



The conditions of approval required that all outdoor sound systems be placed in the covered patio area to take advantage of the acoustical shielding provided by the project buildings and not positioned anywhere other than that identified in Staff Report Exhibit L, Appendix A (included within Exhibit D). The Planning Commission also added a Condition of Approval that required review by the Planning Commission one year from the date of approval to review noise and traffic impacts as a result of the approval of the Special Use Permit and provide Planning Services with a report detailing dates of Special Events that were held during the year to be included in the report to the Planning Commission. The approved Site Plan is included as Exhibit A, the Final Conditions of Approval are included as Exhibit B, and the Minutes from the March 24, 2011 Planning Commission hearing are included as Exhibit C.

On March 22, 2012 the Planning Commission was provided the required one year review, including a memorandum from Development Services that included both the Applicant's 1-Year Special Use Permit Update and the S10-0009 Conditions of Approval as attachments. The memorandum is included as Exhibit D. The Planning Commission received and filed the report, with no further annual reviews required. The Minutes from the March 22, 2012 hearing are included as Exhibit E.

On February 23, 2015 the property changed ownership and is currently owned by Adam and Angela Anderson. The property owners have continued to operate the Villa Florentina Bed & Breakfast, including conducting Special Events under the existing special use permit.

#### Staff Analysis:

Since May 9, 2016, and throughout the fall 2016 wedding season, the County has received repeated confidential complaints from neighboring residents regarding non-compliance with the special use permit Conditions of Approval for Special Events being conducted on the site. These complaints include excessive noise, incorrect location of sound systems, operation outside of the allowed hours of operation, and location of special event activities.

In response to those complaints, Development Services staff has continually corresponded with the property owner throughout the 2016 fall wedding season to seek compliance for the Special Events with the Conditions of Approval for S10-0009. This correspondence included three requests for compliance letters from Development Services to the property owner dated August 1, 2016; October 12, 2016; and November 4, 2016. These letters have been included as Exhibit F.

On January 27, 2017, the property owners submitted an application to revise the special use permit (S10-0009-R/Villa Florentina Revision). The revision request narrative is included as Exhibit G. The revision request includes:

1. Increase bed and breakfast from 3 guest rooms to 4.
2. Add additional non-amplified events per year in addition to the 20 amplified events currently approved.
3. Extend the event use to year round not April through October.

4. Allow use of a microphone and amplifier on the ceremony lawn for use in wedding ceremonies. Limit the time allowed for this to one half hour in the afternoon.
5. Add “Health and Wellness Resort” to business description to accommodate special health and wellness events.
6. Extend hours for amplified noise to 10pm on weekends during daylight savings time.

Zoning Ordinance Section 130.54.090 (Revocation or County Mandated Modification of a Permit) outlines the process for the County to revoke or modify a permit authorized by the Zoning Ordinance when it is found that conditions required for the approval of the permit have been violated, have lacked substantial compliance, or when the use is determined to be a public nuisance. The processes includes the review authority of original jurisdiction holding a public hearing to revoke or modify a permit; notice provided to the property owner and the applicant if different from the owner, and specific findings must be made consistent with section 130.54.090.A.5. Section 130.54.090 has been included as Exhibit H.

The owner and operator of the facility believe they are operating within the constraints of the existing special use permit. Based on the complaints and support information received, staff believes that the Special Events conducted on-site during the 2016 fall wedding season did not substantially comply with the Conditions of Approval as approved by the Planning Commission on March 24, 2011. Therefore, staff is forwarding this item for discussion to the Planning Commission for a resolution.

Pursuant to the Zoning Ordinance Section 130.51.020.D.3 the applicant’s proposed special use permit revision application cannot be processed if it is determined that a violation of the Conditions of Approval exists.

The Development Services Division recommends that the Planning Commission find that a violation of the Conditions of Approval exists and direct that a hearing be set to modify or revoke S10-0009.

If the Planning Commission determines that there is not enough evidence to demonstrate that a violation of the Conditions of Approval has occurred, or that the scope or scale of the violation does not warrant a revocation hearing, then the applicant’s proposed special use permit revision application would be processed and brought back to the Planning Commission for action at a future date.

**SUPPORT INFORMATION**

**Attachments to Staff Memo:**

- Exhibit A.....S10-0009 Approved Site Plan
- Exhibit B .....Final Findings and Conditions of Approval for S10-0009 as approved by Planning Commission on March 24, 2011
- Exhibit C.....Planning Commission March 24, 2011 Meeting Minutes
- Exhibit D.....Planning Commission Meeting March 22, 2012 Staff Memo
- Exhibit E .....Planning Commission March 22, 2012 Meeting Minutes
- Exhibit F .....Request for Compliance Letters from Development Services Division
- Exhibit G.....Special Use Permit Revision Request (S10-0009-R)
- Exhibit H.....Zoning Ordinance Section 130.54.090