

ATTACHMENT D

September 15, 2009

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
County Land Use & Development Code Section 35-1 of Chapter 35 of the County Code

CASE NO. 09CUP-00000-00021

I. A Conditional Use Permit is Hereby Granted:

TO:	William Foley
APN:	133-190-014
PROJECT ADDRESS:	4875 Foxen Canyon Road
ZONE:	AG-II-40
AREA/SUPERVISORIAL DISTRICT:	Los Olivos/Third
FOR:	Special Events Venue

II. This permit is subject to compliance with the following condition(s):

Project Description

1. This Conditional Use Permit No. 09CUP-00000-00021 is based upon and limited to compliance with the project description, the Planning Commission's Hearing Exhibit marked "Exhibit No.1", dated June 11, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions of approval must be reviewed and approved by the Planning Commission for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

1.1 Consistency Rezone

The subject lot currently has a Zoning Designation of Limited Agriculture, 40-acres minimum lot area with oil drilling combining regulations (40-AL-O), pursuant to Ordinance 661. In order to be consistent with the Land Use and Development Code, the lot Zoning Designation is proposed to be rezoned to Agriculture II, 40-acres minimum gross lot area (AG-II-40) pursuant to the Land

Use and Development Code in conjunction with the associated Conditional Use Permit application.

1.2 Conditional Use Permit

The Conditional Use Permit would allow a maximum of 25 annual one-day special events as follows:

- (1) Maximum of twenty commercial special events per year with a maximum of 250 attendees.
- (2) Maximum of five charitable special events per year with a maximum of 250 attendees.

Examples of types of events would be weddings, luncheons, club or association dinners, and school fundraisers.

Charitable events would be limited to a total of two in any calendar month.

Events would occur predominantly on weekend days, but may also be during weekdays.

Events would be limited to the hours of 8:00 a.m. to 10:00 p.m. Sundays through Thursdays, and 8:00 a.m. to 11:00 p.m. on Fridays and Saturdays.

Tents and/or shade structures that may be erected for events would be removed after events.

Event food service would be catered. No permanent on-site commercial kitchen is proposed.

Amplified Music/Sound

All varieties of amplified music and sound sources would be located in the existing pole barn (Structure No. 3). The pole barn has three enclosed walls; sound would project to the south across the main landscaped event area. Amplified sound would cease by 9 P.M. on weeknights and 10 P.M. on weekends.

Lighting

Existing structure and landscaping lighting would be utilized. Additional event lighting would be limited to decorative string lights and candles.

Access/Parking

Access would be provided by the existing 24-foot wide private driveway via Foxen Canyon Road. Parking for events would be provided for 150 vehicles in the existing 50,000 ft² unpaved all-weather surface parking lot north of the vineyard. Overflow parking for large events would be available for up to 600 vehicles in a four-acre irrigated pasture area northwest of the main landscaped event area. Parking attendants and temporary signage would direct vehicles during all events.

Utilities

Domestic water would continue to be provided by an existing, private on-site well through a State Transient Water System permit with Environmental Health Services. Wastewater services for events would be provided by a proposed private leach-line septic disposal system via existing permanent restrooms (Structure No. 4).

Service Personnel

Service personnel would be on-site to support individual events. For events of up to 250-people, the estimated number of staff would include approximately five band members, 10 caterers, and five traffic and parking attendants for a total of 20 staff.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM 08NGD-00000-00013

2. To prevent event-generated trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of each event. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to zoning clearances, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all events. All trash container areas must meet the following requirements: (1) Trash container areas must divert drainage from adjoining paved areas. (2) Trash container areas must be protected and regularly maintained to prevent unintentional transport of trash.

MONITORING: P&D shall inspect the site prior to the first event, and shall respond to any trash complaints on a case-by-case basis.

3. Any exterior night lighting associated with special events on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. Thursdays through Sundays and after 11 p.m. Fridays and Saturdays. **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, and the height of the fixtures and the hours of use shall be depicted on a Lighting Plan to be reviewed and approved by P&D prior to zoning clearances.

MONITORING: P&D shall review a Lighting Plan for compliance with this measure prior to zoning clearances.

4. A traffic control plan will be adopted that, at minimum, designates (1) the points of access and directionality of traffic entering and exiting the project area; (2) ingress and egress from the site itself; and (3) traffic control to ensure compliance with the plan, which may include a traffic control officer(s) if determined necessary. Traffic control personnel shall be located at the intersection of Foxen Canyon Road and the special event access driveway for each event. Traffic control personnel shall also direct parking and ensure orderly ingress and egress at events. Signs shall be placed on Foxen Canyon Road to the north and south of the access driveway to mark the event and indicate the upcoming turn. **Plan Requirements and Timing:** A traffic control plan shall be submitted to P&D for review and approval prior to land use clearances. The traffic plan, as well as all signs and traffic control located within the

public right-of-way, shall approved by Public Works, Transportation Division prior to issuance of the zoning clearances subject to modification by Public Works, Transportation upon notice.

MONITORING: P&D shall review and the Traffic Control Plan prior to zoning clearance.

5. The event location shall have Fire-Department Hazardous Materials Unit-approved spill kits on hand. The parking areas shall be inspected for hazardous materials spills or leaks after each event and shall be remediated as necessary. These requirements shall be made a part of instructions given to parking control or other personnel as appropriate for each event. **Plan Requirements and Timing:** A parking area inspection and spill cleanup plan for employee training purposes shall be submitted for P&D review prior to zoning clearances.

MONITORING: P&D shall review the Inspection and Spill Plan prior to zoning clearances.

III. PROJECT-SPECIFIC CONDITIONS

6. The applicant shall submit to P&D an annual report of vehicle counts for each event.
 - 6a. Noise levels shall not exceed 65 dBA at the property lines.
 - 6b. Approximately 24 months after issuance of the Zoning Clearance, the Planning Commission will receive a report on compliance with the conditions of approval for this Conditional Use Permit.

IV. CONDITIONAL USE PERMIT CONDITIONS

7. This Conditional Use Permit is not valid until a Zoning Clearance Permit for the development and/or use has been obtained. Failure to obtain said Zoning Clearance Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Zoning Clearance Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to zoning clearance must be satisfied. Upon issuance of the Zoning Clearance Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
8. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the

- provisions of Sec. 35.84.060B of the Zoning and Development Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
9. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
 10. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
 11. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Zoning Clearance has been issued. Failure to commence the construction and/or use pursuant to a valid Zoning Clearance shall render the Conditional Use Permit null and void.
 12. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
 13. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Zoning Clearance.

V. OTHER DEPARTMENT REQUIREMENTS

14. Compliance is required with Departmental letters as follows:
 - a. Environmental Health Services memo dated April 22, 2008
 - b. Public Works, Transportation Division memo dated March 24, 2008 (no conditions)
 - c. Public Works, Flood Control letter dated July 10, 2007 (no conditions)
 - d. Fire Department letter dated May 14, 2007
 - e. Parks Department memo dated April 4, 2007 (no conditions)

VI. COUNTY RULES, REGULATIONS AND LEGAL REQUIREMENTS

- 15. Impact Mitigation Fees.** Prior to issuance of zoning clearance, the applicant shall pay the applicable Transportation Impact Mitigation fee with the Public Works Department.
- 16. Signed Agreement to Comply Required:** Prior to approval of zoning clearance for the project, the owner shall sign and record an agreement to comply with the Project Description and all Conditions of Approval.
- 17.** Prior to approval of zoning clearance, the applicant shall notify in writing all property owners and occupants of parcels within 300' of the project site of its approval and conditions. Proof of mailing the notices shall be provided to Planning and Development.
- 18. Print and Illustrate Conditions on Plans:** All conditions of approval contained herein shall be printed in their entirety on plans submitted to the Planning and Development Department and reflected in graphic illustrations where appropriate.
- 19. Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to approval of zoning clearance as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

20. **Fees Required:** Prior to the issuance of zoning clearance, the applicant shall pay all applicable permit processing fees in full.
21. **Change of Use:** Any new or changed use on the site shall be subject to appropriate review by the County, including building code compliance and environmental review if applicable.
22. **Indemnity and Separation Clauses:** The applicant shall defend, indemnify and hold harmless the County 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, in whole or in part, the County's approval of this Development Plan. In the event that the County fails to promptly notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
23. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed again by the County and substitute conditions may be imposed.