

## **ATTACHMENT 2:**

### **CONDITIONS OF APPROVAL**

Case No.: 08RZN-00000-00010  
Project Name: Makela Consistency Rezone  
Project Address: 12477 Calle Real, Gaviota/Goleta, CA 93117  
APN: 081-230-028

#### **This permit is subject to compliance with the following conditions:**

- 1. Proj Des-01 Project Description.** This Consistency Rezone is based upon and limited to compliance with the project description, the hearing exhibit marked "County Planning Commission, Exhibit #1, dated January 19, 2011," and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Hearing on the request of Mark McFarlin, agent for the owners Mr. and Mrs. Craig Makela, to consider Case No. 08RZN-00000-00010 [application filed September 19, 2008] proposing to rezone a single 100-acre parcel (APN: 081-230-028), from Unlimited Agricultural, 100-acre minimum lot area (U-100) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the Land Use Development Code (LUDC) § 35.21; and accept the Notice of Exemption pursuant to Section 15061(b)(3) of the "Guidelines for Implementation of California Environmental Quality Act." The project is located at 12477 Calle Real, in the Gaviota Coast area of the County, Third Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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 thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **PROJECT SPECIFIC CONDITIONS**

- 3. Spec-01 As-Built Land Use Permit Required.** An as-built Land Use Permit shall be approved and issued within one month of the effective date of this rezone to resolve the existing Zoning Violation, case number 04ZEV-00000-00026. The Land Use Permit is required in order to legalize the unpermitted construction of approx. 9,688 sq. ft. of residential and agricultural accessory structures currently located within the area of the subject parcel and to permit any additional new development proposed for construction.

### **COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS**

- 4. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 project. In the event that the County fails promptly to notify the Owner / 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.
- 5. Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other 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 in 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 by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.