

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Better Cooling Facility Expansion
and Farm Employee Dwelling

Hearing Date: February 8, 2006
Staff Report Date: January 27, 2006

Deputy Director: _____

Zoraida Abresch

Division: Development Review, No. Co.

Staff Contact: Lilly Okamura

Supervising Planner: John Karamitsos

Phone #: 805-934-6255

Case Nos.: 05DVP-00000-00007 &
05CUP-00000-00018

Environmental Document: Exemption: CEQA Guidelines § 15061 (b)(3)

OWNER

Mr. Juan Cisneros
Better Cooling, Inc.
1204 West Cook Street
Santa Maria, CA 93454
805-739-1723

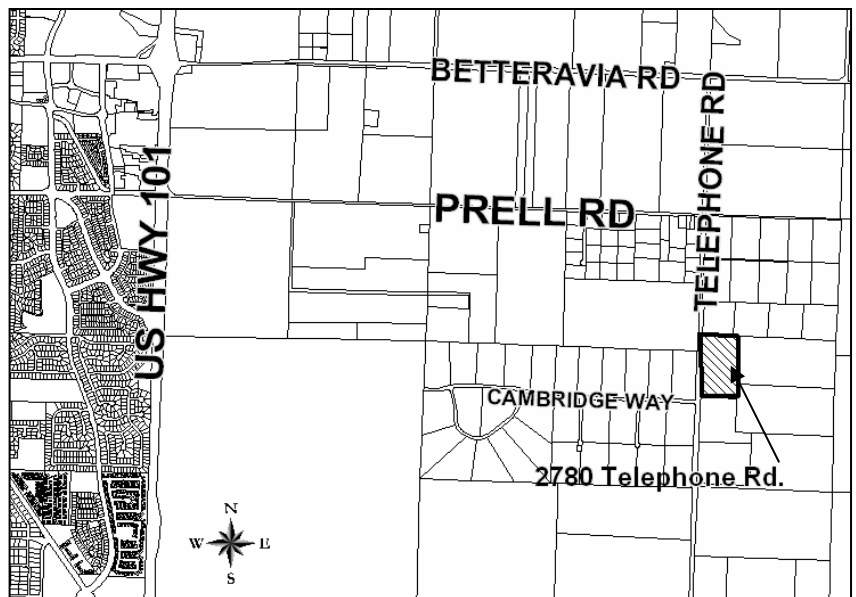
APPLICANT/AGENT

Mr. Gil Rodriguez
PCR Design & Construction
2325 Skyway Drive, Suite G
Santa Maria, CA 93454
805-345-3147

ENGINEER:

Accord Engineering
2125 South Broadway
Santa Maria, CA 93454
805-348-3320

VICINITY MAP



This site is identified as Assessor Parcel Number 129-010-035, approximately 140 feet northeast of the intersection of Telephone Rd. and Cambridge Way, addressed as 2780 Telephone Road, Santa Maria area, Fifth Supervisorial District.

1.0 REQUEST

The request of Gil Rodriguez, agent for the applicant, to consider the following:

- a) 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 13,650 square foot expansion to an existing 13,650 square foot agricultural cooling facility, a 7,000 sq. ft. shade canopy at the southeast corner of the cooler building, and a 24,000 square foot storage building; and
- b) Case number 05CUP-00000-00018 for a Conditional Use Permit allowing the cooling and storage of produce grown off the premises and to change the use of a residence to a farm employee dwelling under the provisions of Ordinance 661 Zoned U.

Application Filed:	February 17, 2005
Application Complete:	November 5, 2005
Processing Deadline:	60 days from NOE

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 05DVP-00000-00007 and 05CUP-00000-00018 marked "Officially Accepted, County of Santa Barbara, February 8, 2006, Planning Commission Attachment 1", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings;
2. Accept the CEQA Section 15061 (b)(3) exemption included as Attachment B;
3. Approve 05DVP-00000-00007 subject to the conditions included as Attachment C, and;
4. Approve 05CUP-00000-00018 subject to the conditions included as Attachment D.

Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

3.1 Cooler Expansion Development Plan

Based on Sec. 35-317.2 of Article III, the Inland Zoning Ordinance, the Planning Commission shall have jurisdiction of all Development Plans in the agricultural zone districts.

3.2 Major Conditional Use Permit for processing produce grown onsite

Based on Sec. 35-315.3, the Planning Commission shall have jurisdiction of all Major Conditional Use Permits and extensions of time thereof.

3.3 Farm Employee Dwelling Minor Conditional Use Permit

Based on Sec. 35-315.4, the Zoning Administrator shall have jurisdiction of all Minor Conditional Use Permits and extensions of time thereof.

3.4 Multiple Projects

The Conditional Use Permits is being considered along with the Development Plan request based on Section 35-292d of Article III, which states that when two or more applications are submitted that relate to the same development project and would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction. Therefore, the final decision-maker for both applications will be the Planning Commission.

4.0 ISSUE SUMMARY

4.1 Consistency Rezone requirement for processing of produce offsite and farm employee dwelling

Ordinance 661, adopted in the 1960's, was replaced by Article III zoning ordinance in 1983; however, there are numerous parcels in the rural areas of the County still subject to this outdated ordinance. When a permit is applied for on a property zoned under Ordinance 661, a consistency rezone is required when the project cannot otherwise be permitted under Ordinance 661, and Article III zoning would enable the development.

The current Unlimited Agriculture (U) zone district under Ordinance 661 does not allow for agricultural coolers that process produce grown offsite, nor does it permit farm employee dwellings. A rezone to Article III would be required in order to allow the cooling and storage of produce grown offsite and for the legalization of the farm employee dwelling. Only the AG-II zone district in Art. III allows for the cooling of produce grown offsite. Per the applicant's request, an application for a rezone would not be required at this time as processing the rezone would involve at a minimum of two additional months of processing that would delay construction of the Development Plan portion of the proposed project. A condition has been added to require adoption and implementation of a rezone to AG-II prior to approval of a Land Use Permit to effectuate the both the Major and Minor Conditional Use Permits for processing of offsite produce and to convert the farm employee dwelling.

The Comprehensive Planning Division's Three Year Work Program (2005-2008) would implement Phase III of the Agricultural Element by replacing antiquated Ordinance 661 zoning in the rural areas with modern Article III zoning designations. Therefore, all of the surrounding parcels, which are zoned Unlimited Agriculture (U) and range in size from 10 acres to 40 acres, would be rezoned to Article III within the next three years. Because the entire area is within the rural area, the surrounding parcels would likely be rezoned to Agriculture-II (40 acre minimum parcel size), which, although would create several non-conforming parcels, would be consistent with the future zone designation of the subject parcel and would avoid spot zoning.

4.2 Hazardous Risk Analysis

The applicant proposes to expand the anhydrous ammonia based refrigeration facilities, which would involve adding a single compressor, 3 precooling coils, 5 fan coil units and 1 condenser. The existing cooler uses approximately 5,000 pounds of anhydrous ammonia as a refrigerant within a closed system. There would be no increase in vessel storage or in total inventory of anhydrous ammonia as a result of the proposed project.

Anhydrous ammonia is a toxic material that can cause respiratory failure, serious injury, and death and is classified as an acutely hazardous material. The toxic characteristics of anhydrous ammonia give rise to the need to examine the risks associated with operations that use the material.

A Risk Management Plan (RMP) analysis (Tracer, 2005), Hazard Assessment, and California Accidental Release Prevention document has been submitted by the applicant and reviewed by Marine Research Specialists (MRS), an environmental consulting firm with substantial experience working with the Planning and Development Department. A screening level risk assessment following the County's established guidelines was prepared by MRS 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. Impacts and risks to Better Cooling employees were not addressed. The screening risk analysis was conducted following the recommendations of the Center for Chemical Process Safety (CCPS) and the Health and Safety Executive (HSE) of the United Kingdom. The CCPS *Guidelines for Quantitative Risk Analysis* used for this project has been used as the basis for other risk assessments conducted for facilities in Santa Barbara County.

The risk analysis included five major tasks:

- Identification of accidental release scenarios and probabilities.
- Determine the consequences of each release scenario.
- Develop estimates of the risk associated with the ammonia refrigeration facilities.
- Develop a quantitative estimate of risk.
- Compare risk estimates to the County's risk screening guidelines.

The hazards identified include a release of anhydrous ammonia from process equipment and from occasional truck delivery operations. Hazard zones and scenarios were based on data presented in the facilities Risk Management Plan (RMP) analysis, including the hazard assessment. The approach taken in the study involved estimating the frequency of a release from the process equipment and operations, then to estimate the associated conditional probabilities of the wind direction being towards a residence, and of persons at the residence suffering a serious injury or fatality. Aerial photographs were used and a site visit was conducted to verify the location of nearby residential housing.

Hazard zone distances included in the RMP are 0.82 miles for the worst case (injury distances with F stability and a 1.5 m/s wind speed) and 0.22 miles for the alternate case releases (injury distance for D stability and a 3 m/s wind speed). Exposed populations were determined based on estimated residential populations from census data (2.9 persons per household). Residences are estimated to be as close as 725 feet in the SW direction from the facility towards Cambridge Street.

Based on the screening risk analysis prepared by MRS, the estimated single fatality rate is currently 3.5×10^{-7} year, which is less than the County threshold of one in one million (1.0×10^{-6} /year). The fatality zone is estimated to reach residences for the worst case scenario. In combination with the conditional probability of a wind direction toward the closest houses at the time of a release, the number and frequency of fatalities places the risk in the green region.

The hazardous risk screening analysis of the proposed project determined that the risks associated with the proposed modifications would minimally increase over the current operations. The proposed modifications to the plant would increase the amount of piping and valves and equipment that could fail, thereby producing a release. There would be an increase in the failure rates for the partial, or more moderate sized releases, due to the increase in vapor and liquid piping to the new pre-coolers and evaporators. There would also be an increase in frequency of more major releases due to the increase in larger liquid piping to the condensers and the increase in the number of condensers from 1 to 2. The size of the worst case hazard zones would not be increasing as the amount of anhydrous ammonia in the system would not change. Risks for the modified facility would also be in the green region. Therefore, the potential risk associated with the proposed modifications would be insignificant. The Quantitative Risk Analysis has been included as Attachment G.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Existing: Rural; Agriculture (A)
Ordinance, Zone District	Ordinance 661; Unlimited Agricultural, 10-acre minimum parcel size (U)
Site Size	20 acres
Present Use & Development	Agriculture/Cooler, residences, agricultural storage structure
Surrounding Uses/Zoning	North: Agriculture & Residence/Unlimited Agriculture (U) South: Agriculture & Residence/Unlimited Agriculture (U) East: Agriculture/Unlimited Agriculture (U) West: Agriculture & Residence/Agriculture (10-AG)
Access	Telephone Road to two existing 25' wide A/C driveways
Public Services	Water: Existing private well Sewage: Existing septic system Fire: S.B. County Fire Dept., Station 21 (3339 Terminal Dr.) and 23 (5003 Depot Rd.) Schools: Santa Maria/Bonita Elementary School District and Santa Maria Union Joint High School District

5.2 Setting

Slope/Topography: The parcel's overall average slope is 0-2%. However, slopes vary from 2% to 16% with small areas of slopes exceeding 20% on the gullied land at the south end of parcel. The topography of the project site is level.

Fauna: Animals located in the project vicinity may include rodents, common birds including raptors, and larger mammals such as skunks, raccoons and foxes. The subject parcel is located within the identified range of the California tiger salamander (CTS), an endangered species that is listed under the federal Endangered Species Act. The southwestern corner of the subject parcel is approximately 3,200 feet northeast of East Bradley Lake, a known breeding site for CTS. In 2003, A CTS evaluation was conducted by Lawrence Hunt, which concluded that the site is not currently suitable habitat for CTS because it is intensively cultivated and Telephone Road creating a barrier between East Bradley Lake and the subject parcel. No rare or endangered species of animals are known to exist within the project site as shown by the County's Biological Resource Maps.

Flora: The site is primarily in agricultural production. No rare or endangered species are known to exist within the project site as shown by the County's Biological Resource Maps.

Archaeological Sites: There are no recorded archaeological sites located on the project site as indicated by the County’s Archaeological Resource maps. No archeological resources have been found within one mile of the project site.

Soils: The project site is underlain with the following soils:

Soil type	Class	Prime soils	Acres
Pleasanton Sandy Loam, 0-2% slopes (PnA)	I	Yes	5.4 acres
Oceano Sand, 2-15% slopes (OcD)	IV	No	4.3 acres
Gullied Land	VIII	No	9.2 acres
Betteravia Loamy Sand, 2-9% slopes (BmC)	VI	No	0.2 acres

Surrounding Land Uses: The site is surrounded by agricultural parcels. Uses onsite consist of row crop production, cooling of produce grown onsite, and residences. To the north is a 9.36 acre parcel used for field crops; to the south is a 15.96 acre agricultural field; to the east is a 40 acre parcel used for irrigated field crops. Two parcels of 10 acres used for residential purposes and 80 acres for irrigated crops are located to the west.

Existing Structures: The following structures are located on the subject parcel:

Structures	Square footage
Cooler	13,650
Load vestibule area	750
Office 1 st floor	1,200
Office 2 nd floor	1,200
Agricultural shop	1,950
Residence	1,600
Residence (proposed FED)	600
Total development	20,950 sq. ft.

5.3 Description

The request of Gil Rodriguez, agent for the applicant, to consider the following:

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 13,650 square foot expansion to an existing 13,650 square foot agricultural cooling facility, a 7,000 sq. ft. shade canopy at the southeast corner of the cooler building, and a 24,000 square foot 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.

2. Case number 05CUP-00000-00018 for:
 - a. A Major Conditional Use Permit allowing the cooling and storage of produce grown off the premises.
 - 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) operating hours would be 8:00 am to 10:00 pm. Vehicular trips per day would average 25 field trucks and 15 line trucks. Pepper season (July-November) operating hours would be 8:00 am to 9:00 pm. 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 operating hours. Approximately 30 employees would be onsite during normal operation hours. The activities during the winter season would involve cleaning equipment, painting, and repairs.

5.4 Background Information

The subject parcel was Parcel 1 of TPM 14,244, which was approved by the Planning Commission on September 9, 1992. A single family dwelling with septic tank, a garage, and three additional structures totaling 6,650 sq. ft. existed on the parcel prior to approval of the parcel map.

The existing 16,800 square foot agricultural accessory structure consisting of a 13,650 sq. ft. produce cooler, a 750 sq. ft. load vestibule area, a 1,200 sq. ft. office on the first floor, a 1,200 sq. ft. office on the second floor, and men's and women's restrooms was approved under 03LUP-00000-01154 and 03LUP-00001-01154 (revision) on December 20, 2004. Additional exterior improvements approved by the LUP included the addition of 24 standard parking spaces, 15 truck parking spaces, and 1 van handicap parking space, landscaping, an A.C. driveway with access from Telephone Road, a trash enclosure, and a 17,687 cu. ft. 100-year storm water retention basin.

An application for a revision to the Grading Permit for the original 16,800 sq. ft. agricultural accessory structure (03GRD-00001-00264) was submitted on November 23, 2005 for grading required for the proposed cooler expansion, warehouse, and expanded retention basin, which consists of 766 cubic yards of earthwork (766 cubic yards of cut

and 339 cubic yards of fill). The applicant is currently revising the grading plans per Building and Safety Division requirements. Building and Safety has allowed the applicant to commence grading in order to complete construction of the proposed project by April 1, 2006 as requested by the applicant. Planning and Development would require that the Grading and Drainage plan is approved concurrent with approval of the follow up Land Use Permit for the Development Plan.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The project may be found exempt from environmental review pursuant to Section 15061 (b, 3) of the State CEQA Guidelines based on the determination that there is no possibility of significant effect. See Attachment B for the details regarding project qualifications.

Basis for Exemption:

- Sensitive Environmental Resources Affected: None – No sensitive environmental resources exist on the parcel. The subject parcel is located within the identified range of the California tiger salamander (CTS), an endangered species that is listed under the federal Endangered Species Act. The southwestern corner of the subject parcel is approximately 3,200 feet northeast of East Bradley Lake, a known breeding site for CTS. In 2003, A CTS evaluation was conducted by Lawrence Hunt, which concluded that the site is not currently suitable habitat for CTS because it is intensively cultivated and Telephone Road creating a barrier between East Bradley Lake and the subject parcel.
- Archaeological/Biological Resources Affected: None – No known archaeological sites are located within 1 mile of the proposed project. A condition has been added requiring work to be stopped or redirected if archaeological remains are encountered (Attachment C, Condition 3).
- Vegetation Disturbed: None – No trees or vegetation would be removed or impacted as part of this project.

- **Earth Moved:** The project site is relatively level with slopes ranging from 0-2%. Grading has been completed, and no additional earthwork would be required.
- **Flooding:** The project would require a retention basin per the Flood Control District requirements. The proposed project is also required to comply with Water Quality Best Management Practices (BMPs) and is subject to review and conditions by the Santa Barbara County Public Works Department Flood Control Water Agency.
- **Other Potential Impacts Considered:**
 - Traffic:** The proposed project would result in 221 ADT, 21 PHT (am), 20 PHT (pm). This small increase in ADT would not significantly change the Levels of Service of any roadway or intersection. The expected increase is below County thresholds for traffic.
 - Water:** The facility would continue to utilize two on-site private wells for fresh water. Approval of a water system permit would be required per Environmental Health Services.
 - Septic:** An existing system for septic disposal would continue to serve the farm employee dwelling in conformance with Environmental Health Services requirements. No additional restrooms would be proposed as part of the cooler facility.
 - Visual:** The site is surrounded by residential ranchette and agricultural parcels used for primarily for irrigated crops. The project would include landscaping to screen the expansion from travelers on Telephone Road. All exterior lighting would be required to be hooded and directed away from residential development and vehicular traffic per the Inland Zoning Ordinance.
- **Data Sources Reviewed:** Project Plans, County Archaeological and Biological Resource Maps, site permit records, Photomapper.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p>Land Use Designation: A, no minimum parcel size.</p>	<p>Consistent. The Land Use Designation of Agriculture (A) predates the County-wide Comprehensive Plan update of 1980. The Comprehensive Plan Land Use Element states that “Agricultural zoning is consistent with all general plan land use designations...” Moreover, a future General Plan Amendment intended to update the land use designation of the entire area is expected to occur in the near future.</p>
LAND USE ELEMENT	
<p>Land Use Development Policy #4: Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred as a result of the proposed project. Lack of public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</p>	<p>Consistent.</p> <p>Water: EHS has reviewed the proposed project and indicated that a Water System Permit would be required to serve the proposed development. EHS has conditioned the project to be consistent with this policy.</p> <p>Sewer: The existing septic system would accommodate the farm employee dwelling and existing restrooms. A Report of Waste Discharge would be required for review by the Regional Water Quality Control Board, as conditioned by EHS.</p> <p>Roads: The project site would be accessed via two existing 25’ wide A/C driveways. The existing driveways are adequate to serve the proposed project and meet Fire Department standards.</p> <p>Fire: Fire Protection service will be provided by County Fire Department, Station #21, Santa Maria, located at 3339 Terminal Drive, Santa Maria Airport and Station #23, 5003 Depot Rd., Santa Maria.</p>
<p>Hillside and Watershed Protection Policies #1: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</p> <p>Hillside and Watershed Protection Policies #2. All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms,</p>	<p>Consistent. An application for a revision to the Grading Permit for the original 16,800 sq. ft. agricultural accessory structure (03GRD-00001-00264) was submitted on November 23, 2005 for grading required for the proposed cooler expansion, warehouse, and expanded retention basin, which consists of 766 cubic yards of earthwork (766 cubic yards of cut and 339 cubic yards of fill). The applicant is currently revising the grading plans per Building and Safety Division requirements. Building and Safety has allowed the applicant to commence grading in order to complete construction of the proposed project by April 1,</p>

REQUIREMENT	DISCUSSION
<p><i>native vegetation, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p>Hillside & Watershed Protection Policy #3: <i>For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.</i></p> <p>Hillside & Watershed Protection Policy #5: <i>Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</i></p>	<p>2006 as requested by the applicant. A condition has been added requiring submittal and approval of grading and drainage plans to be concurrently with structural development (Attachment C, Condition 2).</p>
<p>Hillside & Watershed Protection Policy #7: <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i></p>	<p>Consistent. The septic system would be designed to EHS standards to ensure sewage and process wastewater does not impact groundwater. The proposed project would also be required to comply with Water Quality Best Management Practices (BMPs) and would be subject to review and conditions by the Santa Barbara County Public Works Department Flood Control Water Agency.</p>
<p>Flood Hazard Area Policy #2: <i>Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.</i></p>	<p>Consistent. The site is not located in a flood hazard area or flood plain. The existing retention basin has been expanded to accommodate the increased development. The Building and Safety Division would review the Grading Plan for the expansion of the retention basin concurrent with review of the proposed development as conditioned.</p>
<p>Historical and Archaeological Sites Policy #2: <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p>	<p>Consistent. No known cultural resources exist within one mile of the project site based on the County's Archaeological Resource Maps. The project has been conditioned to include the standard discovery clause if archaeological</p>

REQUIREMENT	DISCUSSION
	resources are encountered during construction. As conditioned, the project would be consistent with this policy (Attachment C, Condition 3).
<p>Visual Resources Policy #2: <i>In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p>	<p>Consistent. The visual character of the area is rural and consists of agricultural and residential uses visible from Telephone Road. Due to the lack of hillsides or ridges on the property, the proposed development would not intrude into the skyline. The existing 34' 6" high cooler is located approximately 145 feet from Telephone Road. The proposed expansion would be located 60 feet from Telephone Road. Development to the west of Telephone Road consists primarily of residences. The relatively large 30,450 square foot structure (existing structure plus the proposed expansion) may appear imposing in the rural setting. A condition requiring Board of Architectural Review approval prior to approval of a Land Use Permit would ensure that the structure is compatible with the natural environment (Attachment C, Condition 4). Furthermore, an additional condition of approval requiring approval of a landscape plan consisting of fast growing plantings to screen the structure has been added in order for the project to be consistent with this policy (Attachment C, Condition 5). The residence to be converted to a farm employee dwelling is existing. No exterior modifications would be proposed.</p>
<p>Visual Resources Policy #5: <i>Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.</i></p>	<p>Consistent. Pursuant to this policy, conditions of approval require that any new utility connections be placed underground (and along driveways as to not disturb additional areas). (Attachment C, Condition 6).</p>
<p>CIRCULATION ELEMENT</p>	
<p><i>A project that would contribute ADTs to a roadway where the Estimated Future Volume does not exceed the policy capacity and/or PHTs to intersections operating at a LOS C or better is considered consistent.</i></p>	<p>Consistent. The site would 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 would 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</p>

REQUIREMENT	DISCUSSION
	21 pm PHT would not substantially change the Levels of Service of any roadway or intersection.
<i>AGRICULTURAL ELEMENT</i>	
<i>GOAL I.</i> Assures and enhances the continuation of agriculture as a major viable production industry in Santa Barbara County.	Consistent. The project would support cultivation of row crops on site and on lands in the Santa Maria area. By allowing the cooler to take produce from off site, it would provide a greater opportunity to enhance agriculture in the greater Santa Maria Valley. The proposed farm employee dwelling would encourage the continuation of the agricultural use of the property and would be compatible with the agricultural operations of the existing parcel. Therefore, the proposed project would be consistent with this policy.
<i>GOAL II.</i> Agricultural lands shall be protected from adverse urban influence. <i>GOAL III.</i> Conversion of agricultural lands shall not interfere with remaining agricultural operations.	Consistent. The limited amount of land dedicated to the cooler would not interfere with, but would rather support and enhance, the agricultural productivity on adjacent lands.
<i>Policy V.B.</i> Provides allowance for supportive agricultural services within a reasonable distance and access to farm users.	Consistent. Approval of the project would provide cooling and packing facilities in close proximity to the fields where the produce is grown.

6.3 Ordinance Compliance

The Development Plan would be consistent with all zoning requirements, including setbacks, height, and landscaping. The Conditional Use Permit portion of the proposed project, which includes processing of produce grown off the premises and the conversion of a single family dwelling to a farm employee dwelling, is not permitted in the U zone district, however, both uses are permitted in the AG-II zone district. The minimum parcel size for AG-II zoned parcels is 40 acres. A future Consistency Rezone to AG-II would be required to rezone the parcel to allow for these uses and would also update the existing zoning designation from Ordinance 661 to the current inland zoning ordinance (Article III). Should the Rezone be approved, the subject parcel would not conform to the 40-acre minimum parcel size required by the AG-II zone district.

6.4 Subdivision/Development Review Committee

The proposed project was reviewed by the Subdivision/Development Review Committee on June March 3, 2005. The Fire Department, Flood Control District, Water Agency, Environmental Health Services, Air Pollution Control District, and Public Works Roads Division have applied conditions of approval to the project which are included in Attachment C.

6.5 Board of Architectural Review

The project received conceptual review on April 8, 2005 prior to the conversion from a Development Plan to a Conditional Use Permit. The County Board of Architectural Review provided the following comments from the April 8, 2005 meeting:

- a. Landscaping along Telephone Road elevation is very important to screen blank wall. Screening must be enhanced. Revise landscape plan to beef up screening.
- b. Using avocados as screening is acceptable. Build on avocados as theme for landscaping. Stay with agricultural theme.
- c. Bring photos of surrounding areas, elevations of warehouse.
- d. Color and font of signs and their locations must be shown on plans.
- e. Verify fire access and show on plans.

The proposed project has been scheduled for preliminary/final review by the North County BAR on January 27, 2006. As of the release of this staff report, the minutes of the meeting are not available. Staff will provide an update to your Commission at the February 8, 2006 hearing.

6.6 Development Impact Mitigation Fees

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

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

date on which the decision-maker adopts the conditions of approval and approves the project.

Estimated Countywide Development Impact Mitigation Fees			
Fee Program	Base Fee (per unit or 1,000 sf)	Estimated Fee	Fee due at
Transportation	\$448.00/pm PHT	\$9,408.00	LUP
Fire	\$0.10/sf.	\$1,680.00	Final Inspection

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action.

8.0 ATTACHMENTS

- A. Findings
- B. 15061 (b)(3) CEQA Notice of Exemption
- C. Conditions of Approval with attached Departmental letters for 05DVP-00000-00007
 - 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.
- D. Conditions of Approval for 05CUP-00000-00018
- E. Vicinity Map
- F. Site Plan
- G. Cooler Master Floor Plan (A-1)
- H. Cooler Addition Ceiling Plan (A-3)
- I. Cooler Addition – Exterior Elevations (A-4)
- J. (E) House Floor Plan (A-10)
- K. (E) House Floor Plan (A-11)
- L. Landscape Plan (L-1)
- M. Hazardous Risk Analysis

ATTACHMENT A: FINDINGS

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.

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 BAR review and approval. The proposed development will meet existing and proposed zoning development standards on the site.

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.

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.

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. 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 fire protection hazard will not exist.

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 insignificant.

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.

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 report, with applications of identified conditions, the project will be consistent with applicable provisions of the Comprehensive Plan and zoning provisions.

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 with the addition of the proposed project.

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.

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.

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.

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.

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 approval of an a Septic System Certification Permit and 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. The proposed development will be served by Santa Barbara County Fire Department Fire Stations #21 and #23 in Santa Maria. The site is located outside of that station's five minute response time; however, the Fire Department has conditioned the project so that a fire protection hazard will not exist.

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.*

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.*

With approval of a future rezone to AG-II, the proposed processing of offsite produce will comply with the applicable provisions of Article III. 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.

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.

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

Pursuant to 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:

2.3.1. *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.

2.3.2. *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. No produce will be brought from areas located outside of the boundaries of Santa Barbara County.

2.3.3. *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.

2.3.4. *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.

2.3.5. *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 the Agricultural Preserve Program.

2.3.6. *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 facilities will be located on Pleasanton Sandy Loam, 0-2% slopes (PnA), a Class I soil that is classified as a prime soil. The project site was chosen as strawberries thrive on the Class VII soils on the remaining 5 acres of the parcel, 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.

ATTACHMENT B: ENVIRONMENTAL DOCUMENT

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Lilly Okamura, Planning & Development Department

Based on preliminary review of the project identified below, the proposed project is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: 129-010-035

Case No.: 05DVP-00000-00007 and 05CUP-00000-00018

Location: Located approximately 140 feet northeast of the intersection of Telephone Rd. and Cambridge Way, addressed as 2780 Telephone Road, Santa Maria area, Fifth Supervisorial District

Project Title: Better Cooling, Inc. Cooling Facility Expansion and Farm Employee Dwelling

Project Description: The applicant proposes to develop a 13,650 square foot expansion to an existing 13,650 square foot agricultural cooling facility, a 7,000 sq. ft. shade canopy at the southeast corner of the cooler building, and a 24,000 square foot 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. The project would also allow the cooling and storage of produce grown off the premises. Strawberry season (March-June) operating hours would be 8:00 am to 10:00 pm. Vehicular trips per day would average 25 field trucks and 15 line trucks. Pepper season (July-November) operating hours would be 8:00 am to 9:00 pm. 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 operating hours. Approximately 30 employees would be onsite during normal operation hours. The activities during the winter season would involve cleaning equipment, painting, and repairs. The project would also involve the 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.

Exempt Status:

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect §15061 (b,3)

Cite specific CEQA Guideline Section: 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). This section states that CEQA applies only to projects which have the potential for

causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Reasons to support exemption finding: No sensitive environmental resources exist on the parcel. The subject parcel is located within the identified range of the California tiger salamander (CTS), an endangered species that is listed under the federal Endangered Species Act. The southwestern corner of the subject parcel is approximately 3,200 feet northeast of East Bradley Lake, a known breeding site for CTS. In 2003, A CTS evaluation was conducted by Lawrence Hunt, which concluded that the site is not currently suitable habitat for CTS because it is intensively cultivated and Telephone Road creating a barrier between East Bradley Lake and the subject parcel. No known archaeological sites are located within 1 mile of the proposed project. No trees or vegetation would be removed or impacted as part of this project. The project site is relatively level with slopes ranging from 0-2%. Grading has been complete, and no additional earthwork would be required. The project would require a retention basin per the Flood Control District requirements. The proposed project is also required to comply with Water Quality Best Management Practices (BMPs) and is subject to review and conditions by the Santa Barbara County Public Works Department Flood Control Water Agency. The proposed project would result in 221 ADT, 21 PHT (am), 20 PHT (pm). This small increase in ADT would not significantly change the Levels of Service of any roadway or intersection. The expected increase is below County thresholds for traffic. The facility would continue to utilize two on-site private wells for fresh water. Approval of a water system permit would be required per Environmental Health Services. An existing system for septic disposal would continue to serve the farm employee dwelling in conformance with Environmental Health Services requirements. No additional restrooms would be proposed as part of the cooler facility. The site is surrounded by residential ranchette and agricultural parcels used for primarily for irrigated crops. The project would include landscaping to screen the expansion from travelers on Telephone Road. All exterior lighting would be required to be hooded and directed away from residential development and vehicular traffic per the Inland Zoning Ordinance.

Department/Division Representative

Date

Acceptance Date: _____

Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

distribution: Hearing Support Staff
 Case File

Date Filed by County Clerk

ATTACHMENT C: CONDITIONS OF APPROVAL

FINAL DEVELOPMENT PLAN CONDITIONS

05DVP-00000-00007

1. This Development Plan is based upon and limited to compliance with the project description, the Planning Commission hearing Exhibit #1 dated February 8, 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 Gil Rodriguez, agent for the applicant, to consider the following:

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 13,650 square foot expansion to an existing 13,650 square foot agricultural cooling facility, a 7,000 sq. ft. shade canopy at the southeast corner of the cooler building, and a 24,000 square foot 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) operating hours would be 8:00 am to 10:00 pm. Vehicular trips per day would average 25 field trucks and 15 line trucks. Pepper season (July-November) operating hours would be 8:00 am to 9:00 pm. 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 operating hours. 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.

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:** 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:** 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 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:** 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) 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.
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, 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 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.

ATTACHMENT D: CONDITIONS OF APPROVAL

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
ARTICLE III, CHAPTER 35

CASE NO. 05CUP-00000-00018

I. A Conditional Use Permit is Hereby Granted:

TO: 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, 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. A Major Conditional Use Permit allowing the cooling and storage of produce grown off the premises
- 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.

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. 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"** (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.** 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.

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.

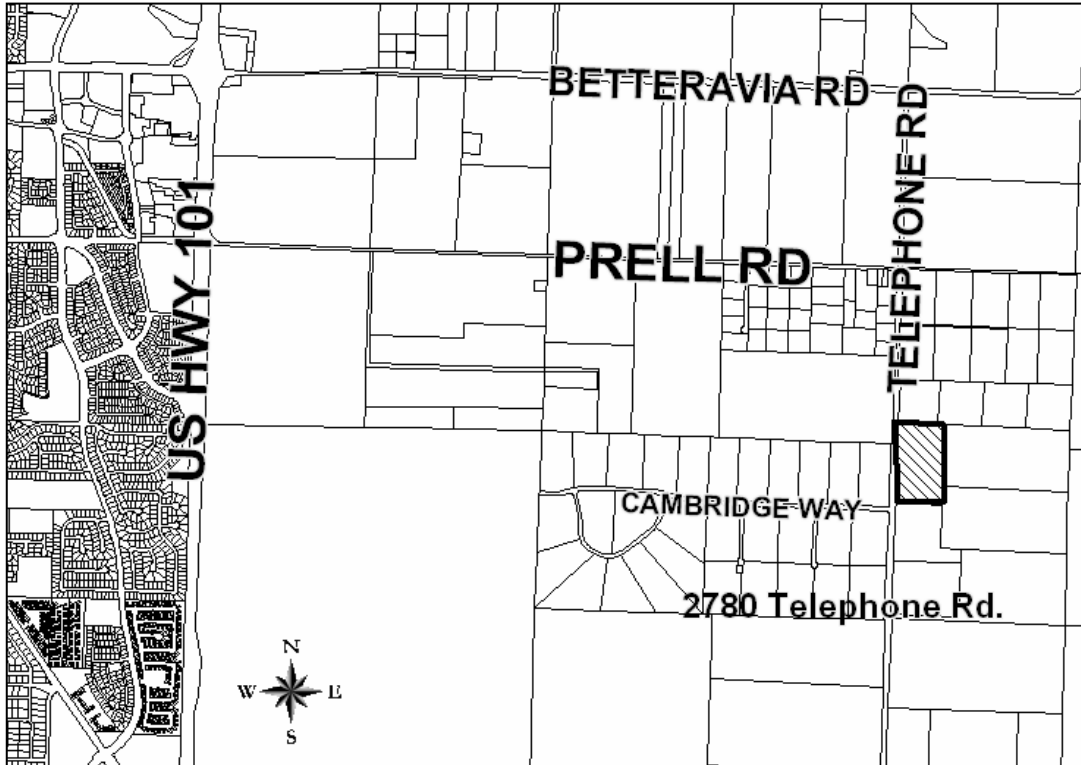
V. County Rules and Regulations:

- 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 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 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.

cc: Owner: Mr. Juan Cisneros, Better Cooling, Inc., 1204 West Cook Street, Santa Maria, CA 93454
Agent: Mr. Gil Rodriguez, PCR Design & Construction, 2325 Skyway Drive, Suite G, Santa Maria, CA 93454
SDRC Members
Minute Book (original copy)
Case Files: 05CUP-00000-00018, 05DVP-00000-00007
Permanent File
County Chief Appraiser (Conditional Use Permit)
Planners: Lilly Okamura, Development Review, North County
John Karamitsos, Development Review, North County

ATTACHMENT E: VICINITY MAP



ATTACHMENT F: SITE PLAN

ATTACHMENT G: COOLER MASTER FLOOR PLAN (A-1)

ATTACHMENT H: COOLER ADDITION CEILING PLAN (A-3)

ATTACHMENT I: COOLER ADDITION – EXTERIOR ELEVATIONS (A-4)

ATTACHMENT J: HOUSE FLOOR PLAN (A-10)

ATTACHMENT K: HOUSE FLOOR PLAN (A-11)

ATTACHMENT L: LANDSCAPE PLAN (L-1)

ATTACHMENT M: HAZARDOUS RISK ANALYSIS