

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 9, 2009 Time: 2:30 P.M		Agenda Item No.: 7
Project Description: Consider modification or revocation of Use Permits ZA-3117, ZA-3567 and ZA-3629 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 sales, snack food bar, wine tasting and sales, and parking.		
Project Location: 1000 Highway 101, Aromas		APN: 141-013-004, -005, -011; and 141-131-001
Planning File Number: PD080726		Owner: Frances Ellingwood Agent: Myron Etienne, Jr.
Planning Area: North County Area Plan		Flagged and staked: N/A
Zoning Designation: Light Commercial ("LC") and Light Commercial with a Building Site overlay zoning district ("LC-B-6").		
CEQA Action: Not applicable		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (Exhibit A) determining that violations exist on the Stagecoach Territory, Inc. property and modifying conditions of Use Permits ZA-3117, ZA-3567-D and ZA-3639-D to address the violations.

PROJECT OVERVIEW:

The Planning Commission held public hearings on this matter on June 10, June 24, and August 5, 2009. The hearings for June 10, 2009 and June 24, 2009 were continued, due to the property owner's request and overflow crowds, respectively, to August 5, 2009, when a full public hearing was conducted.

After close of the August 5, 2009, public hearing, the Planning Commission made a motion to 1) find that the Red Barn operations are in violation of the Use Permits, 2) direct staff to return on September 9, 2009 with specific findings in regard to those violations and modifications to the existing Use Permits to include the requirement that the applicant must apply for a Use Permit for any expansion beyond the scope of the existing Use Permits, 3) that staff would recommend a timeline for the submittal of the application after consultation with the applicant, 4) allow the existing uses to continue, to provide a period to come into compliance with the earlier Use Permits, until the dates established by that timeline but without prohibiting code enforcement procedures by other responsible authorities, such as building inspection or health departments, and 5) continue the hearing to September 9, 2009. The motion passed by a vote of 7-3 (with three absent).

Staff met with the applicant on August 17 and August 31 to address timeline issues related to applying for an amendment to the Use Permits and discussed methods to clear the other identified violations. A resolution has been prepared for consideration by the Planning Commission that would allow continued use of the current operations with timelines

established to submit an application and perform other activities that would clear the violations relating to parking/storage in unauthorized areas and landscaping of the parking lot approved under ZA-3629-D.

An Application Request, the first step in the application process, was submitted on August 31, 2009. Conditions recommended by staff, and attached to the draft resolution (Exhibit A) include timelines for submittal of the formal application (November 30, 2009) and conditions related to clearing the violations for landscaping and the parking/storage of vehicles in the Rural Density Residential zoning district. An application deadline of November 30 is suggested in order to allow sufficient time for the completion of a comprehensive traffic study.

If an application is not submitted by the date outlined in the condition, the operation would be in violation of the Use Permits, as modified by this action, and the county will take action to enforce the Permits.

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

Conditions related to the application and timelines have been submitted by the Environmental Health Division.

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



Mike Novo
(831) 755-5192; novom@co.monterey.ca.us
September 2, 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 Resolution

- Attachment A Conditions of Approval
- Attachment B Approved Uses Site Plan
- Attachment C Application Checklist

EXHIBIT A

**RECOMMENDED RESOLUTION
STAGECOACH TERRITORY (“RED BARN”)**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D:
Stagecoach Territory (PD080726)

Resolution No. _____)
Resolution by the Monterey County)
Planning Commission determining that)
violations exist on the Stagecoach Territory,)
Inc. property and modifying conditions of)
Use Permits ZA-3117, ZA-3567-D and)
ZA-3639-D to address the violations)

The Stagecoach Territory (“Red Barn”) (PD080726) came on for public hearing before the Monterey County Planning Commission (“Planning Commission”) on June 10, 2009, June 24, 2009, August 5, 2009, and September 9, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds as follows with reference to the following facts:

I. RECITALS:

- A. On March 27, 1969, the County of Monterey (“County”) approved a Use Permit (ZA-505) to allow the sale of second hand goods and an auction house on a portion of Lot 37A, Carpenteria Rancho, as shown in Exhibit B of the June 24, 2009 Planning Commission staff report (Assessor’s Parcel Number 141-013-005). This Use Permit expired on March 27, 1972 as shown in condition 5 of the permit, shown on Exhibit B, Page 2 of the June 24, 2009 Planning Commission staff report.
- B. On October 29, 1970, the County approved a Use Permit (ZA-767) to allow the installation of a mobile home on a portion of Lot 37A, Carpenteria Rancho, as shown in Exhibit B of the June 24, 2009 Planning Commission staff report (Assessor’s Parcel Number 141-013-005). This Use Permit expired on March 27, 1972 as shown in condition 1 of the permit, shown on Exhibit B, Page 13 of the June 24, 2009 Planning Commission staff report.
- C. On April 29, 1971, the County approved a Use Permit (ZA-846) to allow the addition of outdoor retail sales on two rows of 3’ x 8’ tables, a pony riding ring, a mini-bike track and crafts within the small warehouse, and a small outdoor nursery area on a portion of Lot 37A, Carpenteria Rancho, as shown in Exhibit B of the June 24, 2009 Planning Commission staff report (Assessor’s Parcel

Number 141-013-005). This Use Permit expired on March 27, 1972 as shown in condition 2 of the permit, shown on Exhibit B, Page 22 of the June 24, 2009 Planning Commission staff report.

- D. On March 30, 1972, the County approved a Use Permit (ZA-1047) to allow the extension of Use Permits ZA-505, ZA-767, and ZA-846 on a portion of Lot 37A, Carpenteria Rancho, as described in Exhibit A, and shown in Exhibit B, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-005). The site plan showed an outdoor retail sales area, restrooms, nursery, refreshment stand, the mobile home, and the barn. The mini-bike track and pony ring were not shown. This Use Permit expired on March 30, 1977 as shown in condition 1 of the permit, shown on Exhibit B, Page 30 of the June 24, 2009 Planning Commission staff report.
- E. On August 30, 1973, the County approved a Use Permit (ZA-1507) to allow a produce stand and outdoor seating area for the snack bar on a portion of Lot 37A, Carpenteria Rancho, as described in Exhibit A, and shown in Exhibit B, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-005). The site plan showed a wine tasting room as an existing operation. Caltrans submitted a letter, dated July 24, 1973, stating concerns with "additional conflicting movements and consequent distraction" from increased use of the property. They requested an additional traffic lane through this area and adequate driveways. The hearing minutes reflect that the applicant withdrew the seating area for the snack bar from the application and that the permit was issued for only the produce stand (Exhibit B, page 44 of the June 24, 2009 Planning Commission staff report). This Use Permit expired on March 30, 1977 as shown in condition 3 of the permit, shown on Exhibit B, Page 46 of the June 24, 2009 Planning Commission staff report.
- F. On August 28, 1975, the County approved a Use Permit (ZA-2449) to allow the expansion of the parking area onto Assessor's Parcel Numbers 141-013-004 and a portion of 141-013-011 (approximately five acres), as described in Exhibit A, and shown in Exhibit B, page 48 of the June 24, 2009 Planning Commission staff report.
- G. In July 1976, the County approved a Use Permit (ZA-2880) to allow the relocation of a mobile home, as described in Exhibit A, and shown in Exhibit B, pages 71 – 76, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-011).
- H. On April 14, 1977, the County approved a Use Permit (ZA-3117) to allow the renewal of Use Permits ZA-1047 and ZA-2449 as modified by the application, as described in Exhibit A, and shown in Exhibit B, pages 77-90, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-004, -005, and -011). The application stated it was for "indoor and outdoor retail sales of new and used merchandise, beer bar, snack food bar, and wine tasting and sales," as shown on Exhibit B, pages 77 and 79 of the June 24, 2009 Planning Commission staff report. The site plan showed an outdoor retail sales area within

a dashed area, antiques and gifts inside the "Red Barn," snack bar, wine tasting, parking on the lower level of the property outside of the dashed area, and the relocated mobile home (from ZA-2880) (Exhibit B, Page 82 of the June 24, 2009 Planning Commission staff report). The approval stated that "said application for a Use Permit be granted as shown on the attached sketch." No conditions of approval were included. See Exhibit B, Pages 81, 82, and 90 of the June 24, 2009 Planning Commission staff report. The property approved for use under this Use Permit was within the General Commercial ("C-2") zoning district, with a Parking ("P") and Mobile Home Exclusion ("V") overlay zoning district.

- I. On November 30, 1978, the County approved a Use Permit (ZA-3567-D) to allow expanding the parking lot onto the terrace area above (south of) the "Red Barn" area approved for use in earlier permits, as described in Exhibit A, and described in Exhibit B, pages 91-104 of the June 24, 2009 Planning Commission staff report. The application stated it was for "expansion of existing use permit to include all of C2-P zone (1000' back from Highway 101)," as stated in Exhibit B, page 91, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-045). The property approved for use under this Use Permit was within the General Commercial ("C-2") zoning district, with Parking ("P") and Mobile Home Exclusion ("V") overlay zoning districts.

The Use Permit stated it was "granted as shown on the attached sketch, subject to the following conditions of approval" (Exhibit B, page 93, of the June 24, 2009 Planning Commission staff report):

1. That the site be landscaped and/or fenced by the applicant and that the landscaping and/or fence plan be approved by the Director of Planning.
2. That all landscaped areas and/or fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.
3. That there be no increase in the sales activity on the existing or proposed parking lot areas."

- J. The properties approved for use under Use Permits ZA-3117 and ZA-3567-D were zoned General Commercial with Parking ("P") and Mobile Home Exclusion ("V") overlay zoning districts in the 1970's when Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D were approved. The property approved for the parking lot use under Use Permit ZA-3629-D was zoned Rural ("N") with a Trailer Exclusion ("J") overlay zoning district during the 1970's. In 1991, zoning was changed to Light Commercial ("LC") for these areas, which remains in place through 2009. The area of the Red Barn property to the 'rear' of the C-2 district was zoned Rural ("N") during the 1970's. In 1991, zoning was changed to Rural Density Residential for this area. These facts are found in Exhibit A, pages 5 and 6, and in Exhibits B and F of the June 24, 2009 Planning Commission staff report.
- K. The Zoning Ordinance in effect during the period the Use Permits were being considered (Monterey County Ordinance 911) described the uses allowed in the C-2 district in Section 22. Section 22.a listed the uses allowed without discretionary county control. Section 22.b listed the uses allowed that required a

Use Permit. Pages 7 - 9 of the June 24, 2009 staff report outlines the "Uses Permitted" for the General Commercial zoning district and describes the staff and Planning Commission concerns raised during hearings for Use Permit ZA-3629-D relating to site intensification. Outdoor retail sales were listed under Section 22.b, uses that required a Use Permit. See also Exhibit B, pages 109, 112, 126, and 138, and Exhibit F of the June 24, 2009 Planning Commission staff report.

- L. On May 10, 1979, the County approved a Use Permit (ZA-3629-D) to allow expanding the parking lot on the parcel northeast of the "Red Barn" area approved for use in the earlier permits. The application stated it was for "Parking" (section 9) of about 950 spaces (section 13) as stated in Exhibit B, page 106, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-007). The resolution approving the project included condition 9, requiring that "all traffic movements to and from Route 101 be restricted to right-turns only," condition 1 requiring a landscape plan approved by the Director of Planning, and condition 11, requiring a rezoning of the property where the sales operations and earlier approved parking areas were located. The property approved for the parking use under this Use Permit was within the Rural ("N") zoning district, with a Trailer Exclusion ("J") overlay zoning district. These facts are described in Exhibit A and shown in Exhibit B, pages 104-144, of the June 24, 2009 Planning Commission staff report.

The Use Permit included the following conditions of approval (Exhibit B, pages 109-110, of the June 24, 2009 Planning Commission staff report):

1. That the site be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of Planning.
2. That all landscaped areas and/or fencing shall be continuously maintained by the applicant in a litter-free, weed-free condition, and all plant material shall be continuously maintained in a healthy, growing condition.
3. That the location, type, and wattage of all exterior lights on the property be approved by the Planning Commission.
4. That the proposed changes in access be approved by the California Transportation Commission prior to use. This also includes those openings to be closed.
5. Provide a drainage improvement study onsite and offsite. Study to be approved by the County Surveyor and California Department of Transportation.
6. That the frontage road connecting to the 60 foot easement at the northerly end of the property be a minimum of 100 feet from the intersection. Location to be approved by the County Surveyor.
7. Obtain an encroachment permit from Caltrans and construct a commercial driveway at the north end of the property as proposed, including acceleration and deceleration lanes in accordance with State standards.
8. That the parking area be maintained in a mud-free and dust-free condition.
9. That all traffic movements to and from Route 101 be restricted to right-turns only.

10. That it is the property owners responsibility not to impair any drainage facilities which could affect the drainage of the existing highway.

11. That the applicant request rezoning of his property from a "C-2-P-V" District to a "H-1-P-D-B-4" District."

No restrictions on outdoor sales were necessary related to this permit as it was a Use Permit to allow parking on a Rural zoned parcel, which did not allow other commercial uses (Exhibit F.3 of the June 24, 2009 Planning Commission staff report).

No statements were found in the record that the applicant intended to expand outdoor retail uses (Exhibit A, page 9, and Exhibit B, pages 105-144, of the June 24, 2009 Planning Commission staff report).

- M. In 1979, county staff and the Planning Commission had recommended (Exhibit B, pages 126, 130, 136-137, and 140-141 of the June 24, 2009 Planning Commission staff report), and the Zoning Administrator adopted as part of approving Use Permit ZA-3629-D (pages 109-110, 112, 130, and 143) a condition (condition 11) to rezone the C-2-P-V portion of the property to a commercial district that allowed more county control over expanding commercial uses. The General Commercial zoning district would have allowed many commercial uses to be established without county control, as described in Exhibit A, page 7, of the June 24, 2009 Planning Commission staff report.
- N. On May 29, 1979, the applicant appealed the decision of the Zoning Administrator through their representative, Myron Etienne, Jr. (Exhibit A, page 8 and Exhibit B, Page 111, of the June 24, 2009 Planning Commission staff report). On appeal to the Board of Supervisors, condition 11 was deleted and a new condition was added requiring that the property owner notify the county of any change in property ownership (Exhibit B, page 130, of the June 24, 2009 Planning Commission staff report).
- O. In November 2008, the property owners were notified that the outdoor retail sales were in violation of Use Permits issued for this property. A Notice of Violation and letter were issued on November 21, 2008. A letter was sent on March 17, 2009 outlining the outcome of research related to the issued Use Permits for the property. See Exhibit G of the June 29, 2009 Planning Commission staff report. Staff met with the property owner and representatives in December 2008 and again in April 2009 to discuss possible solutions. After discussions and meetings, the following four violations were identified:
- ✦ Outdoor retail sales outside the authorized area (Use Permit ZA03117, ZA-3567 D, Condition 3, and ZA-3629-D)
 - ✦ Left turn from Highway 101 into the site (Use Permit ZA-3629-D, Condition 9)
 - ✦ Parking and storage of vehicles in Rural Density Residential area (Use Permit ZA-3567)

- ✘ Lack of required landscaping in conformance with approved landscaping plan (ZA-3629, Conditions 1 and 2; approved landscaping plan found in project file)

- P. The November 2008 Notice of Violation letter contained a description that outdoor retail sales were outside the area approved under Use Permit ZA-3117. The area was depicted in the original file materials and attached in Exhibit B, pages 77-90, specifically shown by dashed line on page 82, of the June 24, 2009 Planning Commission staff report. The area was depicted on the site plan with a dashed line. This line was superimposed on aerial photographs prepared and attached to the June 24, 2009 Planning Commission staff report in Exhibits D, E.1, and E.2. Site visits by Code Enforcement and other county staff and aerial photos (see slide numbers 18 and 19 of the August 5, 2009 PowerPoint presentation prepared by county staff) demonstrate that outdoor retail sales are located outside the area approved under Use Permit ZA-3117.
- Q. A left turn lane from southbound Highway 101 to the Red Barn property has been in use, as demonstrated by site visits by Code Enforcement and other county staff and aerial photos (see slide number 20 of the August 5, 2009 PowerPoint presentation prepared by county staff). As stated earlier, Caltrans has eliminated this left turn movement through restriping and installation of a median barrier since the June 24, 2009 public hearing.
- R. As described in Recital I, above, Use Permit ZA-3567-D was to allow expanded parking on the upper terrace of the property, within the General Commercial zoning district. County staff who prepared the zoning maps have depicted the location of the zoning line, which has not changed location since 1978 when the Use Permit was issued, on current aerial photographs. Site visits by Code Enforcement and other county staff and aerial photos (see particularly slide number 21 of the August 5, 2009 PowerPoint presentation prepared by county staff) demonstrate that parking and storage of vehicles has crossed the line into the Rural Density Residential zoning district (formerly the Rural zoning district).
- S. Use Permit ZA-3629-D required that landscaping be installed and maintained in accordance with an approved landscape plan. The approved landscape plan is found in the project file. The August 5, 2009 PowerPoint presentation prepared by county staff includes a 2009 aerial photograph of the area approved for the expanded parking lot as slide number 23. The aerial photograph clearly shows that the required landscaping is not shown as approved under the approved landscaping plan (slide number 22 of the same PowerPoint presentation).
- T. Several meetings and discussions occurred between county staff and the applicant and their representatives. See pages 9 and 10 of the June 24, 2009 Planning Commission staff report. As a result of the meetings, the violations listed in Recital O were determined by county staff. The property owner and their representatives disagreed with staff's conclusions and a hearing before the Planning Commission was set to consider whether violations were occurring and

to consider revocation or modification of the Use Permits if violations were determined as a result of the testimony.

- U. Correspondence between the county and the applicant were attached as Exhibit G to the June 24, 2009 Planning Commission staff report.
- V. A public hearing was scheduled for June 10, 2009. Notice was mailed to property owners within 300 feet of the property boundaries, mailed to other interested parties, including the property owners and their representatives, posted on the project site and published in the *Salinas Californian*. All notices were mailed, posted, or published at least ten days prior to the hearing.
- W. Prior to the June 10, 2009 Planning Commission meeting, staff received a request for continuance from the property owner's representatives. See the June 10, 2009 Planning Commission staff report and Exhibit G of the June 24, 2009 Planning Commission staff report. The Planning Commission motion, which passed by a 10-0 vote, was to continue the public hearing to June 24, 2009 for a public hearing.
- X. County staff prepared a staff report for the June 24, 2009 public hearing. The staff report contained a two page summary report and Exhibits A through I (page 2 of June 24, 2009 Planning Commission staff report). After opening the public hearing on June 24, 2009 and hearing staff's presentation, the Planning Commission took testimony to continue the public hearing to a later date due to an unexpectedly large crowd, which could not be accommodated in the Monterey County Board of Supervisors Chambers. The Planning Commission motion, which passed by a 7-0 (with three absent) vote, was to continue the public hearing to a night meeting on August 5, 2009 for a public hearing.
- Y. Between June 24 and August 5, 2009, Caltrans eliminated the left turn lane from southbound Highway 101 onto the Red Barn property through restriping and installing a median barrier as verified by a site visit by county staff.
- Z. On June 24, 2009 and on August 5, 2009, the Planning Commission held public hearings on alleged violations of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D.
- AA. County staff presented a staff report prepared for the June 24, 2009 public hearing, a PowerPoint presentation prepared for the June 24, 2009 public hearing, and a PowerPoint presentation prepared for the August 5, 2009 public hearing.
- BB. Testimony was presented at public hearings at both the June 24, 2009 and the August 5, 2009 hearings by county staff, the property owner's representatives, and by the public. After testimony was completed, the Planning Commission closed the public hearing and made a motion to 1) find that the Red Barn operations are in violation of the Use Permits, 2) direct staff to return on September 9, 2009 with specific findings in regard to those violations and modifications to the existing Use Permits to include the requirement that the

applicant must apply for a Use Permit for any expansion beyond the scope of the existing Use Permits, 3) that staff would recommend a timeline for the submittal of the application after consultation with the applicant, 4) allow the existing uses to continue, to provide a period to come into compliance with the earlier Use Permits, until the dates established by that timeline but without prohibiting code enforcement procedures by other responsible authorities, such as building inspection or health departments, and 5) continue the hearing to September 9, 2009. The motion passed by a vote of 7-3 (with three absent).

CC. These findings are based on the specific documents and reports cited in the above Recitals as well as information and documents contained in Monterey County Planning Department file numbers ZA-3117, ZA-3567-D, ZA-3629-D, and PD080726 found at the Monterey County Resource Management Agency-Planning Department.

II. DECISION:

NOW, THEREFORE, BE IT RESOLVED that the Monterey County Planning Commission hereby finds that the Red Barn operations are in violation of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D, as described in the above Recitals, for 1) outdoor retail sales outside the approved area, 2) landscaping not in conformance with the approved landscaping plan for ZA-3629-D, and 3) parking and storage of vehicles outside the approved area;

BE IT FURTHER RESOLVED that the Monterey County Planning Commission hereby modifies the conditions of approval for Use Permits ZA-3117, ZA-3567-D and ZA-3629-D to include new conditions of approval as found in **Attachment A**, hereby incorporated into this resolution by reference.

BE IT FURTHER RESOLVED that the Monterey County Planning Commission determines that the area approved for outside retail sales is as depicted by dashed line on **Attachment B**, hereby incorporated into this resolution by reference.

BE IT FURTHER RESOLVED that the Monterey County Planning Commission determines that the uses allowed on the "Red Barn" property are those uses stated in the resolutions adopted for ZA-3117, ZA-3567-D, and ZA-3629-D and that said resolutions are hereby incorporated by reference with the conditions of said permits modified as described herein. The uses stated in those Use Permits are as follows and are depicted on **Attachment B**:

- ☒ Indoor and outdoor retail sales of new and used merchandise, beer bar, snack food bar, wine tasting and sales, and a relocated mobile home, as shown in the resolution for ZA-3117 (Assessor's Parcel Number 141-013-004, -005, and -011);
- ☒ Expansion of the parking lot onto the terrace area above (south of) the "Red Barn" area approved for use in ZA-3117, as shown in the resolution for ZA-3567-D and as described in the application materials to include the area within the General Commercial zoning district (portion of Assessor's Parcel Number 141-131-001);

Expansion of the parking lot to the parcel northeast of the "Red Barn" area approved for use in ZA-3117 and ZA-3567-D, as shown in the resolution for ZA-3629-D. The application stated it was for "Parking" (section 9) of about 950 spaces (section 13) as stated in Exhibit B, page 106, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-007).

PASSED AND ADOPTED on this 9th day of September, 2009, upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

By _____
JACQUELINE ONCIANO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

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 _____

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 _____ - ATTACHMENT A
 Monterey County Resource Management Agency
 Planning Department
 Condition Compliance and/or Mitigation Monitoring
 Reporting Plan**

Project Name: Red Barn (Stagecoach Territory)
File No: PD080726 **APNs:** 141-013-004, 005 and 011,
141-131-001
Approved by: Planning Commission **Date:** September 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. Num- ber</i>	<i>Mitig. Num- ber</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.		PD001 - SPECIFIC USES ONLY This decision (PD080726) allows the temporary continued operation of the Red Barn (Stagecoach Territory) operations as approved under Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D. Uses determined by the earlier permits are as follows: ☒ Indoor and outdoor retail sales of new and used merchandise, beer bar, snack food bar, wine tasting and sales, and a relocated mobile home,	Adhere to conditions and uses specified in this decision. 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.	Owner/ Applicant RMA - Planning	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>as shown in the resolution for ZA-3117 (Assessor's Parcel Number 141-013-004, -005, and -011);</p> <ul style="list-style-type: none"> ✦ Expansion of the parking lot onto the terrace area above (south of) the "Red Barn" area approved for use in ZA-3117, as shown in the resolution for ZA-3567-D (Assessor's Parcel Number 141-013-011); ✦ Expansion of the parking lot to the parcel northeast of the "Red Barn" area approved for use in ZA-3117 and ZA-3567-D, as shown in the resolution for ZA-3629-D. The application stated it was for "Parking" (section 9) of about 950 spaces (section 13) as stated in Exhibit B, page 106, of the June 24, 2009 Planning Commission staff report (Assessor's Parcel Number 141-013-007). <p>The property is located at 1000 Highway 101, Aromas (Assessor's Parcel Number 141-013-004, 005, 011 and 141-131-001), North County Area Plan. This determination was made 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</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>WRA RMA - Planning</p>		

<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>
		allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A decision regarding the status of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D (Resolution [REDACTED]) was made by the Planning Commission for Assessor's Parcel Numbers APNs: 141-013-004, 005, 011 and 141-131-001 on September 9, 2009 . The permit was granted subject to ### conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PDSP001 - CONDITIONS OF APPROVAL FOR USE PERMITS ZA-3117, ZA-3567-D, AND ZA-3629-D (NON-STANDARD) The conditions of approval for Use Permits ZA-3117, ZA-3567-D, AND ZA-3629-D remain in full force and effect with this decision, except as modified herein and specifically identified by a new condition of approval. (RMA - Planning Department)	Comply with all earlier conditions of approval except as specifically stated in this resolution.	Owner/ Applicant	As outlined in the applicable conditions of approval.	

<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>
4.		<p>PDSP002 - APPLICATION SUBMITTAL (NON-STANDARD)</p> <p>A complete application for amendments to Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D shall be submitted prior to November 30, 2009. The submittal shall include the components identified on the application checklist prepared by the Planning Department and attached to this resolution as Attachment C, as well as all applicable fees, including a double fee pursuant to Section 21.84.140 of the Monterey County Code. Any applicable fees for environmental review shall be submitted along with the application materials.</p> <p>If a hearing has not been scheduled by January 15, 2010, planning staff will report back to the Planning Commission at the last meeting in January 2010.</p> <p>Should an application not be submitted by November 30, 2009, outdoor retail uses shall be returned within 7 days to the area depicted in Attachment B by a dashed line depicting the outdoor retail sales area. (RMA - Planning Department)</p>	<p>Submit complete set of application materials to Planning Department.</p> <p>Status Report to Planning Commission.</p> <p>Should application materials not be submitted prior to November 30, 2009, the owner shall return the outdoor retail sales area to the limits as determined by this Resolution. Should this occur, staff will report on this to the Planning Commission in December 2010.</p>	<p>Owner/ Applicant</p> <p>Planning Staff</p> <p>Owner/ Applicant</p>	<p>Prior to November 30, 2009.</p> <p>Late January, 2010</p> <p>After November 30, 2009.</p>	

<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>
5.		<p>PDSP003 – RESUBMITTAL OF APPLICATION MATERIALS</p> <p>If the amendment application is determined incomplete by any department or agency, information shall be submitted within 30 days of such request to the Planning Department for routing to the applicable department or agency. (RMA - Planning Department)</p>	Submit requested information within 30 days of any request from any department or agency.	Owner/ Applicant	Ongoing	
6.		<p>LANDSCAPE PLAN (NON-STANDARD) Replacing Condition 1 of ZA-3629-D</p> <p>The site shall be landscaped. Prior to October 15, 2009, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed prior to January 31, 2010. The permanent irrigation system shall be installed by May 30, 2010. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	<p>Submit landscaping plan</p> <p>Plant all vegetation on approved landscape plan</p> <p>Install permanent irrigation system.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>By October 15, 2009</p> <p>By January 31, 2010</p> <p>By May 30, 2010</p>	

<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>
7.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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 the property, filing of the final map, 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel map, whichever occurs first and as applicable	

<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>
		hold the county harmless. (RMA - Planning Department)				
8.		<p>PDSP004 - INABILITY TO MEET TIMELINE MILESTONES (NON-STANDARD)</p> <p>For any date outlined in these conditions of approval, where it is impractical or impossible to achieve the timeline, the property owner shall notify the county immediately and the Planning Department shall report any such delays to the Planning Commission at the next available Planning Commission hearing. The Planning Commission may modify the timeline or set the Use Permits for revocation or further modification. (RMA - Planning Department)</p>	<p>Notify the Planning Department if a milestone date cannot be achieved.</p> <p>Set the matter for hearing before the Planning Commission</p>	<p>Owner/ Applicant</p> <p>Planning Staff</p>	<p>Ongoing and prior to any milestone date.</p> <p>Next available hearing date.</p>	
9.		<p>PDSP005 – FENCING</p> <p>A fencing plan shall be submitted for review and approval of the Planning Director. The fence shall be installed on the zoning district boundary between the Light Commercial zoning district and the Rural Density Residential zoning district and shall be of sufficient design and construction to preclude vehicles from driving through to the Rural Density Residential area for parking or storage. Access gates may be provided in the fence, but must be closed on Sundays. The fence shall be constructed of wood or metal, shall not be greater than six feet tall, and the materials and design shall be</p>	<p>Submit fencing plan to Planning Department.</p> <p>Install fencing</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>By September 30, 2009.</p> <p>By October 31, 2009.</p>	

<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>
		subject to approval by the Planning Director. (RMA - Planning Department)				
Health Department Environmental Health Division						
10.		<p>EHSP001 - HEALTH DEPARTMENT REQUIREMENTS</p> <p>Following all pertinent sections set forth in Monterey County Code Chapter 15.20 "Sewage Disposal", the information that Environmental Health Review Services (EHRS) will need to be addressed prior to deeming the Red Barn complete are as follows:</p> <ol style="list-style-type: none"> 1. Site visit with applicant, applicant's engineer and EHRS staff for site evaluation and possible location of the Onsite Wastewater Treatment System (OWTS). 2. Soil evaluations i.e. soil samples, percolation testing, backhoe digs and depth to ground water borings. 3. Verifiable documentation of peak attendance at site. 	<p>Perform the steps listed in the condition.</p> <p>Submit the required information</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to submittal of application</p> <p>Concurrent with submittal of application</p>	

<i>Permit Cond. Num- ber</i>	<i>Mitig. Num- ber</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>4. Verifiable documentation of the number of merchandise vendors, food vendors and employees.</p> <p>5. Submitted the OWTS engineered design plans, by a registered engineer, to EHRS for review and approval. (Environmental Health)</p>				

END OF CONDITIONS

Attachment 'B'

Red Barn

Approved Uses

HIGHWAY 101

SAN JUAN RD



Red Barn -
Indoor retail
sales

Snack
Bar

Wine
Tasting &
Sales

Barn

Mobile
Home

-  Parking Area
-  Outdoor sales area established by 1977 use permit



0 200 Feet

Photo Date: 2007

ATTACHMENT C



MONTEREY COUNTY RMA PLANNING DEPARTMENT

Salinas – 168 West Alisal, 2nd Floor, Salinas, CA 93901

Telephone: 831.755.5025 Fax: 831.757.9516

Coastal Office – 2620 First Avenue, Marina, CA 93933

Telephone: 831.883.7500 fax: 831.384.3261

INSTRUCTIONS AND FILING PROCEDURES FOR LAND USE AND DEVELOPMENT APPLICATIONS

Project Name: Stagecoach Territory (Red Barn)

File Number:

Project Planner:

Planner E mail: _____@co.monterey.ca.us

Phone: 831-755-####

The Planning Department is the lead agency to coordinate the processing of development applications through Monterey County land use agencies. The following is a checklist of materials, data and reports required for submittal of your development application. Please feel free to contact your assigned project planner at any point in the development process regarding questions you may have about your application.

PLEASE MAKE AN APPOINTMENT WITH YOUR ASSIGNED PLANNER TO SUBMIT APPLICATION MATERIALS.

YOUR DEVELOPMENT PROJECT APPLICATION WILL NOT BE ACCEPTED FOR REVIEW UNLESS ALL THE ITEMS CHECKED BELOW (PLANS, MATERIALS, DATA, AND REPORTS, ETC) ARE INCLUDED IN THE SUBMITTAL PACKAGE.

PERMITS:

The following entitlements have been determined to be required for your project based on the submittal of your application request form and associated materials:

Type of Permit(s):	
--------------------	--

NOTE: This list may be subject to change based upon review of the application.

FILING FEES:

The following filing fees have been calculated based on the entitlements required, and may be subject to change based upon final review of the application.

AGENCY	FILING FEE	HOURLY RATE
	\$	####.00
RMA - Planning Department:		
	\$	####.00

RMA - Public Works:		
	\$	####.00
Water Resources Agency:		
	\$	####.00
Environmental Health:		
	\$	####.00
County Counsel:		
	\$	
Other Agency:		
Surcharge Fees – 10% (**Technology -6%, General Plan-3%, **Storage-1%) ** % of Planning Fees only	\$	
Appointment request fee (subtract if submitted within 6 months of the appointment request)	\$	
	\$	
TOTAL FEE		

Certain types of applications are subject to an hourly fee. Each Department has a set hourly rate that is charged for deposit projects. For those applications, the amount of payment due with the application is a deposit with additional charges per hour for actual time spent on that application. **Application fees are due and payable with submission of the application materials.**

These costs are associated with your land use entitlement and do not include Building plan check or permit fees. In addition, costs may be applied as necessary to comply with regulations and fees of other county agencies, conditions of approval, mitigation measures, and necessary agreements.

REQUIREMENTS FOR APPLICATION PACKETS

The items checked below are required for submission of the project application and must be collated and assembled into packets of information. All documents shall be provided in an electronic format (.pdf). Plans shall be in a format so that they may be reproduced at 11x17 inches or greater.

APPLICATION FORMS	
The following forms must be completed and signed by all interested parties. Copies shall be attached to your plans as part of your application.	
X	Development Project Application
PLANS	
The following plans must be completed in full size and folded into a size not to exceed 8½ by 14 inches. Each type of plan includes a list of the typical type of information required to be included on that plan. Those items that are checked must be included on the requested plan. The number of plans required to be submitted with the application is indicated in the left hand column. Initial sets of plans are needed for distribution to the land use agencies. Additional sets may be requested through the hearing process. If the items checked are not included, the application will be deemed incomplete and revised plans will be required.	
X	Site Plan – A plan from a birds-eye view showing structures, major vegetation, and topographical data of the subject property and that within 50 feet of immediate adjacent properties.
X	North arrow and scale

X	Location of project (vicinity map)
X	Project Data Summary Table including but not limited to the following items: <ul style="list-style-type: none"> • Lot Size • General Plan Land Use Designation • Zoning Designation • Lot Coverage (Required and Proposed) - calculations showing the percentage that the building footprint covers the lot. • Floor Area Ratio (Required and Proposed) – calculation showing the percentage of floor area in relation to the size of the lot. • Grading – estimated amount of cut and/or fill (cubic yards) including the amount of soil to be imported/exported. <i>See Grading/Slope Map.</i> • Tree Removal (number and type of tree). <i>See Concept Landscape Plan below.</i> • Impervious Coverage – two calculations showing: 1) the total amount of area (square feet) covered by structures and 2) the total amount of area (square feet) covered by impervious surfaces. <i>See Concept Landscape Plan below.</i> • Required and Proposed Parking counts
X	Dimensions of the entire lot.
X	Contours – lines showing the slope of land The standard contour interval is 5-foot between elevation lines shown on the topographic map; however, 2-foot or other contour interval may be required by the project planner. The contour interval to be shown on the plot plan for your project is 2 feet
X	Illustrate required set backs and also dimension proposed setbacks: <ul style="list-style-type: none"> • From property lines to structures • From edge of easement/right-of-way to structures • From structure to structure (existing and proposed)
X	Parking Summary for commercial projects including number of standard, compact, and disabled spaces.
X	Location of all parking and access areas
X	Interior roadways and circulation
X	Locations of all streets, rights-of-ways, and easements
X	Location of all buildings and structures on the property including fences
X	Location of wells and septic system used in conjunction with the proposed project (existing and proposed)
X	Name of water and sewer service providers
X	Delineate the extent of all wetlands, streams, creeks or any other water body
X	Proposed landscaping and/or fuel modification areas <i>See Concept Landscape Plan below</i>
X	Areas subject to inundation and/or 100 year flood levels
X	Indicate any known/identified environmentally sensitive habitat, archaeological resources, historical sites and any identified hazards (e.g. geological)
	Floor Plans – A horizontal section to diagrammatically show the enclosing of walls in a building, its doors and windows, and the arrangement of internal spaces.
X	Illustrate the internal layout of all proposed and existing structures. Show all interior and exterior walls of all proposed levels of each structure on the subject

	property.
X	Identify room dimensions/sizes, proposed use of each space, entrances/exits, light wells/emergency access, stairways and ramps.
	Elevations – A drawing showing the vertical elements of a building as a direct projection to a vertical plane.
X	Photographs of existing structures.
	Concept Landscape Plan – site plan illustrating proposed exterior improvements for the subject property such as plants, irrigation, patios, fountains, barbeques, etc.
X	Illustrate general extent of existing vegetation (e.g.; grasslands, brush, trees).
X	Illustrate concept plans for improvements to the site and specifically areas disturbed by development. (e.g.; native seed, turf, ornamental plants, native plants, fountain, pool, barbeque, fireplace, exterior lighting, etc.)
X	Project Data Table listing the following items: <ul style="list-style-type: none"> • Quantity of each plant species • Size of each plant species
X	Irrigation Plan identifying the location and type of irrigation fixtures proposed. <ul style="list-style-type: none"> • Estimate annual water use • Provide temporary watering scheme for native plants that is to be removed irrigation once established.
X	Tree Removal – Illustrate the species and diameter of trees within the project area and if the tree is proposed for removal. (state the size and type of each tree proposed for removal in a table on the plan)
X	Location and design of trash/recycling facilities
X	Fuel Management Plan – Illustrate where/how vegetation (native and proposed) will be maintained between 30 feet and 100 feet from proposed structures. Identify the areas planned for: <ul style="list-style-type: none"> • Irrigated landscape (30 feet) • Vegetation management (100 feet) • Selective Pruning <i>Additional information is attached</i>
	Fuel Management Plan – Site plan illustrating how vegetation around proposed structures and roadways will be maintained to reduce fire fuel loads.
X	Illustrate general extent of natural vegetation to be retained. (e.g.; grasslands, brush, trees).
X	“Green Zone” (0-30 feet) – Illustrate plans for maintaining vegetation (native and proposed) within 30 feet of all proposed structures/facilities. <i>Coordinate with Landscape Plan</i>
X	“Management Zone” (30+ feet). Illustrate plans for maintaining vegetation up to 100 feet from all proposed structures (greater distance may be required by the local Fire Authority).
X	Tree Pruning/Removal – Illustrate the species and diameter of trees within the project area and if the tree is proposed for removal and/or routine pruning. <i>Coordinate with Forest Management Plan</i>
X	Emergency Access. Identify emergency access route and proposed maintenance of the roadway.

	Drainage Plan – Site Plan illustrating proposed method for addressing anticipated stormwater runoff from a 100 year storm event.
X	Contours lines showing existing slope of land
X	Arrows illustrating the direction of water flow
X	Location and size of retention/detention facilities
X	Water storage areas (above and below ground)
X	Delineate the extent of all wetlands, streams, creeks or any other water body
X	Areas subject to inundation and/or 100 year flood levels
X	Indicate any known/identified environmentally sensitive habitat, archaeological resources, historical sites and any identified hazards (e.g. geological)
X	Location of wells and septic system used in conjunction with the proposed project (existing and proposed)
	General Development Plan – Long range plan combining illustrations (site plan, elevations, floor plans, sign program, etc.) and narrative (describing allowed uses, hours of operations, etc) for non-residential projects with multiple uses and/or greater than 1.0 acre in size. <i>Additional information is attached</i>
X	Uses: list all proposed use to be allowed without further review, and uses to be disallowed within this project area.
X	Operation: hours of operation and delivery hours.
X	Employees: maximum number of employees anticipated.
X	Parking: proposed parking and how it relates to County Codes and/or traffic engineer estimate.
X	Site Development Standards: set backs, building heights, building materials/colors, etc.
X	Signs; Either include a proposed sign program or note meeting the applicable Zoning Code (cite appropriate section).
X	Landscaping Plan, including trash/recycling facilities. <i>See Concept Landscape Plan above</i>
X	Exterior Lighting Plan coordinated with the Landscape Plan.
X	Hazardous Material Questionnaire (Contact Environmental Health Division)
X	Assessor's Parcel Map. Attach one copy of the appropriate Assessor page(s), with the subject parcel(s) highlighted, to each set of plans.
X	Reduced Set of Plans. One set of plans reduced to 8½ x 11 or 11 x 17 inches so that reductions are clearly legible.
NOTICING REQUIREMENTS	
The following information is required for the application to meet the County's noticing requirements for public hearings.	
X	A list of the names, addresses and Assessor's parcel numbers of all property owners within 300 feet of the property, including the owner of the subject property and representative for which this application is filed. The list shall be taken from the most recent records of the Monterey County Assessor. 2 sets of pre-addressed stamped envelopes to be sent (no return address) to all persons listed within 300 feet of the subject property, including the applicant,

	owner, representative 2 sets of pre-addressed stamped envelopes to be sent (no return address) to all tenants listed within 300 feet of the subject property (<i>Coastal Zone only</i>)
X	A copy of the Assessor's parcel book page showing the parcel on which development is proposed and parcels within 300 feet of the subject property. Please make a notation or highlight all the parcels on the map within 300 feet of the subject property
X	Legal description of subject property. Description must be typed on 8½" by 11" paper, with margins of at least one inch on all sides.
ADDITIONAL REQUIRED INFORMATION	
Information checked below is required because of the type of application and policies affecting the subject property and/or project.	
TECHNICAL REPORTS – Provide one hard copy plus one electronic version of each technical report checked below. Reports prepared by persons without proper certification or those not on our consultant list may not be accepted. <i>Consultant lists are attached</i>	
3	Traffic Report Identify traffic levels for existing conditions and with the proposed project. Contact Public Works for specific roadway segments and intersections to evaluate. Contact the project planner for a list of projects to consider for cumulative traffic conditions.
X	Include aerial map of the project site and surrounding area and identify location of the subject roads/intersections within that map.
X	Identify all applicable policies and regulations
X	Analyze how the proposed project is consistent with the applicable policies and regulations. <ul style="list-style-type: none"> • Monterey County Code – Section 20/21 ##### • Area/Land Use Plan
OTHER ITEMS - The following is checklists of items required to/that provide added detail or justification for part of your request. <i>Additional information about these items is attached.</i>	
	Other: •
LAND USE DEPARTMENTS	
The following is a checklist of items required from other County land use agencies.	
Fire Protection Agency	
X	Turnouts: Identify proposed turnouts along the driveway at intervals of 400 feet minimum. If need to provide a different standard, contact and meet with the appropriate fire agency prior to application submittal.
X	Entry Gate: Illustrate the design and set back from the edge of right of way. No access shall be less than 12 feet at the most narrow point and must be set back from a street access at least 30 feet.
X	Turnaround: Illustrate adequate space for a fire engine to turn around at the end of the driveway. The turnaround must be designed to withstand a 22 ton vehicle.
Public Works Department 168 West Alisal Street 2 nd Floor, Salinas (831) 755-4800	

X	Parking Plan. A plan illustrating the proposed parking layout and circulation for the project. Dimension turning movements within the parking area.						
Environmental Health Division 1270 Natividad Road, Salinas, CA 93906 (831) 755-4507							
X	Site visit with applicant, applicant's engineer and EHRS staff for site evaluation and possible location of the Onsite Wastewater Treatment System (OWTS).						
X	Submit the OWTS engineered design plans, by a registered engineer, to EHRS for review and approval.						
X	Verifiable documentation of peak attendance at site.						
X	Verifiable documentation of the number of merchandise vendors, food vendors and employees.						
X	Soil evaluations i.e. soil samples, percolation testing, backhoe digs and depth to ground water borings.						
OTHER REQUIREMENT(S) TO CONSIDER FOLLOWING PLANNING APPROVAL							
	Building Permits. Technical plans are required to obtain permits to develop the project.						
	Lighting Plan required prior to the issuance of building permits						
X	Traffic Fees; Regional and local fees are assessed to new development.						
X	Notice of Determination. Applications not exempt from the California Environmental Quality Act will be required, as a condition of approval, to pay a Fish and Game fee. In addition, a County Recording fee will be charged. Current fees are as follows: <table style="margin-left: 40px; border: none;"> <tr> <td>Negative Declaration</td> <td style="text-align: right;">\$1,876.75</td> </tr> <tr> <td>Environmental Impact Report</td> <td style="text-align: right;">\$2,606.75</td> </tr> <tr> <td>Recording Fee</td> <td style="text-align: right;">\$50.00</td> </tr> </table>	Negative Declaration	\$1,876.75	Environmental Impact Report	\$2,606.75	Recording Fee	\$50.00
Negative Declaration	\$1,876.75						
Environmental Impact Report	\$2,606.75						
Recording Fee	\$50.00						
X	Mitigation Monitoring Agreement with a fee deposited for monitoring mitigation measures.						
X	Notice of Permit Approval will need to be recorded.						
X	Indemnification Agreement will need to be recorded.						
X	Recording Fees. \$10.00 first page plus \$3.00 each additional page.						
REVIEW AND APPEAL PROCEDURE FOR DEVELOPMENT PROJECT APPLICATIONS							
	Fire Agency/District:						
	Agricultural Commissioner						
	Redevelopment and Housing Office						
	Parks Department						
	Sheriff's Office						
	Local Agency Formation Commission (LAFCO)						
	Assessor's Office						
	Treasurer-Tax Collector						
	Water Purveyor: _____						
	Pajaro Valley Water Management Agency						
	Monterey Peninsula Water Management District						
	Transportation Agency of Monterey County (TAMC)						

	California Coastal Commission
	California Department of Transportation (CalTrans)
	California Department of Fish and Game
	San Benito County

Complete/Incomplete

This checklist is to assist with submitting a complete package for review. Within 30 days of submittal, you will be notified if your application is complete. Your development project application will not be accepted for review unless all the applicable materials, data and reports accompany the application. All project information/documents shall be submitted and/or re-submitted through the project planner. A new 30-day period begins upon submittal of new information.

Note: an application for a discretionary permit does not entitle or grant the land use for which the application has been made.

Advisory Committee

Monterey County has appointed various citizen advisory committees or Land Use Advisory Committees (LUAC) to comment and recommend on development project applications. Your application will be referred to the:

X	North County Land Use Advisory Committee (LUAC)
	Historic Resources Review Board (HRRB)

CEQA

As required by the California Environmental Quality Act of 1970, as amended, the information contained in the completed application will be evaluated by the county to determine if the proposed project may have significant impact upon the environment. One of the following determinations will be made:

- a. The proposed project is "categorically exempt" -- no further environmental review is required.
- b. The proposed project will not have significant effect on the environment, and a Negative Declaration will be prepared.
- c. The proposed project may have a significant impact on the environment, and an Environmental Impact Report will be required to fully assess the potential environmental effects of the project.

Hearing Date Set

After application review and environmental determination, an administrative meeting or public hearing will be scheduled before the appropriate hearing body or officer as required by either the Monterey County Zoning Ordinances or Monterey County Subdivision Ordinance. The applicant will be notified of the hearing date. The applicant or the applicant's designated representative should be present at the public hearing or administrative hearing.

Posting Procedure

Approximately two weeks before the public hearing date, the applicant will receive by mail three notices of public hearing and an "affidavit of posting" form. The applicant shall post the three notices, on or near the project site in places visible and attainable to the public, ten days before the public hearing date. The "affidavit of posting" form must be filled out and returned to the Monterey County Planning and Building Inspection Department seven days before the public hearing. Failure to post these notices will result in continuance or denial of the development project application.

Decision

Approval or disapproval of a proposed development project application by the hearing body will be based upon recommendations and comments from County staff, other public agencies, citizens present or sending correspondence and all other public testimony taken at the hearing. The hearing body can accept, reject, or modify any findings or tentative conditions of approval at the time of the public hearing in an adopted resolution.

Appeal

Any decision may be appealed to the appropriate hearing body by anyone aggrieved within 10 calendar days after the date the resolution is mailed to the applicant. Projects in the Coastal Zone are subject to an additional appeal period consisting of 10 working days that begins the day after the Coastal Commission receives a Final Local Action Notice (FLAN) from the County.

Condition Compliance/Mitigation Monitoring. The resolution for the project includes a matrix that

specifies Conditions of Approval and/or Mitigation Measures that must be met prior to obtaining permits and at other stages of the development process.

Building Permits

Building Permits will not be issued, nor any use conducted, until all appeal periods have passed with no appeal being filed or final action is taken by the Board of Supervisors.

Reapplication for Denial

When a development project application is denied, no new project application for substantially the same use shall be considered for one year following such denial.

Instructions and Procedures given by:

DATE:

Received by:

DATE: