plan has been submitted. Two employees, once a year, other than the owner will be on site to assist with harvesting.

No advertising will take place on-site except for the allowed four square foot nameplate on the residence. The site currently accommodates parking for 6 vehicles. Therefore, the proposed project meets all the standards of the Cottage Industry.

Use Permits issued for cottage industry shall be subject to the following time limits:

- f)
  - 1. The initial Use Permit shall not be issued for more than one year,
  - 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 five years.

g) The project has been sited and designed to meet the requirements for an establishment of a cottage industry specified in Monterey County Code, Section 21.64.095.C

h) The project planner conducted a site inspection on May 15, 2018 to verify that the project on the subject parcel conforms to the plans listed above.

i) The project was not referred a Cachagua Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the proposed project does not require CEQA review (i.e. did not require an initial study); the project does not involve a lot line adjustment with conflicts; the project did not include a variance; and the project is not solely a Design Approval subject to the review of the Zoning Administrator or Planning Commission.

j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170734.

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, Cachagua Fire Protection Department, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, 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 project planner conducted site inspection on May 15, 2018 to verify that the project on the subject parcel conforms to the plans listed above and to verify that the site is suitable for this use.
  - c) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN170657.

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, Cachagua Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. The respective 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.
  - b) The project includes an establishment of a cottage industry utilizing an existing garage.
  - c) See preceding and following Findings and Evidence.
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 and RMA-Building Services records and is not aware of any violations existing on subject property.
  - b) See preceding and following findings and evidence.
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 15301 categorically exempts a single-family residence and accessory structures including garages within residentially zoned areas. The project involves the use of a single-family residence and attached garage, both located within a residential zone.
  - b) No adverse environmental effects were identified during staff review of the development application or during site visits on May 15, 2018.
  - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
  - d) See preceding and following findings and evidence.
6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** Section 21.80.040.A of the Monterey County Zoning Ordinance (Planning Commission).

**DECISION**

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

- 1) Find the project is a conversion of an operation of an existing private structure, which qualifies for a Class 1 Categorical Exemption per Section 15301 of the CEQA Guidelines and does not meet any of the exceptions under Section 15300.2; and
- 2) Approve a Use Permit to allow establishment of a cottage industry that will produce between 100-150 cases of wine per year utilizing an existing garage, in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 28<sup>th</sup> day of June, 2018.



\_\_\_\_\_  
Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON ~~JUN 29 2018~~

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 09 2018

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.

This permit expires 1 year after the above date of granting thereof unless construction or use is started within this period.

# Monterey County RMA Planning

## Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN170657

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Use Permit (PLN170657) allows establishment of a cottage industry in a single-family residence that will produce between 100-150 cases of wine per year. The property is located at 8 Trampa Canyon, Carmel Valley (Assessor's Parcel Number 417-221-006-000), Cachagua Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. 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)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Use Permit allowing establishment of a cottage industry in a single-family residence that will produce between 100-150 cases of wine per year. (Resolution Number 18-039) was approved by Zoning Administrator for Assessor's Parcel Number 417-221-006-000 on June 28, 2018. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

### 3. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

### 4. USE PERMIT TIME LIMITS (NON-STD)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** All Use Permits issued for Cottage Industry shall be subject to the following time limits:

1. The initial Use Permit shall not be issued for more than one year,
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 five years.

The purpose of these time limits is to provide adequate on-going review of the Cottage Industry to assure that the use continues to meet the standards of this Section, that the nature of the area has not changed sufficiently to cause the use to be detrimental to the area, and to review the conditions of the prior Use Permit to determine their continuing adequacy. Therefore, this initial permit shall be good for 1 (one) year.

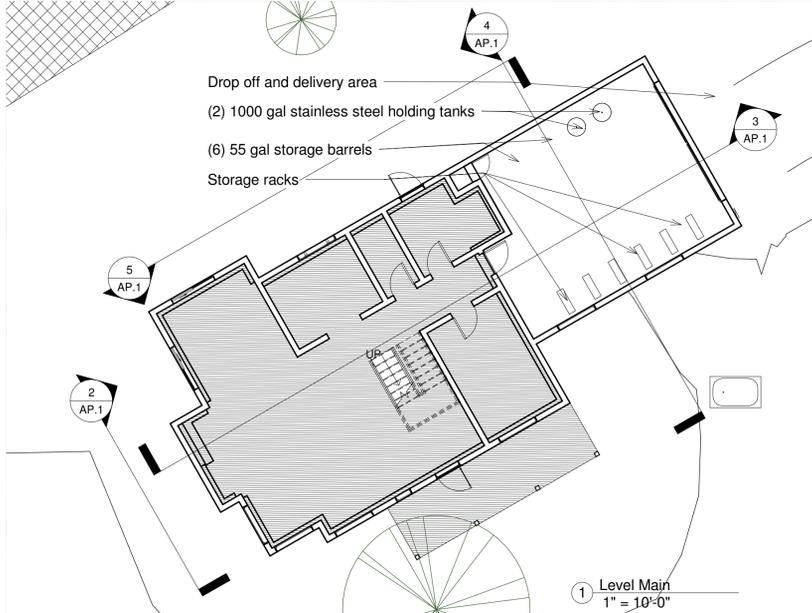
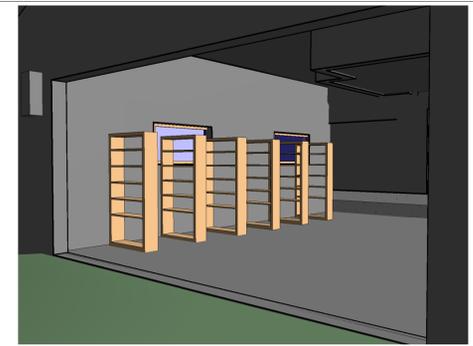
**Compliance or Monitoring Action to be Performed:**







11) Vacinity Plan  
1 1/2" = 1'-0"

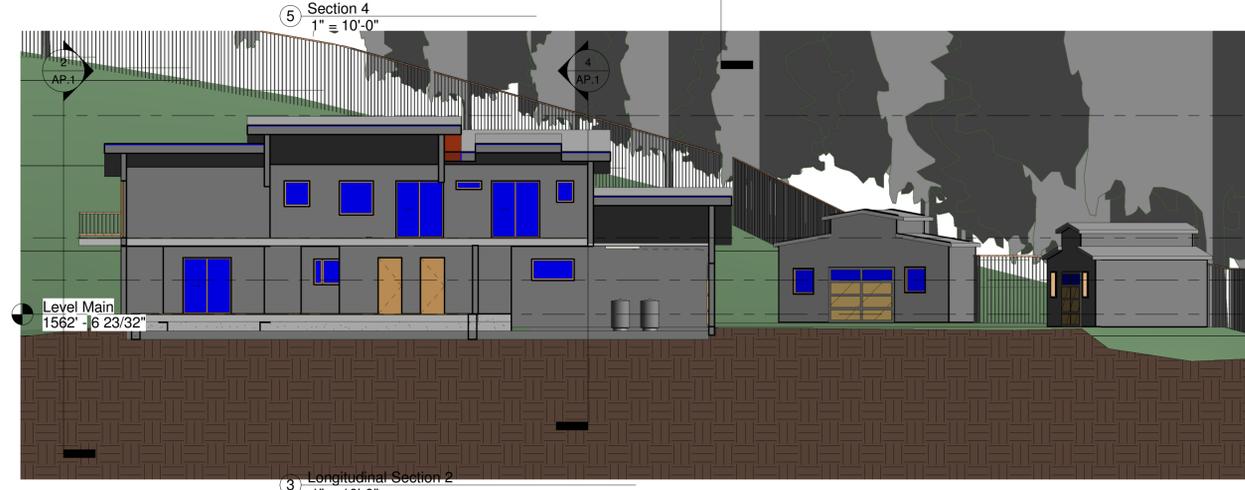
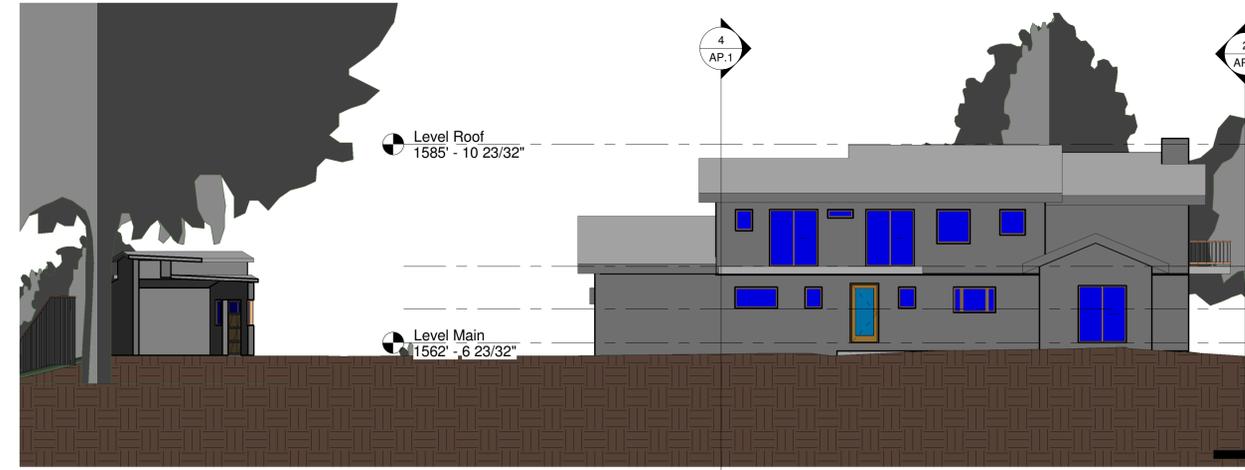
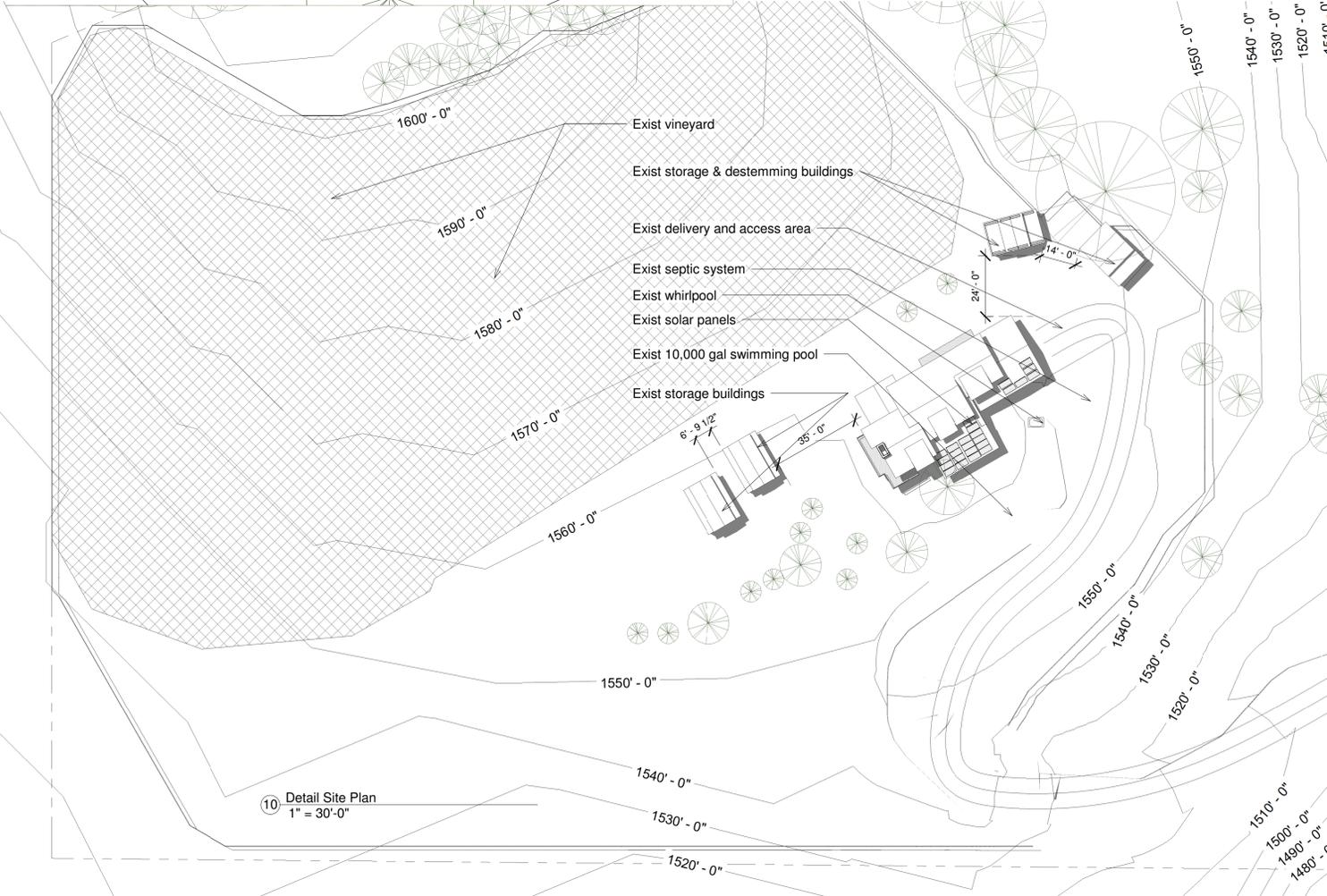
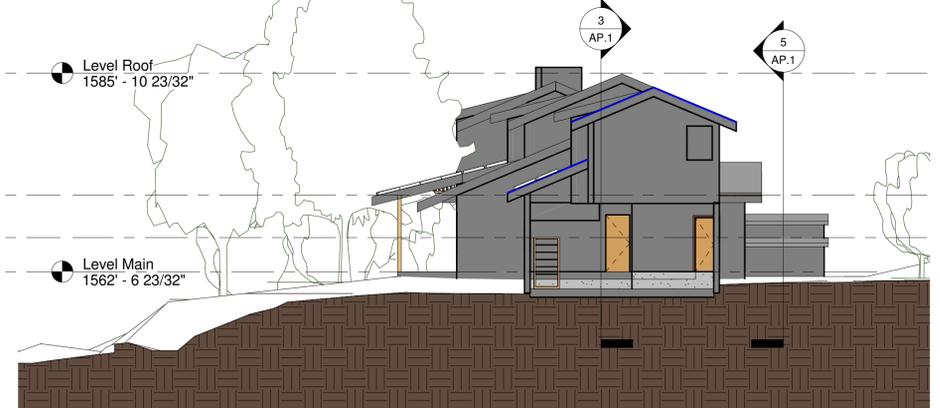
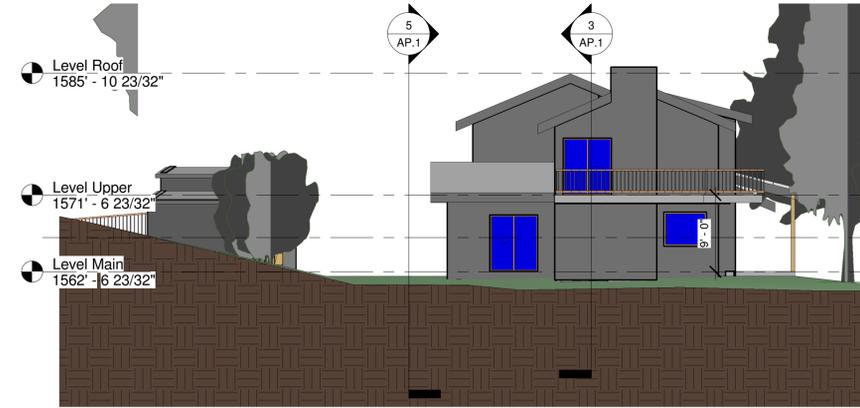


8) Existing Garage North  
1" = 1'-0"

6) 3D View Garage Winery North

9) Existing Garage South  
1" = 1'-0"

7) 3D View Garage Winery South



REVISIONS	DESCRIPTION
DATE	_____



**Paul Byrne, Architect**  
**LEED AP**  
26135 South Carmel Hills Drive, Carmel, CA 93924  
831.620.0193 byrarchite@earthlink.net

**Gontaryuk Winery**  
8 Trampa Canyon  
Carmel Valley, CA 93924

**Garage Winery Plan, Elevations**

PRINT DATE 2/10/2018 12:37:44 PM  
ISSUE DATE 02/13/18  
SCALE As indicated  
APPD Approver

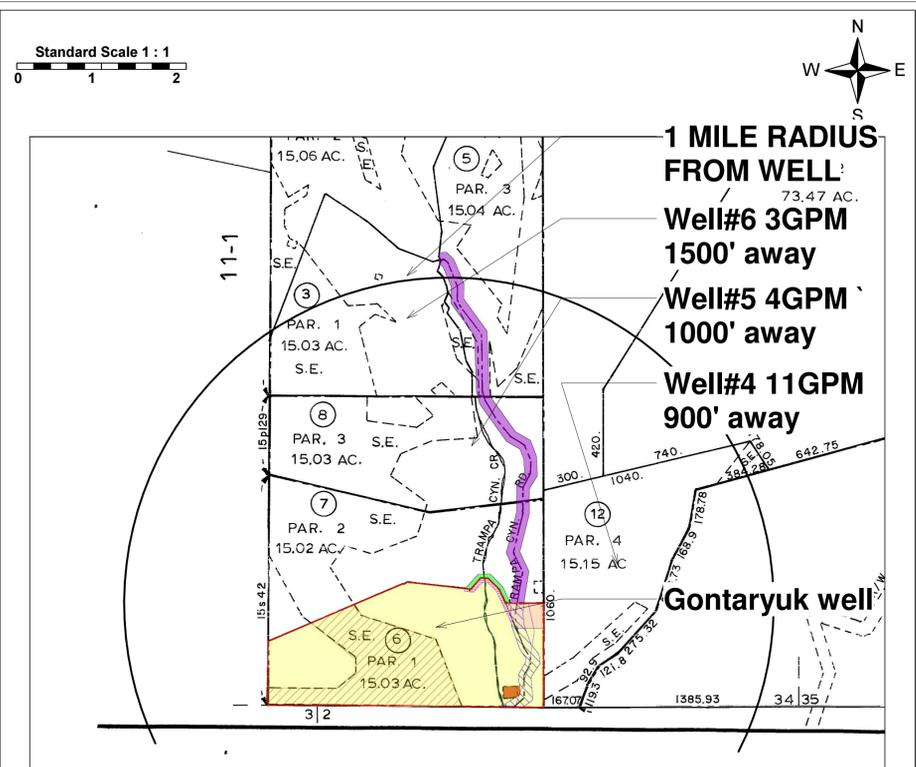
**AP.1**

# COTTAGE INDUSTRY WINERY OPERATIONAL PLAN STATEMENT:

The cottage industry winery is to be located at 8 Trampa Canyon Road in existing single family residence. The entire production facility will be located within an existing residential garage.

- HARVESTING: Will consist of 1 day per year, 3 employees, will take place at the residence
- DESTEMMING: Will take place in the storage shed, 1 day per year, 0 employees
- PRESSING: Will take place in the garage, 1 day per year, 0 employees
- FERMENTATION: Will take place in the garage in (2) 1000 gal stainless steel fermentation tanks, 5-12 days per year, 0 employees
- STORAGE: Will take place in the garage in (10-15) 55 gal casks
- BOTTLING: Will take place adjacent to the garage in a mobile bottler that will arrive 1 day per year, 0 employees
- DELIVERY AND SHIPPING: Anticipated production will be for primarily home consumption, possibly 1 delivery of equipment per year

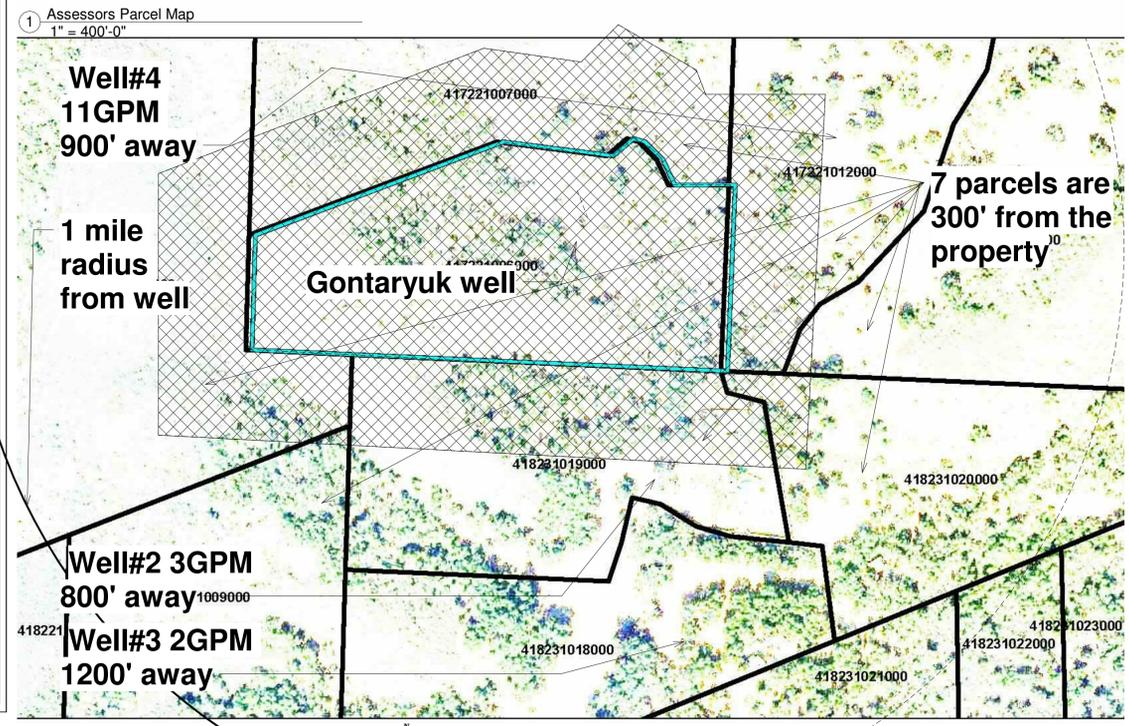
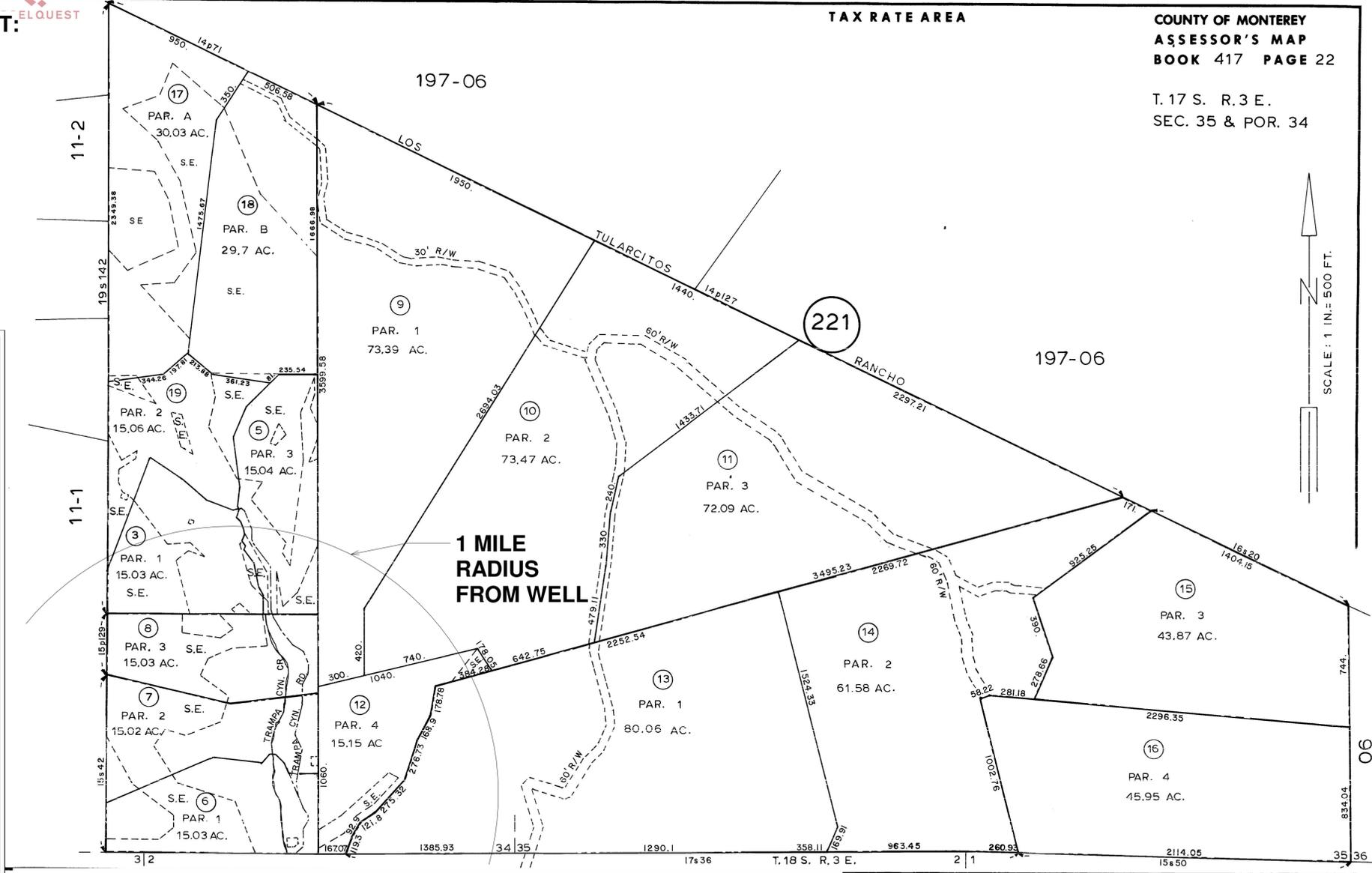
TOTAL ANNUAL PRODUCTION: approx 100-150 cs of Cabernet Sauvignon and Chardonnay



LEGEND	
	Parcel I (Fee, Property in Question)
	Parcel II (Fee, Property in Question)
	Parcel III (Easement)
	Parcel VI (Easement)
	Item No. 13 - Easement for Road and Utilities 09/17/1980, Reel 14, Page 71, of Maps Affects as shown on said map
	Item No. 14 - Easement for Well and Water 09/17/1980, Reel 14, Page 71, of Maps Affects as shown on said map
	Item No. 15 - Easement for Road and Utilities 01/13/1982, Reel 1526, Page 1213, of Official Records Affects as described therein
	Item No. 15 - Easement for Water Line 01/13/1982, Reel 1526, Page 1213, of Official Records Affects as described therein
	Item No. 16 - Easement for Telephone 08/31/1982, Reel 1575, Page 615, of Official Records Undisclosed Width - Line Easement
	Item No. 17 - Easement for Seismic 02/11/1983, Reel 1610, Page 1185, of Official Records Affects as described therein
	Item No. 18 - Easement for 40' RUE - A 09/17/1980, Reel 14, Page 71, of Maps Affects as shown on said map
	Item No. 19 - Easement for Setback Line 09/17/1980, Reel 14, Page 71, of Maps Line Easement
	Item No. 20 - Easement for 40' RUE - A 04/26/1983, Reel 1628, Page 1181, of Official Records Affects as described therein
	Item No. 20 - Easement for 60' RUE - 1 04/26/1983, Reel 1628, Page 1181, of Official Records Affects as described therein
	Item No. 21 - Easement for Well and Water 04/26/1983, Reel 1628, Page 1181, of Official Records Affects as described therein

 Old Republic Title Company 503 Ahreago Street Monterey, CA 93948 (831) 372-7378 Fax: (831) 372-7926	Title Order No. 0724016199, Preliminary Report Dated as of February 29, 2016	Drawing Date: 03/24/2016
	Reference:	Data:
Property: 8 Trampa Canyon, Carmel Valley, CA 93924	Assessor's Parcel No.: 417-221-006	
Plat Showing the land referred to herein is situated in the County of Monterey, State of California.		
NOTE: Easements depicted hereon are provided as a courtesy only and no representation is made as to the accuracy or completeness thereof. The Company assumes no liability for any loss occurring by reason of reliance thereon. It is recommended that a survey be obtained from a licensed professional to determine actual locations.		Sheet 1 of 4 Archive #

2 Parcel and Easement Plan  
1" = 1'-0"



3 Adjacent Property Well Locations  
1" = 1'-0"

## WATER SYSTEM SUPPLY ASSESSEMENT

The existing residential property is currently served by an existing well at the north center portion of the site. See Site Plan & Water System Map plan 1/AP.0

- STAGE 1:  
WELL DEPTH: 795' see separately enclosed Well Completion Report  
WELL CASING: 4.5" pvc sch 40  
WELL PERMIT # DATE: Monterey County Permit# 01-249, September 2001  
WELL FLOW RATE: approx 5 GPH  
WELL PUMP: the current pump 2HP 1PH well pump installed in 2017 and set at 777' in the well  
WELL SERVICER: Salinas Pump Co.
- STAGE 2:  
LOWER HOLDING TANKS: water is piped to 3 holding 1500 gallon polyethylene holding tanks before being pumped up to upper holding tanks
- STAGE 3:  
UPPER HOLDING TANKS: water is piped to (1) 4500 & (1) 2500 gallon polyethylene holding tanks, water is fed via gravity to the building and vineyard
- STAGE 4:  
water is piped to the exist fire hydrant and then directly to the residence. A secondary level water filter is located at the exterior entrance of the residence.
- STAGE 5:  
water is then pumped via a 2HP pump through a filter into the residence.
- FIRE SUPPRESSION HOLDING:  
A 10,000 gal swimming pool is located on the south side of the house to be used for fire supression.
- WATER QUALITY ANALYSIS:  
Monthly tests are performed by the owner on pH (acidity), total alkalinity, total chlorine (not added to the system), total hardness, hydrogen sulfide, iron, copper, nitrates, nitrites, iron bacteria. Weekly tests are performed on the swimming pool water PH, alkalinity, and chlorine.
- VACINITY EFFECTS:  
There are approximately 5 existing wells on existing adjacent parcels. (See drawings 1, 2 & 3/AP.2) The locations and flow ates are approximate.

AP.2

REVISIONS  
DATE DESCRIPTION

PAUL J BYRNE  
LICENSED ARCHITECT  
C28650  
LICENSE RENEWAL DATE 10.31.19  
STATE OF CALIFORNIA

**Paul Byrne, Architect**  
**LEED AP**

26135 South Carmel Hills Drive, Carmel, CA 93924  
831.620.0193 byrarchite@earthlink.net

**Gontaryuk Winery**  
**Assessors Parcel map**

8 Trampa Canyon  
Carmel Valley, CA 93924

PRINT DATE 2/12/2018 9:11:58 AM  
ISSUE DATE 02/13/18  
SCALE As indicated  
APPD Approver

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