SANTA BARBARA COUNTY ZONING ADMINISTRATOR
Staff Report for Kraus Farm Employee Dwelling and Remote RAU

Hearing Date: September 25, 2006
Staff Report Date: September 14, 2006
Case No.: 06CUP-00000-00031

Supervisorial District: Fifth
Staff: Joyce Gerber
Phone #: (805) 934-6265

Environmental Document: 03-ND-10 (Accept the previous Negative Declaration as an adequate environmental review document pursuant to CEQA Guidelines Section 15162)

OWNER:
Janet and Michael Kraus
7201 Foxen Canyon Road
Santa Maria, CA 93454

AGENT:
Brett Jones
Jones & Jones, LLP
P.O. Box 241
Santa Ynez CA 93460
(805) 688-4974

ASSessor Parcel Number 133-070-031, located at 7183 Foxen Canyon Road, Sisquoc area, Fifth Supervisorial District.

1.0 REQUEST

Hearing on the request of Brett Jones, agent for Janet and Michael Kraus to consider case number 06CUP-00000-00031 (application filed May 30, 2006) to allow the construction of a farm employee dwelling consisting of 4,147 square feet, a remote Residential Agricultural Unit consisting of 1,444 square feet, and an approximately 0.7 mile private access road Section 35-217.5.1 and 35-217.5.3 in the AG-II-100 Zone District.

Application Filed: May 30, 2006
Application Complete: June 29, 2006
Processing Deadline: 60 Days from §15162 Determination for ND
2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 06CUP-00000-00031 marked "Officially Accepted, County of Santa Barbara September 25, 2006 Zoning Administrator Exhibit 1", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

The Zoning Administrator’s action should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.

2. Accept 03-ND-10 as an adequate environmental review document pursuant to CEQA Guidelines Section 15162.

3. Approve the project subject to the conditions included as Attachment B.

Refer to staff if the Zoning Administrator takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the Zoning Administrator based upon Section 35-315.3 of Article III, which states that the approval of all Minor Conditional Use Permits shall be under the jurisdiction of the Zoning Administrator.

4.0 PROJECT INFORMATION

4.1 Site Information

<table>
<thead>
<tr>
<th>Site Information</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Designation</td>
<td>Rural area, AC, Commercial Agricultural</td>
</tr>
<tr>
<td>Ordinance, Zoning District</td>
<td>Article III, AG-II-100, 100 acre minimum parcel size</td>
</tr>
<tr>
<td>Site Size</td>
<td>373 acres</td>
</tr>
<tr>
<td>Present Use &amp; Development</td>
<td>The site is a working cattle ranch with no existing structures and one existing water well within the building envelope.</td>
</tr>
<tr>
<td>Surrounding Uses/Zoning</td>
<td>North: AG-II-100 and U, Agriculture South: AG-II-100, Agriculture East: U, Agriculture West: AG-II-100, Agriculture</td>
</tr>
</tbody>
</table>
4.2 Project Description

The applicant requests approval of a Conditional Use Permit to allow the construction of a farm employee dwelling, remote residential agricultural unit (RAU). Grading for a private driveway from Foxen Canyon Road is required to access the two properties. All work will occur within building envelopes previously designated during environmental review for a lot line adjustment (98LLA-00000-00001). The farm employee dwelling would have a 4,147 square foot footprint (2,111 square foot residence, 265 square foot exercise room, 619 square foot garage, and 1,152 square feet of verandas) and a maximum height 16 feet. The employee would be responsible for the day to day operations of the ranch. The RAU is 1,444 square feet, has a maximum height of 14 feet, and includes an attached garage. Water would be provided by an existing private EHS-approved well and sewage disposal would be provided by a proposed private septic system. Access would be from Foxen Canyon Road via a proposed private driveway approximately 3,600 feet in length. The site is currently a working cattle ranch.

5.0 PROJECT ISSUE SUMMARY

5.1 Setting

The subject property is an approximately 373 acre single legal parcel within the historic Rancho Tinaquoc. The subject and surrounding parcels are of a rural character dominated by large areas of active ranches and rural structures. The subject parcel is currently in agricultural use as an active cattle ranch. The property is undeveloped except for one existing EHS-approved well within the previously designated building envelope.

5.2 Background

The parcel’s current configuration was created by 98LLA-00000-00001, which adjusted four previously existing parcels within the Rancho Tinaquoc. A mitigated negative declaration, 03-ND-10, was accepted for the project. As a part of that project, building envelopes were created for each of the four parcels. The subject parcel, 133-070-031, was designated Reconfigured Parcel 3. There are two building envelopes and a road envelope approved for Reconfigured Parcel 3. The Farm Worker Dwelling (FWD) and Remote RAU are proposed for the western-most building envelope and the access drive is proposed
entirely within the road envelope. A primary residence is planned for the eastern building envelope at a later date, and is not part of this project. Until the eastern envelope is built out, the FWD will serve as the primary dwelling on the parcel. The RAU will be used as an agricultural office, and may be used at a future date as another residence.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The parcel’s current configuration was created by 98LLA-00000-00001, the Wickenden Lot Line Adjustment, which adjusted four previously existing parcels within the Rancho Tinaquoc. The subject parcel, 133-070-031, was designated Reconfigured Parcel 3. A mitigated negative declaration, 03-ND-10, was accepted for the Wickenden Lot Line Adjustment project at the Planning Condition hearing of February 11, 2004. Building envelopes were designated for each of the four parcels. The mitigation measures from 03-ND-10 are specific to the four parcels, including Reconfigured Parcel 3.

CEQA Guideline §15162, Subsequent EIRs and Negative Declarations, says that when an EIR or a negative declaration has been adopted for a project, no subsequent document shall be prepared for that project if certain findings can be made. In this case, the proposed development conforms to the original ND, therefore §15162 may be used to satisfy CEQA.

Specifically, the proposed project is entirely within the previously accepted building envelope within Reconfigured Parcel 3. No changes are proposed to the project on this parcel, therefore revisions to the previous negative declaration are not required. No changes have occurred with respect to the circumstances under which the project will be undertaken, and no new significant environmental effects or increase in the severity of previously identified significant effects will occur. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Negative Declaration was adopted, has been identified. Therefore, §15162 may be used as adequate environmental review for this project.

6.2 Comprehensive Plan Consistency

The following discussion of Comprehensive Plan consistency includes all of the pertinent Comprehensive Plan policies applicable to the proposed project. No policy inconsistencies have been identified in relation to the proposed project.
LAND USE ELEMENT DESIGNATION

LAND USE ELEMENT, Land Use Development Policy No. 4:

Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.

Discussion:  A public road, Foxen Canyon Road, currently serves the project site via a proposed private driveway and would continue to do so after permit approval. Domestic water service would be provided by private well. Sanitary services are and would be provided by an EHS-approved private septic system. Therefore, the proposed project would be consistent with this policy.

LAND USE ELEMENT, Hillside and Watershed Protection Policy No. 1:

Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

Discussion:  Approximately 18,554 cubic yards of cut and 3,429 cubic yards of fill are necessary for this project site. The majority of the cutting is needed to construct the driveway from Foxen Canyon Road to the dwellings within the approved building envelope in a way that allows the incline to be within Fire Department requirements. The plan has been evaluated by staff and is currently being reviewed by the Fire Department. As designed, the grading plan for the private access drive would be consistent with this policy.

LAND USE ELEMENT, Visual Resources Policy No. 2:

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

Discussion:  The proposed project is within and surrounded by agricultural parcels used for ranching and other agricultural purposes. The natural environment of the building envelope for the farm employee dwelling and RAU is a level, grassy swale within a larger area of oak trees, shrubs, and grasses on gently to steeply sloping hills. The project site is not visible from any public road and does not intrude into any public viewsheds. The proposed FWD and remote RAU would not intrude into the skyline. The height,
scale, and design of the proposed farm employee dwellings would be compatible with the surrounding natural environment and the community. Therefore, the proposed project would be consistent with this policy.

**AGRICULTURAL ELEMENT, Policy IA**

*The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.*

**Discussion:** The 373 acre parcel is currently being used for cattle ranching. The farm employee dwelling is needed to house the ranch manager on site. The RAU is proposed to be used initially as an office, with the possible later use as a dwelling. The proposed project would encourage the continuation of the agricultural use of the property and would be compatible with the agricultural operations of the existing parcel. The parcel is subject to Agricultural Preserve Contract 05-AGP-016. The ordinance requires that the applicant document the existing and proposed agricultural use of the land, demonstrate a need for additional dwellings to support such use, and provide proof of the full-time employment of the employees. The applicant submitted documentation of the existing and proposed agricultural use of the property, which demonstrates a need for farm employees to support this use. The applicant also submitted notarized documents as evidence of the ranch manager’s duties and employment. Therefore, the proposed project would be consistent with this policy.

**HISTORICAL AND ARCHAEOLOGICAL SITES, Policy 2**

*When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.*

**Discussion:** Based on a survey of the designated building envelopes conducted by Larry Carbone in July of 2001, no known archaeological of historic sites exist on this parcel. Staff has proposed a Condition requiring work to be stopped or redirected if archaeological remains are encountered (Attachment B Condition 8.0 of this staff report). Therefore, the proposed project would be consistent with this policy.

### 6.3 Ordinance Compliance

#### 6.3.1 Article III

The proposed farm employee dwelling and remote residential agricultural unit can be approved in the AG-II-100 zone district pursuant to the approval of a Minor Conditional Use Permit under Section 35-217.5.1 and 35-217.5.3 of the Article III Inland Zoning Ordinance. The ordinance requires that the applicant document the existing and proposed agricultural use of the land, demonstrate a need for additional dwellings to support such use, and provide proof of the full-time employment of the employees. The applicant submitted documentation of the existing and proposed agricultural use of the property, which demonstrates a need for a farm employee to support this use. The applicant also submitted notarized legal documentation as evidence of the ranch manager’s duties and employment. The
farm employee dwelling and remote RAU will comply with all applicable zone district development standards, including height, setbacks, and parking requirements.

### 6.3.2 Subdivision/Development Review Committee

Due to the minor nature of the request, the project was not referred to the Subdivision/Development Review Committee. A Departmental Condition letter was submitted by the Fire Department (July 19, 2006). Environmental Health Services Department submitted a septic system approval on 8/2/06. County Flood Control submitted a “No Conditions” letter.

### 6.3.3 Agricultural Preserve Advisory Committee (APAC)

On July 7, 2006, the APAC unanimously found the proposed Farm Employee Dwelling consistent with the Uniform Rules contingent upon demonstration that the pending Agricultural Preserve contract corresponds to the recently approved Lot Line Adjustment boundaries. John Karamitsos noted that the confirmation of appropriate parcel boundaries could be confirmed through conditioning of the required Land Use Permit. On August 11, 2006, the APAC unanimously found the Residential Agricultural Unit consistent with Uniform Rules.

### 6.5 Development Impact Mitigation Fees

A series of ordinances and resolutions adopted by the County Board of Supervisors require the payment of various development impact mitigation fees. This project is subject to the fees as shown in the following table. The amounts shown are estimates only. The actual amounts will be calculated in accordance with the fee resolutions in effect when the fees are paid.

The developer of a project that is required to pay development impact mitigation fees may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees based on the absence of a reasonable relationship between the impacts of the proposed project and the fee category for which fees have been assessed. The appeal must be in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following the determination of the fee amount(s). For a discretionary project, the date of determination of fee amounts is the date on which the decision-maker adopts the conditions of approval and approves the project.

### 7.0 APPEALS PROCEDURE

The decision of the Zoning Administrator may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and accompanying fee must be filed with the Clerk of the Board of Supervisors within the ten (10) calendar days following the date of the Zoning Administrator’s decision.

**ATTACHMENTS**
A. Findings
B. Conditions of Approval (Draft CUP) with attached Departmental letters
C. Overall Site Plan
D. Specific Site Plan
E. FWD Floor Plan
F. FWD Elevations
G. RAU Floor Plan
H. RAU Elevations
ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 Finding that Section 15162 of the State CEQA Guidelines applies to the Kraus Farm Worker Dwelling and Remote Residential Agricultural Unit, 06CUP-00000-00031. CEQA Section 15162 allows the use of a previously prepared Negative Declaration (ND) unless subsequent changes are proposed in the project which will require important revisions of the previous ND due to the involvement of new significant environmental impacts, or there are substantial changes with respect to the circumstances under which the project is undertaken, or new information becomes available. As discussed in Section 6.1 of the staff report, there are no substantial changes to the proposed project and neither new significant environmental effects nor substantial increases in the severity of previously identified significant effects would result from the proposed project.

1.2 The Planning Commission may find that the previous environmental documents 03-ND-10 for the Wickenden Lot Line Adjustment (98LLA-00000-00001) may be used to fulfill the environmental review requirements of the Kraus Farm Worker Dwelling and Remote Residential Agricultural Unit, 06CUP-00000-00031. No impacts previously found to be insignificant are now significant. Taken together, the original environmental documents and this determination fulfill the environmental review requirements of the current project and reflects the independent judgment of the Planning Commission. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a new document is not necessary.

1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black, in the Planning and Development Department, located at 123 E. Anapamu Street, Santa Barbara, CA 93101.

1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
2.0 ADMINISTRATIVE FINDINGS

2.1 Conditional Use Permit Findings: Pursuant to Section 35-315.8, a Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

2.1.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

   The parcel is approximately 373 acres and is completely undeveloped except for an existing well, leaving adequate space for the proposed use and development. The topography of the building site is flat; the road would wind through low hills. The parcel is surrounded by agriculturally-zoned land on all sides. The farm employee dwelling and remote RAU will be located on a flat area. The size, shape, location, and physical characteristics of the parcel are capable of providing adequate water services and sewage disposal.

2.1.2 *That significant environmental impacts are mitigated to the maximum extent feasible.*

   Environmental impacts that would result from development of this parcel were reduced to insignificance by the mitigation measures in 03-ND-10. These mitigation measures are included as conditions of this CUP.

2.1.3 *That streets and highways are adequate and properly designed.*

   The project site is accessed via a proposed private drive from Foxen Canyon Road. The access drive is conditioned by the Fire Department to be adequate and properly designed to accommodate routine and emergency access to the two proposed structures associated with the project, as well as the future structure planned for the second building envelope on the parcel (not part of this application).

2.1.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

   The project will continue to be served by the Santa Barbara County Fire Department, Station #23 and the Santa Barbara County Sheriff's Department. An existing private water well and proposed private septic systems will provide water and sewage service, subject to compliance with EHS requirements. Therefore, the proposed project is consistent with this finding.
2.1.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.*

The project site is located in an agricultural zone consisting of large acreage ranch parcels. The farm worker dwelling will be occupied by a full-time ranch manager for the existing agricultural operation. The remote RAU will be used for an agricultural office with the possible future use as an employee residence. The project is compatible with the surrounding properties since the areas are developed with agricultural uses. The project will receive water service and sewage disposal by private systems in conformance with Environmental Health Services requirements, and will, therefore, not be detrimental to the health, safety, comfort, or general welfare of the neighborhood. The project will not negatively impact traffic patterns or parking requirements, and will not significantly affect public or private resources. The farm employee dwelling and remote RAU will be compatible with the height, scale and design of the surrounding area, which consists of residentially and agriculturally developed agricultural land. The proposed farm employee dwellings are setback several thousand feet. The use is compatible with the surrounding area, as it will continue the agricultural use of the property by maintaining existing farm operations.

2.1.6 *That the project is in conformance with the applicable provisions and policies of Article III and the Comprehensive Plan.*

The use is consistent with the AG-II-100 zone district of Article III, which allows farm employee dwellings and remote RAUs upon the issuance of a Minor Conditional Use Permit (see Section 6.2 of this staff report). The farm employee dwelling and remote RAU will not conflict with any applicable policies or goals of the Comprehensive Plan (see Section 6.1 of this staff report).

2.1.7 *That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The project is compatible with and subordinate to the scenic and rural character of the area, as discussed in Finding 2.1.5 above and Section 6.3 of this staff report.
ATTACHMENT B: CONDITIONS OF APPROVAL

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35

CASE NO. 06CUP-00000-00031

I. A Conditional Use Permit is Hereby Granted:

TO: Kraus Farm Employee Dwelling and Remote Residential Agricultural Unit

APN: 133-070-031

PROJECT ADDRESS: 7183 Foxen Canyon Road

AREA Sisquoc

SUPERVISORIAL DISTRICT: Fifth

FOR: To allow for the construction and use of a farm employee dwelling and remote residential agricultural unit

This permit is subject to compliance with the following conditions:

II. PROJECT DESCRIPTION

1.0 This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit 1, September 25, 2006 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Zoning Administrator for conformity with this approval. Deviations may require modification 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:

Approval of a Conditional Use Permit to allow the construction of a farm employee dwelling, remote residential agricultural unit (RAU), and grading for a private access road from Foxen Canyon Road. All work will occur within building envelopes previously designated during environmental review for a lot line adjustment (98LLA-00000-00001). The farm employee dwelling would have a 4,147 square foot footprint (2,111 square foot residence, 265 square foot exercise room, 619 square foot garage, and 1,152 square feet
of verandas) and a maximum height 16 feet. The employee would be responsible for the day to day operations of the ranch. The RAU is 1,444 square feet, has a maximum height of 14 feet, and includes an attached garage. Water would be provided by an existing private EHS-approved well and sewage disposal would be provided by a proposed private septic system. Access would be from Foxen Canyon Road via a proposed private access road approximately 3,600 feet in length. The site is currently a working cattle ranch.

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 and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

III. MITIGATION MEASURES FROM FINAL MITIGATED NEGATIVE DECLARATION 03-ND-010 PERTAINING TO RECONFIGURED PARCEL 3 (APN 133-070-031)

2. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation: seeding and watering to revegetate graded areas; and/or

   a. spreading of soil binders; and/or

   b. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. Timing: Plans are required prior to approval of Land Use Permits.

MONITORING: Grading Inspector shall perform periodic site inspections.

3. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, by following the dust control measures listed below:

   a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.

   b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At
a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans. Timing: Condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

4. No construction (including but not limited to infrastructure improvements such as road and sanitary waste lines), earth disturbance or construction equipment shall occur or operate outside of the proposed building envelopes on Reconfigured Parcels 1, 3, and 4. Envelope boundaries shall be staked in the field. Plan requirements: The development envelopes shall be placed on the site plan, grading and building plans. The condition shall be noted on all final plans to describe the activities prohibited outside the approved envelopes. Timing: Envelopes shall be delineated on the site plan prior to recordation of the lot line adjustment and shall be staked in the field prior to start of grading or structural development.

MONITORING: During plan check, the planner shall ensure that all construction and storage of construction equipment and materials is located within the approved envelopes. Staking shall be checked during the preconstruction meeting. P&D grading inspectors and planners shall inspect the site during all construction phases to ensure development is confined within development envelopes and that staking remains in place during site grading and construction.

MONITORING: Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures.

5. Native specimen plants and seed stock from locally obtained sources shall be utilized for future landscaping purposes on site. Plan Requirements: This requirement shall be included in future residential landscape plans. Timing: Landscaping shall be installed prior to issuance of occupancy clearance.
MONITORING: Prior to occupancy clearance, the landscape architect or arborist shall verify to P&D, in writing, the use of native seed stock on the property.

6. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. Plan Requirements: The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. Timing: The wash off area shall be designated on all plans prior to approval of Land Use Permits. The wash off area shall be in place throughout construction.

MONITORING: P&D staff shall check plans prior to approval of Land Use Permits and compliance staff shall site inspect throughout the construction period to ensure proper use.

7. Outdoor lighting shall be minimized to minimize impacts to nocturnal animal migration. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel, to prevent spill-over onto adjacent parcels. Plan Requirements and Timing: All residential lighting shall be depicted on all site plans and shall be reviewed and approved by Planning & Development. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture shall be depicted on all final site plans.

MONITORING: P&D shall confirm, prior to occupancy clearance, that installed lighting conforms to this measure.

8. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicants to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicants. Plan Requirements/Timing: This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to approval of Land Use Permits and shall spot check in the field.

9. All structures and access shall be in conformance with Santa Barbara County Fire Department access and water storage standards. Plan Requirements: The Santa Barbara
County Fire Department shall approve the following improvements prior to occupancy clearance. They include:

a. Conformance of all access roads with the requirements for private roads and driveway specified in the County’s Private Roads and Driveway Standards, Section 8.

b. Tree-trimming, vegetation clearance and periodic maintenance of the entire length of the existing private road insure a clear vertical height of at least 13.5 feet.

c. Water storage tanks located in proximity to all building envelopes, available for County Fire Department use and in conformance with County Fire Department standards.

Timing: All road maintenance and improvements and all water tank installations shall occur prior to occupancy clearance.

MONITORING: Santa Barbara County Fire Department shall inspect and approve the above listed improvements prior to occupancy clearance.

10. Building materials for all new structures including residences, fences and accessory structures shall be constructed of fire resistant materials.

a. P&D Building & Safety Class A or B roofing (i.e., non-combustible tile or asphalt composite shakes) shall be required for all future on-site structures.

b. Spark arresters shall be required for wood burning fireplaces.

c. Private decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timber.

Plan Requirements: Where appropriate, the fire prevention measures shall be graphically depicted on grading and building plans. Timing: Measures shall be installed prior to occupancy clearance.

MONITORING: P&D building inspectors shall site inspect during construction.

11. To minimize fire hazards, a Fire Protection Plan shall be implemented. The plan shall include the following:
a. In order to reduce impacts to native vegetation relating to fire hazard reduction, all brushing shall be limited to a 30' radius from all proposed and existing structures. Live natural vegetation having trunks of four inches or greater may remain within the 30' perimeter provided that specimens are maintained free of dead, decadent limbs and branches. Natural vegetation which is dead and/or decadent shall be removed or chipped within 100 feet from structures. Limbs larger than four inches in diameter, leaves, mulch and duff do not require abatement. No mature trees shall be removed.

b. Installation of class "A" or "B" roofs.

c. Construction of all decks with heavy timber.

Plan Requirements and Timing: A Fire Protection Plan shall be submitted to Planning and Development and the Santa Barbara County Fire Department for review and approval prior to approval of Land Use Permits.

MONITORING: A site inspection shall be conducted by Fire and P&D personnel prior to occupancy clearance.

12. Individual landscaping plans shall utilize fire resistant native species within fifty feet of residences. Plan Requirements: Prior to approval of Land Use Permits the applicant shall submit landscape plans to P&D and the Santa Barbara County Fire Department for review and approval. This mitigation shall be incorporated into landscape plans for future development. Timing: The applicant shall install the landscaping consistent with the approved plan prior to occupancy clearance.

MONITORING: Permit Compliance shall site inspect to verify landscape installation and once each year to monitor landscape maintenance during the maintenance period.

13. Future residences on all proposed lots shall be designed to ensure consistency with the capacity of on-site septic systems. Plan Requirements and Timing: Prior to approval of any future land use permits for residential development on any of the proposed new lots, architectural floor plans, subject to review by P&D staff, shall reflect this limitation.

MONITORING: P&D staff shall confirm that construction of future residences is consistent with approved plans.

14. Waste water disposal systems shall be located entirely within the proposed building envelopes on all reconfigured parcels. Native soils within the designated envelope shall
remain undisturbed except in association with construction of the future private sewage disposal systems approved by EHS and site preparation for future residential development, such site preparation being restricted to application of fill material only. All proposed building envelope boundaries shall be staked in the field. Plan Requirements: Building envelopes with their associated wastewater envelopes shall be shown on all grading and building plans and shall be described in metes and bounds on the site plan used for recording the lot line adjustment. This condition shall be noted on all final plans to describe the activities disallowed within the approved envelopes. Timing: Envelopes shall be staked prior to start of grading or structural development. Staking shall remain in place throughout all future construction.

MONITORING: During plan check for Land Use Permits of future residential structures, the planner shall ensure that proposed construction within the designated waste water envelopes is restricted to installation of private sewage disposal systems approved by EHS. Staking shall be checked during pre-construction meeting. P&D grading inspectors and planners shall inspect throughout all construction phases to ensure that unapproved construction does not occur and that staking remains in place during site grading and construction.

15. Private sewage disposal systems for each proposed lot shall operate via gravity feed only. The applicant shall submit proof of adequate private sewage disposal, consistent with all relevant regulations, for all of the proposed new lots. Plan Requirements and Timing: Prior to recordation of the lot line adjustment, septic system designs for each lot shall be approved by the County Environmental Health Services (EHS).

MONITORING: P&D staff shall confirm receipt of EHS approval.

16. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with native ground cover vegetation to minimize erosion. Plan Requirements: This requirement shall be noted on all grading and building plans. Timing: Graded surfaces shall be reseeded within four weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within four weeks of grading completion.

MONITORING: P&D shall site inspect during grading to monitor dust generation and four weeks after grading to verify reseeding and to verify the construction has commenced in areas graded for placement of structures.
17. Prior to any building or grading on site, a grading and erosion control plan shall be prepared to minimize erosion from any grading and construction activities. The plan shall include the following:

a. Erosion control measures shall be implemented to prevent erosion and siltation into the ephemeral channel. Mechanisms such as temporary berms, silt fencing, straw bales, sediment basins, and spot grading shall be used in combination with one another during all grading and site construction activities.

b. Excavation and grading shall be limited to the dry season of the year (i.e., April 15 to November 1) unless otherwise approved by Planning and Development.

c. Graded areas shall be revegetated within four weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

d. Plan Requirements: An erosion control plan shall be submitted to and approved by P&D, Grading Division and Flood Control prior to approval of Land Use Permits. Timing: The plan shall be implemented prior to the commencement of grading/construction.

IV. CONDITIONS FOR LAND USE PERMIT

18. A “Notice to Property Owner” (on a form provided by Planning & Development) shall be recorded to ensure that the proposed dwellings shall be occupied by full-time farm employees who work and reside on the property. The property owner shall sign and record the document. The Notice shall specify that in the event that the property is sold, the new owner shall ensure that the dwelling be occupied by full-time farm employees who reside on the property or the use of the dwelling shall be discontinued and said unit shall be removed or converted to a legal use. Attachment B (Conditions of Approval) shall also be attached and recorded as part of the Notice to Property Owner document.

19. Applicant shall provide proof of full-time employment of farm employees residing in farm-employee dwelling every five years beginning from the issuance of Land Use Permit for the farm employee dwelling. Such proof shall be to the satisfaction of Planning and Development in the form of any one or combination of the following: 1) applicant's income tax return, 2) employee's pay receipts, 3) employee's W-2 form, 4) notarized contract between applicant and employee which delineates work to be performed and wages to be received, 5) other option approved by Planning and
Development, or 6) Employer's DE-3.

20. **Written Clearance from all County Departments Listed Below** shall be obtained (on a form provided by Planning & Development). Such clearance shall indicate that the applicant has satisfied all applicable conditions.


VI. **GENERAL CONDITIONS**

21. Prior to final building permit inspection, all development impact mitigation fees shall be paid in accordance with the ordinances and resolutions in effect when paid.

22. The permittee must obtain the following from the County Division of Building and Safety:

   a. All necessary permits.
   b. Approval of potable water including source and connection to farm employee dwelling and remote RAU.
   c. A certificate of occupancy.

VII. **TIMING**

23. This Conditional Use Permit is not valid until a Land Use Permit for the development and/or use has been obtained. Failure to obtain said Land Use Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Land Use Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the Land Use Permit must be satisfied. Upon issuance of the Land Use 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.

24. Any use authorized by this Conditional Use Permit (CUP) shall immediately cease upon expiration or revocation of this CUP. Any Land Use Permit issued pursuant to this CUP shall expire upon expiration or revocation of the CUP. CUP renewals must be applied for prior to expiration of the CUP. A CUP shall become null and void and automatically revoked if the use permitted by the CUP is discontinued for more than one year.

25. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit (zoning clearance) from Planning and Development. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Zoning Administrator.
26. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Land Use Permit has been issued. (Eighteen months is measured from expiration of a 10 day appeal period, or the date after the matter is heard and approved on appeal to the Board of Supervisors.)

27. All time limits may be extended by the Zoning Administrator for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with the Planning and Development prior to the expiration date.

28. If the applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and additional conditions to address changed circumstances or project impacts. Mitigation fees shall be those in effect at the time of approval of the Land Use Permit.

IX. ENFORCEMENT

29. If the Zoning Administrator determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit conditions, pursuant to the provisions of Sec. 35-291a of Article III of the Santa Barbara County Code, the Zoning Administrator is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.

X. COUNTY RULES AND REGULATIONS

Fees Required:

30. 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, and other agency personnel and with key construction personnel.
   c. Pay fees prior to approval of Land Use Permits 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.

31. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.

32. Developer 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 the Conditional Use Permit. In the event that the County fails promptly to 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.

33. 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 by the County and substitute conditions may be imposed.

Zoraida Abresch, Deputy Director, Development Review Division
For DIANNE BLACK, ASSISTANT DIRECTOR

Date

xc: Minute Book (original copy)
Case File:06CUP-00000-00031
Fire Department
Environmental Health Services
Owner: Mr. and Mrs. Michael Kraus, 7201 Foxen Canyon Road, Santa Maria CA 93454
Agent: Brett Jones, Jones & Jones, LLP, P.O. Box 241, Santa Ynez, CA 93460
County Chief Appraiser (Variances, Conditional Use Permit)
Planner: Joyce Gerber

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