

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Planning Commission

FROM: Brian A. Tetley, Planner **BAT**

DATE: April 27, 2006

RE: Further Analysis of Better Cooling Agricultural Cooler Facility Expansion Project, 05DVP-00000-00007/05CUP-00000-00018/05RZN-00000-00002



I. Project Changes from Previous Hearings and Direction from Planning Commission

The Better Cooling Agricultural Cooler Facility Expansion Project (Better Cooling) was first heard by the Planning Commission during the hearing of February 8, 2006. After thorough public comment and Planning Commission deliberation during that hearing and the continuance hearing of March 8, 2006, the project was continued to today's with the direction to staff to prepare and circulate a CEQA Negative Declaration for public review and a revised set of conditions. These items have been completed and summarized below in sections IV (CEQA process) and VII (conditions of approval) below.

Another processing change is proposed in regards to the required Rezone from Unlimited Agriculture (U) zoning designation under Ordinance 661 to Agriculture II, 40 acres minimum lot size (AG-II-40) under Article III. The previous proposal was to bifurcate the development permit and rezone components of the project due to timing concerns. We have recombined these requests into one recommended action for Planning Commission recommendation to the Board of Supervisors.

The North County Board of Architectural Review (NBAR) and Agricultural Advisory Committee (AAC) have reviewed the project since the last Planning Commission hearing. The NBAR minutes and AAC letter are attached as Attachments H and I, respectively.

II. Request

The request has been revised to include the required rezone listed as item C. The final action letter will not include highlighting in the form of underline as shown below.

A request by Mr. Gil Rodriguez of PCR Design & Construction, representing Mr. Juan Cisneros of Better Cooling, property owner, to consider case nos. 05DVP-00000-00007 [application filed February 17, 2005], 05CUP-00000-00018, and 05RZN-00000-00005 [applications filed March 15, 2005] for:

- A. Case No. 05DVP-00000-00007 for approval of a final Development Plan pursuant to Sec. 35-313.3 of Article III (Inland Zoning Ordinance) of Chapter 35 of the County Code for lands designated Unlimited Agriculture (U) under the Ordinance 661 zoning ordinance, to develop a 16,380 ft² expansion to an existing 13,650 ft² agricultural cooling facility, a 7,000 ft² shade canopy at the southeast corner of the cooler building, and a 24,000 ft² storage building.
- B. Case No. 05CUP-00000-00018 for approval of a Major Conditional Use Permit pursuant to Sec. 35-217.4.3 of Article III (Inland Zoning Ordinance) of Chapter 35 of the County Code for lands designated Unlimited Agriculture (U) under the Ordinance 661 zoning ordinance, to allow the freezing and storage of agricultural products grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form.
- C. Case No. 05RZN-00000-00002 for approval of a consistency rezone for lands currently designated Unlimited Agriculture (U) under the Ordinance 661 zoning ordinance to the Agriculture II, 40-acre minimum parcel size (AG-II-40) zoning designation pursuant to Article III (Inland Zoning Ordinance) of Chapter 35 of the County Code.

III. Procedures

The procedures have been revised to reword the procedures to reflect recommendation to the Board of Supervisors due to the inclusion of the required rezone, and to incorporate the CEQA Proposed Final Mitigated Negative Declaration in lieu of the previous CEQA exemption. The final action letter will not include highlighting in the form of underline and ~~striketrough~~ as shown below.

~~The Planning Commission's action should include the following~~ recommends that the Board of Supervisors:

- ~~1A.~~ Adopt the required findings for ~~the project~~05RZN-00000-00002 specified in Attachment A of this staff report, including CEQA findings;
- ~~B.~~ Adopt the required findings for 05DVP-00000-00007 specified in Attachment A of this staff report, including CEQA findings;
- ~~C.~~ Adopt the required findings for 05CUP-00000-00018 specified in Attachment A of this staff report, including CEQA findings;
- ~~2D.~~ Accept the ~~CEQA Section 15061 (b)(3) exemption~~ the Proposed Final Mitigated Negative Declaration No. 06NGD-00000-00005 and adopt the mitigation monitoring program contained in the conditions of approval included as Attachment B;

Potential for introduction glare from night lighting.

Mitigation(s): Review and approval by North County Board of Architectural Review;
Identified, secure materials recycling location;
Proposed wall color compatible with surrounding terrain;
Vines to be planted on proposed walls;
Materials storage to occur indoors and outdoor storage to be well-maintained aesthetically.
Landscaping plan implemented to screen and soften structural development;
Hooded, low-intensity lighting fixtures;
All construction debris cleared prior to occupancy clearance.

B. Cultural Resources:

Impact(s): Potential discovery of archaeological resources

Mitigation(s): Work stoppage upon discovery of archaeological resources.

C. Geologic Processes:

Impact(s): Vibration due to short-term construction.

Mitigation(s): Limitation on evening construction hours.

D. Hazardous Materials/Risk of Upset:

Impact(s): The use and storage of hazardous or toxic materials;
A risk of release of hazardous substances;
The creation of a public health hazard.

Mitigation(s): Installation of dead man valves on all oil drain pots;
Seismic analysis of equipment installation and implementation of recommendations;
Updated Process and Instrumentation Diagrams;
Recurring safety audits;
Recurring operator safety drills.

E. Land Use:

Impact(s): Structures and/or land use incompatible with existing land use.

Mitigation(s): landscape screening, appropriate colors for walls, restrictions on night lighting.

F. Noise:

Impact(s): Short-term construction related noise;
Operational increase in the ambient noise levels for
adjoining areas.

Mitigation(s): Limitation on evening construction hours;
Construction of 10-foot tall masonry wall.

G. Public Facilities:

Impact(s): Short-term construction related noise;
Operational increase in the ambient noise levels for
adjoining areas.

Mitigation(s): Limitation on evening construction hours;
Construction of 10-foot tall masonry wall.

V. Revised Findings

The proposed Findings have been revised due to the inclusion of the required rezone, and to incorporate the revised CEQA findings appropriate to reflect preparation of a proposed Final Mitigated Negative Declaration. The final action letter will not include highlighting in the form of underline and ~~striketrough~~ as shown below. The clean revised findings are attached below as Attachment A.

1.0 CEQA FINDINGS

~~Accept the exemption for this project pursuant to CEQA Guidelines Section 15061 (b, 3) [No Possibility of Significant Effect] The Consistency Rezone will replace an obsolete Ordinance 661 agricultural designation with the corresponding Article III designation. No intensification or increased development would occur. Based on the discussion in Section 6.1 of this report, there would be no significant effect on the environment as a result of this project.~~

1.1 The Planning Commission and Board of Supervisors have considered the Mitigated Negative Declaration (06NGD-00000-00005) together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Planning Commission, has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 The Planning Commission and Board of Supervisors finds that through feasible conditions placed upon the project, the potentially significant impacts on the environment have been eliminated or substantially mitigated.

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, Mr. Steve Chase, Planning and Development, located at 123 East 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 Development Plan Findings

Pursuant to Section 35-317.7 of Article III, a Preliminary or Final Development Plan application shall only be 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 density and intensity of development proposed.*

The project site is approximately 20 acres in size. The project site is located in a rural setting characterized by agricultural uses. The development site will be surrounded by agricultural fields and ranchettes. The agricultural cooler use will be compatible within this setting and with surrounding uses. The proposed development will be approximately 44,650 square feet. A total of approximately 10 acres will be disturbed for development. The project will meet all setback regulations and will leave approximately 10 acres (50% of the site) in field crops. The development site will be set back 60 feet from Telephone Road. This finding can be made with the implementation of conditions requiring adequate landscaping to screen the structure from travelers on Telephone Road and NBAR review and approval. The proposed development will meet existing and proposed zoning development standards on the site. Therefore, the Planning Commission recommends that the Board of Supervisors find that the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.

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

~~The project is found to be exempt from environmental review pursuant to Section 15061-(b,3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). No adverse impacts will result from the proposed Development Plan. No mitigation will be required.~~

The Final Mitigated Negative Declaration (06NGD-00000-00006) identifies potentially significant and adverse environmental impacts and the mitigation measures required to mitigate impacts to the maximum extent feasible. The Final Mitigated Negative Declaration concluded that there would be no residual significant adverse environmental effects. Therefore, in addition to the CEQA findings above, the Planning Commission

recommends that the Board of Supervisors further find that significant adverse environmental effects are mitigated to the maximum extent feasible.

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

The site will be accessed by two existing 25' wide driveways via Telephone Road. Telephone Road is identified as a Collector Road by the Circulation Element, which has a policy capacity of 5,000 ADT. Telephone Road is operating at a Level of Service (LOS) A with a volume of approximately 3,033 ADT based on a 2004 traffic count (source: Roadway Traffic Volumes Manual 2004). Traffic mitigation fees will be required to offset the project's incremental effect on traffic. Thus, the addition of project related traffic 221 ADT and 20 am PHT and 21 pm PHT will not substantially change the Levels of Service of any roadway or intersection. Therefore, the Planning Commission recommends that the Board of Supervisors find that streets and highways are adequate and properly designed.

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 proposed project will be served by an on-site private water system. The domestic wastewater will be accommodated by an existing septic system and leachfields. Environmental Health Services has conditioned the project requiring submittal of a Report of Waste Discharge to the Regional Water Quality Control Board to ensure that the system will accommodate the project's wastewater and approval of a water system permit. The proposed development will be served by Santa Barbara County Fire Department Fire Stations #21 located at 3339 Terminal Dr. in Orcutt and #23, located at 5003 Depot Avenue in Santa Maria. The site is located outside of that stations' five minute response time; however, the Fire Department has conditioned the project so that a significant fire protection hazard will not exist. No significant demand for increased police protection is anticipated. Therefore, the Planning Commission recommends that the Board of Supervisors find that there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.

2.1.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

Establishment of the proposed cooling facility as an agriculturally-related use will conform to eCounty policies to promote agricultural uses and support agricultural expansion and intensification in appropriate locations. The applicant proposes to expand the anhydrous ammonia based refrigeration facilities. There would be no increase in vessel storage or in total inventory of anhydrous ammonia at the facility. Anhydrous ammonia is toxic material that can cause respiratory failure, serious injury and death and is classified as an acutely hazardous material.

A screening level risk assessment following the County's established guidelines was prepared by Marine Research Specialists (MRS), an environmental consulting firm, to

determine if potential increase in anhydrous ammonia storage and use would represent a significant public risk. The scope of the risk analysis has limited to potential risks to nearby residences, businesses, and populations.

The hazardous risk screening analysis of the proposed project determined that the risks associated with the proposed modifications will minimally increase over the current operations. In addition, the size of the worst case hazard zones will not be increasing as the amount of anhydrous ammonia in the system would not change. Risks for the modified facility are in the green region. Therefore, the potential risk associated with the proposed modifications will be in less than significant with the inclusion of feasible mitigation measures and implementation of the required mitigation monitoring program.

Application of conditions of approval to address grading, drainage, erosion, dust, septic disposal, fire protection, aesthetics, and archaeological resource protection as well as County and State regulatory processes will ensure that the project will not be detrimental to neighborhood health, safety, comfort, convenience and welfare. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

2.1.6 *That the project is in conformance with 1) the Comprehensive Plan and 2) the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-306.7.*

As discussed in sections 6.2 and 6.3 of this staff report dated January 27, 2006, with applications of identified conditions, the project will be consistent with all applicable provisions of the Comprehensive Plan and zoning provisions ordinance. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project is in conformance with 1) the Comprehensive Plan and 2) the applicable provisions of this Article.

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 site is located in a rural area. The proposed project will support the agricultural uses currently occurring on the project parcel and leased parcels in the Santa Maria area. The use of the proposed building for the cooling and storing of strawberries and peppers is consistent with the surrounding agricultural uses. The new structure will be located on a level area and will be screened with landscaping. The visual character of the area which includes scattered agricultural buildings and residences amongst a large rural area of field crops will not be changed significantly altered with the addition of the proposed project. Therefore, the Planning Commission recommends that the Board of Supervisors find that the use is compatible with and subordinate to the scenic and rural character of the area.

2.1.8 *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

~~The proposed project will not conflict with any existing public easements in the project site vicinity. There are no known public access easements across the subject property. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not conflict with any easements required for public access through, or public use of a portion of the property.~~

2.2 Conditional Use Permit Findings

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

2.2.1 *That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the density and intensity of development proposed.*

~~The Conditional Use Permit will allow for the cooling and storing of produce grown offsite within the expanded cooler as proposed under 05DVP-00000-00007. The 27,300 square foot cooler will be adequate in size to cool produce grown on and off site. The cooler will be located in an agricultural area in close proximity to areas where produce is grown. The cooling facility has been designed to accommodate a large cooling operation. The farm-employee dwelling will be located on a flat area fronting Telephone Road. The structure is currently used as a residence and will be converted to a farm employee dwelling. No exterior modifications will be made to the structure. The site is capable of providing adequate water services and sewage disposal. The size, shape, location, and physical characteristics of the parcel can accommodate the proposed use and level of development. Therefore, the Planning Commission recommends that the Board of Supervisors find that the site for the project is adequate in size, shape, location and physical characteristics to accommodate the density and intensity of development proposed.~~

2.2.2 *That adverse impacts are mitigated to the maximum extent feasible.*

~~The project is found to be exempt from environmental review pursuant to Section 15061(b,3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). No adverse impacts will result from the proposed Development Plan. No mitigation will be required.~~

The Final Mitigated Negative Declaration (06NGD-00000-00006) identifies potentially significant and adverse environmental impacts and the mitigation measures required to mitigate impacts to the maximum extent feasible. The Final Mitigated Negative Declaration concluded that there would be no residual significant adverse environmental effects. Therefore, in addition to the CEQA findings above, the Planning Commission recommends that the Board of Supervisors further find that significant adverse environmental effects are mitigated to the maximum extent feasible.

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

The site will be accessed by two existing 25' wide driveways via Telephone Road. Telephone Road is identified as a Collector Road by the Circulation Element, which has a policy capacity of 5,000 ADT. Telephone Road is operating at a Level of Service (LOS) A with a volume of approximately 3,033 ADT based on a 2004 traffic count (source: Roadway Traffic Volumes Manual 2004). Traffic mitigation fees will be required to offset the project's incremental effect on traffic. Thus, the addition of project related traffic 221 ADT and 20 am PHT and 21 pm PHT will not substantially change the Levels of Service of any roadway or intersection. Therefore, the Planning Commission recommends that the Board of Supervisors find that streets and highways are adequate and properly designed.

~~The project site for the farm employee dwelling is accessed via an existing 25-foot wide driveway from Telephone Road. Both the existing driveway and Telephone Road, a public road, are adequate and properly designed to accommodate the dwelling for the full-time farm employee associated with the proposed project.~~

2.2.4 *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 proposed project will be served by an on-site private water system. The domestic wastewater will be accommodated by an existing septic system and leachfields. Environmental Health Services has conditioned the project requiring submittal of a Report of Waste Discharge to the Regional Water Quality Control Board to ensure that the system will accommodate the project's wastewater and approval of a water system permit. The proposed development will be served by Santa Barbara County Fire Department Fire Stations #21 located at 3339 Terminal Dr. in Orcutt and #23, located at 5003 Depot Avenue in Santa Maria. The site is located outside of that stations' five minute response time; however, the Fire Department has conditioned the project so that a significant fire protection hazard will not exist. No significant demand for increased police protection is anticipated. Therefore, the Planning Commission recommends that the Board of Supervisors find that there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.

2.2.5. *That the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

Establishment of the proposed cooling facility as an agriculturally-related use will conform to eCounty policies to promote agricultural uses and support agricultural expansion and intensification in appropriate locations. The applicant proposes to expand the anhydrous ammonia based refrigeration facilities. There would be no increase in vessel storage or in total inventory of anhydrous ammonia at the facility. Anhydrous ammonia is toxic material that can cause respiratory failure, serious injury and death and is classified as an acutely hazardous material.

A screening level risk assessment following the County's established guidelines was prepared by Marine Research Specialists (MRS), an environmental consulting firm, to

determine if potential increase in anhydrous ammonia storage and use would represent a significant public risk. The scope of the risk analysis has limited to potential risks to nearby residences, businesses, and populations.

The hazardous risk screening analysis of the proposed project determined that the risks associated with the proposed modifications will minimally increase over the current operations. In addition, the size of the worst case hazard zones will not be increasing as the amount of anhydrous ammonia in the system would not change. Risks for the modified facility are in the green region. Therefore, the potential risk associated with the proposed modifications will be in less than significant with the inclusion of feasible mitigation measures and implementation of the required mitigation monitoring program.

Application of conditions of approval to address grading, drainage, erosion, dust, septic disposal, fire protection, aesthetics, and archaeological resource protection as well as County and State regulatory processes will ensure that the project will not be detrimental to neighborhood health, safety, comfort, convenience and welfare. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

~~Processing of offsite produce may increase vehicular traffic on Telephone Road as produce is transported to and from the cooling facility. Telephone Road is operating at a Level of Service (LOS) A with a volume of approximately 3,033 ADT based on a 2004 traffic count (source: Roadway Traffic Volumes Manual 2004). The addition of project related traffic 221 ADT and 20 am PHT and 21 pm PHT will not substantially increase traffic on Telephone Road.~~

~~The project site for the farm employee dwelling is located in an agricultural zone consisting of field crops and residences. The existing structure will be converted from a residence to a farm employee dwelling. The proposed project is compatible with the surrounding properties since the areas are developed with agricultural uses and residences. The proposed project will continue to receive water service and sewage disposal by private systems that will be 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 or parking, and will not significantly affect public or private resources. The proposed farm employee dwelling will be compatible with the height, scale and design of the surrounding area, which consists of residentially and agriculturally developed agricultural land. The proposed use will be compatible with the surrounding area, as it will continue the agricultural use of the property by maintaining existing farm operations.~~

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

As discussed in sections 6.2 and 6.3 of this staff report dated January 27, 2006, with applications of identified conditions, the project will be consistent with all applicable provisions of the Comprehensive Plan and zoning provisions ordinance. With approval of a

future rezone to AG-II, the proposed processing of offsite produce will comply with the applicable provisions of Article III. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project is in conformance with 1) the Comprehensive Plan and 2) the applicable provisions of this Article.

~~As discussed in sections 6.2 and 6.3 of this report, with applications of identified conditions, the project will be consistent with applicable provisions of the Comprehensive Plan and zoning provisions.~~

~~The proposed farm employee dwelling is consistent with the AG-II-40 zone district of Article III, which allows farm employee dwellings upon the issuance of a Minor Conditional Use Permit (see Section 5.3 of this staff report). With approval of a future rezone to AG-II, the proposed farm employee dwelling will comply with the applicable provisions of Article III. The proposed farm employee dwelling will not conflict with any applicable policies or goals of the Comprehensive Plan (see Section 5.2 of this staff report). Therefore, the proposed project is consistent with this finding.~~

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

The project site is located in a rural area. The proposed project will support the agricultural uses currently occurring on the project parcel and leased parcels in the Santa Maria area. The use of the proposed buildings for the cooling and storage of strawberries and peppers is consistent with the surrounding agricultural uses. Therefore, the Planning Commission recommends that the Board of Supervisors find that the use is compatible with and subordinate to the scenic and rural character of the area.

2.2.8 *That the project will not conflict with any easements required for public access through, or public use of, a portion of the property.*

~~The proposed project will not conflict with any existing public easements in the project site vicinity. There are no known public access easements across the subject property. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not conflict with any easements required for public access through, or public use of a portion of the property.~~

2.3 Rezone Findings

Pursuant to Article III, Sec. 35-325.5 of Article III (Inland Zoning Ordinance) of Chapter 35 of the County Code, the following findings are required for approval of a Rezone or Ordinance Amendment.

2.3.1 That the Rezone request is in the interests of the general community welfare.

The purpose of the rezone is to bring the subject property into conformance with the current Article III zoning ordinance and out of the obsolete Ordinance 661 designation. The rezone from the U (ordinance 661) zoning designation to the AG-II-40 zoning designation (Article III) will not shift existing and conforming uses and/or structures to a non-conforming status. The rezone also allows for the processing of produce grown off-site with the approval of a Conditional Use Permit. The parcel will retain agricultural zoning with agriculture and agricultural support uses remaining as the primary uses and objectives for the parcel. The rezoning of the parcel does not further restrict the property owner from conducting any agricultural operations that are not currently restricted under the present zoning. All allowed agricultural uses continue to be allowed after the rezone.

In this manner, the proposal does not impinge upon the community welfare. Therefore, the Planning Commission recommends that the Board of Supervisors find that the Rezone request is in the interests of the general community welfare.

2.3.2 That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Article III Zoning Ordinance.

In addition to discussion of General Plan and Zoning Ordinance consistency contained in the staff report dated January 27, 2006, we reiterate that the proposed rezone is consistent with the General Plan, the Article III Zoning Ordinance and State law. Therefore, the Planning Commission recommends that the Board of Supervisors finds that the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Article III Zoning Ordinance.

2.3.3 That the Rezone request is consistent with good zoning and planning practices.

The proposed rezone updates an obsolete zoning designation to a current zoning designation, allowing the current ordinance (Article III) to govern the parcel to ensure consistency and equity in the application of development review procedures. Therefore, the Planning Commission recommends that the Board of Supervisors finds that the Rezone request is consistent with good zoning and planning practices.

2.34 Agriculture-II (AG-II) Zone District Findings

Pursuant to Article III, Section 35-217.4.3, facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products, but not including animals, grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form are permitted with approval of a Major Conditional Use Permit provided:

2.34.1. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County)

The project site is approximately 20 acres in size. The development site will be surrounded by strawberry and pepper fields, which will supply produce for processing. A total of approximately 10 acres will be disturbed for development, which will leave approximately 10 acres (50% of the site) in field crops. Strawberries and peppers grown off the premises on land leased by the applicant will also be processed in the proposed cooling facility. No produce will be brought from areas located outside of the boundaries of Santa Barbara County. Therefore, the Planning Commission recommends that the Board of Supervisors find that the facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands.

2.34.2. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale

Strawberries and peppers grown off the premises on land leased by the applicant will be processed in the proposed cooling facility. There are adequate local lands cultivated with these agricultural products. No produce will be brought from areas located outside of the boundaries of Santa Barbara County. Therefore, the Planning Commission recommends that the Board of Supervisors find that the primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale

2.34.3. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands

Only strawberries and peppers grown on and off site will be processed in the proposed cooling facility. There are adequate local lands cultivated with these agricultural products. Therefore, the Planning Commission recommends that the Board of Supervisors find that the products are similar to products grown on the premises where the facility is located or on other local agricultural lands.

2. ~~34.4.~~ The facility processes products grown on the premises or on other local agricultural lands.

The facility will process all of the strawberries and peppers grown on site in addition to two parcels located in the Santa Maria Valley. There are adequate local lands cultivated with these agricultural products. Therefore, the Planning Commission recommends that the Board of Supervisors find that the facility processes products grown on the premises or on other local agricultural lands.

2. ~~34.5.~~ The facility and products are consistent with the Uniform Rules of the Agricultural Preserve Program

The subject parcel is not ~~subject to the Uniform Rules of~~ enrolled in the Agricultural Preserve Program. Therefore, the Planning Commission recommends that the Board of Supervisors find that the facility and products are consistent with the Uniform Rules of the Agricultural Preserve Program.

2. ~~34.6.~~ The facility is not to be located on prime soils, unless an alternative location on non-prime soils does not exist within a reasonable distance of the proposed site.

The existing and proposed facilities will be located on Pleasanton Sandy Loam, 0-2% slopes (PnA), a Class I soil that is classified as a prime soil. However, ~~the~~ the project site was chosen ~~as~~since strawberries thrive on the Class VII soils on the ~~remaining 5 acres~~ areas of the parcel outside of the development area, rather than on prime soils. Locating the facilities on nonprime soils would require the relocation of existing crops on the non-prime land. ~~No crops have been planted in the project site~~ There are no other open areas of the subject property available for the cooler facility. Therefore, the Planning Commission recommends that the Board of Supervisors find that an alternative location on non-prime soils does not exist within a reasonable distance of the proposed site.

VI. Revised Conditions of Approval for 05DVP-00000-00007

The following revised proposed conditions of approval incorporate the mitigation measures associated with the proposed Final Mitigated Negative Declaration, and other deleted, revised, and added conditions. The final action letter will not include highlighting in the form of underline and ~~striketrough~~ as shown below.

FINAL DEVELOPMENT PLAN CONDITIONS

05DVP-00000-00007

1. This Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit 1, dated ~~February 8~~ April 27, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions 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 will constitute a violation of permit approval.

The project description is as follows:

The request of by Mr. Gil Rodriguez, agent for the applicant, of PCR Design & Construction, representing Mr. Juan Cisneros of Better Cooling, property owner, to consider the following case nos. 05DVP-00000-00007 [application filed February 17, 2005], 05CUP-00000-00018, and 05RZN-00000-00005 [applications filed March 15, 2005] for:

1. Case No.05DVP-00000-00007 for approval of a final Development Plan under the provisions of Ordinance 661 of the U Zone District, to develop a ~~136,653~~ 136,653 ~~square foot ft²~~ expansion to an existing ~~13,650 square foot ft²~~ agricultural cooling facility, a ~~7,000 sq. ft. ft²~~ shade canopy at the southeast corner of the cooler building, and a ~~24,000 square foot ft²~~ storage building. The cooler uses approximately 5,000 pounds of anhydrous ammonia as a refrigerant within a closed system. Grading for the proposed expansion and warehouse has been complete and consists of approximately 766 cubic yards of earthwork (766 cubic yards of cut and 339 cubic yards of fill). Access would be provided via Telephone Road to two existing 25' wide A/C driveways. Water would continue to be served by two onsite water wells. Sanitary services would be provided by an existing septic system.

Strawberry season (March-June) truck loading/unloading hours would be 8:00 a.m. to 10:00 p.m. Pepper season (July-November) truck loading/unloading hours would be 8:00 a.m. to 9:00 p.m. Vehicular trips per day would average 25 field trucks and 15 line trucks. Vehicular trips during the pepper season would be approximately 12 field truck and 7 line truck trips. No truck trips would be permitted outside of truck loading/unloading hours. Third-party refrigerated or other delivery trucks (e.g. semis) would not be parked overnight or stored on-site. From 10:00p.m. to 02:00 a.m., non-noise generating activities could be performed by a crew of up to four employees and would be limited to non-noise generating work within the interior of the cooler building. Such activities would include wrapping and staging product for shipping the following day. Approximately 30 employees would be onsite during normal operation hours. The activities during the winter season would involve cleaning equipment, painting, and repairs.

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.

MITIGATION MEASURES FROM 06NGD-00000-00005

1.1. The design, scale, and character of the project architecture shall maximize compatibility with vicinity development. The project shall be reviewed and approved by the North County Board of Architectural Review. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and final approval by the North County Board of Architectural Review prior to approval of Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to North County Board of Architectural Review plan filing.

1.2. A trash/recycling storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash/recycling storage area shall be maintained in good repair for the life of the project. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash/recycling storage area shall be installed prior to occupancy clearance.

MONITORING: P&D shall inspect prior to occupancy clearance.

1.3. Walls higher than six (6) feet shall be in tones compatible with surrounding terrain (darker earthtones) using textured materials or construction methods which create a textured effect. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti. **Plan requirements:** Specified landscaping shall be incorporated in the landscape plan. **Timing:** Landscaping shall be installed prior to occupancy clearance.

MONITORING: Permit Compliance shall photodocument installation and maintenance of landscaping per plan. Permit Compliance signature is required for release of performance security.

1.4. The permittee shall ensure that the storage of pallets, boxes, equipment, and other materials either occurs indoors or, if out-of-doors, in a manner that is not visible or not objectionable from surrounding properties or public viewsheds. Out-of-doors storage shall be properly maintained for the life of the project.

MONITORING: Permit Compliance personnel shall field check as appropriate.

1.5. Landscaping in combination with solid screen wall(s) or fence(s) shall be provided to screen the agricultural cooler buildings from surrounding properties and public viewsheds to the maximum extent feasible. Landscaping and screen

walls or fencing shall be maintained for the life of the project. **Plan Requirements and Timing:** Prior to Land Use Permits, the applicant/owner shall enter into an agreement with the County to install required landscaping, water-conserving irrigation systems, solid screen wall or fence, and maintain landscaping and screening wall or fence for the life of the project. The landscaping plan shall utilize drought-tolerant native species to the maximum extent feasible. Individual landscape species intended to screen structures shall be of an evergreen variety. At least two screening landscape species shall be incorporated in case disease affects one species. Screening landscape species shall be frost resistant. The applicant shall also submit three copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscaping and irrigation shall be installed.

MONITORING: Permit Compliance personnel shall inspect installation prior to occupancy clearance and shall inspect maintenance once per year during the maintenance period and as appropriate.

- 1.6.** Exterior night lighting installed on the project site shall be of low intensity, low glare design, of minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Existing lighting standards and wall-mounts shall be modified by attaching accessory hoods and/or shrouds designed to minimize light spill-over to the sides and rear and to resist high winds. Special attention shall be paid to the design of accessory hoods/shrouds for the two light standards fronting Telephone Road to minimize any light spillover onto Telephone Road, while still allowing adequate illumination of each access driveway for safety purposes. In lieu of accessory shrouds, the applicant may replace the existing light standards with new standards or bollards of a maximum height of ten feet and reduce the height of wall-mounted lighting. All exterior night lights shall be automatically controlled by any combination timers and/or photometers to dim lights to a number and intensity absolutely necessary for safety by 7:00 p.m. each evening and shut off all lights completely by 10:30 p.m. each evening. The Applicant shall develop and submit for review and approval by P&D, a Lighting Plan incorporating these requirements. **Plan Requirements:** The locations of all exterior lighting fixtures with an arrow showing the direction of light being cast by each fixture, design of accessory hoods and/or shrouds, and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D.

MONITORING: P&D shall approve a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. Permit Compliance personnel shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

- 1.7.** The developer shall clear the project site of all excess construction debris prior to occupancy clearance. **Plan Requirement:** This requirement shall be noted on

final building plans. **Timing:** Debris clearance shall occur prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall inspect prior to occupancy clearance.

- 1.8.** 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 applicant 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 applicant.

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 Permit and Permit Compliance personnel shall spot check in the field.

- 1.9.** The following equipment shall be installed and operations implemented to minimize the probability and/or extent of potential coolant releases:

- a. Dead man valves shall be installed on all oil drain pots. Safe oil draining procedures shall be created, appropriately updated, and followed for the life of the project. An oil draining procedure employee training program shall also be created, appropriately updated and implemented for the life of the project.
- b. A seismic analysis of equipment installation shall be performed in consultation with the Fire Department. Any recommendations for additional equipment or piping bracing shall be implemented.
- c. Process & Instrumentation Diagrams P&IDs shall be updated to reflect current "as-built" conditions and be appropriately updated to reflect plant changes.
- d. Recurring safety audits shall be held of a scope and frequency to be determined by the Fire Department.
- e. Recurring operator safety drills shall be held of a scope and frequency to be determined by the Fire Department.

Plan requirements: Final plans depicting dead man valves shall be submitted to P&D and the Fire Department. Copies of documents required above shall also be

submitted to P&D and the Fire Department. **Timing:** Submittals shall be submitted and approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel may inspect installation of dead man valves. The Fire Department shall verify compliance through the CalARP program.

- 1.10.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** One sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Sign shall be in place prior to land use clearance and throughout grading and construction activities.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

- 1.11.** A ten-foot tall masonry wall, as measured from average grade, shall be constructed in areas as recommended in the project sound level assessment. The wall shall remain in good repair for the life of the project. **Plan Requirements:** Project plans shall clearly depict the masonry wall. **Timing:** The masonry wall shall appear on plans prior to Land Use Clearance. The masonry wall shall be constructed prior to Occupancy Clearance.

MONITORING: Building Inspectors and Permit Compliance personnel shall verify construction.

- 1.12.** The applicant shall develop and implement a solid waste management plan to be approved by the Public Works Solid Waste Division and P&D and shall include the following components at a minimum:

- a. Provision of space and/or bins for storage of recyclable materials within the project site.
- b. Establishment of a recyclable material pickup area for commercial/industrial projects (i.e., loading docks, etc.).
- c. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County-sponsored programs).
- d. Implementation of a monitoring program (quarterly, bi-annually) to ensure a 35%-50% minimum participation in recycling efforts, requiring businesses to show written documentation in the form of receipts.

- e. Development of Source Reduction Measures, indicating method and amount of expected reduction.
- f. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.

Plan Requirements: A written solid waste management plan shall be submitted to the Public Works Solid Waste Division and P&S for review and approval.

Timing: The solid waste management plan shall be submitted prior to Land Use Permit. The solid waste management plan shall be approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall spot check and respond to complaints.

CONDITIONS FOR LAND USE PERMIT

The following conditions shall be satisfied prior to approval of a Land Use Permit for this project:

2. **LUP approval for grading:** The applicant shall submit grading and drainage plans to be reviewed and approved under a Land Use Permit concurrently with structural development. Any revisions required upon review of the grading and drainage plans shall be applied.
3. **Archaeological remains: (condition deleted)**~~In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archeologist and Native American representative are retained by the applicant 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 applicant.~~
Plan Requirements and Timing: This condition shall be printed on all building and improvement plans.
4. **Board of Architectural Review: (condition deleted)**~~Prior to approval of the Land Use Permit, the applicant shall obtain final Board of Architectural Review approval for the proposed building and landscaping.~~
5. **Landscape Requirements:** Landscaping consisting of fast growing vegetation shall be maintained for the life of the project. Prior to the issuance of the Land Use Permit for this development, a performance security, in an amount to be determined by the Planning and Development Department to guarantee the installation of plantings and fences, in accordance with the approved landscape plan, and adequate maintenance of the planting shall be filed with the County.

Two performance securities shall be provided by the applicant prior to Land Use Permit approval: one shall be equal to the value of installation of all items listed in section (a) below (labor and materials); and one shall be equal to the value of maintenance and/or replacement of the items listed in section (a) for 3 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 2 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- (a) The landscaping and fencing shall be installed as approved by the North County Board of Architectural Review and Planning and Development, and shall be installed prior to occupancy clearance. The project landscaping shall consist of drought-tolerant native and/or fast growing species which adequately screen the project site from surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure.

P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

6. Electrical utilities shall be installed underground.
7. **Exterior Lighting: (condition deleted)** ~~All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of a street.~~
8. **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.
 - a. Fire Department letter dated October 14, 2005.
 - b. Air Pollution Control District letter dated March 2, 2005.
 - c. Environmental Health Services letter dated January 25, 2006.
 - d. Public Works, Roads Division letter dated January 26, 2006.
 - e. Flood Control District letter dated March 3, 2005.
 - f. Water Agency letter dated January 25, 2006.

ENFORCEMENT

9. If the Planning Commission determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit conditions, pursuant to the provisions of Sec. 35-317

of Article III of the Santa Barbara County 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.

DEVELOPMENT PLAN CONDITIONS

10. Approval of the Final Development Plan shall expire ~~five~~ (5)10 years after approval by the Planning Commission unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.
11. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1, dated ~~February 8~~ April 27, 2006. Substantial conformity shall be determined by the Director of P&D.
12. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
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 approval of a LUP.

COUNTY RULES AND REGULATIONS

14. **Signed Agreement to Comply Required:** Prior to approval of a Land Use Permits ~~for the residence~~, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
15. 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.
16. 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.

17. Mailed Notices of Land Use Permit Approval: Prior to issuance of a Land Use Permit, 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. 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 Land Use Permits\Coastal Development 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.

VII. Revised Conditions of Approval for 05CUP-00000-00018

The following revised proposed conditions of approval incorporate the mitigation measures associated with the proposed Final Mitigated Negative Declaration, and other deleted, revised, and added conditions. The final action letter will not include highlighting in the form of underline and ~~strikethrough~~ as shown below.

Date: May 10, 2006

CASE NO. 05CUP-00000-00018

I. A Conditional Use Permit is Hereby Granted:

TO: Mr. Juan Cisneros, Better Cooling, Inc.

APN: 129-010-035

PROJECT ADDRESS: 2780 Telephone Road

AREA Santa Maria

SUPERVISORIAL DISTRICT: Fifth

FOR: Processing produce grown off the premises within a proposed cooling facility to be expanded under 05DVP-00000-00007 ~~and the conversion of a residence to a farm-employee dwelling.~~

II. This permit is subject to compliance with the following conditions:

PROJECT DESCRIPTION

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit 1, dated ~~February 8~~April 27, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions 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 will constitute a violation of permit approval.

The project description is as follows:

A request by Mr. Gil Rodriguez of PCR Design & Construction, representing Mr. Juan Cisneros of Better Cooling, property owner, to consider case nos. 05DVP-00000-00007 [application filed February 17, 2005], 05CUP-00000-00018, and 05RZN-00000-00005 [applications filed March 15, 2005] for:

- ~~A. A Major Conditional Use Permit allowing the cooling and storage of produce grown off the premises~~
2. Case No. 05CUP-00000-00018 for approval of a Major Conditional Use Permit pursuant to Sec. 35-217.4.3 of Article III (Inland Zoning Ordinance) of Chapter 35 of the County Code for lands designated Unlimited Agriculture (U) under the Ordinance 661 zoning ordinance, to allow the freezing and storage of agricultural products grown off the

premises preparatory to wholesale or retail sale and/or shipment in their natural form.

~~B. — A Minor Conditional Use Permit to change the use of a residence to a farm employee dwelling under the provisions of Ordinance 661 Zoned U. The one bedroom farm employee dwelling would be 600 sq. ft. with a maximum average height of 10'. Off street uncovered parking would be provided adjacent to the dwelling. No structural changes or grading would be required for the farm employee dwelling.~~

Strawberry season (March-June) truck loading/unloading hours would be 8:00 a.m. to 10:00 p.m. Pepper season (July-November) truck loading/unloading hours would be 8:00 a.m. to 9:00 p.m. Vehicular trips per day would average 25 field trucks and 15 line trucks. Vehicular trips during the pepper season would be approximately 12 field truck and 7 line truck trips. No truck trips would be permitted outside of truck loading/unloading hours. Third-party refrigerated or other delivery trucks (e.g. semis) would not be parked overnight or stored on-site. From 10:00p.m. to 02:00 a.m., non-noise generating activities could be performed by a crew of up to four employees and would be limited to non-noise generating work within the interior of the cooler building. Such activities would include wrapping and staging product for shipping the following day. Approximately 30 employees would be onsite during normal operation hours. The activities during the winter season would involve cleaning equipment, painting, and repairs.

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 06NGD-00000-00005

1.1. The design, scale, and character of the project architecture shall maximize compatibility with vicinity development. The project shall be reviewed and approved by the North County Board of Architectural Review. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and final approval by the North County Board of Architectural Review prior to approval of Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to North County Board of Architectural Review plan filing.

1.2. A trash/recycling storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash/recycling storage area shall be maintained in good repair for the life of the project. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash/recycling storage area shall be installed prior to occupancy clearance.

MONITORING: P&D shall inspect prior to occupancy clearance.

1.3. Walls higher than six (6) feet shall be in tones compatible with surrounding terrain (darker earthtones) using textured materials or construction methods which create a textured effect. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti. **Plan requirements:** Specified landscaping shall be incorporated in the landscape plan. **Timing:** Landscaping shall be installed prior to occupancy clearance.

MONITORING: Permit Compliance shall photodocument installation and maintenance of landscaping per plan. Permit Compliance signature is required for release of performance security.

1.4. The permittee shall ensure that the storage of pallets, boxes, equipment, and other materials either occurs indoors or, if out-of-doors, in a manner that is not visible or not objectionable from surrounding properties or public viewsheds. Out-of-doors storage shall be properly maintained for the life of the project.

MONITORING: Permit Compliance personnel shall field check as appropriate.

1.5. Landscaping in combination with solid screen wall(s) or fence(s) shall be provided to screen the agricultural cooler buildings from surrounding properties and public viewsheds to the maximum extent feasible. Landscaping and screen walls or fencing shall be maintained for the life of the project. **Plan Requirements and Timing:** Prior to Land Use Permits, the applicant/owner shall enter into an agreement with the County to install required landscaping,

water-conserving irrigation systems, solid screen wall or fence, and maintain landscaping and screening wall or fence for the life of the project. The landscaping plan shall utilize drought-tolerant native species to the maximum extent feasible. Individual landscape species intended to screen structures shall be of an evergreen variety. At least two screening landscape species shall be incorporated in case disease affects one species. Screening landscape species shall be frost resistant. The applicant shall also submit three copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscaping and irrigation shall be installed.

MONITORING: Permit Compliance personnel shall inspect installation prior to occupancy clearance and shall inspect maintenance once per year during the maintenance period and as appropriate.

- 1.6.** Exterior night lighting installed on the project site shall be of low intensity, low glare design, of minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Existing lighting standards and wall-mounts shall be modified by attaching accessory hoods and/or shrouds designed to minimize light spill-over to the sides and rear and to resist high winds. Special attention shall be paid to the design of accessory hoods/shrouds for the two light standards fronting Telephone Road to minimize any light spillover onto Telephone Road, while still allowing adequate illumination of each access driveway for safety purposes. In lieu of accessory shrouds, the applicant may replace the existing light standards with new standards or bollards of a maximum height of ten feet and reduce the height of wall-mounted lighting. All exterior night lights shall be automatically controlled by any combination timers and/or photometers to dim lights to a number and intensity absolutely necessary for safety by 7:00 p.m. each evening and shut off all lights completely by 10:30 p.m. each evening. The Applicant shall develop and submit for review and approval by P&D, a Lighting Plan incorporating these requirements. **Plan Requirements:** The locations of all exterior lighting fixtures with an arrow showing the direction of light being cast by each fixture, design of accessory hoods and/or shrouds, and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D.

MONITORING: P&D shall approve a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. Permit Compliance personnel shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

- 1.7.** The developer shall clear the project site of all excess construction debris prior to occupancy clearance. **Plan Requirement:** This requirement shall be noted on final building plans. **Timing:** Debris clearance shall occur prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall inspect prior to occupancy clearance.

- 1.8.** 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 applicant 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 applicant.

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 Permit and Permit Compliance personnel shall spot check in the field.

- 1.9.** The following equipment shall be installed and operations implemented to minimize the probability and/or extent of potential coolant releases:
- a. Dead man valves shall be installed on all oil drain pots. Safe oil draining procedures shall be created, appropriately updated, and followed for the life of the project. An oil draining procedure employee training program shall also be created, appropriately updated and implemented for the life of the project.
 - b. A seismic analysis of equipment installation shall be performed in consultation with the Fire Department. Any recommendations for additional equipment or piping bracing shall be implemented.
 - c. Process & Instrumentation Diagrams P&IDs shall be updated to reflect current "as-built" conditions and be appropriately updated to reflect plant changes.
 - d. Recurring safety audits shall be held of a scope and frequency to be determined by the Fire Department.
 - e. Recurring operator safety drills shall be held of a scope and frequency to be determined by the Fire Department.

Plan requirements: Final plans depicting dead man valves shall be submitted to P&D and the Fire Department. Copies of documents required above shall also be submitted to P&D and the Fire Department. **Timing:** Submittals shall be submitted and approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel may inspect installation of dead man valves. The Fire Department shall verify compliance through the CalARP program.

1.10. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** One sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Sign shall be in place prior to land use clearance and throughout grading and construction activities.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

1.11. A ten-foot tall masonry wall, as measured from average grade, shall be constructed in areas as recommended in the project sound level assessment. The wall shall remain in good repair for the life of the project. **Plan Requirements:** Project plans shall clearly depict the masonry wall. **Timing:** The masonry wall shall appear on plans prior to Land Use Clearance. The masonry wall shall be constructed prior to Occupancy Clearance.

MONITORING: Building Inspectors and Permit Compliance personnel shall verify construction.

1.12. The applicant shall develop and implement a solid waste management plan to be approved by the Public Works Solid Waste Division and P&D and shall include the following components at a minimum:

- a. Provision of space and/or bins for storage of recyclable materials within the project site.
- b. Establishment of a recyclable material pickup area for commercial/industrial projects (i.e., loading docks, etc.).
- c. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County-sponsored programs).
- d. Implementation of a monitoring program (quarterly, bi-annually) to ensure a 35%-50% minimum participation in recycling efforts, requiring businesses to show written documentation in the form of receipts.
- e. Development of Source Reduction Measures, indicating method and amount of expected reduction.

- f. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.

Plan Requirements: A written solid waste management plan shall be submitted to the Public Works Solid Waste Division and P&S for review and approval.

Timing: The solid waste management plan shall be submitted prior to Land Use Permit. The solid waste management plan shall be approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall spot check and respond to complaints.

III. Project Specific Conditions

2. **Rezone to AG-II:** Adoption and implementation of a rezone to AG-II prior to approval of a Land Use Permit is required to effectuate both the Major and Minor Conditional Use Permits for processing of offsite produce and to legalize the farm-employee dwelling.
3. **A “Notice to Property Owner” (condition deleted)**~~(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 C (Conditions of Approval) shall also be attached and recorded as part of the Notice to Property Owner document.
4. **Applicant shall provide proof of full-time employment of farm employees residing in farm-employee dwellings every five years beginning from the issuance of Land Use Permit for the farm employee dwelling. (condition deleted)**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.
- 4.1 Monthly Monitoring Reports:** A Monitoring Report form shall be prepared and submitted to P&D for review and approval. The submitted Monitoring Reports shall include documentation of all aspects of the operation with potential effects on surrounding properties including, but not limited to, hours of operation, truck movement hours, potential releases of ammonia, and facility maintenance activities for review by Permit Compliance personnel. **Plan Requirements:** The Monitoring

Report form shall be reviewed and approved by P&D. The facility shall submit completed Monitoring Reports on a monthly basis to P&D for review. **Timing:** Prior to Land Use Clearance issuance, the applicant shall provide a Monitoring Report form, to be reviewed and approved by P&D. Upon occupancy clearance of the proposed cooler addition, the facility shall submit Monitoring Reports to P&D on a monthly basis. One year after occupancy clearance for the proposed cooler addition, the applicant may submit a request to P&D to file the Monitoring Reports on a less frequent basis. The determination to adjust the filing period of the Monitoring Reports shall be based on demonstrated good-faith efforts to ensure compliance with all conditions of approval.

4.2 Permit Compliance Hearing: One year after occupancy clearance of the proposed cooler addition, a permit compliance hearing shall be scheduled and funded by the permittee and noticed as a public hearing before the Planning Commission. The purpose of the permit compliance hearing would be for the Planning Commission to receive a report from P&D, the permittee, and interested public on the state of compliance of the facility with required conditions of approval. If the Planning Commission determines at the noticed permit compliance hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-315 of Article III of the Santa Barbara County 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.

IV. Conditions Specific to Major Conditional Use Permits

5. 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 approval of Land Use Permits 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.
6. 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. 35-315 of Article III of the Santa Barbara County 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.
7. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Land Use Permit 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.

8. 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.
9. 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. Failure to commence the construction and/or use pursuant to a valid Land Use Permit shall render the Conditional Use Permit null and void.
10. 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.
11. 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 Land Use Permit.

VI. County Rules and Regulations:

12. **Additional Permits Required:** 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 the Planning and Development Department. A Land Use Permit expires two years from issuance and a time extension must be sought by the applicant prior to expiration of the LUP. The Land Use Permit (zoning clearance) is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a Land Use Permit (zoning clearance) will be issued by the Planning and Development Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available ~~in the~~ from P&D Department.
13. **Print and Illustrate Conditions on Plans:** All final conditions of approval by the Planning Commission shall be printed in their entirety on appropriate construction or building plans submitted to P&D.
14. **Fees Required:** Prior to issuance of a Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full. ~~Prior to approval of Land Use Permits, the applicant shall provide evidence that she/he has recorded an Agreement to Comply with Conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.~~

15. **Indemnity and Separation Clauses:** 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 attach, set aside, void, or annul, in whole or in part, the County's approval of the final development plan. 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.
16. **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 in the time period provided for in section 66499.37, 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 Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.
17. **Signed Agreement to Comply Required:** Prior to issuance of a Land Use Permit, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
18. **Mailed Notices of Land Use Permit Approval:** Prior to issuance of a Land Use Permit, 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.
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 Land Use Permits\Coastal Development 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.

- 20. Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.

VIII. Attachments

- A. Revised Findings
- B. Proposed Final Mitigated Negative Declaration No. 06NGD-00000-00005
- C. Draft Rezone Ordinance
- D. Development Plan No. 05DVP-00000-00007 Conditions of Approval and Departmental Condition Letters and Memoranda
- E. Conditional Use Permit No. 05CUP-00000-00018 Conditions of Approval
- F. Land Use and Zoning Designation Maps
- G. Revised Project Plans
- H. North County Board of Architectural Review Minutes Excerpt from March 24, 2006 Meeting
- I. Letter from Agricultural Advisory Committee dated April 27, 2006.
- J. Santa Maria Valley Agricultural Cooler Map and List

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1** The Planning Commission and Board of Supervisors have considered the Mitigated Negative Declaration (06NGD-00000-00005) together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Planning Commission, has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2** The Planning Commission and Board of Supervisors finds that through feasible conditions placed upon the project, the potentially significant impacts on the environment have been eliminated or substantially mitigated.
- 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, Mr. Steve Chase, Planning and Development, located at 123 East 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 Development Plan Findings

Pursuant to Section 35-317.7 of Article III, a Preliminary or Final Development Plan application shall only be 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 density and intensity of development proposed.*

The project site is approximately 20 acres in size. The project site is located in a rural setting characterized by agricultural uses. The development site will be surrounded by agricultural fields and ranchettes. The agricultural cooler use will be compatible within this setting and with surrounding uses. The proposed development will be approximately 44,650 square feet. A total of approximately 10 acres will be disturbed for development. The project will meet all setback regulations and will leave approximately 10 acres (50% of the site) in field crops. The development site will be set back 60 feet from Telephone Road. This finding can be made with the implementation of conditions requiring adequate landscaping to screen the structure from travelers on Telephone Road and NBAR review and approval. The proposed

development will meet existing and proposed zoning development standards on the site. Therefore, the Planning Commission recommends that the Board of Supervisors find that the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.

2.1.2 That adverse impacts are mitigated to the maximum extent feasible.

The Final Mitigated Negative Declaration (06NGD-00000-00006) identifies potentially significant and adverse environmental impacts and the mitigation measures required to mitigate impacts to the maximum extent feasible. The Final Mitigated Negative Declaration concluded that there would be no residual significant adverse environmental effects. Therefore, in addition to the CEQA findings above, the Planning Commission recommends that the Board of Supervisors further find that significant adverse environmental effects are mitigated to the maximum extent feasible.

2.1.3 That streets and highways are adequate and properly designed.

The site will be accessed by two existing 25' wide driveways via Telephone Road. Telephone Road is identified as a Collector Road by the Circulation Element, which has a policy capacity of 5,000 ADT. Telephone Road is operating at a Level of Service (LOS) A with a volume of approximately 3,033 ADT based on a 2004 traffic count (source: Roadway Traffic Volumes Manual 2004). Traffic mitigation fees will be required to offset the project's incremental effect on traffic. Thus, the addition of project related traffic 221 ADT and 20 am PHT and 21 pm PHT will not substantially change the Levels of Service of any roadway or intersection. Therefore, the Planning Commission recommends that the Board of Supervisors find that streets and highways are adequate and properly designed.

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 proposed project will be served by an on-site private water system. The domestic wastewater will be accommodated by an existing septic system and leachfields. Environmental Health Services has conditioned the project requiring submittal of a Report of Waste Discharge to the Regional Water Quality Control Board to ensure that the system will accommodate the project's wastewater and approval of a water system permit. The proposed development will be served by Santa Barbara County Fire Department Fire Stations #21 located at 3339 Terminal Dr. in Orcutt and #23, located at 5003 Depot Avenue in Santa Maria. The site is located outside of that stations' five minute response time; however, the Fire Department has conditioned the project so that a significant fire protection hazard will not exist. No significant demand for increased police protection is anticipated. Therefore, the Planning Commission recommends that the Board of Supervisors find that there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.

2.1.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

Establishment of the proposed cooling facility as an agriculturally-related use will conform to County policies to promote agricultural uses and support agricultural expansion and intensification in appropriate locations. The applicant proposes to expand the anhydrous ammonia based refrigeration facilities. There would be no increase in vessel storage or in total inventory of anhydrous ammonia at the facility. Anhydrous ammonia is toxic material that can cause respiratory failure, serious injury and death and is classified as an acutely hazardous material.

A screening level risk assessment following the County's established guidelines was prepared by Marine Research Specialists (MRS), an environmental consulting firm, to determine if potential increase in anhydrous ammonia storage and use would represent a significant public risk. The scope of the risk analysis has limited to potential risks to nearby residences, businesses, and populations.

The hazardous risk screening analysis of the proposed project determined that the risks associated with the proposed modifications will minimally increase over the current operations. In addition, the size of the worst case hazard zones will not be increasing as the amount of anhydrous ammonia in the system would not change. Risks for the modified facility are in the green region. Therefore, the potential risk associated with the proposed modifications will be less than significant with the inclusion of feasible mitigation measures and implementation of the required mitigation monitoring program.

Application of conditions of approval to address grading, drainage, erosion, dust, septic disposal, fire protection, aesthetics, and archaeological resource protection as well as County and State regulatory processes will ensure that the project will not be detrimental to neighborhood health, safety, comfort, convenience and welfare. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

2.1.6 *That the project is in conformance with 1) the Comprehensive Plan and 2) the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-306.7.*

As discussed in sections 6.2 and 6.3 of the staff report dated January 27, 2006, with application of identified conditions, the project will be consistent with all applicable provisions of the Comprehensive Plan and zoning ordinance. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project is in conformance with 1) the Comprehensive Plan and 2) the applicable provisions of this Article.

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 site is located in a rural area. The proposed project will support the agricultural uses currently occurring on the project parcel and leased parcels in the Santa Maria area. The use of the proposed building for the cooling and storing of strawberries and peppers is consistent with the surrounding agricultural uses. The new structure will be located on a level area and will be screened with landscaping. The visual character of the area which includes scattered agricultural buildings and residences amongst a large rural area of field crops will not be significantly altered with the addition of the proposed project. Therefore, the Planning Commission recommends that the Board of Supervisors find that the use is compatible with and subordinate to the scenic and rural character of the area.

2.1.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

There are no known public access easements across the subject property. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not conflict with any easements required for public access through, or public use of a portion of the property.

2.2 Conditional Use Permit Findings

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

2.2.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the density and intensity of development proposed.

The Conditional Use Permit will allow for the cooling and storing of produce grown offsite within the expanded cooler as proposed under 05DVP-00000-00007. The 27,300 square foot cooler will be adequate in size to cool produce grown on and off site. The cooler will be located in an agricultural area in close proximity to areas where produce is grown. The cooling facility has been designed to accommodate a large cooling operation. The site is capable of providing adequate water services and sewage disposal. Therefore, the Planning Commission recommends that the Board of Supervisors find that the site for the project is adequate in size, shape, location and physical characteristics to accommodate the density and intensity of development proposed.

2.2.2 That adverse impacts are mitigated to the maximum extent feasible.

The Final Mitigated Negative Declaration (06NGD-00000-00006) identifies potentially significant and adverse environmental impacts and the mitigation measures required to mitigate impacts to the maximum extent feasible. The Final Mitigated Negative Declaration concluded that there would be no residual significant adverse environmental effects. Therefore, in addition to the CEQA findings above, the Planning Commission recommends that the Board of Supervisors further find that significant adverse environmental effects are mitigated to the maximum extent feasible.

2.2.3. That streets and highways are adequate and properly designed.

The site will be accessed by two existing 25' wide driveways via Telephone Road. Telephone Road is identified as a Collector Road by the Circulation Element, which has a policy capacity of 5,000 ADT. Telephone Road is operating at a Level of Service (LOS) A with a volume of approximately 3,033 ADT based on a 2004 traffic count (source: Roadway Traffic Volumes Manual 2004). Traffic mitigation fees will be required to offset the project's incremental effect on traffic. Thus, the addition of project related traffic 221 ADT and 20 am PHT and 21 pm PHT will not substantially change the Levels of Service of any roadway or intersection. Therefore, the Planning Commission recommends that the Board of Supervisors find that streets and highways are adequate and properly designed.

2.2.4 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 proposed project will be served by an on-site private water system. The domestic wastewater will be accommodated by an existing septic system and leachfields. Environmental Health Services has conditioned the project requiring submittal of a Report of Waste Discharge to the Regional Water Quality Control Board to ensure that the system will accommodate the project's wastewater and approval of a water system permit. The proposed development will be served by Santa Barbara County Fire Department Fire Stations #21 located at 3339 Terminal Dr. in Orcutt and #23, located at 5003 Depot Avenue in Santa Maria. The site is located outside of that stations' five minute response time; however, the Fire Department has conditioned the project so that a significant fire protection hazard will not exist. No significant demand for increased police protection is anticipated. Therefore, the Planning Commission recommends that the Board of Supervisors find that there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.

2.2.5. That the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

Establishment of the proposed cooling facility as an agriculturally-related use will conform to County policies to promote agricultural uses and support agricultural expansion and intensification in appropriate locations. The applicant proposes to expand the anhydrous ammonia based refrigeration facilities. There would be no increase in vessel storage or in total inventory of anhydrous ammonia at the facility. Anhydrous ammonia is toxic material that can cause respiratory failure, serious injury and death and is classified as an acutely hazardous material.

A screening level risk assessment following the County's established guidelines was prepared by Marine Research Specialists (MRS), an environmental consulting firm, to determine if potential increase in anhydrous ammonia storage and use would represent a

significant public risk. The scope of the risk analysis has limited to potential risks to nearby residences, businesses, and populations.

The hazardous risk screening analysis of the proposed project determined that the risks associated with the proposed modifications will minimally increase over the current operations. In addition, the size of the worst case hazard zones will not be increasing as the amount of anhydrous ammonia in the system would not change. Risks for the modified facility are in the green region. Therefore, the potential risk associated with the proposed modifications will be less than significant with the inclusion of feasible mitigation measures and implementation of the required mitigation monitoring program.

Application of conditions of approval to address grading, drainage, erosion, dust, septic disposal, fire protection, aesthetics, and archaeological resource protection as well as County and State regulatory processes will ensure that the project will not be detrimental to neighborhood health, safety, comfort, convenience and welfare. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

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

As discussed in sections 6.2 and 6.3 of the staff report dated January 27, 2006, with application of identified conditions, the project will be consistent with all applicable provisions of the Comprehensive Plan and zoning ordinance. With approval of a future rezone to AG-II, the proposed processing of offsite produce will comply with the applicable provisions of Article III. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project is in conformance with 1) the Comprehensive Plan and 2) the applicable provisions of this Article.

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

The project site is located in a rural area. The proposed project will support the agricultural uses currently occurring on the project parcel and leased parcels in the Santa Maria area. The use of the proposed buildings for the cooling and storage of strawberries and peppers is consistent with the surrounding agricultural uses. Therefore, the Planning Commission recommends that the Board of Supervisors find that the use is compatible with and subordinate to the scenic and rural character of the area.

2.2.8 That the project will not conflict with any easements required for public access through, or public use of, a portion of the property.

There are no known public access easements across the subject property. Therefore, the Planning Commission recommends that the Board of Supervisors find that the project will not conflict with any easements required for public access through, or public use of a portion of the property.

2.3 Rezone Findings

Pursuant to Article III, Sec. 35-325.5 of Article III (Inland Zoning Ordinance) of Chapter 35 of the County Code, the following findings are required for approval of a Rezone or Ordinance Amendment.

2.3.1 That the Rezone request is in the interests of the general community welfare.

The purpose of the rezone is to bring the subject property into conformance with the current Article III zoning ordinance and out of the obsolete Ordinance 661 designation. The rezone from the U (ordinance 661) zoning designation to the AG-II-40 zoning designation (Article III) will not shift existing and conforming uses and/or structures to a non-conforming status. The rezone also allows for the processing of produce grown off-site with the approval of a Conditional Use Permit. The parcel will retain agricultural zoning with agriculture and agricultural support uses remaining as the primary uses and objectives for the parcel. The rezoning of the parcel does not further restrict the property owner from conducting any agricultural operations that are not currently restricted under the present zoning. All allowed agricultural uses continue to be allowed after the rezone.

In this manner, the proposal does not impinge upon the community welfare. Therefore, the Planning Commission recommends that the Board of Supervisors find that the Rezone request is in the interests of the general community welfare.

2.3.2 That the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Article III Zoning Ordinance.

In addition to discussion of General Plan and Zoning Ordinance consistency contained in the staff report dated January 27, 2006, we reiterate that the proposed rezone is consistent with the General Plan, the Article III Zoning Ordinance and State law. Therefore, the Planning Commission recommends that the Board of Supervisors finds that the Rezone request is consistent with the General Plan, the requirements of State planning and zoning laws, and the Article III Zoning Ordinance.

2.3.3 That the Rezone request is consistent with good zoning and planning practices.

The proposed rezone updates an obsolete zoning designation to a current zoning designation, allowing the current ordinance (Article III) to govern the parcel to ensure consistency and equity in the application of development review procedures. Therefore, the Planning Commission recommends that the Board of Supervisors finds that the Rezone request is consistent with good zoning and planning practices.

2.4. Agriculture-II (AG-II) Zone District Findings

Pursuant to Article III, Section 35-217.4.3, facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products, but not including animals, grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form are permitted with approval of a Major Conditional Use Permit provided:

2.4.1. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County)

The project site is approximately 20 acres in size. The development site will be surrounded by strawberry and pepper fields, which will supply produce for processing. A total of approximately 10 acres will be disturbed for development, which will leave approximately 10 acres (50% of the site) in field crops. Strawberries and peppers grown off the premises on land leased by the applicant will also be processed in the proposed cooling facility. No produce will be brought from areas located outside of the boundaries of Santa Barbara County. Therefore, the Planning Commission recommends that the Board of Supervisors find that the facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands.

2.4.2. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale

Strawberries and peppers grown off the premises on land leased by the applicant will be processed in the proposed cooling facility. There are adequate local lands cultivated with these agricultural products. No produce will be brought from areas located outside of the boundaries of Santa Barbara County. Therefore, the Planning Commission recommends that the Board of Supervisors find that the primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale

2.4.3. The products are determined by the Planning Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands

Only strawberries and peppers grown on and off site will be processed in the proposed cooling facility. There are adequate local lands cultivated with these agricultural products. Therefore, the Planning Commission recommends that the Board of Supervisors find that the products are similar to products grown on the premises where the facility is located or on other local agricultural lands.

2.4.4. The facility processes products grown on the premises or on other local agricultural lands.

The facility will process all of the strawberries and peppers grown on site in addition to two parcels located in the Santa Maria Valley. There are adequate local lands cultivated with these agricultural products. Therefore, the Planning Commission recommends that the Board of Supervisors find that the facility processes products grown on the premises or on other local agricultural lands.

2.4.5. The facility and products are consistent with the Uniform Rules of the Agricultural Preserve Program

The subject parcel is not enrolled in the Agricultural Preserve Program. Therefore, the Planning Commission recommends that the Board of Supervisors find that the facility and products are consistent with the Uniform Rules of the Agricultural Preserve Program.

2.4.6. The facility is not to be located on prime soils, unless an alternative location on non-prime soils does not exist within a reasonable distance of the proposed site.

The existing and proposed facilities will be located on Pleasanton Sandy Loam, 0-2% slopes (PnA), a Class I soil that is classified as a prime soil. However, the project site was chosen since strawberries thrive on the Class VII soils on the areas of the parcel outside of the development area, rather than on prime soils. Locating the facilities on nonprime soils would require the relocation of existing crops on the non-prime land. There are no other open areas of the subject property available for the cooler facility. Therefore, the Planning Commission recommends that the Board of Supervisors find that an alternative location on non-prime soils does not exist within a reasonable distance of the proposed site.

Better Cooling Agricultural Cooler Facility Expansion
05DVP-00000-00007/05CUP-00000-00018/05RZN-00000-00002
Hearing Date: May 10, 2006
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ATTACHMENT B: PROPOSED FINAL MITIGATED
NEGATIVE DECLARATION NO. 06NGD-00000-00005

ATTACHMENT C

DRAFT
ARTICLE III (REZONE ONLY)
ORDINANCE NO. _____

AN ORDINANCE REPEALING ALL ZONING MAPS AND ZONE DESIGNATIONS
ADOPTED PURSUANT TO THE PROVISIONS OF ORDINANCE 661
AS THEY APPLIED TO ASSESSOR'S PARCEL NUMBER
129-010-035, AND
ADOPTING A NEW ZONING MAP PURSUANT TO THE PROVISIONS OF SECTION 35-
204.
ADOPTING NEW ZONING ORDINANCES AND MAPS, OF ARTICLE III OF CHAPTER 35
OF THE CODE OF THE COUNTY OF SANTA BARBARA, CALIFORNIA,
BY ADOPTING A ZONING MAP IDENTIFIED AS
BOARD OF SUPERVISORS EXHIBIT NO. 35-204.50.11
TO REZONE ASSESSOR'S PARCEL NUMBER
129-010-035 FROM U TO AG-II-40.

Case No. 05RZN-00000-00002

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

All zoning maps and zoning designations previously adopted under the provisions of Zoning Ordinance No. 661 and pursuant to provisions of Sections 35-101 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they relate to Assessor's Parcel Number 129-010-035.

SECTION 2.

Pursuant to the provisions of Section 35-204, "Adopting New Zoning Ordinances and Maps," of Article III, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts the Zoning Maps identified as Board of Supervisors Exhibit No. 35-204.50.11, dated _____, 2006, which rezones Assessor's Parcel Number 129-010-035 from U to AG-II-40, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Maps were specifically and fully set out and described therein.

SECTION 3.

The Chairman of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit No. 35-204.50.11, to show that said map has been adopted by this Board.

SECTION 4

Except as amended by this Ordinance, Section 35-204 of the Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Newspress, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2006, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

Chairperson, Board of Supervisors
of the County of Santa Barbara
State of California

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel

ATTACHMENT D: CONDITIONS OF APPROVAL

FINAL DEVELOPMENT PLAN CONDITIONS

05DVP-00000-00007

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit 1, dated April 27, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions 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 will constitute a violation of permit approval.

The project description is as follows:

A request by Mr. Gil Rodriguez of PCR Design & Construction, representing Mr. Juan Cisneros of Better Cooling, property owner, to consider case nos. 05DVP-00000-00007 [application filed February 17, 2005], 05CUP-00000-00018, and 05RZN-00000-00005 [applications filed March 15, 2005] for:

1. Case No.05DVP-00000-00007 for approval of a final Development Plan under the provisions of Ordinance 661 of the U Zone District, to develop a 16,380 ft² expansion to an existing 13,650 ft² agricultural cooling facility, a 7,000 ft² shade canopy at the southeast corner of the cooler building, and a 24,000 ft² storage building. The cooler uses approximately 5,000 pounds of anhydrous ammonia as a refrigerant within a closed system. Grading for the proposed expansion and warehouse has been complete and consists of approximately 766 cubic yards of earthwork (766 cubic yards of cut and 339 cubic yards of fill). Access would be provided via Telephone Road to two existing 25' wide A/C driveways. Water would continue to be served by two onsite water wells. Sanitary services would be provided by an existing septic system.

Strawberry season (March-June) truck loading/unloading hours would be 8:00 a.m. to 10:00 p.m. Pepper season (July-November) truck loading/unloading hours would be 8:00 a.m. to 9:00 p.m. Vehicular trips per day would average 25 field trucks and 15 line trucks. Vehicular trips during the pepper season would be approximately 12 field truck and 7 line truck trips. No truck trips would be permitted outside of truck loading/unloading hours. Third-party refrigerated or other delivery trucks (e.g. semis) would not be parked overnight or stored on-site. From 10:00p.m. to 02:00 a.m., non-noise generating activities could be performed by a crew of up to four employees and would be limited to non-noise generating work within the interior of the cooler building. Such activities would include wrapping and staging product for shipping the following day. Approximately 30 employees would be onsite during

normal operation hours. The activities during the winter season would involve cleaning equipment, painting, and repairs.

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.

MITIGATION MEASURES FROM 06NGD-00000-00005

- 1.1. The design, scale, and character of the project architecture shall maximize compatibility with vicinity development. The project shall be reviewed and approved by the North County Board of Architectural Review. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and final approval by the North County Board of Architectural Review prior to approval of Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to North County Board of Architectural Review plan filing.
- 1.2. A trash/recycling storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash/recycling storage area shall be maintained in good repair for the life of the project. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash/recycling storage area shall be installed prior to occupancy clearance.

MONITORING: P&D shall inspect prior to occupancy clearance.

- 1.3. Walls higher than six (6) feet shall be in tones compatible with surrounding terrain (darker earthtones) using textured materials or construction methods which create a textured effect. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti. **Plan requirements:** Specified landscaping shall be incorporated in the landscape plan. **Timing:** Landscaping shall be installed prior to occupancy clearance.

MONITORING: Permit Compliance shall photodocument installation and maintenance of landscaping per plan. Permit Compliance signature is required for release of performance security.

- 1.4. The permittee shall ensure that the storage of pallets, boxes, equipment, and other materials either occurs indoors or, if out-of-doors, in a manner that is not visible or not objectionable from surrounding properties or public viewsheds. Out-of-doors storage shall be properly maintained for the life of the project.

MONITORING: Permit Compliance personnel shall field check as appropriate.

- 1.5. Landscaping in combination with solid screen wall(s) or fence(s) shall be provided to screen the agricultural cooler buildings from surrounding properties and public viewsheds to the maximum extent feasible. Landscaping and screen walls or fencing shall be maintained for the life of the project. **Plan Requirements and Timing:** Prior to Land Use Permits, the applicant/owner shall enter into an agreement with the County to install required landscaping, water-conserving irrigation systems, solid screen wall or fence, and maintain landscaping and screening wall or fence for the life of the project. The landscaping plan shall utilize drought-tolerant native species to the maximum extent feasible. Individual landscape species intended to screen structures shall be of an evergreen variety. At least two screening landscape species shall be incorporated in case disease affects one species. Screening landscape species shall be frost resistant. The applicant shall also submit three copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscaping and irrigation shall be installed.

MONITORING: Permit Compliance personnel shall inspect installation prior to occupancy clearance and shall inspect maintenance once per year during the maintenance period and as appropriate.

- 1.6. Exterior night lighting installed on the project site shall be of low intensity, low glare design, of minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Existing lighting standards and wall-mounts shall be modified by attaching accessory hoods and/or shrouds designed to minimize light spill-over to the sides and rear and to resist high winds. Special attention shall be paid to the design of accessory hoods/shrouds for the two light standards fronting Telephone Road to minimize any light spillover onto Telephone Road, while still allowing adequate illumination of each access driveway for safety purposes. In lieu of accessory shrouds, the applicant may replace the existing light standards with new standards or bollards of a maximum height of ten feet and reduce the height of wall-mounted lighting. All exterior night lights shall be automatically controlled by any combination timers and/or photometers to dim lights to a number and intensity absolutely necessary for safety by 7:00 p.m. each evening and shut off all lights completely by 10:30 p.m. each evening. The Applicant shall develop and submit for review and approval by P&D, a Lighting Plan incorporating these requirements. **Plan Requirements:** The locations of all exterior lighting fixtures with an arrow showing the direction of light being cast by each fixture, design of accessory hoods and/or shrouds, and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D.

MONITORING: P&D shall approve a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. Permit Compliance personnel shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

- 1.7. The developer shall clear the project site of all excess construction debris prior to occupancy clearance. **Plan Requirement:** This requirement shall be noted on final building plans. **Timing:** Debris clearance shall occur prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall inspect prior to occupancy clearance.

- 1.8. 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 applicant 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 applicant.

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 Permit and Permit Compliance personnel shall spot check in the field.

- 1.9. The following equipment shall be installed and operations implemented to minimize the probability and/or extent of potential coolant releases:
- a. Dead man valves shall be installed on all oil drain pots. Safe oil draining procedures shall be created, appropriately updated, and followed for the life of the project. An oil draining procedure employee training program shall also be created, appropriately updated and implemented for the life of the project.
 - b. A seismic analysis of equipment installation shall be performed in consultation with the Fire Department. Any recommendations for additional equipment or piping bracing shall be implemented.
 - c. Process & Instrumentation Diagrams P&IDs shall be updated to reflect current “as-built” conditions and be appropriately updated to reflect plant changes.

- d. Recurring safety audits shall be held of a scope and frequency to be determined by the Fire Department.
- e. Recurring operator safety drills shall be held of a scope and frequency to be determined by the Fire Department.

Plan requirements: Final plans depicting dead man valves shall be submitted to P&D and the Fire Department. Copies of documents required above shall also be submitted to P&D and the Fire Department. **Timing:** Submittals shall be submitted and approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel may inspect installation of dead man valves. The Fire Department shall verify compliance through the CalARP program.

- 1.10.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** One sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Sign shall be in place prior to land use clearance and throughout grading and construction activities.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

- 1.11.** A ten-foot tall masonry wall, as measured from average grade, shall be constructed in areas as recommended in the project sound level assessment. The wall shall remain in good repair for the life of the project. **Plan Requirements:** Project plans shall clearly depict the masonry wall. **Timing:** The masonry wall shall appear on plans prior to Land Use Clearance. The masonry wall shall be constructed prior to Occupancy Clearance.

MONITORING: Building Inspectors and Permit Compliance personnel shall verify construction.

- 1.12.** The applicant shall develop and implement a solid waste management plan to be approved by the Public Works Solid Waste Division and P&D and shall include the following components at a minimum:

- a. Provision of space and/or bins for storage of recyclable materials within the project site.
- b. Establishment of a recyclable material pickup area for commercial/industrial projects (i.e., loading docks, etc.).

- c. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County-sponsored programs).
- d. Implementation of a monitoring program (quarterly, bi-annually) to ensure a 35%-50% minimum participation in recycling efforts, requiring businesses to show written documentation in the form of receipts.
- e. Development of Source Reduction Measures, indicating method and amount of expected reduction.
- f. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.

Plan Requirements: A written solid waste management plan shall be submitted to the Public Works Solid Waste Division and P&S for review and approval.

Timing: The solid waste management plan shall be submitted prior to Land Use Permit. The solid waste management plan shall be approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall spot check and respond to complaints.

CONDITIONS FOR LAND USE PERMIT

The following conditions shall be satisfied prior to approval of a Land Use Permit for this project:

2. **LUP approval for grading:** The applicant shall submit grading and drainage plans to be reviewed and approved under a Land Use Permit concurrently with structural development. Any revisions required upon review of the grading and drainage plans shall be applied.
3. **Archaeological remains: (condition deleted)**
4. **Board of Architectural Review: (condition deleted)**
5. **Landscape Requirements:** Landscaping consistent with the approved landscaping plan shall be maintained for the life of the project. Prior to the issuance of the Land Use Permit for this development, a performance security, in an amount to be determined by the Planning and Development Department to guarantee the installation of plantings and fences, in accordance with the approved landscape plan, and adequate maintenance of the planting shall be filed with the County.

Two performance securities shall be provided by the applicant prior to Land Use Permit approval: one shall be equal to the value of installation of all items listed in section (a) below (labor and materials); and one shall be equal to the value of maintenance and/or replacement of the items listed in section (a) for 3 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 2 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- (b) The landscaping and fencing shall be installed as approved by the North County Board of Architectural Review and Planning and Development, and shall be installed prior to occupancy clearance. The project landscaping shall consist of drought-tolerant native and/or fast growing species which adequately screen the project site from surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure.

P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

- 6. Electrical utilities shall be installed underground.
- 7. **Exterior Lighting: (condition deleted)**
- 8. ***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.
 - a. Fire Department letter dated October 14, 2005.
 - b. Air Pollution Control District letter dated March 2, 2005.
 - c. Environmental Health Services letter dated January 25, 2006.
 - d. Public Works, Roads Division letter dated January 26, 2006.
 - e. Flood Control District letter dated March 3, 2005.
 - f. Water Agency letter dated January 25, 2006.

ENFORCEMENT

9. If the Planning Commission determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit conditions, pursuant to the provisions of Sec. 35-317 of Article III of the Santa Barbara County 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.

DEVELOPMENT PLAN CONDITIONS

10. Approval of the Final Development Plan shall expire ten (10) years after approval by the Planning Commission unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.
11. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1, dated April 27, 2006. Substantial conformity shall be determined by the Director of P&D.
12. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
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 approval of a LUP.

COUNTY RULES AND REGULATIONS

14. **Signed Agreement to Comply Required:** Prior to approval of a Land Use Permit, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
15. 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.

- 16.** 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.
- 17. Mailed Notices of Land Use Permit Approval:** Prior to issuance of a Land Use Permit, 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. 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 Land Use Permits\Coastal Development 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.

ATTACHMENT E: CONDITIONS OF APPROVAL

Date: May 10, 2006

PRELIMINARY DRAFT
SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35

CASE NO. 05CUP-00000-00018

I. A Conditional Use Permit is Hereby Granted:

TO: Mr. Juan Cisneros, Better Cooling, Inc.

APN: 129-010-035

PROJECT ADDRESS: 2780 Telephone Road

AREA Santa Maria

SUPERVISORIAL DISTRICT: Fifth

FOR: Processing produce grown off the premises within a proposed cooling facility to be expanded under 05DVP-00000-00007.

II. This permit is subject to compliance with the following conditions:

PROJECT DESCRIPTION

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit 1, dated April 27, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions 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 will constitute a violation of permit approval.

The project description is as follows:

A request by Mr. Gil Rodriguez of PCR Design & Construction, representing Mr. Juan Cisneros of Better Cooling, property owner, to consider case nos. 05DVP-00000-00007 [application filed February 17, 2005], 05CUP-00000-00018, and 05RZN-00000-00005 [applications filed March 15, 2005] for:

2. Case No. 05CUP-00000-00018 for approval of a Major Conditional Use Permit pursuant to Sec. 35-217.4.3 of Article III (Inland Zoning Ordinance) of Chapter 35 of the County Code for lands designated

Unlimited Agriculture (U) under the Ordinance 661 zoning ordinance, to allow the freezing and storage of agricultural products grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form.

Strawberry season (March-June) truck loading/unloading hours would be 8:00 a.m. to 10:00 p.m. Pepper season (July-November) truck loading/unloading hours would be 8:00 a.m. to 9:00 p.m. Vehicular trips per day would average 25 field trucks and 15 line trucks. Vehicular trips during the pepper season would be approximately 12 field truck and 7 line truck trips. No truck trips would be permitted outside of truck loading/unloading hours. Third-party refrigerated or other delivery trucks (e.g. semis) would not be parked overnight or stored on-site. From 10:00p.m. to 02:00 a.m., non-noise generating activities could be performed by a crew of up to four employees and would be limited to non-noise generating work within the interior of the cooler building. Such activities would include wrapping and staging product for shipping the following day. Approximately 30 employees would be onsite during normal operation hours. The activities during the winter season would involve cleaning equipment, painting, and repairs.

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 06NGD-00000-00005

- 1.1. The design, scale, and character of the project architecture shall maximize compatibility with vicinity development. The project shall be reviewed and approved by the North County Board of Architectural Review. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and final approval by the North County Board of Architectural Review prior to approval of Land Use Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to North County Board of Architectural Review plan filing.
- 1.2. A trash/recycling storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash/recycling storage area shall be maintained in good repair for the life of the project. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash/recycling storage area shall be installed prior to occupancy clearance.

MONITORING: P&D shall inspect prior to occupancy clearance.

- 1.3. Walls higher than six (6) feet shall be in tones compatible with surrounding terrain (darker earthtones) using textured materials or construction methods which create a textured effect. Clinging vines and/or vertical planting shall be provided on trash enclosure walls and any other masonry walls where appropriate, as determined by P&D, to soften the visual effects of the structures and to discourage the occurrence of graffiti. **Plan requirements:** Specified landscaping shall be incorporated in the landscape plan. **Timing:** Landscaping shall be installed prior to occupancy clearance.

MONITORING: Permit Compliance shall photodocument installation and maintenance of landscaping per plan. Permit Compliance signature is required for release of performance security.

- 1.4. The permittee shall ensure that the storage of pallets, boxes, equipment, and other materials either occurs indoors or, if out-of-doors, in a manner that is not visible or not objectionable from surrounding properties or public viewsheds. Out-of-doors storage shall be properly maintained for the life of the project.

MONITORING: Permit Compliance personnel shall field check as appropriate.

- 1.5. Landscaping in combination with solid screen wall(s) or fence(s) shall be provided to screen the agricultural cooler buildings from surrounding properties and public viewsheds to the maximum extent feasible. Landscaping and screen walls or fencing shall be maintained for the life of the project. **Plan Requirements and Timing:** Prior to Land Use Permits, the applicant/owner shall enter into an agreement with the County to install required landscaping, water-conserving irrigation systems, solid screen wall or fence, and maintain landscaping and screening wall or fence for the life of the project. The landscaping plan shall utilize drought-tolerant native species to the maximum extent feasible. Individual landscape species intended to screen structures shall be of an evergreen variety. At least two screening landscape species shall be incorporated in case disease affects one species. Screening landscape species shall be frost resistant. The applicant shall also submit three copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscaping and irrigation shall be installed.

MONITORING: Permit Compliance personnel shall inspect installation prior to occupancy clearance and shall inspect maintenance once per year during the maintenance period and as appropriate.

- 1.6. Exterior night lighting installed on the project site shall be of low intensity, low glare design, of minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Existing lighting standards and wall-mounts shall be modified by attaching accessory

hoods and/or shrouds designed to minimize light spill-over to the sides and rear and to resist high winds. Special attention shall be paid to the design of accessory hoods/shrouds for the two light standards fronting Telephone Road to minimize any light spillover onto Telephone Road, while still allowing adequate illumination of each access driveway for safety purposes. In lieu of accessory shrouds, the applicant may replace the existing light standards with new standards or bollards of a maximum height of ten feet and reduce the height of wall-mounted lighting. All exterior night lights shall be automatically controlled by any combination timers and/or photometers to dim lights to a number and intensity absolutely necessary for safety by 7:00 p.m. each evening and shut off all lights completely by 10:30 p.m. each evening. The Applicant shall develop and submit for review and approval by P&D, a Lighting Plan incorporating these requirements. **Plan Requirements:** The locations of all exterior lighting fixtures with an arrow showing the direction of light being cast by each fixture, design of accessory hoods and/or shrouds, and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D.

MONITORING: P&D shall approve a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. Permit Compliance personnel shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

- 1.7. The developer shall clear the project site of all excess construction debris prior to occupancy clearance. **Plan Requirement:** This requirement shall be noted on final building plans. **Timing:** Debris clearance shall occur prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall inspect prior to occupancy clearance.

- 1.8. 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 applicant 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 applicant.

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 Permit and Permit Compliance personnel shall spot check in the field.

- 1.9.** The following equipment shall be installed and operations implemented to minimize the probability and/or extent of potential coolant releases:
- a. Dead man valves shall be installed on all oil drain pots. Safe oil draining procedures shall be created, appropriately updated, and followed for the life of the project. An oil draining procedure employee training program shall also be created, appropriately updated and implemented for the life of the project.
 - b. A seismic analysis of equipment installation shall be performed in consultation with the Fire Department. Any recommendations for additional equipment or piping bracing shall be implemented.
 - c. Process & Instrumentation Diagrams P&IDs shall be updated to reflect current “as-built” conditions and be appropriately updated to reflect plant changes.
 - d. Recurring safety audits shall be held of a scope and frequency to be determined by the Fire Department.
 - e. Recurring operator safety drills shall be held of a scope and frequency to be determined by the Fire Department.

Plan requirements: Final plans depicting dead man valves shall be submitted to P&D and the Fire Department. Copies of documents required above shall also be submitted to P&D and the Fire Department. **Timing:** Submittals shall be submitted and approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel may inspect installation of dead man valves. The Fire Department shall verify compliance through the CalARP program.

- 1.10.** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** One sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Sign shall be in place prior to land use clearance and throughout grading and construction activities.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

- 1.11.** A ten-foot tall masonry wall, as measured from average grade, shall be constructed in areas as recommended in the project sound level assessment. The

wall shall remain in good repair for the life of the project. **Plan Requirements:** Project plans shall clearly depict the masonry wall. **Timing:** The masonry wall shall appear on plans prior to Land Use Clearance. The masonry wall shall be constructed prior to Occupancy Clearance.

MONITORING: Building Inspectors and Permit Compliance personnel shall verify construction.

1.12. The applicant shall develop and implement a solid waste management plan to be approved by the Public Works Solid Waste Division and P&D and shall include the following components at a minimum:

- a. Provision of space and/or bins for storage of recyclable materials within the project site.
- b. Establishment of a recyclable material pickup area for commercial/industrial projects (i.e., loading docks, etc.).
- c. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County-sponsored programs).
- d. Implementation of a monitoring program (quarterly, bi-annually) to ensure a 35%-50% minimum participation in recycling efforts, requiring businesses to show written documentation in the form of receipts.
- e. Development of Source Reduction Measures, indicating method and amount of expected reduction.
- f. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint, etc.). This could include requesting suppliers to show recycled material content.

Plan Requirements: A written solid waste management plan shall be submitted to the Public Works Solid Waste Division and P&S for review and approval.

Timing: The solid waste management plan shall be submitted prior to Land Use Permit. The solid waste management plan shall be approved prior to occupancy clearance.

MONITORING: Permit Compliance personnel shall spot check and respond to complaints.

IV. Project Specific Conditions

- 2. Rezone to AG-II:** Adoption and implementation of a rezone to AG-II prior to approval of a Land Use Permit is required to effectuate the Major Conditional Use Permit for processing of offsite produce.

3. **A “Notice to Property Owner” (condition deleted)**
4. **Applicant shall provide proof of full-time employment of farm employees residing in farm-employee dwellings every five years beginning from the issuance of Land Use Permit for the farm employee dwelling. (condition deleted)**
 - 4.1 **Monthly Monitoring Reports:** A Monitoring Report form shall be prepared and submitted to P&D for review and approval. The submitted Monitoring Reports shall include documentation of all aspects of the operation with potential effects on surrounding properties including, but not limited to, hours of operation, truck movement hours, potential releases of ammonia, and facility maintenance activities for review by Permit Compliance personnel. **Plan Requirements:** The Monitoring Report form shall be reviewed and approved by P&D. The facility shall submit completed Monitoring Reports on a monthly basis to P&D for review. **Timing:** Prior to Land Use Clearance issuance, the applicant shall provide a Monitoring Report form, to be reviewed and approved by P&D. Upon occupancy clearance of the proposed cooler addition, the facility shall submit Monitoring Reports to P&D on a monthly basis. One year after occupancy clearance for the proposed cooler addition, the applicant may submit a request to P&D to file the Monitoring Reports on a less frequent basis. The determination to adjust the filing period of the Monitoring Reports shall be based on demonstrated good-faith efforts to ensure compliance with all conditions of approval.
 - 4.2 **Permit Compliance Hearing:** One year after occupancy clearance of the proposed cooler addition, a permit compliance hearing shall be scheduled and funded by the permittee and noticed as a public hearing before the Planning Commission. The purpose of the permit compliance hearing would be for the Planning Commission to receive a report from P&D, the permittee, and interested public on the state of compliance of the facility with required conditions of approval. If the Planning Commission determines at the noticed permit compliance hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-315 of Article III of the Santa Barbara County 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.

V. Conditions Specific to Major Conditional Use Permits

5. 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 approval of Land Use Permits 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.
6. 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. 35-315 of Article III of the Santa Barbara County 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.
7. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Land Use Permit 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.
8. 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.
9. 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. Failure to commence the construction and/or use pursuant to a valid Land Use Permit shall render the Conditional Use Permit null and void.
10. 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.
11. 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 Land Use Permit.

VI. County Rules and Regulations:

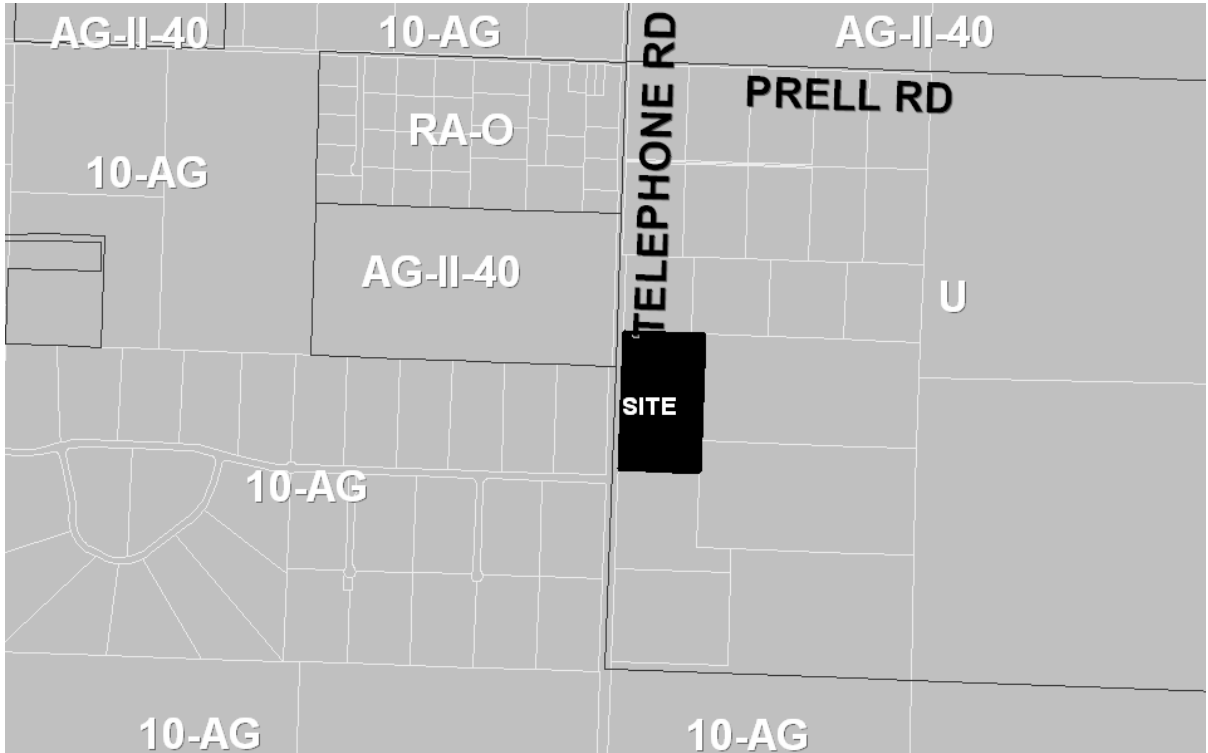
- 12. Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit (zoning clearance) from the Planning and Development Department. A Land Use Permit expires two years from issuance and a time extension must be sought by the applicant prior to expiration of the LUP. The Land Use Permit (zoning clearance) is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a Land Use Permit (zoning clearance) will be issued by the Planning and Development Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from P&D.
- 13. Print and Illustrate Conditions on Plans:** All final conditions of approval by the Planning Commission shall be printed in their entirety on appropriate construction or building plans submitted to P&D.
- 14. Fees Required:** Prior to issuance of a Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.
- 15. Indemnity and Separation Clauses:** 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 attach, set aside, void, or annul, in whole or in part, the County's approval of the final development plan. 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.
- 16. 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 in the time period provided for in section 66499.37, 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 Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.
- 17. Signed Agreement to Comply Required:** Prior to issuance of a Land Use Permit, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
- 18. Mailed Notices of Land Use Permit Approval:** Prior to issuance of a Land Use Permit, 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.

- 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 Land Use Permits\Coastal Development 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.
- 20. Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.

ATTACHMENT F: ZONING AND LAND USE DESIGNATION MAPS

Zoning Designation Map



Land use Designation Map

