

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> June 26, 2009	<b>Time:</b> 1:30 P.M.	<b>Agenda Item No.:</b> 6
<b>Project Description:</b> Consider modification or revocation of Use Permits ZA3117, ZA3567 and ZA3629h for the "Red Barn" operation at 1000 Highway 101, Aromas, due to the Red Barn's expansion of outdoor sales beyond the boundaries allowed by the Use Permits and violation of certain Conditions of Approval. The existing Use Permits allow outdoor retail sales, beer tasting, snack food bar, wine tasting and sales, and parking.		
<b>Project Location:</b> 1000 Highway 101, Aromas		<b>APN:</b> 141-013-004, -005, -011; and 141-131-001
<b>Planning File Number:</b> PD080726		<b>Owner:</b> Frances Ellingwood <b>Agent:</b> Myron Etienne, Jr.
<b>Planning Area:</b> North County Area Plan		<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> Light Commercial ("LC") and Light Commercial with a Building Site overlay zoning district ("LC-B-6").		
<b>CEQA Action:</b> Not applicable		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Conduct a public hearing on staff's determination that the "Red Barn" outdoor retail sales area is outside the boundary of the area approved by prior Use Permits and that the operators are not complying with certain conditions of the Use Permits.
2. Find that the operation is in violation and direct staff to return with amendments to clarify the conditions of approval to ensure operations are carried out in accordance with the approved permits.

Alternative actions include the following:

1. Determine that the operations are in compliance with the approved Use Permits.
2. Determine that the operations are not in compliance with the approved Use Permits and/or their conditions of approval and direct staff to prepare a staff report, and set a public hearing, to return with proposed findings to revoke the Use Permits.

### PROJECT OVERVIEW:

The Red Barn has been a retail operation since a Use Permit was issued in 1969 (ZA00505), with a few temporary use permits issued until 1973. In 1977, the first in a series of Use Permits was issued to allow permanent outdoor retail sales and associated parking to occur outside the structure. The first Use Permit (ZA-3117) allowed the establishment of the outdoor retail sales use. Two subsequent Use Permits (ZA-3567 and ZA-3629) were issued to expand the parking operation.

Staff has reviewed the three Use Permits related to the operations and has determined that the outdoor retail sales area was established in the 1977 Use Permit (Exhibit B, pages 77-90). The two subsequent Use Permits were for expansion of the parking areas and did not permit the expansion of the outdoor retail sales area. The outdoor retail sales area has expanded to more than double the area permitted under the 1977 Use Permit (Exhibits B and G). This intensive, and unpermitted, use of the site has caused significant traffic delays and potential hazards to occur along Highway 101 and nearby intersections during activities at the site, particularly on Sundays. The revocation or modification of the Use Permits (ZA-3117, ZA-3567, and ZA-3629) due to the unpermitted

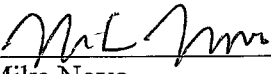
operation of the site has been set for hearing, pursuant to Monterey County Code section 21.74.060 (Exhibit H).

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments have been involved with discussions related to this operation:

- RMA - Public Works Department
- Environmental Health Division
- Monterey County Sheriff's Office
- RMA - Building Department (Code Enforcement)
- California Highway Patrol
- California Department of Transportation, District 5

If the Planning Commission decides to consider modification or revocation of the Use Permits, the matter will be scheduled for the first available Land Use Advisory Committee meeting.

Note: The decision on this project is appealable to the Board of Supervisors.

  
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Mike Novo  
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June 15, 2009

cc: Front Counter Copy; Planning Commission; Aromas-Tri County Fire Protection District; Public Works Department; Environmental Health Division; County Counsel; Water Resources Agency; Caltrans (San Luis Obispo); California Highway Patrol; Monterey County Sheriff; Mike Novo; Steve Mason; Bill Dunn; Carol Allen, Frances Ellingwood, Owner; Ken McPhail, representative; Myron Etienne, Jr., Agent; Planning File PD080726

- Attachments:
- Exhibit A Project Discussion
  - Exhibit B Excerpts from earlier files [Document pages numbered 1-145, found referenced in Exhibit A], including the following:
    1. ZA-3117 (April 14, 1977) [Pages 77-90]
    2. ZA-3567-D (November 30, 1978) [91-104]
    3. ZA-3629-D (May 10, 1979) [105-144]
  - Exhibit C Vicinity Map
  - Exhibit D 1977 Use Permit Approval Exhibit
  - Exhibit E-1 Aerial Photograph (2005) with Approval Area Overlain and 1976 Zoning
  - Exhibit E-2 Aerial Photograph (2005) with Approval Area Overlain and Current Zoning
  - Exhibit F Zoning Ordinance Excerpts for 1955 through Present
  - Exhibit G Project Correspondence
  - Exhibit H Monterey County Code Section 21.74.060, Use Permit Revocation
  - Exhibit I Application for Restroom/Office Building (withdrawn)