

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT (OASA)

September 6, 2018 (Agenda)

LAFCO 18-04 City of Santa Maria to provide potable Water to the OSR Cooler Site.
(Central City Cooling)

PROPONENT: City of Santa Maria on behalf of OSR Cooler.

ACREAGE &
LOCATION Approximately 35.87 acres located at 1701 East Betteravia Road, Santa
Maria, CA 93456. (APN 128-096-018) (**Exhibit A**).

PURPOSE: OSR Cooler is requesting a domestic water connection from the City
of Santa Maria since the existing well water source has been tested to
have nitrate levels exceeding the State-mandated maximum
contaminant level, and has been cited by Santa Barbara County
Environmental Health Services (SBC EHS) for noncompliance. The
existing site contains a cooling facility to service crop production/
handling.

HISTORY:

According to the citation issued on June 19, 2017, Santa Barbara County Health Services determined that OSR's water system has violated or is violating the California Safe Drinking Water Act, due to surveys indicating nitrate levels exceeding the maximum contaminant level (**Exhibit B**).

OSR Cooler is currently served by one well, not equipped with nitrate treatment, which provides water for their operations and for daily use by approximately 50 employees that work on-site. The business has provided proper notification to the water system users, and has posted nitrate exceedance notifications at all sinks and fountains in the facility. OSR Cooler is required to submit a plan to EHS for approval.

The applicant is requesting a domestic water connection to best mitigate the violation, since there is an existing water main that runs adjacent in Rosemary Road. In addition, fire service is already provided to this facility. The only improvements necessary for provision of domestic water is a service connection to the facility.

OUT-OF-AGENCY SERVICE AGREEMENTS:

Much of the following information was included in the City of Santa Maria's OASA Applicant to LAFCO (**Exhibit C**). It is repeated here as pertinent information for the Commission's consideration:

"LAFCO would typically consider out-of-agency service agreements for facilities located outside the City boundary, but within the Sphere-of-Influence. In this case, the facility is outside of both the City boundary and Sphere-of-Influence. However, the property is located within close proximity to the City and is adjacent to existing City water infrastructure. City staff points out that a domestic water connection would be the logical solution to OSR's water quality violation affecting public health and safety.

Government Code Section 56133 states that LAFCO may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health and safety of the public or the residents of the affected territory, if the entity applying for approval has provided LAFCO with documentation of a threat to the health and safety of the public or the affected residents. SBC EIIS's citation serves as the documentation of the threat, as well as the supporting technical surveys detailing excessive nitrate levels.

Annexation of the property into the sphere of influence and/or into the City's boundary is not possible at this time, since it would require a larger study of the area, and an evaluation of the City's future growth, in compliance with LAFCO objectives and policies. These efforts may be part of a future comprehensive General Plan update which is anticipated to include significant public outreach, stakeholder input, regional coordination, data collection, and environmental analysis. This is a multi-year process that is expected to incur significant costs. The request for domestic water service is an urgent need, and cannot wait until after the completion of a General Plan update effort.

The property is also currently within an area for " No Urban Development" as adopted by a City Council resolution (94-9). The City Council would have to vote to remove this " No Urban Development" policy by resolution, if the Council chooses to consider the area for possible urban expansion. The request for domestic water service is not intended for development or expansion purposes, but solely to address an emergency health and safety situation."

The pertinent section of LAFCO's Authorization to Approve Out of Agency Service Agreement is included in **Exhibit D**.

GENERAL ANALYSIS:

1. Description of Project

Since the parcel is in the unincorporated area, land use authority within the County of Santa Barbara is AG-II-40 (Agriculture, 40-acre minimum parcel size) The County's Comprehensive Plan Designation is A-I-5.

The Development Plan allowed the construction of a 27-acre produce cooling and processing facility, on the 35.87-acre site, in compliance with Section 35.82.080 of the County Land Use and Development Code;

The property is currently served by a well that has a documented existing or impending threat to the public health and safety.

2. Requirement for LAFCO Approval

LAFCO regulates boundary changes and extensions of service without boundary changes. Government Code Section 56133 states that "A city or a district may provide new or extended services by contract or agreement outside its boundaries only if it first requests and receives written approval from the commission in the affected county."

It further provides that LAFCO "...may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization."

3. Sphere of Influence

The area proposed for the Out-of-Agency Agreement is outside the City of Santa Maria's sphere of influence (**Exhibit A**). The proposed service area is approximately one mile from the City limits and the sphere of influence Section 56133(c) also allows service outside a sphere of influence to respond to an existing or impending threat to the public health and safety of residents of the affected territory if both of the following requirements are met:

- (1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.
- (2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system

corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission. .

4. Plan for Services: The City of Santa Maria provided the following statement in response to LAFCO staff's Plan for Service request: The existing city water main runs adjacent to the site in Rosemary Road. In addition, fire service is already provided to the site. The only improvements necessary for the provision of domestic water is a service connection to the facility.

"The connection to the OSR site will be made prior to the previously installed Fire Service connection There is a Double-Detector-Checkvalve-Assembly (DDCA) installed for firesuppression water. The applicant would hot-tap that water line prior to the DDCA valve assembly. The City would install a meter and the applicant would route the water line to the office for domestic use.

Typical use volumes would be in line with an office staff in the 10-12-person range. The connection is intended for domestic use, including drinking fountains, faucets, and bathroom fixtures. OSR Cooler does not have plans for significant water use or consumption, as all discharges will be routed to an on-site septic system. The water meter and line size would limit the facility's water consumption.

The City has two sources of water supply: local groundwater and imported State Water. There is sufficient availability to serve the proposed property".

5. Landowner Consent to Annex in Order to Receive Services

Commission policy states that when property may ultimately be annexed to a city or a district, approval of an Out-of-Agency Service Agreement should require the landowner to agree to annex the territory with a consent to annex form. This is a condition of approval.

6. Environmental Impact of the Proposal

This project was originally approved within the jurisdiction of Santa Barbara County. An addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, for the produce cooling and processing facility, pursuant to the California Environmental Quality Act (**Exhibit E**). The proposed domestic water connection would not result in additional impacts since there will be no modification to the original development approval

and no change in use. The domestic water connection would be provided solely to mitigate a threat to the health and safety of the public.

Environmental Impact Report 04-EIR-08, is online at LAFCO website at <http://www.sblafco.org/> and in hardcopy at the LAFCO Clerk's Office at County Administration Bldg, Rm 407, Fourth Floor, E. Anapamu St., Santa Barbara, CA. **(Exhibit F)**

Conclusion:

The City of Santa Maria, on behalf of Central City Cooling, the property owners is requesting approval of an Out-of-Agency Service Agreement. The Commission has the authority to approve OASA's pursuant the Government Code Section 56133, within an agencies sphere of influence in anticipation of future annexation. The property is outside the City of Santa Maria's sphere of influence, however, Section 56133(c) allows service outside a sphere of influence to respond to an existing or impending threat to the public health and safety.

The original development was approved by the County in 2008 utilizing on site wells. These wells have now been determined to be in violation of the California Safe Drinking Water Act, due to surveys indicating nitrate levels exceeding the maximum contaminant level. The City has an existing water main in the road bordering the site and is willing to connect the property for potable water for employees. This water main is also used for fire protection purposes.

An addendum to the Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008. This addendum was utilized by the city in filing the OASA with LAFCO. The prior CEQA analysis for the OSR Cooler has been somewhat unusual as the County's 20008 addendum tiered off of the programmatic EIR prepared for the County's Uniform Rules for Williamson Act Contracts. The County in effect determined that the Programmatic EIR adequately analyzed the potential environmental impacts due to the OSR Cooler Project and concluded only an addendum to document "minor technical changes" from the original EIR was necessary to permit the OSR Cooler. CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared for a project. (See Pub Res C §21166 & CEQA Guidelines § 15162.) Under Pub Res C §21166, once an EIR has been completed, a lead agency or a responsible agency may not require a subsequent or supplemental EIR unless one of the following findings can be made:

- Substantial changes are proposed in the project that will require major revisions of the EIR;

- Substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions in the EIR; or
- New information of substantial importance to the project that was not known and could not have been known at the time the EIR was certified as complete becomes available.

The main CEQA issue for this project is whether the provision of potable water services to the OSR Cooler is growth inducing. This extension of services can be found to NOT be growth inducing for the following reasons:

- There is an existing City water line already located within the street right of way adjacent to the OSR facility;
- The only new infrastructure needed for the project would be a tie-in from the OSR facility into the water line located adjacent to the OSR property.
- Provision of services to the OSR facility would be limited to this one property in this agricultural area due to the unique threat to health and safety caused by the failure of the onsite well that previously provided potable water to the OSR office.
- Provision of potable water services to the agricultural sources under an out of agency service agreement must meet the findings of Government Code section 65133(b), which is that services may be extended outside of a city's or district's boundaries only if the property is within the sphere of influence in anticipation of a later change of organization. This is almost certain to require significant planning studies, including general plan amendments and associated CEQA review, for the City to consider expanding its sphere of influence in anticipation of annexation of the agricultural area surrounding the OSR Cooler property.

EXHIBITS

Exhibit A	Map of the Proposed Out-of-Agency Service Area
Exhibit B	Documentation of Existing Threat to Public Health and Safety
Exhibit C	City of Santa Maria Resolution of Application
Exhibit D	LAFCO Authorization to Provide Out-of-Agency Services
Exhibit E	Addendum to the County of Santa Barbara Environmental Determination
Exhibit F	Environmental Impact Report 04-EIR-08, online at LAFCO website at http://www.sblafco.org/ and in hardcopy at the LAFCO Clerk's Office at County Administration Bldg, Rm 407, Fourth Floor, E. Anapamu St., Santa Barbara, CA.
Exhibit G	LAFCO Out of Agency Service Agreement

ALTERNATIVES FOR COMMISSION ACTION

After reviewing this report and any testimony or materials that are presented, the Commission can follow one of the following options:

OPTION 1 – APPROVE the request for an Out-of-Agency Service Agreement (**Exhibit G**), subject to the following terms and conditions:

a). Find that this project was originally approved within the jurisdiction of Santa Barbara County. An addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, for the produce cooling and processing facility, pursuant to the California Environmental Quality Act. And find that none of the conditions set forth in Public Resources Code section 21166 have occurred and pursuant to CEQA Guidelines Section 15162 that no substantial changes are proposed in the original project and there is no change in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and, therefore, the Commission's action does not require additional environmental review.

b). The District's provision of water services shall be limited to the 35.87 acres located at 1701 East Betteravia Road, Santa Maria, CA 93456. (APN 128-096-018).

c) The landowner shall execute and record an agreement approved by the Executive Officer that consents to any future annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.

d) Said out-of-agency service agreement is for water service only shall remain in effect until such time as an annexation is approved by the Commission.

OPTION 2 –Deny the request.

OPTION 3 - Continue the item to obtain additional information.

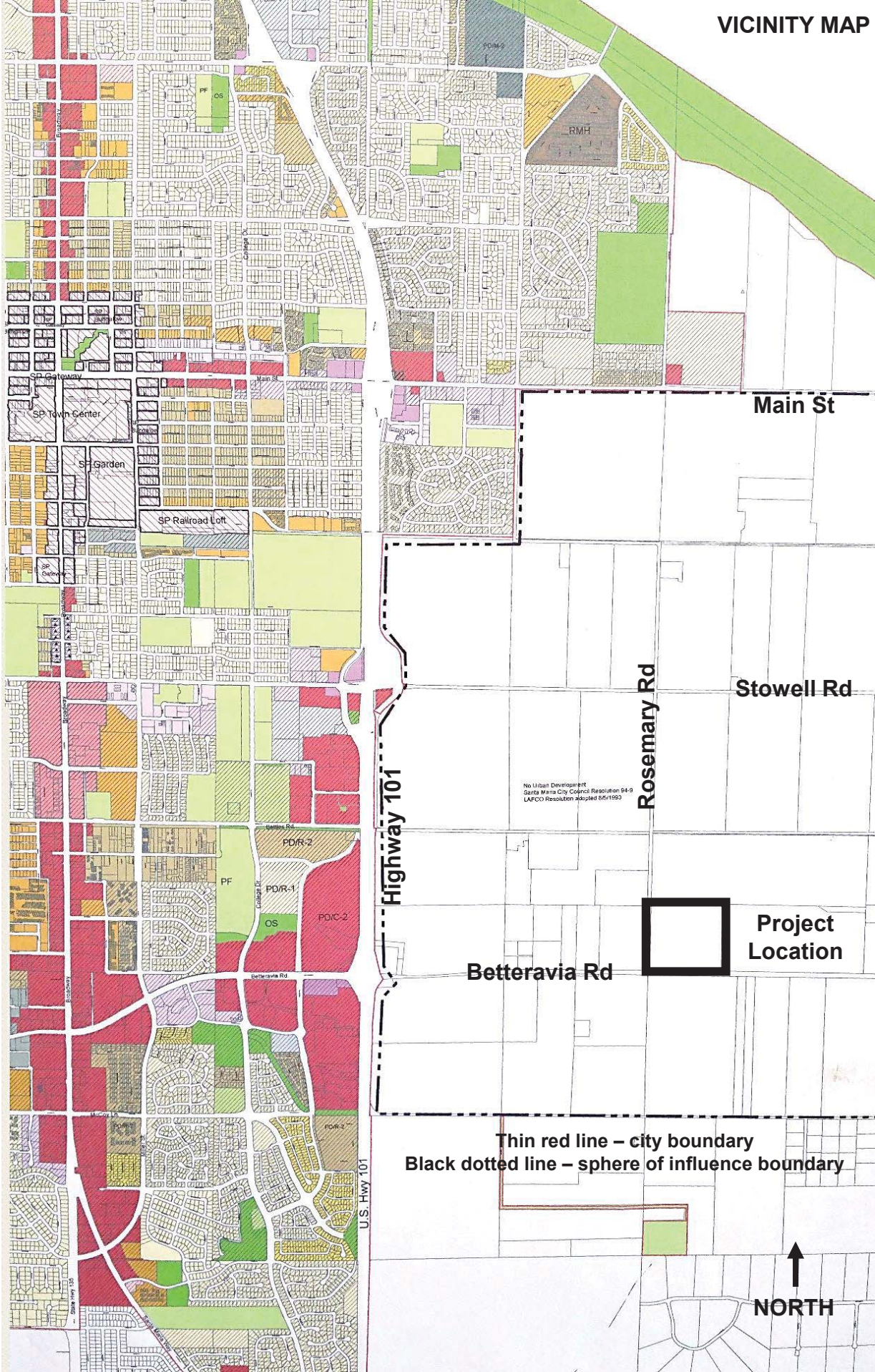
RECOMMENDED ACTION:

Approve OPTION 1.



PAUL HOOD
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

VICINITY MAP



Citation No. 04_72_17C_007

COUNTY OF SANTA BARBARA
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES

Name of Public Water System: Central City Cooling

Water System No: CA4200959

Attention: Garrett Perelli-Minetti
Central City Cooling
1701 Betteravia Rd.
Santa Maria, CA. 93454

Issued: June 19, 2017

CITATION FOR NONCOMPLIANCE
NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431
JUNE 2017

The California Health and Safety Code (hereinafter "CHSC"), CCR Title 22, Chapter 14, Article 4, Section 64258 authorizes the Local Primacy Agency, in this case the Santa Barbara County Environmental Health Services department (hereinafter "SBC EHS") to conduct enforcement actions and issue citations to a public water system under the jurisdiction of the local primacy agency when EHS determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing

ATTACHMENT B

1 with Section 116270), or any regulation, standard, permit, or order issued or
2 adopted thereunder.

3
4 SBC EHS, acting by and through its delegation from the State Water
5 Resources Control Board, Division of Drinking Water, hereby issues this
6 citation pursuant to Section 116650 of the CHSC to the Central City Cooling
7 water system (hereinafter "Central City Cooling") for violation of Title 22,
8 California Code of Regulations (CCR), Section 64431.

9
10 A copy of the applicable statutes and regulations are included in Appendix 1,
11 which is attached hereto and incorporated by reference.

12
13 **STATEMENT OF FACTS**

14 The Central City Cooling water system is classified as a Non-Transient,
15 Non-Community water system with a population of approximately 50
16 employees, serving 2 commercial connections. Central City Cooling has
17 one well, and has been conducting required quarterly monitoring for nirates
18 due to a trend towards the Maxmimum Contaminant Level (MCL) of 10 ppm
19 in the raw well water, with several sample results at over half of the MCL in
20 the last year. Central City Cooling is not currently equipped with nitrate
21 treatment. SBC EHS received laboratory results, submitted and notified by
22 the Central City Cooling staff within 24 hours of their receipt of the results as
23 required, that report a result of 13 ppm for Nitrate (as NO3-N) in the Central
24 City Cooling water system on June 13, 2017, exceeding the MCL of 10 ppm.
25 Central City Cooling had already issued a Tier 1 Notification to the water
26 system users, and posted required Nitrate MCL exceedance notifications at
27 all sinks and fountains in the facility.

28

DETERMINATION

The Central City Cooling water system is in violation of Title 22, California Code of Regulations (CCR), Section 64431: Specifically, Central City Cooling exceeded the Primary Maximum Contaminant Level (MCL) of 10 ppm for Nitrate listed in Table 64431-A, in the water supplied to the public.

DIRECTIVES

Central City Cooling is hereby directed to take the following actions:

1. As soon as possible within 24-hours after learning of the nitrate MCL exceedance, notify the public (all water users) of the acute nitrate MCL violation. The required public notice template was sent to Central City Cooling in an email on June 13th, 2017. The notification must contain the Tier 1 required health effects languages and a description of the incident.
2. A copy of the customer completed notification and proof of notification shall be submitted to EHS no later than July 13, 2017.
3. Submit to EHS a plan and timeline for installation of treatment equipment to reduce nitrate levels to below the MCL, no later than July 20th, 2017. EHS must approve all plans and equipment before installation or any modifications to the water system.
4. Maintain consumer notification signage posted until further notice, or approval by EHS to remove.

1 All submittals required by this Citation shall be electronically submitted to the
2 SBC EHS at the following address. The subject line for all electronic
3 submittals corresponding to this citation shall include the following
4 information: Water System name and number, citation number and title of
5 the document being submitted.

6
7 Deanna Talerico
8 Deanna.Talerico@sbcphd.org
9

10 SBC EHS reserves the right to make such modifications to this Citation as it
11 may deem necessary to protect public health and safety. Such modifications
12 may be issued as amendments to this Citation and shall be effective upon
13 issuance.

14
15 Nothing in this Citation relieves Central City Cooling of its obligation to meet
16 the requirements of the California SDWA (CHSC, Division 104, Part 12,
17 Chapter 4, commencing with Section 116270), or any regulation, standard,
18 permit or order issued or adopted thereunder.

19
20 **PARTIES BOUND**

21 This Citation shall apply to and be binding upon Central City Cooling, its
22 owners, shareholders, officers, directors, agents, employees, contractors,
23 successors, and assignees.

24
25 **SEVERABILITY**

26 The directives of this Citation are severable, and Central City Cooling shall
27 comply with each and every provision thereof notwithstanding the
28 effectiveness of any provision.

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Deanna Talerico

6/19/17

Deanna Talerico
Senior Environmental Health Specialist
EHS Drinking Water Systems Program
Santa Barbara County Public Health Department

Date



Appendices:

1. Applicable Statutes and Regulations
2. Tier 1 Public Notification for Nitrates templates (English and Spanish)

Certified Mail No. [Cert. Number]



Oilfield Environmental & Compliance, Inc.

Garrett Perelli-Minetti
Central City Cooling Inc.
1701 East Betteravia
Santa Maria, CA 93454

15-Jun-2017 17:36

RE: Rice Cooling Water System

Work Order: 1702082

Dear Client:

Enclosed is an analytical report for the above referenced project. The samples included in this report were received on 13-Jun-17 12:26 and analyzed in accordance with the attached chain-of-custody.

Unless otherwise noted, all analytical testing was accomplished in accordance with the guidelines established in our Quality Manual, applicable standard operating procedures, and other related documentation. The results in this analytical report are limited to the samples tested and any reproduction thereof must be made in its entirety.

If you have any questions regarding this report, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in cursive script, reading 'Meredith Sprister', is positioned above a horizontal line.

Meredith Sprister, Project Manager
msprister@oecusa.com

California ELAP Certification # 2438
307 Roemer Way, Suite 300, Santa Maria, CA 93454

Client Connect: client.oec.com/reports
www.oecusa.com

TEL: (805) 922-4772
FAX: (805) 925-3376

ATTACHMENT C

EXHIBIT B



Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: Rice Cooling Water System
Project Manager: Garrett Perelli-Minetti

Reported:
15-Jun-17 17:36

SAMPLE SUMMARY

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Water Sample Primary Source	1702082-01	Drinking Water	13-Jun-17 11:49	13-Jun-17 12:26

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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EXHIBIT B



Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: Rice Cooling Water System
Project Manager: Garrett Perelli-Minetti

Reported:
15-Jun-17 17:36

ANALYTICAL REPORT FOR SAMPLES 1702082-01 (Drinking Water) Water Sample Primary Source

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Anions by EPA Method 300.0									
Nitrate as N	13	0.40	mg/L	1	B7F0337	13-Jun-17	13-Jun-17	EPA 300.0	MCL

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc. 1701 East Betteravia Santa Maria CA, 93454	Project: Rice Cooling Water System Project Number: Rice Cooling Water System Project Manager: Garrett Perelli-Minetti	Reported: 15-Jun-17 17:36
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Anions by EPA Method 300.0 - Quality Control

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch B7F0337 - EPA 300.0/300.1 Anions Prep

Blank (B7F0337-BLK1)										Prepared & Analyzed: 13-Jun-17
Nitrate as N	ND	0.40	mg/L							
LCS (B7F0337-BS1)										Prepared & Analyzed: 13-Jun-17
Nitrate as N	4.65	0.40	mg/L	5.00		93.0	90-110			
LCS Dup (B7F0337-BSD1)										Prepared & Analyzed: 13-Jun-17
Nitrate as N	4.69	0.40	mg/L	5.00		93.8	90-110	0.914	20	
Duplicate (B7F0337-DUP1)										Prepared & Analyzed: 13-Jun-17
Nitrate as N	Source: 1702082-01 13.5	0.40	mg/L		13.4			0.316	20	
Matrix Spike (B7F0337-MS1)										Prepared & Analyzed: 13-Jun-17
Nitrate as N	Source: 1702082-01 18.0	0.40	mg/L	5.00	13.4	92.2	80-120			

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: Rice Cooling Water System
Project Manager: Garrett Perelli-Minetti

Reported:
15-Jun-17 17:36

Notes and Definitions

- MCL Analyte concentration is greater than or equal to the California Maximum Contaminant Limit.
- ND Analyte NOT DETECTED at or above the reporting limit
- RPD Relative Percent Difference

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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EXHIBIT B



Oilfield Environmental and Compliance
 307 Roemer Way, Santa Maria CA 93454
 phone: (805) 922-4772 fax: (805) 925-3376

www.oecusa.com

101 Addison Way, Taft, CA 93268
 phone: (661) 762-9143

Rev 06/2012

CHAIN OF CUSTODY

Page _____ of _____

Company: CENTRAL CITY COOLING		Project Name: RICE COOLING WATER SYSTEM	
Address: 1701 E. BETTERAVIA RD		Site: CENTRAL CITY COOLING	
City/State/Zip: SANTA MARIA, CA 93454		Analysis Requested	
Phone: 805-821-5550 Fax: 805-821-5557		Special Instructions:	
E-mail: GARRETT@CCCOOLING.COM EDGAR@PRMILL.COM			
Report To: GARRETT PERELLI, MARRETTI & EDGAR MONTENEGROS Sampler: Marion Escobar			
Send report via: FAX: <input type="checkbox"/> PDF: <input type="checkbox"/> Geotracker EDF: <input type="checkbox"/> EDO: <input type="checkbox"/>			
Turnaround Time: 10 Days: <input type="checkbox"/> 5 Days: <input type="checkbox"/> 72 hr: <input checked="" type="checkbox"/> 48 hr: <input type="checkbox"/> 24 hr: <input type="checkbox"/> ASAP: <input type="checkbox"/>			
Date/Time Sampled: 06-13-2017		Client Sample ID: Water Sample Primary Source	
Matrix (see key):		Nitrate as N	
# of Cont: 1			
Time: 11:49 AM			
Relinquished By: Marion Escobar Date: 06-13-2017 Time: 1226		Matrix Key	
Received By: <i>Ryan [Signature]</i> Date: 06-13-17 Time: 1226		Comments/POB: rec'd @ 25°C	
Relinquished By:		A = vapor / air	
Received By:		S = soil / sediment	
Relinquished By:		P = product / oil	
Received By:		WW = raw waste (U.S.)	
Relinquished By:		WATER Types:	
Received By:		DW = drinking	
Relinquished By:		GW = ground	
Received By:		PW = produced	
Relinquished By:		SW = surface	
Received By:		WW = waste	



CLIENT: Central City Cooling

WORK ORDER: 1702082

TEMPERATURE: 25 °C

SAMPLE RECEIPT

COC RECEIVED DATE/TIME: 06-13-17 12:26

LOGIN DATE/TIME: 06-13-17 @ 12:55

REFRIGERATOR(S): 8

SAMPLE TRANSPORT

- OEC Courier/Sampler
- Delivery (Other than OEC)
- After-Hours Outside Drop-Off (Brought Inside)
- Initials/Date/Time: _____
- Shipment Carrier: _____
- Tracking #: _____

CUSTODY SEALS

- None Present
- Cooler(s): Present, Intact Present, Not Intact None
- Sample(s): Present, Intact Present, Not Intact None

SAMPLE RECEIPT, CONDITION, PRESERVATION

- Samples Received on Ice Within Temperature Range (Acceptable)
- Samples Received Outside Temperature Range (Acceptable)
- Drags from Field, see top
- Ambient: Air or Filter Matrix
- Received Ambient, Placed on Ice for Transport
- Sample Temperature Acceptable for Analysis Requested
- Samples Received Outside Temperature Range (Exception)
- Insufficient Ice or Unknown Cause
- See Problem Chain*

(*) PROBLEM CHAIN REQUIRED

- | | YES | NO | N/A | (**) OEC PRES. ID |
|---|-------------------------------------|--------------------------|-------------------------------------|-------------------|
| Completed COC(s) Received With Samples | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Correct Container(s) for Analysis Requested | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Container(s) Intact and in Good Condition | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Container Label(s) Consistent with COC | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Proper Preservation on Sample Label(s) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| OEC Preservative Added ** | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| VQA Container Free of Headspace | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Tedlar Bag(s) Free of Condensation | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> or <input checked="" type="checkbox"/> Expedited PM Notification (Init/Date/Time): | | | | |

** See Comments Section or Problem Chain

CONTAINERS, COC CHANGES, AND/OR CORRECTIONS

OEC CONTAINER ID	CONTAINER DESCRIPTION	PRESERVATIVE	CHECKS: CF, S &/or pH	MATRIX	COMMENTS	INITIALS
1A	1 - 250 mL poly	—	—	DW		

Rev. 02/13/2018

RECEIPT LOGIN BY: CKL

RECEIPT REVIEWED BY: [Signature]

Page 1 of 1



Oilfield Environmental & Compliance, Inc.

Garrett Perelli-Minetti
Central City Cooling Inc.
1701 East Betteravia
Santa Maria, CA 93454

Report: September 27, 2017 11:00

Work Order: 1703473

Project: Rice Cooling Water System

Dear Client:

Enclosed is an analytical report for the above referenced project. The samples included in this report were received on September 22, 2017 08:30 and analyzed in accordance with the attached chain-of-custody.

Unless otherwise noted, all analytical testing was accomplished in accordance with the guidelines established in our Quality Manual, applicable standard operating procedures, and other related documentation. The results in this analytical report are limited to the samples tested and any reproduction thereof must be made in its entirety.

If you have any questions regarding this report, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in cursive script, reading 'Meredith Sprister', is written over a horizontal line.

Meredith Sprister, Project Manager
msprister@oecusa.com

California ELAP Certification # 2438
307 Roemer Way, Suite 300, Santa Maria, CA 93454

Client Connect: client.oec.com/reports
www.oecusa.com

TEL: (805) 922-4772
FAX: (805) 925-3378

ATTACHMENT C

EXHIBIT B



Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: [none]
Project Manager: Garrett Perelli-Minetti

Reported:
09/27/2017 11:00

SAMPLE SUMMARY

Sample ID	Laboratory ID	Client Matrix	Lab Matrix	Date Sampled	Date Received
Water Sample Primary Source	1703473-01	Water	Water	09/22/17 08:12	09/22/17 08:30

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

307 Roemer Way, Suite 300, Santa Maria, CA 934

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TEL: (805) 922-4772
FAX: (805) 925-3376



Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: [none]
Project Manager: Garrett Perelli-Minetti

Reported:
09/27/2017 11:00

ANALYTICAL REPORT FOR SAMPLES 1703473-01 (Water) Water Sample Primary Source

Analyte	Result	RL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	----	-------	----------	-------	----------	----------	--------	-------

Anions by EPA Method 300.0

Nitrate as N	17	4.0	mg/L	10	B710543	09/22/17	09/22/17	EPA 300.0	
--------------	----	-----	------	----	---------	----------	----------	-----------	--

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc. 1701 East Betteravia Santa Maria CA, 93454	Project: Rice Cooling Water System Project Number: [none] Project Manager: Garrett Perelli-Minetti	Reported: 09/27/2017 11:00
--	--	-------------------------------

Anions by EPA Method 300.0 - Quality Control

Analyte	Result	RL	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	----	-------	-------------	---------------	------	-------------	-----	-----------	-------

Batch B7I0543 - EPA 300.0 Preparation: EPA 300.0/300.1 Anions Prep 09/22/17 08:52

Blank (B7I0543-BLK1)										
Nitrate as N	ND	0.40	mg/L							Analyzed: 09/22/17 11:08
LCS (B7I0543-BS1)										
Nitrate as N	4.91	0.40	mg/L	5.00		98.2	90-110			Analyzed: 09/22/17 10:36
LCS Dup (B7I0543-BSD1)										
Nitrate as N	4.89	0.40	mg/L	5.00		97.8	90-110	0.459	20	Analyzed: 09/22/17 10:52
Duplicate (B7I0543-DUP1)										
Nitrate as N	16.4	4.0	mg/L		16.6			0.709	20	Source: 1703473-01 Analyzed: 09/22/17 11:39
Matrix Spike (B7I0543-MS1)										
Nitrate as N	64.5	4.2	mg/L	52.6	16.6	91.1	80-120			Source: 1703473-01 Analyzed: 09/22/17 11:55

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Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: [none]
Project Manager: Garrett Perelli-Minetti

Reported:
09/27/2017 11:00

Notes and Definitions

RL Reporting Limit (Quantitation Limit)
ND Analyte NOT DETECTED at or above the reporting limit
RPD Relative Percent Difference

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Page 5 of 5

EXHIBIT B



Offield Environmental and Compliance
 397 Roemer Way, Santa Maria CA 93454
 phone: (805) 822-4772 fax: (805) 925-2378

www.oecusa.com

101 Adkisson Way, TAM, CA 93268
 phone: (561) 762-9143

Rev 02/07

CHAIN OF CUSTODY

Page 1 of 1

Company: CENTRAL CITY COOLING				Project Name: RICE COOLING WATER SYSTEM			
Address: 1701 E. BETTERAVIA RD				Site: CENTRAL CITY COOLING			
City/State/Zip: SANTA MARIA, CA 93454				Analysis Requested		Special Instructions	
Phone: 805-621-5550		Fax: 805-621-5557		E-mail: GARRETT@CCCooling.COM		E-mail: EDGAR@OECUSA.COM	
Report To: GARRETT PERELLAMINETTI & EDGAR MONTEVERDE				Sampler: Edgar Monteverde			
Send Report via: FAX: <input type="checkbox"/> PDF: <input type="checkbox"/> Backpacker EDF: <input type="checkbox"/> EDG: <input type="checkbox"/>							
Turnaround Time: 10 Days: <input type="checkbox"/> 5 Days: <input type="checkbox"/> 72 HR: <input checked="" type="checkbox"/> 48 HR: <input type="checkbox"/> 24 HR: <input type="checkbox"/> ASAP: <input type="checkbox"/>							
OEC Sample ID	Date/Time Sampled	Station (see key)	# of Cont.	Client Sample ID			
1703475-1A	09-22-2017		1	Water Sample Primary Source		Nitrate as N	
	8:12 am						
Relinquished By: Edgar Monteverde		Date: 09-22-2017		Time: 6:30 am		** Matrix Key: AW = water / BW = soil / LW = soil / LW = soil / LW = soil LW = soil / LW = soil / LW = soil WATER TYPES: GW = ground water / SW = surface water / WW = waste water PCW = process cooling water	
Received By: <i>[Signature]</i>		Date: 09/22/17		Time: 0830			
Relinquished By:		Date:		Time:			
Received By:		Date:		Time:			
Relinquished By:		Date:		Time:			
Received By:		Date:		Time:		PCW @ 19.1°C	



CLIENT: CENTRAL CITY COOLING
 COC RECEIVED DATETIME: 09/22/17 @ 0830

WORK ORDER: 1703473
 LOGIN DATETIME: 09/22/17 @ 0910

TEMPERATURE: 19.1 °C
Acceptable Range: 0°C to 9°C (see exception notes below)

SAMPLE RECEIPT

REFRIGERATORS: 8

SAMPLE TRANSPORT

- OEC Courier/Sampler
- Delivery (Other than OEC)
- After-Hours Outside Drop-Off (Brought Inside)
- Initials/Date/Time: _____
- Shipment Carrier: _____
- Tracking #: _____

CUSTODY SEALS

- None Present
- Cooler(s): Present, Intact Present, Not Intact None
- Sample(s): Present, Intact Present, Not Intact None

SAMPLE RECEIPT, CONDITION, PRESERVATION

- Samples Received on Ice Within Temperature Range (Acceptable)
- Samples Received Outside Temperature Range (Acceptable)
- Direct from Field, surface
- Ambient Air or Filter Matrix
- Received Ambient, Placed on Ice for Transport
- Sample Temperature Acceptable for Analysis Requested
- Samples Received Outside Temperature Range (Exception)*
- Insufficient Ice or Unknown Cause
- Excessive Free Liquid in Sample Bags or Cooler

(*) PROBLEM-CHARY REQUIRED

- | | YES | NO | N/A | (**) OEC PRES. ID |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------|
| Completed COC(s) Received With Samples | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Correct Container(s) Preserve for Analysis | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Container(s) Intact and in Good Condition | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Container Label(s) Consistent with COC | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| OEC Preservation Added** | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Sample Quantity Sufficient & Appropriate | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| VOA Containers Free of Headspace | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Tedlar Bag(s) Free of Condensation | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
- ** See Comments below or Problem Chain
- on Expedited PM Notification (In/Date/Time)

CONTAINERS, COC CHANGES, AND/OR CORRECTIONS

OEC CONTAINER ID	CONTAINER DESCRIPTION	PRESERVATIVE	CHECKS: CI, B* &/or pH	MATRIX	COMMENTS	INITIALS
1A	1-250 ML POLY	HAW ^{5/15} 9/21/17	—	W		

RECEIPT LOGIN BY: EA

RECEIPT REVIEWED BY: BA



Oilfield Environmental & Compliance, Inc.

Garrett Perelli-Minetti
Central City Cooling Inc.
1701 East Betteravia
Santa Maria, CA 93454

Report: October 26, 2017 9:33

Work Order: 1703878

Project: Rice Cooling Water System
Number: Rice Cooling Water System

Dear Client:

Enclosed is an analytical report for the above referenced project. The samples included in this report were received on October 23, 2017 10:34 and analyzed in accordance with the attached chain-of-custody.

Unless otherwise noted, all analytical testing was accomplished in accordance with the guidelines established in our Quality Manual, applicable standard operating procedures, and other related documentation. The results in this analytical report are limited to the samples tested and any reproduction thereof must be made in its entirety.

If you have any questions regarding this report, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Meredith Sprister', is written over a horizontal line.

Meredith Sprister, Project Manager
msprister@oecusa.com

California ELAP Certification # 2438
307 Roemer Way, Suite 300, Santa Maria, CA 93454

Client Connect: client.oec.com/reports
www.oecusa.com

TEL: (805) 922-4772
FAX: (805) 925-3376

ATTACHMENT C

EXHIBIT B



Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: Rice Cooling Water System
Project Manager: Garrett Perelli-Minetti

Reported:
10/26/2017 09:33

SAMPLE SUMMARY

Sample ID	Laboratory ID	Client Matrix	Lab Matrix	Date Sampled	Date Received
Water Sample Primary Source	1703878-01	Water	Water	10/23/17 10:16	10/23/17 10:34

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Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: Rice Cooling Water System
Project Manager: Garrett Perelli-Minetti

Reported:
10/26/2017 09:33

ANALYTICAL REPORT FOR SAMPLES 1703878-01 (Water) Water Sample Primary Source

Analyte	Result	RL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	----	-------	----------	-------	----------	----------	--------	-------

Anions by EPA Method 300.0

Nitrate as N	17	0.40	mg/L	1	B7J0544	10/23/17	10/23/17	EPA 300.0	
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Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: Rice Cooling Water System
Project Manager: Garrett Perelli-Minetti

Reported:
10/26/2017 09:33

Anions by EPA Method 300.0 - Quality Control

Analyte	Result	RL	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	----	-------	-------------	---------------	------	-------------	-----	-----------	-------

Batch B7J0544 - EPA 300.0 Preparation: EPA 300.0/300.1 Anions Prep 10/23/17 08:56

Blank (B7J0544-BLK1)

Nitrate as N ND 0.40 mg/L Analyzed: 10/23/17 14:59

LCS (B7J0544-BS1)

Nitrate as N 4.90 0.40 mg/L 5.00 98.0 90-110 Analyzed: 10/23/17 14:28

LCS Dup (B7J0544-BSD1)

Nitrate as N 4.96 0.40 mg/L 5.00 99.1 90-110 1.15 20 Analyzed: 10/23/17 14:44

Duplicate (B7J0544-DUP1)

Nitrate as N 16.9 0.40 mg/L 16.9 0.154 20 Source: 1703878-01 Analyzed: 10/23/17 16:02

Matrix Spike (B7J0544-MS1)

Nitrate as N 21.2 0.40 mg/L 5.00 16.9 86.4 80-120 Source: 1703878-01 Analyzed: 10/23/17 16:18

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Oilfield Environmental & Compliance, Inc.

Central City Cooling Inc.
1701 East Betteravia
Santa Maria CA, 93454

Project: Rice Cooling Water System
Project Number: Rice Cooling Water System
Project Manager: Garrett Perelli-Minetti

Reported:
10/26/2017 09:33

Notes and Definitions

RL Reporting Limit (Quantitation Limit)
ND Analyte NOT DETECTED at or above the reporting limit
RPD Relative Percent Difference

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Page 5 of 5

EXHIBIT B

RESOLUTION NO. 2018-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AND APPROVING AN APPLICATION TO SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR AN OUT-OF-AGENCY DOMESTIC WATER SERVICE AGREEMENT WITH OSR COOLER

WHEREAS, the applicant, Brian Deale, P.E. for OSR Cooler (also known as Central City Cooling), in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Santa Barbara County LAFCO Policies and Procedures, requested an out-of-agency service agreement with the City of Santa Maria for domestic water on property located at 1701 East Betteravia Road, Assessor Parcel Number 128-096-018 as shown in Exhibit A; and

WHEREAS, OSR Cooler, located at 1701 East Betteravia Road, is located outside the city boundary of Santa Maria, and outside the Sphere of Influence of Santa Maria, as last reaffirmed on January 7, 2016, by LAFCO Resolution 15-12; and

WHEREAS, OSR Cooler is currently served by ground well water; and

WHEREAS, the water quality has been determined by the County of Santa Barbara Department of Public Health Environmental Health Services to be in excess of maximum nitrate contaminant levels and in violation of the California Safe Drinking Water Act, as stated in a citation of noncompliance to Central City Cooling, dated June 19, 2017; and

WHEREAS, Government Code Section 56133 states that LAFCO may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health and safety of the public or the residents of the affected territory, if the entity applying for approval has provided LAFCO with documentation of a threat to the health and safety of the public or the affected residents; and

WHEREAS, provision of domestic water from the City of Santa Maria to OSR Cooler would mitigate the identified health and safety threat to the public; and

WHEREAS, the City Council considered the proposed request for an application to the Santa Barbara LAFCO on March 20, 2018; and

WHEREAS, an addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, pursuant to the California Environmental Quality Act for the original project approval of a 27-acre produce cooling and processing facility and an agricultural processing facility, and the proposed domestic water connection would not result in additional impacts, given no modification to the original development approval and no change in use.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Santa Maria, California, as follows:

1. That the Director of Community Development and/or Director of Utilities is authorized to apply and submit an application to the Santa Barbara Local Agency Formation Commission for an out-of-agency domestic water service agreement with OCR Cooler; and
2. The Chief Deputy City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the Chief Deputy City Clerk shall consult with the City Manager and City Attorney concerning any changes deemed necessary.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Santa Maria held this 20th day of March 2018.

/s/ ALICE M. PATINO

Mayor

ATTEST:

/s/ RHONDA M. GARIETZ, CMC

Chief Deputy City Clerk

Exhibit A – Vicinity Map

APPROVED AS TO FORM:

BY: 

CITY ATTORNEY

CONTENTS:

BY: 

DEPARTMENT HEAD

BY: 

CITY MANAGER

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF SANTA MARIA)


I, Rhonda M. Garietz, CMC, Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2018-19 which was duly and regularly introduced and adopted by said City Council at a regular meeting held March 20, 2018, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Moats,
Waterfield, and Mayor Patino.

NOES: None.

ABSENT: None.

ABSTAIN: None.

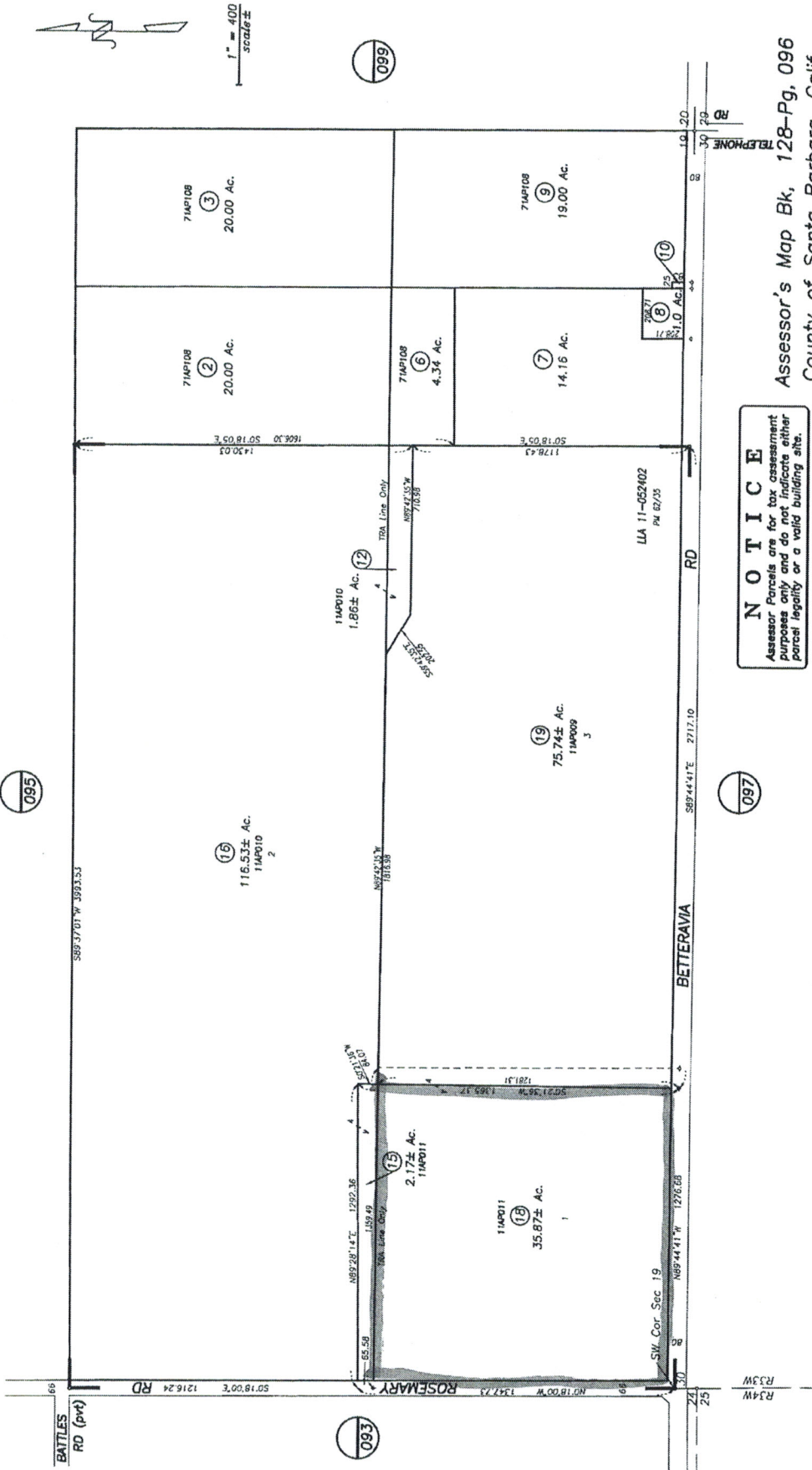


Chief Deputy City Clerk
of the City of Santa Maria and
ex officio Clerk of the City Council



S 1/2 SEC 19 T10N R33W SBB&M

128-096



NOTICE
 Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

Assessor's Map Bk, 128-Pg, 096
 County of Santa Barbara, Calif.

LD/14 New Ag Preserve Contract Nos on 12, 15, 16, 18 & 19

LAFCO Authorization for Approval of Out of Agency Service Agreements

Government Code Section 56133 (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) If consistent with adopted policy, the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the OSR/Rice Cooling and Processing Facility

Hearing Date: May 14, 2008

Staff Report Date: April 25, 2008

Case No.: 06RZN-00000-00005

06TPM-00000-00019

06DVP-00000-00009

06CUP-00000-00043

Environmental Document: Addendum

^{ZA}
Deputy Director: Zoraida Abresch

Division: Development Review North

Staff Contact: Nathan Eady

Supervising Planner: G. Kaiser

Planner's Phone #: (805) 934-6261

OWNER/APPLICANT:

OSR Enterprises Inc.,
NRG Enterprises L.P., and
OSR Ranch L.P.
1910 E. Stowell Road
Santa Maria, CA 93454
(805) 925-1831

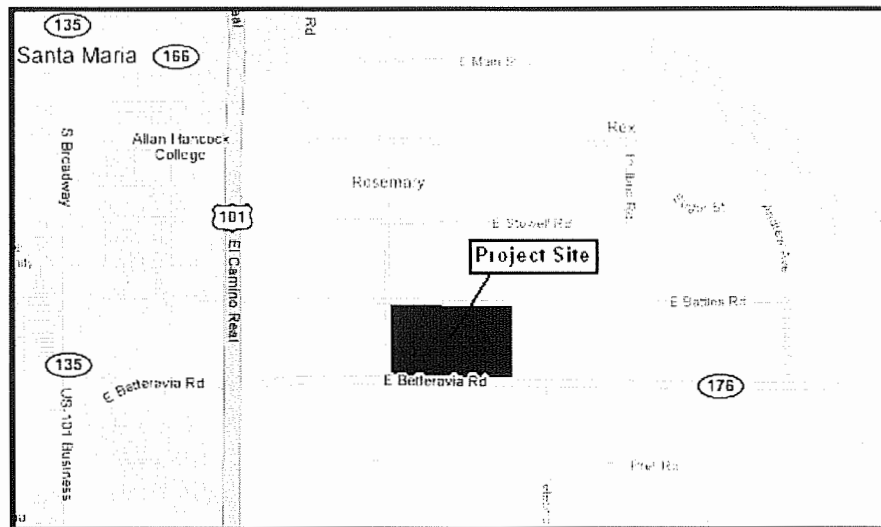
AGENT:

Susan Elledge Planning & Permitting
800 Santa Barbara Street
Santa Barbara, CA 93101
(805) 966-2758

ENGINEER:

Dennis Bethel & Associates
2450 Professional Parkway, Suite 120
Santa Maria, CA 93455

VICINITY MAP



This site is identified as Assessor Parcel Numbers 128-096-001, -004, -005, located at the intersection of Betteravia Road and Rosemary Road, in the Santa Maria area, 5th Supervisorial District.

Application Complete: December 27, 2007

Processing Deadline: 60 days from approval of NOD

1.0 REQUEST

Hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider the following:

- 1) Case Number 06RZN-00000-00005 [application filed July 14, 2006] for approval of a rezone to change the existing zoning designation for the 244.4 acres gross, 237.8 acres net, site commonly known as APN numbers 128-096-001, 128-096-004, and 128-096-005 from the AG-II-100 (Agriculture with 100 acre minimum

EXHIBIT E

parcel size) zone district to the AG-II-40 (Agriculture with 40 acre minimum parcel size) zone district;

- 2) Case Number 06TPM-00000-00019 [application filed on July 14, 2006] for approval of a Tentative Parcel Map in accordance with County Code Chapter 21 to subdivide an existing 244.4 acres gross, 237.8 acres net, site commonly know as APN numbers 128-096-001, 128-096-004, and 128-096-005 into three separate legal parcels ranging from 40.0 acres gross to 122.8 acres gross;
- 3) Case Number 06DVP-00000-00009 [application filed on July 14, 2006] for approval of a Development Plan to allow the construction of a 27-acre produce cooling and processing facility in compliance with Section 35.82.080 of the County Land Use and Development Code;
- 4) Case Number 06CUP-00000-00043 [application filed on July 14, 2006] for approval of a Major Conditional Use Permit to allow the construction of an agricultural processing facility within the AG-II zone district, in compliance with Section 35.82.060 of the County Land Use and Development Code;

and to accept the Addendum (Attachment B) to Environmental Impact Report (04-EIR-08) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. The original EIR identified significant effects on the environment in the following categories: Aesthetics, Agricultural Resources/Land Use, Air Quality, Groundwater, Noise, and Traffic/Circulation. The application involves AP No. 128-096-001, -004, and -005 located at the intersection of Betteravia Road and Rosemary Road, in the Santa Maria area, 5th Supervisorial District.

The Addendum to the EIR and all documents may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara (or 624 W. Foster Rd., Santa Maria).

2.0 RECOMMENDATIONS AND PROCEDURES

Follow the procedures outlined below and recommend approval of Case Numbers 06RZN-00000-00005, 06TPM-00000-00019, 06DVP-00000-00009, and 06CUP-00000-00043 marked "Officially Accepted, County of Santa Barbara May 14, 2008 County Planning Commission Exhibit No. 1", based upon the project's consistency with the County's Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.

2. Recommend that the Board of Supervisors approve the Addendum to the Uniform Rules EIR (04-EIR-08).
3. Recommend that the Board of Supervisors approve 06RZN-00000-00005.
4. Recommend that the Board of Supervisors approve 06TPM-00000-00019 subject to the conditions included as Attachment C-1.
5. Recommend that the Board of Supervisors approve 06DVP-00000-00009 subject to the conditions included as Attachment C-2.
6. Recommend that the Board of Supervisors approve 06CUP-00000-00043 subject to the conditions included as Attachment C-3.

Refer back to staff if the County Planning Commission takes other than the recommended action.

3.0 JURISDICTION

LUDC Section 35.104.050.A.1 requires the Planning Commission to hold at least one noticed public hearing on any proposed Zoning Map Amendment.

LUDC Section 35.104.050.A.2 states that the Planning Commission's recommendation on the proposed Zoning Map Amendment shall be transmitted to the Board of Supervisors in the form of a written recommendation.

LUDC Section 35.104.050.B.1 requires the Board of Supervisors to hold a public hearing and take final action regarding a requested Zoning Map Amendment.

LUDC Section 35.80.020 states that when two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one review authority, all applications for the project shall be under the jurisdiction of the review authority with the highest jurisdiction. Therefore, since the requested Rezone is under the jurisdiction of the Board of Supervisors all of the proposed cases (including the TPM, DP, and CUP) shall be under the jurisdiction of the Board as well.

4.0 ISSUE SUMMARY

Uniform Rules of Agricultural Preserve: This project is being proposed under the newly amended Uniform Rules for Agricultural Preserves and Farmland Security Zones. These newly amended rules allow for the placement of agricultural processing facilities on lands held in agricultural preserve. However, Rule 2-2.1 A-1 of the Uniform Rules states that no such processing facility shall exceed 50% of a parcel unless the Board of Supervisors can make the finding that the processing facility will be a significant benefit to the surrounding agricultural

community. The proposed project if approved would create a 40 acre parcel which contains a 27 acre processing facility. As this facility would exceed 50% of the parcel it is placed on, the Board must make the finding that this project is a significant benefit to the surrounding agricultural community.

Parcel Validity and Subdivision: Although the project site is commonly known as Assessor Parcel Numbers 128-096-001, -004, and -005 the site consists of only one legal parcel. Multiple parcel numbers can be created for various reasons (tax purposes, etc.) but unless a subdivision map is approved in relation to this numbering the site is still considered one legal parcel. No previous subdivision map has been approved on this project site. Therefore, the proposed tentative parcel map (TM 14,707) would subdivide one legal parcel into three legal parcels.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Rural, Agricultural
Ordinance, Zone	LUDC, AG-II-100, Agriculture, 100 acre min. parcel size
Site Size	244.4 acres gross, 237.8 acres net
Present Use & Development	Cultivated Agriculture, mineral extraction (oil).
Surrounding Uses/Zone(s)	<i>North:</i> AG-II-40, Agriculture <i>South:</i> Betteravia Road, AG-II-40, Agriculture <i>East:</i> AG-II-40, Agriculture <i>West:</i> Rosemary Road, AG-II-40/AG-II-100, Agriculture
Access	Access provided via Betteravia Road and Rosemary Road
Public Services	Water Supply: Existing wells will provide potable water for use in the cooling facility and all associated structures. Water for pressurization of fire hydrants will be provided by the City of Santa Maria or onsite water storage tanks. Sewage: Private septic system. Fire: Santa Barbara County Station # 21 (Santa Maria)

5.2 Setting

Project Site and Surrounding Land Uses: The proposed project site is located in the Santa Maria Valley approximately one mile east of Highway 101 and the limits of the City of Santa Maria. The site is located on the northeast corner of the intersection of Betteravia Road and Rosemary Road. The site currently contains five oil wells, one natural gas well, small oil storage tanks, an irrigation reservoir, and over 200 acres of row crops.

The project site is surrounded by parcels contained within the AG-II-40 zone district to the north, east, and south. Two parcels contained within the AG-II-100 zone district and one parcel contained within the AG-II-40 border the project site to the west. All of the surrounding parcels currently support agricultural cultivation and agricultural support structures (i.e. wells, irrigation reservoirs, etc.)

Slope/Topography: The project site consists of two large flat areas bisected from east to west by a single 2:1 slope which is approximately 15 feet in height on average. Flat portions of the site slope gently downwards to the northwest corner of the property.

Flora: The projects site has been in continuous agricultural production since 1938. Therefore, flora on the site consists almost exclusively of cultivated vegetables during the growing season and non-native grasses/weeds during the fallow season. There are neither trees nor any type of significant native plant species present on the subject parcel.

Fauna: The project parcel has been in active agricultural cultivation for several decades. As a result all native plant material has long since been stripped from the site and soils are routinely tilled throughout the year. Therefore, very few animal species are expected to permanently inhabit the site. Foraging species with wide ranges such as coyotes, rabbits, snakes and various bird species could occupy the project site for short periods. The project site is located approximately half a mile outside of the know range of the California Tiger Salamander (CTS).

Archaeological Sites: County Archaeology site maps and an Initial Records Search conducted by the University of California Santa Barbara indicate that there are no known archaeological sites within approximately 2000 feet of the project site.

Soils: Soils onsite consist of Pleasanton Sandy Loam on the southern half of the property and Sorrento Sandy Loam on the northern half of the property. Both of these soils types are generally considered prime agricultural soils if properly irrigated and drained.

5.3 Statistics

Statistics			
Item	Proposed	Ordinance Standard	
Structures (floor area)	Phase 1:	Not Applicable	
	Cooler:		58,800 sq. ft.
	Engine Room:		4,720 sq. ft.
	Dock Office:		5,600 sq. ft.
	Office Bldg.:		10,496 sq. ft.
	Field Supplies:		13,750 sq. ft.
	Shade Structures:		9,320 sq. ft.

Statistics		
Item	Proposed	Ordinance Standard
	Future Phases: Cooler: 58,800 sq. ft. Value-added: 57,900 sq. ft. Field Supplies: 8,250 sq. ft. Shade Structures: 10,000 sq. ft.	
Max. Height of Structure(s)	35 feet	No limit on non-residential.
Building Coverage (footprint)	Phase 1: 102,686 sq. ft. (6%)* Full build-out: 237,636 sq. ft. (14%)* *Percentage of Parcel 1 only.	Not applicable
Roads	No new roads proposed.	Not Applicable
Number of Dwelling Units	Not Applicable	One unit per legal lot
Project Density	Not Applicable	Not Applicable
Employees	Business Office- 11 employees Cooling Facility- 33 employees Value-added Facility- 90 employees	Not Applicable
Grading	Phase 1: Cut- 24,300 cubic yards Fill- 8,550 cubic yards Future Phases: Cut- 2,700 cubic yards Fill- 950 cubic yards	Not Applicable

5.4 Description

The project proposal involves four (4) discretionary requests described below:

Rezone: The requested Rezone (06RZN-00000-00005) will change the existing zoning designation for the 244.4 acres gross, 237.8 acres net, site commonly known as APN numbers 128-096-001, 128-096-004, and 128-096-005 from the AG-II-100 (Agriculture with 100 acre minimum parcel size) zone district to the AG-II-40 (Agriculture with 40 acre minimum parcel size) zone district.

Tentative Parcel Map: The requested Tentative Parcel Map (06TPM-00000-00019) will subdivide the existing 244.4 acres gross, 237.8 acres net, site commonly know as APN numbers 128-096-001, 128-096-004, and 128-096-005 into three separate legal parcels. Parcel 1 will be 40.0 acres gross, 37.6 acres net. Parcel 2 will be 122.8 acres gross, 120.6 acres net. Parcel 3 will be 81.6 acres gross, 79.6 acres net. Access to Parcel 1 will be provided from both Betteravia Road and Rosemary Road. Access to Parcel 2 will be provided from Rosemary Road. Access to Parcel 3 will be provided from Betteravia Road.

Development Plan: The requested Final Development Plan (06DVP-00000-00009) would allow the construction of 27-acre produce cooling and processing facility on Proposed Parcel 1. The proposed facility will be developed in at least two phases over an approximate timeline of 5-8 years.

PHASE 1 DEVELOPMENT

Land Use	Proposed Square Footage
Coolers and Refrigeration Dock	58,800 square feet
Engine Room, Electrical Services, and Ice Storage	4,720 square feet
Dock Office and Trucker Facility (Two Story)	First Floor: 2,800 square feet Second Floor: 2,800 square feet
Office Building (Two Story)	First Floor: 6,400 square feet Second Floor: 4,096 square feet
Field Supplies, Machine Shop, and Battery Storage	13,750 square feet
Shade Structures	9,320 square feet
Total Phase 1 Development	102,686 square feet

FUTURE PHASES OF DEVELOPMENT

Land Use	Proposed Square Footage
Coolers and Refrigeration Dock	58,800 square feet
Value-Added Processing and Support Facilities	57,900 square feet
Field Supplies	8,250 square feet
Shade Structures	10,000 square feet
Total Future Phase Development	134,950 square feet
Total Structural Development for All Phases	237,636 square feet

LOT COVERAGE ANALYSIS

Land Use	Proposed Phase 1 Development	Full Facility Build-out
Building Footprints	102,686 square feet	237,636 square feet
Paved Areas	436,415 square feet	632,821 square feet
Detention and Wastewater	94,050 square feet	115,080 square feet
Landscaped Areas	151,231 square feet	158,347 square feet
Undeveloped Areas	840,768 square feet	481,266 square feet
Public Right-of-Way	124,146 square feet	124,146 square feet

Traffic and Circulation: A traffic report was generated for the project by Associated Transportation Engineers (dated January 26, 2007). The study determined there would be no

impacts to levels of service at any of the roadways or intersections within the project vicinity as a result of full build-out of the project.

Access: The proposed facility will include three vehicular access points on Rosemary Road and one vehicular access point on Betteravia Road. These access points would include a combined entrance/exit for “field” trucks on Betteravia Road, a combine entrance/exit for employee and guest parking on Rosemary Road, and separate entrance and exit points for “line” trucks on Rosemary.

Parking:

Land Use	Phase 1	Full Project Build-out
Offices/Administration	54 spaces required	54 spaces required
Warehousing/Manufacturing	77 spaces required	202 spaces required
Total Required	131 spaces required	256 spaces required
Total Provided	145 spaces provided	259 spaces provided

Building Heights: Proposed structural development will range from a total height of 28 feet (office and administration) to 35 feet (cooling and manufacturing). The height limit in the AG-II-100 zone district is 35 feet for residential structures; there is no height limit otherwise.

Landscaping: The project includes approximately 151,231 square feet of landscaping as part of Phase 1 and 158,347 square feet of landscaping at full project build-out. This landscaping is primarily located between the proposed development and the public right-of-ways on Betteravia Road and Rosemary Road. This landscaping would provide screening and visual enhancement of the parking areas and structural development.

Grading: Grading to accommodate Phase 1 of the proposed project would include 24,300 cubic yards of cut and 8,550 cubic yards of fill. Despite the flat nature of the site (average slope of less than 2%) Phase 1 requires a significant amount of cut in order to construct the proposed stormwater retention basin. Future phases of the project would include an additional 2,700 cubic yards of cut and 950 cubic yards of fill. This additional grading is primarily required to construct the process wastewater retention basin.

Drainage: The current configuration of the site yields relatively large areas of impervious surfacing in the form of paving and building footprint. Storm water will be conveyed into a retention basin located in the northwest portion of the project site. This retention basin has been designed to accommodate both 25-year and 100-year flood events. An additional retention basin will be located in the northern portion of the site to accommodate process wastewater.

Miscellaneous Items: Agricultural and Potable Water would be provided by on-site private wells. Water pressure for the operation of fire hydrants on the site will be provided by either the City of Santa Maria’s community water system or by onsite water storage tanks. Domestic wastewater

generated by onsite employees and visitors will be disposed of with the use of a private septic system located in the proposed landscaped areas of the project site. A Solid Waste Management Plan shall be implemented during operation of the facility. This management plan will include the recycling of paper, cardboard, and similar waster products and the composting of organic waste to the maximum extent feasible.

Conditional Use Permit: The requested Major Conditional Use Permit (06CUP-00000-00043) would allow the location of the proposed produce cooling and processing facility (which accepts off-premise agricultural product) within the AG-II zone district.

5.5 Background Information

The proposed project site (APNs 128-096-001, -004, -005) is 244.4 acres in size (gross) and currently contains multiple water wells, five oil wells, one natural gas well, small oil storage tanks, and over 200 acres of row crops. The project site has been under agricultural preserve contract since 1970 (Contract # 70-AP-094).

6.0 PROJECT ANALYSIS

6.1 Environmental Review

An addendum to the Uniform Rules and Farmland Security Zones EIR (04-EIR-08) was prepared for the proposed project (see Attachment B) pursuant to the State Guidelines for the implementation of the California Environmental Quality Act and the County of Santa Barbara Environmental Guidelines. Issue areas addressed in the addendum are: aesthetics, agricultural resources/land use, air quality, groundwater, noise, and transportation. The addendum concluded that no project specific impacts, beyond those which were addressed in the previous EIR, would be significant.

6.1.1 Impacts and Mitigation

Aesthetics: The proposed produce cooling facility would include the construction of 237,636 square feet of structures at full project build-out and total site coverage would amount to approximately 27 acres of development (including paving, landscaping, etc.). Although the proposed development is large in bulk and scale the County's Visual Resource Guidelines allow for such developments if "technical requirements" necessitate such a design. Agricultural cooling and processing facilities have technical requirements which include the need for expansive enclosed areas which can be kept clean, secure, and climate controlled. The project is not only consistent with the Comprehensive Plan Policies but with the surrounding development pattern. Existing developments in the surrounding area such as the M-1 zoned parcels located 2200 feet to the west of the project site and the existing cooling facility located approximately 1900 feet to the south, contain similar buildings of large bulk and scale. In an effort to minimize the presence of this facility a condition requiring Board of Architectural Review approval prior to Land Use Clearance will ensure that the structure is as compatible as is feasible with the natural

environment. Furthermore, large areas of densely planted landscaping have been proposed between the structures and the adjoining public roads. Although this project is consistent with both Comprehensive Plan Visual Resource Policies and surrounding development patterns it should be noted that potentially significant aesthetic and unmitigable (Class I) impacts of this project upon the surrounding environment were disclosed as part of the Uniform Rules EIR (04-EIR-08). The project will not result in any potentially significant impacts which were not addressed in the previously approved EIR.

Agricultural Resources/Land Use: The proposed project is located on agriculturally zoned land (AG-II) which is predominantly (85%) covered in prime soils. The construction of the proposed cooling facility would result in the direct loss of 27 acres of farmable land with prime soils. In accordance with the County's Environmental Thresholds and Guidelines this is a significant impact to the environment (Class I). However, the Uniform Rules EIR (04-EIR-08) acknowledged that the construction of this facility and similar facilities throughout the County's rural areas would result in the significant loss of 283 acres of agricultural land. Therefore, this previous environmental document already acknowledged this significant impact and the Board of Supervisors already made the appropriate statement of overriding considerations. The proposed project also requests a zoning change which would reduce the required minimum parcel size and thereby create the potential of subdividing agricultural land into smaller parcels. In general as agricultural parcels are reduced in size they become less viable. However, the County's Environmental Thresholds and Guidelines state that a subdivision which creates non-viable agricultural parcels is a significant impact to the environment. Therefore, the proposed subdivision requested as part of this project, and any future subdivision on this project site, would be evaluated for the impacts to agriculture which may result from this reduction in parcel size. The proposed subdivision requested as part of this project does not have the potential to create non-viable parcels. Therefore, the project does not propose any additional impacts to agricultural resources beyond those already addressed in the Uniform Rules EIR.

Air Quality: The potential air quality impacts resulting from the project were calculated with the use of both estimated traffic counts and the Urbemis 2007 Version 9.2.4 air quality analysis software. With the combined increase in traffic from both the cooling facility and an increase in potential residential development from the rezone the project would result in the production of 10.45 pounds/day of ROC and 43.84 pounds/day of NOx. The County's threshold of significance for either Reactive Organic Compound (ROC) or Nitrogen Oxide (NOx) emission production is 25 pounds/day. Therefore, the project exceeds the County's Threshold for NOx emissions and would produce a significant, unmitigable impact (Class I) to air quality. However, the Uniform Rules EIR (04-EIR-08) acknowledged that such facilities would produce significant and long-term impacts (Class I) to air quality throughout the County and the Board of Supervisors made the appropriate Statement of Overriding Considerations. Therefore, the significant air quality impacts associated with this project have already been adequately analyzed and disclosed in the previously certified document 04-EIR-08.

Biological Resources: The projects site has been in continuous agricultural production for several decades. Therefore, flora on the site consists almost exclusively of cultivated vegetables during the growing season and non-native grasses/weeds during the fallow season. There are neither trees nor any type of significant native plant species present on the subject parcel. As a result of ongoing agricultural cultivation, all native plant material has long since been stripped from the site and soils are routinely tilled throughout the year. Therefore, very few animal species are expected to permanently inhabit the site. Foraging species with wide ranges such as coyotes, rabbits, snakes and various bird species could occupy the project site for short periods. The project site is located approximately half a mile outside of the know range of the California Tiger Salamander (CTS). Therefore, the proposed project does not have the potential to result in significant impacts to biological resources.

Cultural Resources: One known historical site is located on the northwestern edge of the project site. However, this historical site is not located in an area of proposed development and is located within the standard LUDC setbacks for proposed Parcel 2. Therefore, no future development could disturb this potentially significant historic resource. A Phase 1 Archaeological Surface Survey was conducted by the County archaeologist on April 21, 2008. No potentially significant prehistoric resources were identified on the site, within areas proposed for development. An initial Archaeological Records Search was also performed for the site and the surrounding vicinity. This records search indicated that there are no known archaeological sites on the project site or within 2000 feet in any direction. Both site surveys and archaeological records indicate that the project is unlikely to contain significant cultural resources which would be disturbed by the proposed project. Therefore no significant impact would likely result from the project. The County's standard Discovery Clause will be applied to the project.

Fire: The proposed project is located in a designated high fire hazard area of the County. However, the proposed project consists primarily of prefabricated metal structures which are not readily combustible. In addition, due to the large size and quantity of proposed commercial structures the fire code requires that all structures contain fire suppression sprinkler systems. Therefore, a significant fire hazard is not expected to result from the construction of the project. Furthermore, the Fire Department has included additional conditions requiring the installation of eight fire hydrants, portable fire extinguishers, etc.

Hazardous Materials / Risk of Upset:

Anhydrous Ammonia: The proposed project would include the use of anhydrous ammonia, a potentially harmful chemical, in the vegetable cooling process. A Screening Level Risk Assessment was prepared by Marine Research Specialists (MRS) dated September 8, 2006. This analysis concluded that the risks of injuries and/or fatalities resulting from the project would be in the Green Zone as defined by the County's Public Safety Thresholds. Risks which fall in the Green Zone are considered less than significant.

Active and Abandoned Oil Wells: The proposed project site contains five active oil wells and nine abandoned oil wells. A Phase I Site Assessment was prepared by Earth Systems Pacific and

dated February 5, 2002. This site assessment acknowledged that there are multiple abandoned oil well sites on the project parcels which need remediation. However, the Unocal Corporation is currently implementing a program of remediating their oil production-related facilities in the Santa Maria Valley. The Unocal Corporation is currently in the process of obtaining access agreements to perform these necessary remediation efforts.

Noise: The proposed cooling facility would utilize noise producing machinery and equipment for the cooling and processing of produce. This could include but is not limited to the use of large scale HVAC equipment, generators, etc. Although the closest sensitive receptors are located a minimum of 3000 feet from the development area, significant impacts from noise production may result from the operation of the proposed facility. This potentially significant, unmitigable impact (Class I) was identified in the Uniform Rules EIR (04-EIR-08). In addition, temporary noise impacts may result from the onsite construction activity associated with the proposed development. This construction activity has the potential to significantly affect sensitive receptors in the surrounding area. However, this potentially significant but mitigable impact (Class II) was identified in the Uniform Rules EIR and the application of the County's standard conditions regarding limitations on construction hours would reduce this potential impact to less than significant levels.

Public Facilities: A Solid Waste Management Plan has been proposed as part of the project. Without the implementation of a Solid Waste management Plan the facility would be expected to produce approximately 56 tons of refuse per year, which would be considered a significant cumulative impact to County landfills. However, the predominant amount of refuse produced by the facility includes cardboard, wood, paper, and produce cuttings; all materials which are highly recyclable and/or compostable. With the implementation of the proposed Solid Waste Management Plan the overall refuse production of the facility would be reduced by approximately 75%. This expected amount of refuse generation would be well below the County's threshold of significance.

Transportation: The proposed project would result in a noticeable increase in traffic from the development of the cooling facility and a marginal increase of traffic from the proposed rezone. Both the proposed cooling facility and the rezone would be expected to produce an additional 669 Average Daily Trips (ADTs) and 60 peak hour trips, combined. A traffic study was produced by Associated Transportation Engineers and dated January 26, 2007. In accordance with the analysis included within this traffic study the proposed addition of project related traffic would not result in the degradation of Levels of Service (LOS) for area intersections. All area intersections would maintain a minimum LOS C. Therefore, the proposed project will not result in significant impacts to traffic and circulation within the County of Santa Barbara or the City of Santa Maria. It should be noted that although this individual project is not expected to generate significant traffic related impacts the Uniform Rules EIR both acknowledged and made over-riding considerations for the fact that the development of such processing facilities in rural areas of the County could have significant, unmitigable impacts (Class I) to County roads and intersections.

Water Resources:

Groundwater usage: The proposed produce cooling facility is expected to consume 52 acre feet per year (AFY) of ground water at full project build-out. However, the proposed facility would displace approximately 27 acres of agricultural cultivation which consume 54 AFY in irrigation. Therefore, the project is expected to result in a net decrease of 2 AFY in ground water consumption from the site. Furthermore, as the majority of the water consumed by the facility is used for washing and cooling produce a portion of this water can be safely detained onsite for use as irrigation or infiltration back into the groundwater basin. It is estimated that this reuse would result in a further 40% reduction of water consumption on the project site, thereby resulting in an additional savings of 20.8 AFY. The proposed rezone could result in a net increase of four residential units to be developed on the project site. At this time the entire project site is currently used for the agricultural production of row crops, which is an irrigation intensive use. The future construction of single-family homes on the project site would directly displace row crop production. In an acre per acre comparison, single-family homes consume less water than irrigated crops. Therefore, if additional residential development resulted from the proposed rezone and/or tentative parcel map this development would result in a net decrease of groundwater usage on the site. Therefore, the project will not result in a significant impact to groundwater quantities within the Santa Maria Groundwater Basin.

Stormwater Runoff: The proposed project has been designed to include a substantially sized stormwater detention basin capable of containing runoff from either a 25 year or 100 year flood event. Therefore, the project as designed would not result in a net increase of stormwater runoff from the site.

6.2 Comprehensive Plan Consistency

POLICY CONSISTENCY ANALYSIS	
REQUIREMENT	DISCUSSION
Comprehensive Plan Policies	
<i>LAND USE ELEMENT</i>	
<u>Land Use Designation : AC (Agriculture)</u>	Consistent. The proposed facility involves the cooling and processing of locally grown produce. The facility is capable of processing agricultural product grown on approximately 5,000 acres of surrounding farm land. This is a directly supportive agricultural use as surrounding growers will experience a reduction in the time and expense of transporting their produce if the facility is located within the region of cultivation.

POLICY CONSISTENCY ANALYSIS	
REQUIREMENT	DISCUSSION
<p><u>Land Use Development, Policy # 4:</u></p> <p><i>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 and private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service connections or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p>Consistent.</p> <p>Water: The proposed project will be provided with potable and industrial water by existing onsite wells. Water pressure for the required fire hydrants will be provided by either the City of Santa Maria’s municipal water system or by onsite water tanks.</p> <p>Sewer: Domestic wastewater will be disposed of using a commercial grade septic system. Industrial wastewater will treated onsite within the proposed industrial wastewater retention basin.</p> <p>Roads: The proposed project will take access from two County maintained and improved roads; Betteravia Road and Rosemary Road. These roads are adequate to serve the project and project related traffic will not result in a significant degradation of the current Level of Service in this region of the County.</p> <p>Fire: The proposed project site will be served by County Fire Station #21, located at 3339 Terminal Drive, Santa Maria. The project also includes the installation of eight new fire hydrants.</p>
<p><u>Hillside and Watershed Protection Policies</u></p> <p>Policy #1. <i>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.</i></p> <p>Policy #2. <i>All development 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, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to</i></p>	<p>Consistent. Phase 1 of the proposed project improvements would require approximately 24,300 cubic yards of cut and approximately 8,550 cubic yards of fill. Future phases of the project would require an additional 2,700 cubic yards of cut and 950 cubic yards of fill. Structural development has been located on a relatively flat portion of the site and will require minimal amounts of grading. The majority of earth movement will result from the construction of the proposed stormwater and wastewater retention basins. These basins have been sited against an existing 2:1 slope which bissects the property from east to west. This siting location will help to eliminate excess grading by</p>

POLICY CONSISTENCY ANALYSIS	
REQUIREMENT	DISCUSSION
<p><i>development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p>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>Policy #4. <i>Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on-site unless removed to an appropriate dumping location.</i></p> <p>Policy #5. <i>Temporary vegetation, seeding, mulching, or other suitable stabilization methods 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 acceptable landscaping practices.</i></p> <p>Policy #6. <i>Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.</i></p>	<p>allowing the slope to serve as one or more sides for the retention basins. Therefore, the project has been designed to reduce the amount of required grading to the maximum extent feasible and is consistent with this policy.</p> <p>No grading on slopes with a gradient of more than 20% would occur for the development of the proposed cooling facility. No prominent natural landforms, native trees, or significant amounts of native vegetation would be disturbed by the proposed project.</p> <p>Consistent. Proposed project conditions require that areas disturbed by grading be revegetated within four (4) weeks after the completion of earth-moving operations. Proposed mitigation measures also require that no grading occur during mid-November through late February. The project would also be required to prepare a Storm Water Pollution Prevention Plan and to implement best management practices to reduce erosion and sedimentation impacts. Finally, the project would also be required to conform to the Regional Water Quality Control Boards General Waste Discharge Requirements and obtain a permit if necessary.</p>

POLICY CONSISTENCY ANALYSIS	
REQUIREMENT	DISCUSSION
<p>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 Flood Control District and Project Clean Water.</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 archaeological resources exist within 2000 feet of the project site based on the County's Archaeological Resource Maps and an Initial Records Search conducted by the University of California Santa Barbara (UCSB). Additionally, the County Archaeologist conducted a Phase 1 Archaeological Surface Survey of the proposed 27-acre development area on April 21, 2008. No significant archaeological resources were discovered during this survey. The Initial Records Search conducted by UCSB did indicate that there is a known historic site located on the northwest fringes of the project site. However, no development has been proposed in this area and future development would be prevented from disturbing this historical resource by the application of the standard AG-II zone district setbacks. The project has been conditioned to include the standard discovery clause if archaeological resources are encountered during construction. As conditioned, the project would be consistent with this policy</p>
<p>Visual Resources</p> <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</i></p>	<p>Consistent. The visual character of the area is rural and consists of light industrial, agricultural, and residential uses visible from public roads. In addition this area of Santa Maria Valley includes numerous active and/or abandoned oil extraction facilities including: wells, tanks, pumps, etc. Due to the lack of hillsides or ridges on the property, the proposed development would not intrude into</p>

POLICY CONSISTENCY ANALYSIS

REQUIREMENT

contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

DISCUSSION

the skyline. At full build-out the proposed facility would include approximately 237,636 square feet of structural development with a maximum height of 35 feet. While this amount of structural development in a rural area is intensive, existing developments in the surrounding area such as the M-1 zoned parcels located 2200 feet to the west of the project site and the existing cooling facility located approximately 1900 feet to the south, contain similar buildings of large bulk and scale. The visual resource policies allow for the design of structures to be relatively intrusive if technical requirements require such a design. In this case the large bulk and scale of the cooling facility is a function of the use. The cooling, cleaning, and processing of produce requires expansive enclosed areas which can be kept clean and secure. Therefore, the processing facility requires relatively large-scale structures. In an effort to minimize the presence of this facility a condition requiring Board of Architectural Review approval prior to Zoning Clearance will ensure that the structure is as compatible as is feasible with the natural environment. Furthermore, large areas of densely planted landscaping have been proposed between the structures and the adjoining public roads. Therefore, the project is consistent with this policy.

Visual Resources Policy #5: *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.*

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).

CIRCULATION ELEMENT

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.

Consistent. The proposed project would take access off of both Betteravia Road and Rosemary Road. The project would contribute an additional 669 Average Daily Trips and 60 Peak Hour Trips to local roads and intersections. This amount of additional traffic will not impact the current

POLICY CONSISTENCY ANALYSIS	
REQUIREMENT	DISCUSSION
	Level of Service on local roads or intersections. The project will be required to contribute traffic impact mitigation fees to mitigate the project's incremental contribution to the degradation of local circulation elements. Therefore, the proposed project is consistent with this policy.
<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 the processing of produce cultivated onsite and on an additional 5,000 acres located in the Santa Maria Valley. By placing the cooling and processing facility in close proximity to local areas of cultivation it decreases transportation time and expense for the local grower, thereby increasing the viability of surrounding agricultural operations. Therefore, the proposed project would be consistent with this policy.
<i>GOAL II.</i> Agricultural lands shall be protected from adverse urban influence.	Consistent. The limited amount of land dedicated to the cooling and processing facility (27 acres) would directly support and enhance the agricultural productivity of approximately 5,000 acres of adjacent lands. The facility will decrease the time and expense for local growers to transport their produce to the appropriate processing facility. Allowing the requested zoning change would reduce the required minimum parcel size and thereby create the potential of subdividing agricultural land into smaller parcels. In general as agricultural parcels are reduced in size they become less viable. However, the County's Environmental Thresholds and Guidelines state that a subdivision which creates non-viable agricultural parcels is a significant impact to the environment. Therefore, the proposed subdivision requested as part of this project, and any future subdivision on this project site, would be evaluated for the impacts to agriculture which may result from this reduction in parcel size.
<i>GOAL III.</i> Conversion of agricultural lands shall not interfere with remaining agricultural operations.	
<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, packing, and value-added facilities in an area directly adjacent to farmable acreage used to cultivate various types of produce.

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

AG-II (Agriculture) zone district. The AG-II zone district is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The proposed produce cooling and processing use is allowed within the AG-II zone, subject to the approval of a conditional use permit for processing of produce grown off-premises. The project as designed meets all Land Use Development Code requirements for setbacks, height limits, etc.

6.3.2 Compliance with County Code Chapter 21

The proposed project would be consistent with the rules and regulations of the County's subdivision regulations as described in the findings (attachment A). The proposed lots would conform to the configuration requirements as outlined in Chapter 21 and therefore would comply with the minimum requirements of the Subdivision Map Act.

6.4 Subdivision/Development Review Committee

The project has been reviewed by all members of the Subdivision Review Committee. All departmental condition letters are included in the Conditions of Approval, Attachment C.

6.5 Design Review

The County's Northern Board of Architectural Review (NBAR) conceptually reviewed the conceptual Site, Elevation, and Landscape plans for the project on February 8, 2008. The minutes from this meeting state that the NBAR would prefer: that gabled ends be added to proposed structures (if feasible), a more subdued color palette, and that both the density and height of the landscaping along streetscapes be increased. The project would need final BAR approval prior to Zoning Clearance (ZC) for development.

6.6 Agricultural Preserve

The proposed project site is currently under agricultural preserve contract (Contract 70-AP-094). The recently amended Uniform Rules for Agricultural Preserves and Farmland Security Zones allow processing facilities on agricultural preserve land. However, in accordance with Agricultural Preserve Rule 2-2.1 A-1 in order for a processing facility to exceed 50% of the total parcel area the Board of Supervisors must make a finding that the project is a significant benefit to the surrounding agricultural community. The proposed project was presented to the Agricultural Preserve Advisory Committee (APAC) on February 1, 2008. Minutes from this

meeting indicate that the APAC would find the project in conformance with the Uniform Rules if the Board is able to make the finding that the project is a substantial benefit to the surrounding agricultural community. The project was also presented to the Agricultural Advisory Commission (AAC) on March 5, 2008. The AAC made the recommendation that the Board recognize the OSR/Rice Cooling and Processing Facility as a significant benefit to the surrounding agricultural community. A copy of the recommendation has been included in this staff report as Attachment M.

6.7 Development Impact Mitigation Fees

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

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

Estimated Countywide Development Impact Mitigation Fees			
Fee Program	Base Fee (per unit or 1,000 sf)	Estimated Fee	Fee due at
Recreation (Parks)	Not Applicable	Not Applicable	Not Applicable
Transportation	\$480.00 per Peak Hour Trip	\$15,360.00	Land Use Clearance
Fire (\$0.10/sf.)	\$0.10 per square foot	\$23,074.00	Final Inspection

7.0 APPEALS PROCEDURE

The Planning Commission must make a formal recommendation to the Board of Supervisors. As the Board of Supervisors has the jurisdiction to take final action no appeal of this project is possible.

ATTACHMENTS

- Attachment A: Findings
- Attachment B: Addendum
- Attachment C: Project Conditions
- Attachment D: Tentative Parcel Map
- Attachment E: Site Plan
- Attachment F: Conceptual Grading Plan
- Attachment G: Cooler Floor Plan and Elevations
- Attachment H: Dock and Trucker Facility Floor Plan
- Attachment I: Office Floor Plans and Elevations
- Attachment J: Value-added Facility Floor Plan
- Attachment K: Landscape Plans
- Attachment L: Zone District Map
- Attachment M: Agricultural Advisory Committee Minutes

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS:

1.1 Consideration of the Addendum and Full Disclosure

The Board of Supervisors has considered the Addendum, dated April 25, 2008, together with the previously certified EIR (04-EIR-08) for the Uniform Rules of Agricultural Preserve and Farmland Security Zones. The Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with 04-EIR-08, is adequate for this proposal.

1.2 Location of Documents

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

1.3 Environmental Reporting and Monitoring Program

Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which 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.

1.4 Findings Addressing Addendum Issue Areas

The Addendum prepared for the project addressed the following issues:

Class I (significant and unavoidable)

Project related – Agricultural Resources/Land Use, Air Quality, Noise

Cumulative – Traffic/Circulation, Aesthetics

Class II (potentially significant but mitigable)

Project related – Noise, Air Quality

In approving the updated Uniform Rules for Agricultural Preserve and Farmland Security Zones, the Board of Supervisors adopted a Statement of Overriding Considerations for significant impacts that could not be fully mitigated.

2.0 ADMINISTRATIVE FINDINGS:

2.1 REZONE FINDINGS

Pursuant to Section 35-325.5, in order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a rezone request, the following findings shall be made by the Board of Supervisors:

2.1.1 The request is in the interests of the general community welfare.

The proposed rezone from AG-II-100 (Agricultural, 100 acre minimum parcel size) to AG-II-40 (Agriculture, 40 acre minimum parcel size) would reduce the minimum parcel size allowed on the project site but would not result in any change to the allowed uses. This request is in the interest of the general community welfare as the predominant zone district in this area of the County is AG-II-40. Rezoning the project site to this predominant zone district would promote orderly and consistent development patterns within this region of the Santa Maria Valley. Therefore, this finding can be made.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and Article III.

State law requires zoning ordinances to be consistent with the comprehensive plan. The subject parcel is designated Agriculture II, 100-acre minimum parcel size (A-II-100) under the County Comprehensive Plan. The request would rezone the subject property to Agriculture II, 40-acre minimum parcel size. This rezone would not result in any change of allowed uses on the subject property, just a reduction in minimal parcel size. The proposed rezone is consistent with the County's Comprehensive Plan, the requirements of State planning and zoning laws, and Article III. Therefore, the proposed rezone is consistent with this finding.

2.1.3 The request is consistent with good zoning and planning practices.

The proposed rezone from AG-II-100 (Agricultural, 100 acre minimum parcel size) to AG-II-40 (Agriculture, 40 acre minimum parcel size) would reduce the minimum parcel size allowed on the project site but would not result in any change to the allowed uses. This request is consistent with good zoning and planning practices as the predominant zone district in this area of the County is AG-II-40. Rezoning the project site to this predominant zone district would promote orderly and consistent development patterns within this region of the Santa Maria Valley. Therefore, this finding can be made.

2.2 SUBDIVISION MAP ACT FINDINGS (Tract Map No. 14,707)

According to the Subdivision Map Act, the Board of Supervisors must deny this tentative parcel map if the Board is either unable to make the requisite statutory findings for approval of the project or, in the alternative, makes any of the specified statutory findings that would require disapproval. For the reasons discussed below, the Board of Supervisors adopts each of the required statutory findings necessary to approve this Tentative Parcel Map:

2.2.1 State Government Code §66473.1 *The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.*

The proposed subdivision would create three new parcels the smallest of which is approximately 40 acres. Ample space and favorable topography within these parcels would allow for the future use of passive or natural heating or cooling opportunities in the subdivision. Therefore, the Board of Supervisors finds that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

2.2.2 State Government Code §66473.5 *No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with (commencing with §65450) of Chapter 3 of Division 1.*

As discussed in the policy consistency section of this staff report (section 6.2, incorporated herein by reference), the map is consistent with the County's Comprehensive Plan with the incorporation of conditions of approval identified in this staff report dated April 25, 2008. Therefore, the Board of Supervisors finds that the proposed project is consistent with the County's Comprehensive Plan.

2.2.3 State Government Code §66474. *The following findings shall be caused for disapproval of a Vesting Tentative Tract Map:*

a. *The proposed map is not consistent with applicable general and specific plans as specified in §66451*

As evaluated in Section 6.2 of the staff report, the project is consistent with all applicable Comprehensive Plan policies. The project is not subject to a specific or community plan.

b. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans*

The design and improvements set forth in TM 14,707, and as conditioned, are consistent with the County's Comprehensive Plan in respect to lot width, depth, and size. The parcel contains an adequate building site and private services are available to serve development

on the site, including access to the building area. The project is not subject to a specific or community plan.

c. *The site is not physically suitable for the type of development proposed*

The proposed subdivision includes the creation of three parcels ranging in size from approximately 40 acres to 122 acres. A proposed 27-acre produce cooling and processing facility would be placed on the 40 acre parcel. All three proposed parcels contain ample acreage and favorable topography to allow the currently proposed development and future development which may be proposed.

d. *The site is not physically suited for the proposed density of development*

The proposed subdivision includes the creation of three parcels ranging in size from approximately 40 acres to 122 acres. A proposed 27-acre produce cooling and processing facility would be placed on the 40 acre parcel. Additional development in the form of one primary residence per legal lot and additional agricultural structures could be developed on the additional parcels. All three parcels have ample acreage and favorable topography necessary to support the proposed density of development.

e. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat*

As noted in the Addendum to 04-EIR-08, the project will have certain significant and unavoidable project related and cumulative impacts and potentially significant but mitigable project related and cumulative impacts. However, these impacts are the same as originally analyzed in 04-EIR-08 and the Board of Supervisors adopted a Statement of Overriding Considerations for these Class I impacts. Further, the project site is located in an agriculturally disturbed area with little habitat value. In addition, night lighting associated with structural development will be limited in intensity and directed downward in order to reduce any nuisance effect on local wildlife. Mitigation measures from the Addendum have now been incorporated into the project as conditions of approval. Therefore, the project would not result in substantial environmental damage nor would the project be harmful to fish, wildlife or the habitat on which they rely.

The EIR and Addendum did not reveal any impacts to fish, wildlife or the environment generally which could not be mitigated to insignificance. Project conditions of approval require the implementation of erosion control measures during construction, and the use of protective devices to minimize and filter runoff prior to it leaving the site.

f. *The design of the subdivision or type of improvements is likely to cause serious public health problems*

The subdivision and build-out of the proposed parcels with an agricultural processing facility and additional low-density residential development is not expected to result in activities that will cause significant health or safety impacts. Proposed conditions of approval will minimize construction-related air emissions and project related traffic would

not result in impacts associated with localized increases in carbon monoxide concentrations. Thus, with the implementation of proposed conditions of approval, the project would not result in serious public health problems.

g. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision*

The proposed subdivision would not conflict with any easements located on the property. No easements would need to be altered or relocated as a result of the proposed project.

h. *The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code*

The proposed subdivision will be served by private septic disposal systems and an industrial wastewater retention basin subject to the approval of the Environmental Health Department. Therefore, waste discharge from the proposed subdivision will not affect an existing community sewer system.

2.3 CHAPTER 21, COUNTY SUBDIVISION REGULATIONS

The following findings shall be cause for disapproval of a tentative map or lot split map, but the tentative map or lot split may nevertheless be approved in spite of the existence of such conditions where circumstances warrant.

2.3.1 *Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, however the road commissioner may approve such easements or rights-of-way without such subordinations*

The proposed project does not propose any easements or right-of-ways along or across County public streets that are not for street dedication or widening purposes.

2.3.2 *Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street*

Adequate access and ingress/egress is provided for the proposed parcels via Betteravia Road and Rosemary Roads. Public Works, Roads Division has reviewed the proposed access way to the site and has determined that it would be adequate to serve the proposed project.

2.3.3 *Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view*

The proposed project includes the creation of minor cut and fill slopes in order to develop the required stormwater and industrial wastewater retention basins. However, these slopes will not be of such steepness and/or height as to be unsafe or unattractive to view.

2.3.4 Grading or construction may not be performed prior to the approval of the final map

No grading has occurred nor is proposed for any street or lot prior to recordation of the final map, except for any allowed structures under existing zoning regulations.

2.3.5 Potential creation of hazard to life or property from floods, fire, or other catastrophe

The project has been reviewed by both the County's Flood Control and Fire Prevention Departments. These aforementioned departments have implemented the necessary conditions required to avoid the creation of hazards associated with flooding and fires.

2.3.6 Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the state highway commission

Compliance with the conditions of approval identified in Attachment C, ensures that the design and improvements of the proposed subdivision and future development are consistent with the County's Comprehensive Plan, as discussed in the previous findings and in Section 6.2 of this report. The proposed project does not conflict or impact the alignment of any state highway.

2.3.7 Creation of a lot or lots which have a ratio depth to width in excess of 3 to 1

The project would not result in lots that have a ratio depth to width in excess of 3:1.

2.3.8 Subdivision designs with lots backing up to watercourses

The proposed subdivision does not back up to a watercourse. Grading and drainage plans that include erosion control measures (temporary and permanent) would be required prior to future development of the site. Review and approval by P&D and Flood Control of these plans is required pursuant to the conditions of approval.

2.4 DEVELOPMENT PLAN FINDINGS

Pursuant to Section 35.82.080.E, a Final Development Plan (06DVP-00000-00008) shall be approved only if all of the following findings can be made:

2.4.1 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 proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. The parcel is a relatively flat with the exception of one minor slope (15 feet in height) that bisects the property from east to west. The proposed 40-acre site contains one existing oil well. The proposed cooling and processing facility would be approximately 27-acres which represents approximately 68% in total lot coverage. Upon full build-out of the facility, including structures and supporting improvements (i.e. parking lots, landscaping, wastewater treatment, etc.), 13 acres of the site will remain cultivated with row crops. The physical characteristics, shape

and size of the site are adequate to support both the proposed development. Therefore, this finding can be made.

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

As noted in the Addendum to 04-EIR-08, the impacts of the proposed project are the same or less than those identified in 04-EIR-08 prepared for the update to the Uniform Rules of Agricultural Preserve and Farmland Security Zones. The Board of Supervisors adopted a Statement of Overriding Considerations for 04-EIR-08 for the significant impacts that could not be fully mitigated.

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

The street system surrounding the project site is adequate to accommodate the net increase of 629 Average Daily Trips (ADT) and 56 Peak Hour Trips (PHT) which would be generated by the proposed development. As discussed in Section 4.0 of the proposed Final Addendum to 04-EIR-08, the addition of project-generated traffic to area roadways and intersections would not create significant impacts to areas roadways or intersections. As designed, the project is adequate to serve development onsite and meet Fire Department Standards for emergency access. As conditioned, proposed access ways would not result in the creation of turning movement conflicts or hazards to pedestrians, cyclists or vehicles on Betteravia Road or Rosemary Road. Therefore, this finding can be made.

2.4.4 *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 provided with potable water via onsite private wells. Wastewater disposal will be achieved by the use of private septic systems which are subject to the approval of the Environmental Health Department. Adequate police and fire protection are available to serve the proposed project. Therefore, this finding can be made.

2.4.5 *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.*

The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. Traffic generated by the project will not substantially affect roadways used by residents of the surrounding area. The proposed project will use anhydrous ammonia during the produce cooling process, however, risk assessments indicate that a release of this potentially hazardous chemical on the project site does not pose a significant risk to surrounding residents. The County Fire Department has reviewed and conditioned the project as required to prevent the creation of significant fire or hazardous chemical risks. Therefore, this finding can be made.

2.4.6 *That the project is in conformance with the applicable provisions of the Development Code and the Comprehensive Plan, including any applicable community or area plan.*

As discussed in Sections 6.2 and 6.3 of the staff report dated April 25, 2008 and incorporated herein by reference, the project is in conformance with the applicable provisions of the Land Use Development Code and Comprehensive Plan. The project is not subject to the requirements of any community or area plan. Therefore, this finding can be made.

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

The proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. As similar cooling facilities and light-industrial facilities with similar site design and architectural style exist in this region of the County the proposed project is consistent with the character of the area. Therefore, this finding can be made.

2.4.8 *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 public access easements on the property nor has there been any public use of the property.

2.4.9 *The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the applicable review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan. Where the Director cannot make the finding that the Final Development plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the review authority that approved the Preliminary Development Plan for a decision on the Final Development Plan.*

The proposed project site is not subject to a previously approved Development Plan. Therefore, this finding can be made.

2.4.10 *As the proposed processing facility would occupy more than 50% of the parcel, in order for the project to be consistent with Rule 2-2.1 A-1 of the Uniform Rules for Agricultural Preserve the Board must make the finding that the project is a substantial benefit to the agricultural community and the public.*

The project is a 27-acre produce cooling and processing facility. The project would be a substantial benefit to the agricultural community and the public as it would serve the

produce cooling and processing needs for approximately 5,000 acres of agricultural land. The placement of such a facility in close proximity to the land which it serves will allow cheaper and faster cooling. This is a benefit to the agricultural producer and increases the shelf-life of produce which is a benefit to the public. Therefore, this finding can be made.

2.5 CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 35.82.060.E, a Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

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

The proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. The parcel is a relatively flat with the exception of one minor slope (15 feet in height) that bisects the property from east to west. The 40-acre site contains one existing oil well. The proposed cooling and processing facility would be approximately 27-acres which represents approximately 68% in total lot coverage. Upon full build-out of the facility, including structures and supporting improvements (i.e. parking lots, landscaping, wastewater treatment, etc.), 13 acres of the site will remain cultivated with row crops. The physical characteristics, shape and size of the site are adequate to support both the proposed development. Therefore, this finding can be made.

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

As noted in the Addendum to 04-EIR-08, the impacts of the proposed project are the same or less than those identified in 04-EIR-08 prepared for the update to the Uniform Rules of Agricultural Preserve and Farmland Security Zones. The Board of Supervisors adopted a Statement of Overriding Considerations for 04-EIR-08 for the significant impacts that could not be fully mitigated.

2.5.3 That streets and highways are adequate and properly designed.

The street system surrounding the project site is adequate to accommodate the net increase of 629 Average Daily Trips (ADT) and 56 Peak Hour Trips (PHT) which would be generated by the proposed development. As discussed in Section 4.0 of the proposed Final Addendum to 04-EIR-08, the addition of project-generated traffic to area roadways and intersections would not create significant impacts to areas roadways or intersections. As designed, the project is adequate to serve development onsite and meet Fire Department Standards for emergency access. As conditioned, proposed access ways would not result in the creation of turning movement conflicts or hazards to pedestrians, cyclists or vehicles on Betteravia Road or Rosemary Road. Therefore, this finding can be made.

2.5.4 *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 provided with potable water via onsite private wells. Wastewater disposal will be achieved by the use of private septic systems which are subject to the approval of the Environmental Health Department. Adequate police and fire protection are available to serve the proposed project. Therefore, this finding can be made.

2.5.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.*

The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. Traffic generated by the project will not substantially affect roadways used by residents of the surrounding area. The proposed project will use anhydrous ammonia during the produce cooling process, however, risk assessments indicate that a release of this potentially hazardous chemical on the project site does not pose a significant risk to surrounding residents. The County Fire Department has reviewed and conditioned the project as required to prevent the creation of significant fire or hazardous chemical risks. Therefore, this finding can be made.

2.5.6 *That the project is in conformance with the applicable provisions and policies of the Development Code and the Comprehensive Plan.*

As discussed in Sections 6.2 and 6.3 of the staff report dated April 25, 2008 and incorporated herein by reference, the project is in conformance with the applicable provisions of the Land Use Development Code and Comprehensive Plan. The project is not subject to the requirements of any community or area plan. Therefore, this finding can be made.

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

The proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. As similar cooling facilities and light-industrial facilities with similar site design and architectural style exist in this region of the County the proposed project is consistent with the character of the area. Therefore, this finding can be made.

OSR/Rice Cooling and Processing Facility
06RZN-00000-00005; 06TPM-00000-00019; 06DVP-00000-00009; 06CUP-00000-00043
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ATTACHMENT B: ADDENDUM

ATTACHMENT B

TO: Decision-Makers

FROM: Nathan Eady, Planner II
Development Review Division, Planning and Development
Supervising Planner: Gary Kaiser

DATE: April 25, 2008

RE: OSR/Rice Cooler CEQA 15164 Addendum to Uniform Rules EIR (04-EIR-08)
Case Numbers 06RZN-00000-00005; 06TPM-00000-00019; 06DVP-00000-00009;
06CUP-00000-00043; APN's:128-096-001, -004, -005

CEQA

Determination: Finding that CEQA section 15164 (Addendum) applies to the OSR/Rice Cooler Development. CEQA section 15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result. The Uniform Rules EIR (04-EIR-08) was prepared for the amended Uniform Rules for Agricultural Preserves and Farmland Security Zones and anticipated the build-out of a 27 acre cooling facility, is hereby amended by this 15164 letter for the OSR/Rice Cooler project.

INTRODUCTION

The California Environmental Quality Act (CEQA) requires analysis and disclosure of environmental impacts that could occur as a result of project development. Hence, prior to the adoption of the revisions to the Uniform Rules for Agricultural Preserves and Farmland Security Zones, the County prepared, considered, and certified the Uniform Rules Environmental Impact Report. This aforementioned EIR (04-EIR-08) consists of two (2) volumes: Volume I includes, but is not limited to: the project description, impact analysis, policy consistency analysis, project alternatives, and public comments with responses; and Volume II contains a series of eleven (11) appendices which contain documentation used during production of the EIR.

There are no substantial changes to the proposed project which involves a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. The project proposes the same uses at the same or lesser density than previously analyzed, the analysis contained within that EIR addresses the cumulative impacts that would be associated with the proposed project and identifies the mitigation measures that would mitigate those impacts to the extent feasible.

CEQA is clear in its preference to use previously prepared environmental documents when anticipated project specific impacts have been clearly assessed. Section 15162 of the State CEQA Guidelines gives

the criteria where a previously certified EIR can be used and when a new EIR should be prepared. Documentation of new and/or unanticipated impacts must be identified if a new EIR is to be prepared.

The above section seems particularly relevant to the case at hand because it specifically addresses the issue of a proposed project that was anticipated and evaluated in a prior environmental document. As briefly explained below, the proposed project was anticipated and provided for by the amended Uniform Rules for Agricultural Preserve and Farmland Security Zones, and the Uniform Rules EIR evaluated, disclosed, and mitigated potentially significant effects to the extent feasible. There have been no substantial unanticipated changes to the project, the project site, the project setting, or circumstances surrounding the project that would require further environmental analysis. CEQA Guidelines Section 15162 therefore applies.

This document has been prepared pursuant to State CEQA Guidelines Section 15164 and is referred to as an Addendum to an EIR. Where an EIR has been certified and a proposed project is consistent with the development anticipated by this aforementioned document, further environmental review is limited to effects upon the environment which are peculiar to the parcel or the project and which are not addressed as significant effects in the prior EIR. The Uniform Rules EIR evaluated impacts associated with buildout under the amended Uniform Rules for Agricultural Preserves and Farmland Security Zones, including detailed descriptions of the existing environmental setting and the analysis of cumulative impacts associated with buildout under the amended Uniform Rules. The Uniform Rules EIR identified significant cumulative impacts in the areas of Agricultural Resources/Land Use, Visual Resources, Noise, Traffic/Circulation, Air Quality, and Groundwater Resources, associated with buildout resulting from the amended Uniform Rules for Agricultural Preserves and Farmland Security Zones. The EIR included mitigation measures that addressed these impacts where appropriate.

The Board of Supervisors found that the adverse impacts identified in the Uniform Rules EIR as significant have been mitigated to the maximum extent feasible, and to the extent these impacts remain significant and unavoidable after implementation of mitigation measures, that such impacts are acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations as adopted by the Board of Supervisors for the amended Uniform Rules for Agricultural Preserves and Farmland Security Zones. The Executive Summary Table of 04-EIR-08 is included as Attachment A of this document.

The applicant proposes development consistent with the amended Uniform Rules for Agricultural Preserves and Farmland Security Zones. This document is intended to analyze potentially significant impacts which may result from the proposed project as well as determine any changes to the environmental setting that may require additional mitigation to reduce project-related impacts to less than significant levels that were not addressed in the Uniform Rules EIR. This environmental document, together with the Uniform Rules EIR, will be used by the decision-makers in their consideration of the proposed project. For a detailed analysis of the impacts and mitigation measures listed herein, one must refer to the Uniform Rules EIR. The general project characteristics (such as: land use, approximate site size, groundwater use, etc) were assessed in 04-EIR-08 as the OSR/Rice Cooling Facility. Notwithstanding the absence of substantial changes or substantial new information, there are now details about the project that were not

previously known. For example, the exact project site location, site design, and architectural style of the proposed development were not known when the Uniform Rules EIR was prepared.

PROJECT LOCATION

The project site consists of Assessor Parcel Numbers: 128-096-001, -004, -005, consisting of approximately 244.4 acres gross and 237.8 acres net, located at the intersection of Betteravia Road and Rosemary Road, in Santa Maria Valley, Fifth Supervisorial District.

PROPOSED PROJECT DESCRIPTION

The project proposal involves four (4) discretionary requests described below:

Rezone: The requested Rezone (06RZN-00000-00005) will change the existing zoning designation for the 244.4 acres gross, 237.8 acres net, site commonly known as APN numbers 128-096-001, 128-096-004, and 128-096-005 from the AG-II-100 (Agriculture with 100 acre minimum parcel size) zone district to the AG-II-40 (Agriculture with 40 acre minimum parcel size) zone district.

Tentative Parcel Map: The requested Tentative Parcel Map (06TPM-00000-00019) will subdivide the existing 244.4 acres gross, 237.8 acres net, site commonly know as APN numbers 128-096-001, 128-096-004, and 128-096-005 into three separate legal parcels. Parcel 1 will be 40.0 acres gross, 37.6 acres net. Parcel 2 will be 122.8 acres gross, 120.6 acres net. Parcel 3 will be 81.6 acres gross, 79.6 acres net. Access to Parcel 1 will be provided from both Betteravia Road and Rosemary Road. Access to Parcel 2 will be provided from Rosemary Road. Access to Parcel 3 will be provided from Betteravia Road.

Development Plan: The requested Final Development Plan (06DVP-00000-00009) would allow the construction of a 27-acre produce cooling and processing facility on Proposed Parcel 1. The proposed facility will be developed in at least two phases over an approximate timeline of 5-8 years.

PHASE 1 DEVELOPMENT

Land Use	Proposed Square Footage
Coolers and Refrigeration Dock	58,800 square feet
Engine Room, Electrical Services, and Ice Storage	4,720 square feet
Dock Office and Trucker Facility (Two Story)	First Floor: 2,800 square feet Second Floor: 2,800 square feet
Office Building (Two Story)	First Floor: 6,400 square feet Second Floor: 4,096 square feet
Field Supplies, Machine Shop, and Battery Storage	13,750 square feet
Shade Structures	9,320 square feet
Total Phase 1 Development	102,686 square feet

FUTURE PHASES OF DEVELOPMENT

Land Use	Proposed Square Footage
Coolers and Refrigeration Dock	58,800 square feet
Value-Added Processing and Support Facilities	57,900 square feet
Field Supplies	8,250 square feet
Shade Structures	10,000 square feet
Total Future Phase Development	134,950 square feet
Total Structural Development for All Phases	237,636 square feet

LOT COVERAGE ANALYSIS

Land Use	Proposed Phase 1 Development	Full Facility Build-out
Building Footprints	95,790 square feet	237,636 square feet
Paved Areas	436,415 square feet	632,821 square feet
Detention and Wastewater	94,050 square feet	115,080 square feet
Landscaped Areas	151,231 square feet	158,347 square feet
Undeveloped Areas	840,768 square feet	481,266 square feet
Public Right-of-Way	124,146 square feet	124,146 square feet

Traffic and Circulation: A traffic report was generated for the project by Associated Transportation Engineers (dated January 26, 2007). The study determined there would be no impacts to levels of service at any of the roadways or intersections within the project vicinity as a result of full build out of the project.

Access: The proposed facility will include three vehicular access points on Rosemary Road and one vehicular access point on Betteravia Road. These access points would include a combined entrance/exit for “field” trucks on Betteravia Road, a combine entrance/exit for employee and guest parking on Rosemary Road, and separate entrance and exit points for “line” trucks on Rosemary.

Parking:

Land Use	Phase 1	Full Project Build-out
Offices/Administration	54 spaces required	54 spaces required
Warehousing/Manufacturing	77 spaces required	202 spaces required
Total Required	131 spaces required	256 spaces required
Total Provided	145 spaces provided	259 spaces provided

Building Heights: Proposed structural development will range from a total height of 28 feet (office and administration) to 35 feet (cooling and manufacturing). The height limit in the AG-II-100 zone district is 35 feet for residential structures; there is no height limit otherwise.

Landscaping: The project includes approximately 151,231 square feet of landscaping as part of Phase 1 and 158,347 square feet of landscaping at full project build-out. This landscaping is primarily located between the proposed development and the public right-of-ways on Betteravia Road and Rosemary Road. This landscaping would provide screening and visual enhancement of the parking areas and structural development.

Grading: Grading to accommodate Phase 1 of the proposed project would include 24,300 cubic yards of cut and 8,550 cubic yards of fill. Despite the flat nature of the site (average slope of less than 2%) Phase 1 requires a significant amount of grading in order to construct the proposed storm water retention basin. Future phases of the project would include an additional 2,700 cubic yards of cut and 950 cubic yards of fill. This grading is primarily required to construct the proposed wastewater retention basin for process related discharge.

Drainage: The current configuration of the site yields relatively large areas of impervious surfacing in the form of paving and building footprint. Storm water will be conveyed into a retention basin located in the northwest portion of the project site. This retention basin has been designed to accommodate both 25-year and 100-year flood events. An additional retention basin will be located in the northern portion of the site to accommodate process wastewater.

Miscellaneous Items: Agricultural and Potable Water would be provided by on-site private wells. Water pressure for the operation of fire hydrants on the site will be provided by either the City of Santa Maria's community water system or by onsite water storage tanks. Domestic wastewater generated by onsite employees and visitors will be disposed of with the use of a private septic system located in the proposed landscaped areas of the project site. A Solid Waste Management Plan shall be implemented during operation of the facility. This management plan will include the recycling of paper, cardboard, and similar waster products and the composting of organic waste to the maximum extent feasible.

Conditional Use Permit: The requested Major Conditional Use Permit (06CUP-00000-00043) would allow the location of the proposed produce cooling and processing facility (which accepts off-premise agricultural product) within the AG-II zone district.

PROJECT IMPACT ANALYSIS

Development of this project type and size was reviewed under CEQA as part of the amended Uniform Rules for Agricultural Preserves and Farmland Security Zones environmental impact report 04-EIR-08 (certified 9/25/07). This EIR included the OSR/Rice Cooler project in its cumulative project list as a Tier II project and included impacts resulting from this specific project in the document's cumulative impact analysis of build-out resulting from the amended Uniform Rules. The issue areas discussed below were addressed in the Uniform Rules EIR. The discussion below includes the original cumulative analysis, original site specific analysis and a description of the proposed project's specific impacts and any circumstances that may have changed. The total development acreage reviewed under the original EIR (04-EIR-08) for the OSR/Rice Cooler project was approximately 27 acres.

In approving the amended Uniform Rules for Agricultural Preserves and Farmland Security Zones, including the future build-out of the 27 acre OSR/Rice Cooler development, the Board adopted a Statement of Overriding Considerations for those identified environmental impacts which could not be fully mitigated (i.e., residual impacts after mitigation which were determined to be significant and unavoidable [Class I impacts]).

The sections which follow do not include discussions of impacts to the following areas: Biological Resources, Archaeological and Historic Resources, Hazards/Risk of Upset, Public Services, Parks, Recreation and Trails, and Schools. No significant impacts to these resources were identified during initial evaluation of the proposed project and project site. The proposed project would not change the impact levels or conclusions of the original FEIR for these impact categories. Significant impacts are anticipated for several other issue areas and are described in detail below.

1. Agricultural Resources/Land Use

Setting

The Santa Maria Valley comprises the largest amount of agricultural acreage in the County and accounts for more than half of the County’s agricultural value. It is an area of intensive vegetable production and contains the largest concentration of prime agricultural land in the County. The Santa Maria and Sisquoc river flood plains have given the valley level fields and highly fertile soils. The cities of Santa Maria and Guadalupe provide a majority of the area’s agricultural support facilities. High value row crops including broccoli, strawberries, lettuce, cauliflower, and celery are the predominant agricultural endeavors on the valley floor. The surrounding foothills are used for vineyards and cattle grazing. The Santa Maria Valley contains 255 individual contracts totaling approximately 134,000 acres. Almost 75% of the agriculturally-zoned land in this region is enrolled in the Agricultural Preserve Program.

The project site is located in the AG-II-100 zone district and currently supports a cultivated agricultural operation (row crops). In accordance with County land use maps approximately 85% (207.7 acres) of the total project site is designated as “Prime Farmlands” and the remaining 15% (36.7 acres) is designated as “Farmlands of Statewide Importance.” Additionally, soil maps indicated that “Prime” soils cover 85% of the project site. The project site is surrounded by agricultural land uses and agricultural zone districts (either AG-II-40 or AG-II-100) on all sides.

General Impacts

The following potential impacts from Section 3.1 (Agricultural Resources) of the Uniform Rules EIR (Volume I) were identified for development resulting from the revisions to the Uniform Rules:

Impact AG-1: Conversion of agricultural soils and loss or impairment of agricultural productivity. Expansion of agricultural support facilities allowed under the Proposed Uniform Rules, including large-scale wineries, preparation and processing facilities, commercial composting facilities and facilities in the Agricultural Industry Overlay would result in the combined conversion of approximately 283 acres of agricultural soils to developed uses (Table 3.1-6). Development of agricultural support facilities 7

acres or larger would constitute a **potentially significant impact** by permanently eliminating agricultural soils from commercial agricultural production.

Impact AG-2: Compatibility of land uses and structures. Increased land uses and structures within or adjacent to agriculturally productive areas would result in land use conflicts and could impair the productivity of agricultural lands. These conflicts would increase where large-scale wineries and agricultural support facilities, including those developed under an Agricultural Industry Overlay, commercial composting facilities and special events are proposed on or adjacent to agricultural lands actively engaged in cultivation or grazing operations. Such land use conflicts would constitute a **potentially significant impact** by impairing the ability of agriculturists to fully engage in their agricultural operations.

Impact AG-3: Growth inducement and population increases. The introduction of certain uses, activities, and facilities on contracted land would likely result in increases in both temporary and permanent populations in the County's rural agricultural areas and potential growth inducement associated with greater development on contracted land. While many of these provisions are sufficiently restricted to minimize the potential for growth inducement and population increases, the provision allowing large-scale wineries, preparation facilities, agricultural processing facilities under the Agricultural Industry Overlay, and special events would constitute a **potentially significant impact** on land use and agricultural resources. Population increases associated with new residential development and small-scale guest ranches on contracted land could further add to the potential severity of this impact.

Impact AG-8: Agricultural Support Facility Expansion. The adequacy of agricultural support facilities within a region can have a significant effect upon the viability and long-term sustainability of agriculture. Proposed Uniform Rule 2-2.1 (*Preparation and Processing*) and Uniform Rule 2-6 (*Agricultural Industry Overlay*) will result in an **indirect beneficial impact** to agricultural resources in Santa Barbara County. This change will increase opportunities for large-scale preparation and processing facilities, cooling and packing facilities, and other facilities which make agriculture more efficient, economic and profitable; thereby allowing local farms to complete more successfully in the marketplace. (*Uniform Rule 2-2.1 Preparation and Processing and Uniform Rule 2-6 Agricultural Industry Overlay*) Allowing additional opportunities for facilities for preparation of raw agricultural products will increase the productivity of the premises and increase the long-term sustainability and viability of the agricultural operation. Locating these facilities closer to the growing areas reduces the amount of time and fuel for hauling crops from harvesting sites to packing and cooling facilities. Increased efficiency in farming reduces overall costs of farming and in turn, the consumer enjoys increased freshness of products. As noted in Sec 2.4.3.B there is an estimated shortage of local wine processing capacity of approximately 2.85 billion cases of wine county-wide. In addition to contributing to the sustainability and viability of individual agricultural operations by allowing for increased local wine processing through increased employment opportunities, income stream and capital investment will contribute in a broader sense to agricultural sustainability at a regional level. This would also be true for processing of non-grape crops in AIO facilities on contracted land.

Impact AG-11: Additional Monitoring and Reporting: The amended Uniform Rules propose revised agricultural production and reporting requirements (Rule 1-2.3). These changes will help to limit participation in the Agricultural Preserve Program to bona fide farmers and ranchers actively involved in commercial agriculture operations. This strengthening of the rules will ensure the integrity of the Agricultural Preserve Program which is characterized as an **indirect beneficial impact** to the social benefits of agriculture.

Residual Impacts

Mitigation Measure AG-7 would help to ensure that preparation facilities are incidental to commercial agricultural production by requiring at least a portion of the parcel with the facility to be in cultivation. However, the mitigation measure would still allow for the siting of large-scale facilities on small parcels, potentially creating development of a greater intensity than found within the surrounding area and intensity of existing development. The land use conflicts identified in Impact AG-2 associated with the introduction of large-scale preparation and winery facilities and agricultural support facilities developed under an Agricultural Industry Overlay (AIO) designation will be **significant and unavoidable (Class I)** despite implementation of the recommended mitigation measures (Mitigation Measure AG-3 and Mitigation Measure AG-7) and application of existing policies and development standards as part of the permit process.

Project Specific Impacts

Rezone:

The proposed rezone of the project site would change the current zone district for approximately 244.4 acres from AG-II-100 to AG-II-40. This proposed zone change retains the agricultural use of the project site but reduces the minimum parcel size from 100 acres to 40 acres. The principle result of this change in zone district is the ability to subdivide the property into a maximum of 6 legal parcels instead of 2 parcels as allowed by the current zone district. Ultimately this increases the development potential of the project site from a maximum of 2 primary residences to a maximum of 6 primary residences. This marginal increase in residential density, with a net gain of 4 additional single-family residences, would not result in significant impacts to public facilities or the land use pattern in this region of the County. Furthermore, the predominant zone district within the Santa Maria Valley is AG-II-40 and the proposed rezone would in fact facilitate an orderly development pattern within this area. Allowing the requested zoning change would reduce the required minimum parcel size and thereby create the potential of subdividing agricultural land into smaller parcels. In general as agricultural parcels are reduced in size they become less viable. However, the County's Environmental Thresholds and Guidelines state that a subdivision which creates non-viable agricultural parcels is a significant impact to the environment. Therefore, the proposed subdivision requested as part of this project, and any future subdivision on this project site, would be evaluated for the impacts to agriculture which may result from this reduction in parcel size.

Development Plan and Conditional Use Permit:

The proposed project will result in the direct conversion of approximately 27 acres of agricultural land to an agriculturally supportive, processing use. The agricultural acreage is predominantly designated as both "Prime" farmlands and contains prime soils. In accordance with the County's Environmental Thresholds

and Guidelines Manual the loss of such a substantial amount of prime agricultural acreage to structural development is an unmitigable significant impact to the environment (Class I). However, the Uniform Rules EIR acknowledged that the construction of this facility and similar facilities throughout the County's rural areas would result in the significant loss of 283 acres of agricultural land. Despite the fact that this project would result in the direct loss of 27 acres of farmable land it would also have a substantial benefit to the surrounding agricultural community. The facility would provide the necessary means to cool, wash, and eventually package the agricultural product grown on 5,000 acres of local farm land. This would result in a substantial benefit to the local agricultural community and the County's economy at large. The project would not result in the creation of significant impacts to agricultural resources beyond those already identified in the Uniform Rules EIR.

Tentative Parcel Map:

The proposed project includes the request for a tentative parcel map to create three new agricultural parcels. Proposed Parcel 1 will be 40.0 acres gross, 37.6 acres net. Proposed Parcel 2 will be 122.8 acres gross, 120.6 acres net. Proposed Parcel 3 will be 81.6 acres gross, 79.6 acres net. The parent parcel is approximately 244 acres, is currently used for the agricultural production of row crops, and contains a significant area of prime soils. These characteristics, combined with favorable topography and water availability, make the parent parcel agriculturally viable under the County's Environmental Thresholds. In consideration of the proposed tentative parcel map, all three proposed parcels would share the same favorable characteristics of flat topography, easy access to groundwater, and surrounding agricultural land uses which would not conflict with the continued agricultural production onsite. Proposed Parcels 2 and 3 would also have ample acreage (approximately 79 acres minimum) with prime soils still available for the ongoing production of agricultural crops. Proposed Parcel 1, however, would be predominantly occupied by the proposed cooling and processing facility (27 acres of development footprint) thereby only leaving approximately 10.6 acres of farmable land. Although this quantity of farmable acreage is relatively minimal in comparison to other viable parcels within the County it should be noted that the existence of a cooling and processing facility on the parcel would substantially offset the lack of farmable acreage. Typically, agricultural parcels allow for the growth and harvesting of produce and this produce is exported for sale in its raw form. Regardless of the type of industry (agriculture, manufacturing, etc.) the economic value of a refined product is far greater than a product in its raw form. In this instance the cooling, cleaning, and value-added packaging of produce grown on Parcel 1 dramatically increases its value. Therefore, the amount of agricultural product grown on 10.6 acres and refined through a value-added facility is equivalent to the economic value of an unrefined agricultural product grown on a much larger number of acres. As a specific example, raw lettuce harvested from the field and sold directly to a wholesaler is worth approximately 12 cents per $\frac{3}{4}$ of a pound. However, lettuce which has been washed, cut, and processed prior to sale is worth approximately \$1.50 per $\frac{3}{4}$ of a pound. This reflects an approximate 1250% increase in value. Table 1 below contains the parcel agricultural viability analysis for the existing parent parcel and all three of the proposed parcels. Parcel 1 ultimately receives very low scores for parcel size, soil classification, and agricultural suitability. These point allotments result from all soils being covered with development (approximately 27 acres) being considered Class 7 (extremely poor quality) and with the majority of the site developed it is no longer "highly" suitable for the cultivation of row crops or cattle grazing. Despite these aforementioned low point scores proposed Parcel 1 as well as Parcels 2 and 3 are all agriculturally viable in accordance with the County's Environmental Thresholds and Guidelines.

**Table 1
 Agricultural Suitability and Productivity Analysis**

Agricultural Suitability and Productivity	Maximum Point Value	Existing Parcel 237.8 acres (net)	Proposed Parcel 1 37.6 acres (net)	Proposed Parcel 2 120.6 acres (net)	Proposed Parcel 3 79.6 acres (net)
Parcel Size	15	11	8	11	9
Soil Classification	15	11	3	11	11
Water Availability	15	15	15	15	15
Agricultural Suitability	20	10	3	10	10
Existing and Historic Land Use	5	5	5	5	5
Comprehensive Plan Designation	5	5	5	5	5
Adjacent Land Uses	10	10	10	10	10
Agricultural Preserve Potential	7	7	7	7	7
Combined Farming Operations	5	3	5	1	1
Total	97	77	61	75	73

Mitigation Measures

The following mitigation measures presented in Section 3.1 of the Uniform Rules EIR would help reduce potentially significant impacts:

Mitigation AG-1: Amend Uniform Rule 2-6 as follows: Uniform Rule 2-6.D. Agricultural facilities developed within an Agricultural Industry Overlay (AIO) shall only be approved if the Board of Supervisors finds that the AIO is necessary to address an unmet regional need and will not result in the concentration of agricultural industry facilities on contracted land within any particular region will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land. (*Addresses Impacts AG-1, AG-2, and AG-3*).

Mitigation AG-2: Amend Uniform Rule 2-7 as follows: Uniform Rule 2-7.B.6. The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is not enclosed and that any associated composting enclosure on a particular site appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands. (*Addresses Impacts AG-1 and, AG-2*).

Mitigation AG-3: Amend Uniform Rule 2-2.1 as follows: Uniform Rule 2-2.1.A.1. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. (*Addresses Impacts AG-1, AG-2, and AG-3*).

Mitigation AG-7: Amend Uniform Rule 2-2.1 as follows: Add a new requirement as subsection 2.2.1.A.4. The parcel with the preparation facility has at least 50% of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to terrain, sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage particular to the premises. Notwithstanding the commercial production eligibility requirements in Rule 1-2.3, the Board of Supervisors may establish different minimum production acreage requirements particular to the parcel and/or premises if the Board finds that a substantial benefit to the agricultural community and public can be demonstrated. (*Addresses Impacts AG-1, AG-2, and AG-3*).

2. Visual Resources

Setting

Santa Barbara County is known for its scenic beauty. The visual resources of the County are bountiful and diverse, including: the rolling grasslands dotted with oak trees in the inland valleys; the rich riparian corridors along the County's river and stream systems; the steep woodland and chaparral covered mountains of Los Padres National Forest and the Santa Ynez and San Rafael mountains; the foothills, plains, and steep bluffs along the Gaviota and South coasts; and the diverse coastline of the Pacific Ocean. One of the reasons for the continuance of these visual qualities has been the lasting presence of agriculture throughout the County. Agriculture has helped to maintain scenic open vistas and preserve the rural character of much of the County. As shown in Figure 1, agricultural properties enrolled in Agricultural Preserve Program are distributed throughout these scenic areas of the County. Limited improvements such as ranch houses, agricultural employee housing units, barns and other farm buildings may be present on these properties, but they are generally consistent with the existing rural character and are not prominent features interrupting the rural landscape. Below is a general description of the visual resources of each of the rural regions of the County.

Santa Maria Valley: The Santa Maria Valley is formed by the San Rafael Mountains to the east and the Casmalia and Solomon Hills to the south and south-west. The Sisquoc and Cuyama rivers converge just east of the City of Santa Maria, forming the Santa Maria River. The area is characterized by rolling hills

covered in annual grasses and scattered oak woodlands in the south (predominantly used for cattle grazing), cultivated agriculture on the valley floor (mainly strawberry and vegetable crops), and the urban areas of Santa Maria, Orcutt, Guadalupe, Garey and Sisquoc. The Guadalupe Dunes extend along the coast south from the Santa Maria River Mouth to Mussel Point. Point Sal is located south of the Dunes and northwest of Vandenberg Air Force Base. Major travel corridors in this region include U.S. Highway 101, and State Highways 1, 135, and 166.

The proposed project site currently contains private water wells, five oil wells, one natural gas well, small oil storage tanks, and an irrigation reservoir, and various minor agricultural support structures. The majority of the project site is currently occupied by cultivated agriculture (row crops). The project site and future development would be readily visible from public views along Betteravia Road and Rosemary Road. Existing development within this region of the County includes agricultural support structures (i.e. barns, livestock enclosures, irrigation reservoirs, etc.), single-family residential development, light-industrial buildings, and cooling facilities.

General Impacts:

The following potential impacts from Section 3.2 (Visual Resources) of the Uniform Rules EIR (Volume I) were identified for development resulting from the revisions to the Uniform Rules:

Impact VIS-1: Obstruction or degradation of public viewsheds and/or the creation of views or conditions that are inconsistent with the rural character of the area. Development resulting from changes to the Uniform Rules would result in *potentially significant impacts* to visual resources primarily due to the potential for large-scale agricultural support facilities and winery development to be located along travel corridors or adjacent to public or private viewsheds, especially if located along a State-designated scenic highway. (*Addresses Uniform Rules: 1-4. Principal Dwelling, 2-2 Supportive Agricultural Uses, 2-4 Small-Scale Guest Ranches and 2-6 Agricultural Industry Overlay*).

Impact VIS-2: Introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development. The proposed Uniform Rules amendments allowing for increased opportunities for large-scale agricultural support facilities, including wineries and those facilities developed under an Agricultural Industry Overlay, commercial composting facilities, and special events would facilitate greater development in the rural areas of the County thereby increasing structural and/or visual intrusion into areas of active agricultural production which contribute to the visual character of the area by providing open vistas. (*Addresses Uniform Rules: 2-4 Supportive Agricultural Uses, 2-6 Agricultural Industry Overlay, 2-7 Solid Waste and Composting Facilities*)

Impact VIS-3: Introduction of new sources of light and/or glare. New sources of night lighting and/or glare associated with increased opportunities for large-scale agricultural support facilities and wineries, residential development, and small-scale guest ranches would result in *potentially significant impacts* to the visual quality of the agricultural areas of the County. (*Addresses Uniform Rules: 1-4 Principal Dwelling, 2-4 Supportive Agricultural Uses and 2-4 Small-Scale Guest Ranches*)

Residual Impacts

Impact VIS-1: The visual impacts on public viewsheds and the potential creation of offensive or inconsistent views or conditions associated with expanding the opportunities for large-scale preparation and winery facilities and agricultural support facilities developed under an Agricultural Industry Overlay (Impact VIS-1), will become ***significant but mitigable (Class II)*** upon implementation of the mitigation measures and application of existing policies and development standards addressing visual resources. Mitigation VIS-1 and VIS-2 will help to ensure that large-scale wineries, preparation and processing facilities, and AIO facilities are designed to be visually compatible with and subordinate to the scenic, rural character of the surrounding areas in order to protect public views as seen from scenic highways.

Impact VIS-2: The impacts to visual resources in terms of introducing development that is visually incompatible with surrounding structures and uses and the existing intensity of development (Impact VIS-2) associated with the anticipated increase in development occurring under the amended Uniform Rules are considered ***significant and unavoidable (Class I)*** despite implementation of the identified mitigation measures and application of existing policies and development standards addressing visual impacts. While standard conditions and policy consistency would address many visual concerns, they would not be able to adequately address the number of new facilities or their ultimate scale as long as the need was demonstrated. Mitigation measures AG-2 and AG-3 will help to address the total size of individual facilities, but not the overall impacts to visual resources associated with the introduction of potentially incompatible development and the conversion of agriculture and open space to more intensive land uses and development. By applying size and frequency limitations on non-winery special events, Mitigation AG-5 reduces the likelihood that such events would be visually incompatible with the rural character of the area, though impacts could still occur depending on the type and location of such events. However, these mitigation measures would not address the location of events or their potential concentration in particular areas of the County. The potential for localized impacts would remain significant.

Impact VIS-3: Application of existing standard conditions addressing new sources of light and glare would be applied to any future development project. For residential projects and small-scale guest ranches, the residual visual impacts associated with night lighting and glare (Impact VIS-3) will be ***adverse but less than significant (Class III)*** due to their small-scale and the low density of development.

While standard conditions addressing new sources of light and glare would be applied to large-scale preparation and winery facilities, and facilities developed under an Agricultural Industry Overlay, the potential scale and distribution or concentration of these facilities could permanently alter the night sky. Nighttime visual impacts associated with these facilities are considered ***significant and unavoidable (Class I)***.

Project Specific Impacts

Rezone:

The proposed change in zone district would retain the present land uses allowed on the project site, but would reduce the minimum parcel size from 100 acres to 40 acres. The only change in land use pattern this could result in would be a maximum net increase in primary residential development of four units. The maximum development potential of one primary residence per 40 acres would still be visually consistent with the predominant rural, agricultural land use pattern in the Santa Maria Valley.

Development Plan and Conditional Use Permit:

The proposed produce cooling facility would include the construction of 237,636 square feet of structures at full project build-out and total site coverage would amount to approximately 27 acres of development (including paving, landscaping, etc.). This structural development includes the construction of cooling and storage facilities, offices, shade structures, etc. The project was conceptually reviewed by the Northern Board of Architectural Review (NBAR) on February 8, 2008. The Board was supportive of the overall siting, bulk, scale, and materials of the proposed structures. However, the Board did indicate the desire for a milder color palette, gable ends to be added to the structural design (if feasible), and that additional landscaping be provided between the structures and public streets. Although the proposed development is large in bulk and scale the County's Visual Resource Guidelines allow for such developments if "technical requirements" necessitate such a design. Agricultural cooling and processing facilities have technical requirements which include the need for expansive enclosed areas which can be kept clean, secure, and climate controlled. The project is not only consistent with the Comprehensive Plan Policies but with the surrounding development pattern. Existing developments in the surrounding area such as the M-1 zoned parcels located 2200 feet to the west of the project site and the existing cooling facility located approximately 1900 feet to the south, contain similar buildings of large bulk and scale. In an effort to minimize the presence of this facility a condition requiring Board of Architectural Review approval prior to Land Use Clearance will ensure that the structure is as compatible as is feasible with the natural environment. Furthermore, large areas of densely planted landscaping have been proposed between the structures and the adjoining public roads. Although this project is consistent with both Comprehensive Plan Visual Resource Policies and surrounding development patterns it should be noted that potentially significant aesthetic and unmitigable (Class I) impacts of this project upon the surrounding environment were disclosed as part of the Uniform Rules EIR (04-EIR-08). The project will not result in any potentially significant impacts which were not addressed in the previously approved EIR.

Tentative Parcel Map:

The proposed tentative parcel map would subdivide 244.4 acres into three legal parcels varying in size from 40 acres to 120 acres. This subdivision could result in the ministerial approval of up to 3 primary residences instead of the currently allowed one single-family residence. Generally, the construction of additional residential units would not be a significant visual impact if the surrounding area already exhibits a similar development pattern. The Santa Maria Valley does contain sparse residential development, therefore, the additional development of two new single-family homes would be out of character with the area. Additionally, newly proposed homes would need to be consistent with the County's Comprehensive Plan policies and therefore would have to be, "subordinate to the rural

character of the area.” Therefore, the potential for additional residential development created by the proposed subdivision would not result in a significant impact to visual resources.

Mitigation Measures

The following mitigation measures presented in Section 3.2 of the Uniform Rules EIR would help reduce potentially significant impacts:

Existing Policies and Development Standards that May Reduce Impacts

Existing policies in the County’s Comprehensive Plan, Local Coastal Plan (LCP), and applicable Community plans address visual resources, specifically Policy 4-3 of the LCP, and Visual Resource Policy 2 and Hillside and Watershed Protection Policy 2 of the Land Use Element. Approval of any development project under the Uniform Rules, whether it be for a principal residence, winery processing facility, or other development, would be contingent upon a finding of consistency with these County policies. The zoning ordinances which apply to agricultural land throughout the unincorporated areas of the County apply development standards on residential structures in agricultural zone districts (except the AG-II zone district in Article II) which include height restrictions on dwellings not to exceed 35 feet. There are also specific design standards for wineries (LUDC §35.42.270.D.4) which address visual impacts and ensure compatibility with other development in the vicinity. In addition, the LUDC requires all structures be consistent with the following development standard related to visual resources:

In areas designated as rural on the Land Use Element 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.

The zoning ordinances also have a provision for the protection of visual resources on hillsides and ridgelines, with development guidelines and Board of Architectural Review approval required for all structures in any zone district where there is a 16 foot or greater drop in elevation within 100 feet in any direction from the building footprint. Other standard conditions commonly applied to development projects that would address visual impacts include: 1) the requirement that any exterior lighting be of low intensity, low glare design, and shall be hooded/shielded to minimize the spread of light off-site and to minimize impacts to the rural nighttime character; 2) natural building materials and colors (earth tones and non-reflective paints) compatible with the surrounding terrain shall be used to minimize the contrast of the development with adjacent undeveloped areas; and 3) the design, scale and character of the architecture shall be compatible with other development in the vicinity. Therefore, many of the visual impacts identified in this impact analysis may be partially or fully mitigated through compliance with existing policies, development standards, and common conditions applied to development projects.

Proposed Mitigation Measures

Mitigation VIS-1: Add Rule 2-1.1.A.4: Agricultural preparation and processing facilities visible from a State-designated scenic highway should be sited, screened, and designed to be compatible with the scenic and rural character of the area. (*Addresses Impact VIS-1*).

Mitigation VIS-2: Add to the criteria in Rule 2-6: Facilities located within an Agricultural Industry Overlay (AIO) on contracted land and is visible from a State-designated scenic highway should be sited, screened and designed to be compatible with the scenic and rural character of the area, consistent with the intent of Government Code §51220. (*Addresses Impact VIS-1*).

Mitigation VIS-3: Refer to Mitigation AG-1. (*Addresses Impacts VIS-2 and VIS-3*)

Mitigation VIS-4: Refer to Mitigation AG-2. (*Addresses Impacts VIS-2 and VIS-3*).

Mitigation VIS-5: Refer to Mitigation AG-3. (*Addresses Impacts VIS-2 and VIS-3*).

Mitigation VIS-6: Refer to Mitigation AG-7. (*Addresses Impact VIS-2*).

3. Noise

Setting

Noise is generally defined as unwanted or objectionable sound. Sound levels are expressed as decibels (dB). The A-weighted noise level has been developed to correspond with people’s subjective judgment of sound levels and is referenced in units of dB(A). Sound levels diminish as distance from the source increases. Noise levels from single stationary point sources decrease at a rate of 6 dB for every doubling of distance from the source. Noise levels from a line source (e.g. roadway) decrease at a rate of 3 dB for every doubling of distance. In general, a 1 dB change in ambient noise levels is imperceptible, 3 dB is generally noticeable, and 10 dB is perceived as nearly half (or twice) as loud.

Primary sources of intrusive noise within the rural areas of the County include motor vehicles, agricultural activities, railroads, and airports. Ambient noise levels on most contracted land are expected to be less than 50 dB (Ldn – Day-Night Average Level), which is typical of rural areas, unless the land is adjacent to or in close proximity to roads or railways. Along roadways, such as U.S. Highway 101 and State Highways 1, 246, and 154, noise levels from vehicular traffic can be in excess of 65 dB(A) CNEL (Community Noise Equivalent Level) at 50 feet from the nearest travel lane centerline.

The project site lies adjacent to Betteravia Road, which is defined as a “major road” and functions as a primary travel route between Santa Maria and the surrounding valley. The entire site is exposed to high noise levels generated by vehicle traffic on this roadway. Sensitive receptors to noise production in this area of the County would be considered occupants of existing residences. The closest residential structure in relation to the proposed development footprint is located approximately 3000 feet to the east.

General Impacts

The following potential impacts from Section 3.3 of the Uniform Rules EIR (Volume I) were identified for development resulting from the revisions to the Uniform Rules:

Impact Noise-1: Generation of noise greater than 65 dB or substantial increases in ambient noise levels that affect noise-sensitive receptors. Agricultural support facilities, commercial composting facilities, and special events have the potential to impact noise-sensitive receptors by generating noise in excess of 65dB or substantially increasing ambient noise levels depending on their size and location relative to noise-sensitive receptors, and the nature of their operation. Impacts are considered ***potentially significant***. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities, 2-7 Waste Disposal and Commercial Composting Facilities and 2-11 Temporary Filming and Special Events*).

Impact Noise-2: Short-term noise impacts associated with construction and grading. Greater development opportunities under the amended Uniform Rules would result in ***potentially significant impacts*** to noise-sensitive receptors associated with construction and grading activities at project sites. (*Addresses Uniform Rules: 1-4. Principal Dwelling, 2-2 Agricultural Support Facilities, 2-6 Agricultural Industrial Overlay*).

Residual Impacts

Noise impacts associated with activities and uses that may occur on contracted land under the amended Uniform Rules (Impact Noise-1) would be effectively mitigated on a project-specific basis through compliance with existing policies and regulations applied during the permit process. Furthermore, the size of rural parcels and the density of residential development will likely facilitate the avoidance of impacts to noise-sensitive receptors from these activities and uses since there is the greater ability for them to be located away from each other. Therefore, impacts would become ***significant but mitigable (Class II)***.

Short-term noise impacts to noise-sensitive receptors associated with construction and grading at a project site (Impact Noise-2) will become ***significant but mitigable (Class II)*** upon implementation of the standard conditions and policy consistency requirements applied to any future development or use requiring a permit. Furthermore, the size of rural parcels and the density of residential development will likely facilitate the avoidance of impacts to noise-sensitive receptors from these activities and uses since there is a greater ability for them to be located away from each other.

Project Specific Impacts

Rezone:

The proposed rezone would result in the reduction of minimum parcel size, not a change in allowed land uses. Therefore, the rezone would not result in a significant change to the noise producing land uses currently allowed on the project and within the AG-II zone district.

Development Plan and Conditional Use Permit:

The proposed cooling facility would utilize noise producing machinery and equipment for the cooling and processing of produce. This could include but is not limited to the use of large scale HVAC equipment, generators, etc. Although the closest sensitive receptors are located a minimum of 3000 feet from the development area, significant impacts from noise production may result from the operation of the proposed facility. This potentially significant, unmitigable impact (Class I) was identified in the Uniform Rules EIR (04-EIR-08). In addition, temporary noise impacts may result from the onsite construction activity associated with the proposed development. This construction activity has the potential to significantly affect sensitive receptors in the surrounding area. However, this potentially significant but mitigable impact (Class II) was identified in the Uniform Rules EIR and the application of the County's standard conditions regarding limitations on construction hours would reduce this potential impact to less than significant levels.

Tentative Parcel Map:

The proposed tentative parcel map could result in the construction of two additional primary residences. Single-family homes are not considered significant noise generators and would not result in significant noise impacts to surrounding developments.

Mitigation Measures

The following Mitigation Measures from Section 3.3 of the Uniform Rules EIR (Volume I) shall apply to future development on this site:

Existing Policies and Development Standards that May Reduce Impacts:

Existing policies and development standards in the County's Noise Element and adopted community plans, as well as standard conditions applied to permits serve to minimize noise impacts and protect sensitive noise receptors from projects that generate either short or long-term noise beyond established thresholds. In particular, the following requirements address potential noise impacts:

Conditional Use Permit Findings (*Article III, Section 35-315.8 & Article II, Section 35-172.8*):

2. That significant environmental impacts are mitigated to the maximum extent feasible.
5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.

Standard Conditions:

Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded ... and shall be located away from noise-sensitive receptors.

Any short-term noise impacts related to the construction of residences, guest ranches, agricultural support facilities, or other structural development will be required to abide by County standards and conditions that mitigate the impacts of noise on sensitive receptors by limiting construction to specific

daytime hours and ensuring that stationary construction equipment which exceeds noise thresholds be shielded and located far enough away from occupied residences or other sensitive receptors so as to minimize impacts. Adherence to these standards would ensure that there would be no significant impacts to surrounding noise-sensitive receptors as a result of short-term noise impacts from construction-related activities. A development plan would be required for the approval of wineries large enough to likely impact noise levels. Findings required for approval of a development plan ensure that a project will be compatible with the surrounding area and any significant impacts are mitigated to the maximum extent feasible. Similar findings are required for approval of a conditional use permit, which would be applied to such uses as guest ranches, commercial composting facilities or larger-scale special events.

The County's Right to Farm Ordinance would also address potential noise conflicts between residential uses and agricultural activities by ensuring that new residential development in agricultural areas is aware of the potential nuisances, including noise, which may occur as the natural result of living in or near agricultural areas.

Proposed Mitigation Measures

No further mitigation measure is deemed necessary beyond policies, standards and regulatory requirements currently in place to adequately mitigate potential noise impacts. These regulatory requirements would be applied on a case by case basis as proposed projects are reviewed during the permit process.

4. Traffic/Circulation

Setting

The project site is located on the northeast corner of the intersection of Rosemary and Betteravia Roads. The Uniform Rules EIR states that the acceptable traffic capacity of Betteravia Road (east of Nicholson Avenue) is 12,800 average daily trips (ADT's) and that the existing traffic volume on this portion of Betteravia is 6,800 ADT's. The County defines roadway and intersection operation in terms of level of service (LOS) A-F, with A being free flow and F being highly congested. LOS C is the County's current acceptable standard. Most of the roadways and intersections in the unincorporated areas of the Santa Maria Valley currently operate at acceptable Levels of Service. The current LOS for project related intersections are reflected below in Table 1.

**Table 1
 Existing A.M. and P.M. Peak Hour Levels of Service**

Intersection	Control	Jurisdiction	A.M. Peak Hour LOS	P.M. Peak Hour LOS
Betteravia Road/ Rosemary Road	Stop Sign	County of SB	LOS C	LOS B
U.S. 101 SB Ramp/ Betteravia Road	Signal	City of Santa Maria	LOS A	LOS A
U.S. 101 NB Ramp/ Betteravia Road	Signal	City of Santa Maria	LOS A	LOS A

Increased traffic resulting from the proposed project would affect intersections located within the City of Santa Maria as well as the County. It should be noted that the County’s Environmental Thresholds are more stringent than the City of Santa Maria’s Thresholds. Therefore, if the project will not result in a significant impact under County regulations then the same can be assumed under the City’s regulations.

General Impacts

The following potential impacts from Section 3.4 (Transportation/Circulation) of the Uniform Rules EIR (Volume I) were identified for development resulting from the revisions to the Uniform Rules:

Impact CIRC-1: Increased traffic on rural roads. The combination of expanded or new land uses allowed under the Proposed Rules could generate an estimated 11,780 vehicle trips per day throughout the County. Over 90% of this traffic would likely occur in the northern and central regions of the County comprising the Santa Ynez Valley (1,813 ADT), Lompoc Valley (3,087 ADT), San Antonio Creek (1,885 ADT) and Santa Maria Valley (4,063 ADT) rural regions. Traffic impacts in the South Coast, Gaviota and Cuyama rural regions would be *less than significant*.

Thirty three percent or 3,870 of the county-wide trips are attributed to residential, small-scale guest ranch and small-scale processing development which would likely be distributed throughout the seven rural regions. Thus, while they may contribute to cumulative traffic impacts, individual projects would not likely affect road capacities and would be *less than significant*. (Addresses Uniform Rules: 1-4.1 Principal Dwelling, 2-4 Small-Scale Guest Ranches, and small-scale processing facilities under Rule 2-2 Agricultural Support Facilities).

The remaining 67 % of potential daily trips are attributed to large-scale wineries (2,240 ADT), preparation facilities (560 ADT), industrial development in an AIO (5,050 ADT) and commercial composting facilities (60 ADT) that would be expected to locate in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions. Depending on their location, ultimate size and intensity of use, these facilities could individually or cumulatively have a *potentially significant impact* on the capacity of local rural roads within the four regions likely affected. (Addresses Uniform

Rules: 2-2 Agricultural Support Facilities, 2-6 Agricultural Industry Overlay, 2-7 Waste Disposal and Commercial Composting Facilities).

Impact CIRC-2: Circulation safety hazards. Addition of project and cumulative traffic associated with the proposed Uniform Rules amendments, including potential development of large-scale wineries and preparation/processing facilities and agricultural overlay uses in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions, could result in safety problems on rural roadways with unfavorable design features (e.g. narrow lane-width, sharp curves, limited sight distance, etc.) and/or utilized by bulky and slow agricultural machinery. Impacts are considered ***potentially significant***. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities and 2-6 Agricultural Industry Overlay*).

Impact CIRC-3: Roadway degradation. Addition of project and cumulative traffic associated with potential development of large-scale wineries and preparation/processing facilities, agricultural industrial overlay uses, and commercial composting facilities could result in increased levels of truck traffic and repetitive loading from employee and visitor traffic. These impacts would apply to roads in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions where large-scale development is anticipated and where there is a prevalence of rural roads with structural limitations. Without the funding to address additional demand for maintenance or needed improvements, roadway degradation could occur. Pavement failure or other road hazards associated with inadequate maintenance could contribute to potential safety problems. Impacts are considered ***potentially significant***. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities, 2-6 Agricultural Industry Overlay, 2-7 Waste Disposal and Commercial Composting Facilities*).

Residual Impacts

Impact CIRC-1: In spite of mitigation measures AG-2 and AG-3, potential for development of large-scale wineries, large-scale preparation facilities, AIOs and commercial composting facilities would individually and cumulatively generate substantial vehicular trip increases in relation to existing low volume rural roads. Therefore this impact is considered to be ***significant and unavoidable (Class I)***.

Impact CIRC-2: While mitigation measures AG-2 and AG-3 will place limits on the size of large-scale wineries, preparation facilities and commercial composting facilities, they along with AIOs would still generate substantial project-specific and cumulative vehicle trips on rural roadways with unfavorable design features (e.g. narrow lane-width, sharp curves, limited sight distance, etc.) Thus the potential for conflicts as a result of increased traffic by residents, tourist, commuters and trucks carrying wine or produce in conjunction with existing agricultural traffic remains and the impact on safety hazards is considered ***significant and unavoidable (Class I)***.

Impact CIRC-3: Mitigation measures AG-2 and AG-3 would limit the size of large-scale wineries, preparation facilities, and commercial composting facilities for which roadway impact fees would be collected on a project-specific basis. While roadway impact fees would be assessed upon future development and assist with local roadway access improvements, the fees may not be sufficient to address the on-going road maintenance deficit combined with substantial cumulative vehicle trip

increases on County rural roads. Therefore the residual roadway degradation impacts are considered to be ***significant and unavoidable (Class I)***.

Project Specific Impacts

Rezone:

The proposed rezone would result in the reduction of minimum parcel size from 100 acres to 40 acres. This would result in the maximum increase in residential development from 2 units to 6 units. The net increase of 4 residential units would be expected to result in 4 additional peak hour trips and 40 average daily trips. This marginal increase in traffic would result in insignificant impacts to area roads and intersections.

Development Plan and Conditional Use Permit:

Project specific impacts to traffic and circulation were assessed in the OSR/Rice Cooling Facility Traffic, Parking, and Circulation Study which was produced by Associated Transportation Engineers and dated January 26, 2007. In accordance with this study the proposed project would result in an insignificant increase in traffic along County and City roads. The project’s projected increase in traffic is reflected below in Table 2.

**Table 2
 Project Trip Generation**

	Size	ADTs		A.M. Peak Hour Trips	P.M. Peak Hour Trips
		Rate	Trips		
Employees					
<i>Business Office</i>					
Sales	4 Empl.	3.02	12	0	0
Clearical	7 Empl.	3.02	21	6	6
<i>Cooling Facility</i>					
Supervisory	4 Empl.	3.02	12	1	2
Dispatch	5 Empl.	3.02	15	1	2
Forklift Operators	24 Empl.	3.02	72	7	7
<i>Value-Added Facility</i>					
General Employees	90 Empl.	3.02	272	0	0
Employee Subtotal	134 Empl.		405	15	17
Trucks					
Field Trucks	35 Trucks	n/a	70	4	4
Line Trucks	77 Trucks	n/a	154	8	8
Truck Subtotal	112 Trucks		224	12	12
Total			629	27	29

With the addition of the above listed number of ADTs and Peak Hour Trips associated with the project all intersections in the immediate area would continue to operate at acceptable levels. Tables 3 and 4 below indicate the LOS for project affected intersections with project generated traffic included.

**Table 3
 Existing + Project A.M. Peak Hour Levels of Service**

Intersection	Control	Jurisdiction	A.M. Peak Hour		Impact
			Existing	Existing + Project	
Betteravia Road/ Rosemary Road	Stop Sign	County of Santa Barbara	LOS C	LOS C	No
U.S. 101 SB Ramp/ Betteravia Road	Signal	City of Santa Maria	LOS A	LOS A	No
U.S. 101 NB Ramp/ Betteravia Road	Signal	City of Santa Maria	LOS A	LOS A	No

**Table 4
 Existing + Project P.M. Peak Hour Levels of Service**

Intersection	Control	Jurisdiction	P.M. Peak Hour		Impact
			Existing	Existing + Project	
Betteravia Road/ Rosemary Road	Stop Sign	County of Santa Barbara	LOS B	LOS B	No
U.S. 101 SB Ramp/ Betteravia Road	Signal	City of Santa Maria	LOS A	LOS A	No
U.S. 101 NB Ramp/ Betteravia Road	Signal	City of Santa Maria	LOS A	LOS A	No

As illustrated in the above tables the proposed addition of project related traffic would not result in the degradation of LOS for area intersections. All area intersections would maintain a minimum LOS C. Therefore, the proposed project will not result in significant impacts to traffic and circulation within the County of Santa Barbara or the City of Santa Maria.

Tentative Parcel Map:

As mentioned above the proposed rezone could result in the maximum net increase in four residential units if the property were subdivided to its maximum extent of six legal parcels. However, at this time the proposed tentative parcel map would only subdivide the property into three legal parcels, thereby increasing the allowed residential density to three primary residences. The development potential of two additional primary residences would likely produce two additional peak hour trips and twenty additional average daily

trips. This marginal increase in project related traffic would have insignificant impacts upon area roads and intersections.

Mitigation Measures

All of the identified cumulative mitigation measures require new development to pay fees so that the County can continue to study traffic flows and construct necessary roadway improvements. The mitigation measures listed below would reduce site-specific impacts associated to traffic and circulation to a level of less than significant (Class II), while cumulative impacts to traffic and circulation would remain significant and unavoidable (Class I).

Mitigation CIRC-2: Refer to Mitigation AG-2. (*Addresses Impacts CIRC-1, CIRC-2 and CIRC-3.*)

Mitigation CIRC-3: Refer to Mitigation AG-3. (*Addresses Impacts CIRC-1, CIRC-2, CIRC-3 and CIRC -4.*)

5. Air Quality

Setting

Santa Barbara County enjoys a Mediterranean climate which is characterized by mild temperatures year round, light winds and moderate humidity. There are few major stationary sources of pollution due to its relatively modest-sized urban areas and minimal industry. However, relative to the County's population, a disproportionate amount of traffic and related pollution is generated by long commutes, a robust tourist industry and long distance train and truck traffic passing through Santa Barbara. The light winds, dominant on-shore air flow and frequent inversion layers trapped by the several mountain ranges that extend into the County from the east increase the occurrence of air pollution from these sources. The County is currently classified by the California Air Resources Board (CARB) as a non attainment area for two pollutants: ozone and particulate matter (PM10).

National ambient air quality standards set by the USEPA, highlight six principal pollutants as "criteria" pollutants critical to air quality. They are: Ozone (O-3), Particulate Matter (PM10) Carbon Monoxide (CO), Nitrogen Oxide (NOx) Sulfur Dioxide (SO-2) and Lead. Particulate Matter (PM10) refers to particles of dust, soot, smoke, etc. found in the air resultant of vehicle emissions, construction, burning of wood, unpaved roads, stone crushing, and agricultural tilling. These particles are responsible for a variety of health related and environmental impacts. Due to their microscopic size and varying makeup, particles become lodged in the lungs and cause myriad breathing disorders from aggravated asthma and allergies to long-term decreased lung functioning and chronic bronchitis. Recently, ambient air quality standards were also adopted for fine particulate matter (PM2.5).

Ozone, which is protective in the stratosphere, but dangerous when formed at ground-level, occurs when NOx (Nitrogen Oxide) and ROC (reactive organic compounds) interact in the presence of sunlight. Vehicular exhaust, industrial emissions, chemical solvents and other volatile chemicals help to form ozone. A variety of lung-related disorders, including aggravated asthma, wheezing, coughing, painful

aspiration, reduced lung capacity and long term lung damage are effects of ozone. In addition, ozone also interferes with plants' abilities to make and store food and decreases their susceptibility to insects, disease and harsh weather.

After decades of non-attainment, in 2003 Santa Barbara County was designated in attainment of the federal one-hour ozone standard. More recently in 2004, the County was designated in attainment of the federal eight-hour ozone standard. In spite of these improvements, Santa Barbara still does not meet the state standards for ozone or particulate matter. For that reason, it continues to be necessary to minimize ozone levels and particulate matter to ensure continued federal attainment and to attain state ozone standards.

General Impacts

The following potential impacts from Section 3.5 of the Uniform Rules EIR (Volume I) were identified for development resulting from the revisions to the Uniform Rules:

Impact AQ-1: Increased emissions of ozone precursors. Large-scale non-grape preparation and Agricultural Industry Overlay (AIO) facilities are assumed to generate vehicle trips which may exceed project-specific thresholds of significance (County Santa Barbara, Environmental Thresholds and Guidelines Manual). Potential commercial composting facilities allowed under the amended Uniform Rules will likely generate odors. The potential development of large-scale wineries, non-grape preparation and commercial composting facilities may have the potential to cause significant long-term air quality impacts. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities, 2-6 Agricultural Industry Overlay and 2-7 Waste Disposal and Commercial Composting Facilities.*)

Impact AQ-2: Short-term dust and PM10 generation. Construction and site preparation activities involving heavy equipment associated with development provisions under the amended Uniform Rules would generate ***potentially significant*** fugitive dust and diesel exhaust emissions. (*Addresses Uniform Rules: 1-4.1 Principal Dwelling, 2-2 Agricultural Support Facilities, 2-4 Small-Scale Guest Ranches, 2-6 Agricultural Industry Overlay, 2-7 Waste Disposal and Commercial Composting Facilities.*)

Residual Impacts

Impact AQ-1: Mitigation measures AQ-2 and AQ-3 would limit the potential size of large-scale wineries, non-grape preparation and processing and commercial composting facilities, but would not set a limit on the size of AIO facilities which will likely range in size from 15 to 30 acres. Even with reduced envelope sizes for non-grape preparation and processing facilities, project specific emissions resulting from stationary, operational, mobile sources or a combination thereof, may remain ***significant and unavoidable (Class I)***.

Impact AQ-2: With the application of APCD Standard dust control measures, impacts associated with construction and site preparation activities involving heavy equipment and the generation of fugitive dust emissions (short-term impacts) would be ***significant, but mitigable (Class II)***.

Project Specific Impacts

Rezone and Tentative Parcel Map:

The proposed project includes both a tentative parcel map for a three-way lot split and a rezone which would reduce the minimum parcel size from 100 acres to 40 acres. Although the tentative parcel map only proposes to create three legal parcels, the proposed rezone could allow further subdivision resulting in the maximum creation of six legal parcels. If fully subdivided into six parcels the rezone would directly result in the net increase of four residential units. As previously discussed in the Transportation Analysis section of this document, the increase in residential density would create an additional 4 peak hour trips and 40 average daily trips (ADTs). Based on Urbemis 2007 Version 9.2.4 air quality run for this aforementioned traffic increase (40 ADTs) would generate approximately 0.18 pounds/day of ROC and 0.16 pounds/day of NOx. Although the additional emission production resulting from the rezone and subdivision process is less than significant the emissions from the production facility will be well in excess of the County's Threshold and will constitute a significant unmitigable, impact (Class I). For further clarification regarding Class I air quality impacts resulting from the project refer to the discussion below.

Development Plan and Conditional Use Permit:

ITE Trip rates calculated in the OSR/Rice Cooling Facility Traffic, Parking, and Circulation Study, prepared by Associated Transportation Engineers dated January 26, 2007, indicated ITE Trip rates of 629 ADTs for the proposed project.

Based on the URBEMIS 2007 Version 9.2.4 air quality run for this project, an increase in traffic of 629 ADTs with associated emissions would generate approximately 10.27 pounds/day ROC and 43.68 pounds/day NOx. The total project emissions from the cooling facility and the rezone related traffic would result in the approximate production of 10.45 pounds/day of ROC and 43.84 pounds/day of NOx. This emission production is associated with traffic related emissions only, additional amounts of emissions would be produced by onsite equipment (fork lifts, generators, etc.) This increase in NOx emissions exceeds the County's 25 pounds/day threshold and constitutes a significant, unmitigable impact (Class I) to air quality. However, the Uniform Rules EIR (04-EIR-08) acknowledged that such facilities would produce significant and long-term impacts (Class I) to air quality throughout the County and the Board of Supervisors made the appropriate Statement of Overriding Considerations. Therefore, the significant air quality impacts associated with this project have already been adequately analyzed and disclosed in the previously certified document 04-EIR-08.

Impacts relating to carbon monoxide (CO) are considered significant if the additional CO from a project would create a "hot spot" where the California one-hour standard of 20 parts per million of carbon monoxide is exceeded. CO modeling to determine whether or not a project may generate significant CO concentrations may be required when traffic levels exceed 800 peak hour trips to an existing congested intersection at LOS D or below or traffic under the cumulative condition scenario would cause an intersection to reach Los D or below. Proposed build-out of the project would generate an estimated 27 trips during the AM peak hour and 29 trips during the PM peak hour. With project and cumulative traffic, the LOS would remain at C or better at all study area intersections. Therefore, post-project conditions would not meet the APCD criteria to require CO modeling.

Mitigation Measures

To reduce the amount of dust and ozone precursors associated with the project the following Mitigation Measures from Section 3.5 of the Uniform Rules EIR (Volume 1) shall apply to future development on this site.

Existing Policies and Development Standards that May Reduce Impacts:

Included in Section 4, *Consistency with Locally Adopted Plans and Policies* is a discussion of the existing policies in the County's Comprehensive Plan which address air quality issues. Policies within the Land Use, Circulation and Environmental Resource Management Elements of the Comprehensive Plan and the Coastal Plan do not specifically speak to development within rural or agricultural areas. Implementation of APCD Standard dust control measures is assumed to mitigate short-term dust and PM10 impacts.

Proposed Mitigation Measures:

Mitigation AQ-2: Refer to Mitigation AG-2. (*Addresses Impacts AQ-1 and 2*).

Mitigation AQ-3: Refer to Mitigation AG-3. (*Addresses Impacts AQ-1 and 2*).

6. Groundwater

Setting

The proposed project site is underlain by the Santa Maria Groundwater Basin which has an applied significance threshold of 25 acre feet per year (AFY). The proposed project site is primarily occupied by a cultivated agricultural operation (row crops). The approximate build-out area of the project would displace 27 acres of cultivated agriculture. The annual water consumption for irrigation of the 27 acres of row crops which will be displaced is approximately 54 AFY.

General Impacts

The following general impacts from Section 3.6 of the Uniform Rules EIR (Volume I) were identified for development resulting from the revision to the Uniform Rules:

Impact GW-1: Water demand exceeding groundwater basin safe yield thresholds. Water demand for large-scale preparation facilities proposed to be allowed under Rule 2-2.1 and similar industries located within an AIO allowed under Rule 2-6 could exceed safe yield thresholds for basins in a state of overdraft which would be a *potentially significant impact*. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities and 2-6 Agricultural Industry Overlay*).

Residual Impacts

Impact GW-1: Water demand for future large-scale preparation facilities serving individual contract holders or as a regional facility in an AIO, and commercial composting facilities would potentially exceed the threshold of significance established for the Lompoc, San Antonio and/or Santa Maria groundwater basins. These impacts represent a ***significant and unavoidable impact (Class I)*** of the project on water resources.

Project Specific Impacts

Rezone and Tentative Parcel Map:

Although the proposed tentative parcel map would create three legal parcels, the reduction in minimum parcel size resulting from the proposed rezone could result in a maximum creation of six legal parcels. If the project site was further subdivided to this maximum extent it could result in the net increase of four additional primary residences. At this time the entire project site is currently used for the agricultural production of row crops, which is an irrigation intensive use. The future construction of single-family homes on the project site would directly displace row crop production. In an acre per acre comparison, single-family homes consume less water than irrigated crops. Therefore, if additional residential development resulted from the proposed rezone and/or tentative parcel map this development would result in a net decrease of groundwater usage on the site.

Development Plan and Conditional Use Permit:

The proposed produce cooling facility is expected to consume 52 AFY per year at full project build-out. However, the proposed facility would displace approximately 27 acres of agricultural cultivation which consume 54 AFY in irrigation. Therefore, the project is expected to result in a net decrease of 2 AFY in ground water consumption from the site. Furthermore, as the majority of the water consumed by facility is used for washing and cooling produce a portion of this water can be safely detained onsite for use as irrigation or infiltration back into the groundwater basin. It is estimated that this reuse would result in a further 40% reduction of water consumption on the project site, thereby resulting in an additional savings of 20.8 AFY. Therefore, the project will not result in a significant impact to groundwater quantities within the Santa Maria Groundwater Basin.

Mitigation Measures

Uniform Rules EIR:

No feasible mitigation measures have been identified that would reduce impacts of the water demand associated with proposed large-scale market preparation facilities, similar facilities located within an AIO and commercial composting facilities. While such facilities could be mandated to be reduced in area, the remaining facility size may not be sufficient to accomplish the purposes of that component of the program.

Changes in circumstance and CEQA Sections 15162:

CEQA is clear that no further environmental review is necessary for a project when the conditions of 15162 are met. Section 15162 of the State CEQA Guidelines gives the criteria where a previously certified EIR can be used and when a subsequent or supplemental EIR should be prepared. No new mitigation measures or alternatives have been identified, and, no new substantial changes to the project, the project site, the project setting, or circumstances surrounding the project that would require further environmental analysis. CEQA Guidelines Section 15162 applies and additional environmental review would therefore be prohibited. This document, together with the 04-EIR-08, is intended to inform decision-makers and the general public of the potentially significant environmental effects of the proposed OSR/Rice Cooler project and the mitigation measures that have been identified to minimize those effects to the extent feasible.

FINDINGS:

It is the finding of the Planning Commission that the previous environmental documents as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164 and none of the conditions described in section 15162 have occurred, preparation of an EIR or Negative Declaration is not required.

Discretionary processing of the OSR/Rice Cooler Facility (06RZN-00000-00005, 06TPM-00000-00019, 06DVP-00000-00009, and 06CUP-00000-00043) may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

ATTACHMENTS

A. Executive Summary – 04-EIR-08

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ATTACHMENT A: EXECUTIVE SUMMARY (04-EIR-08)

Uniform Rules Update Final EIR

EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed project, the environmental impacts, mitigation measures and residual impacts associated with the proposed project, and proposed alternatives to the project description.

PROJECT OVERVIEW

Project Description

This environmental impact report discusses the potential environmental consequences resulting from updating the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones*. The Uniform Rules are the set of rules by which Santa Barbara County administers its Agricultural Preserve Program under the California Land Conservation Act of 1965, better known as the Williamson Act. The Uniform Rules outline the requirements for land participating in the Agricultural Preserve Program, including eligibility requirements, residential allowances, compatible uses, and administrative provisions for terminating or amending contracts.

The last major update to the Uniform Rules occurred in 1984. Since that time, a host of changes have been made to the Williamson Act, as well as local regulations affecting agriculture. In addition, the local agricultural industry has seen significant changes over the last two decades. For these reasons, and in direct response to a request by representatives of the local agricultural community, the Board of Supervisors in April 2003 directed the Comprehensive Planning Division to work with the Agricultural Preserve Advisory Committee (APAC) and members of the agricultural community to update the Uniform Rules to bring them into conformance with legislative amendments to the Williamson Act and to consider additional changes that would be beneficial to the Agricultural Preserve Program and the long-term viability of agriculture in Santa Barbara County.

The Uniform Rules Update proposes changes to several aspects of the Uniform Rules in order to meet the following objectives: 1) bring the Uniform Rules into conformance with recent legislative amendments to the Williamson Act; 2) address discrepancies in the Uniform Rules that were identified in a 2001 audit by the California Department of Finance (refer to Appendix 10); 3) ensure the integrity of the Agricultural Preserve Program; and 4) increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program. Below is a general description of some of the major changes being proposed as part of the project description. The complete draft of proposed Uniform Rule changes is provided as Appendix 2 and the current Uniform Rules are provided in Appendix 4.

Primary additions to bring the Uniform Rules into conformance with the Williamson Act include incorporating principles of compatibility from the Act that provide guidelines to be considered when evaluating the compatibility of development (Rule 2-1.1) and updating the definition of recreational use to require that land be in its "agricultural or natural state" (Rule 2-5).

In responding to the 2001 DOC audit, the amended Uniform Rules eliminate sanitary fill waste disposal facilities (Uniform Rule 2-7) and golf courses (Uniform Rule 2-5) as compatible uses on contracted land, state the rationale for inclusion of superprime parcels in the Agricultural Preserve Program (Rule 1-2.2), and clarify size eligibility requirements for parcels and preserves (Rule 1-2.2).

In order to ensure the integrity of the Agricultural Preserve Program and minimize its abuse, the amended Uniform Rules propose revised agricultural production and reporting requirements (Rule 1-2.3), primarily on prime and superprime land.

Some of the proposed changes to increase the clarity and flexibility of the Uniform Rules to ensure continued participation in the program include: changes to residential allowances to provide more housing opportunities on contracted land (Rule 1-4); increase in the flexibility of facilities for the preparation and processing of agricultural products (Rule 2-2), including the development of agricultural facilities under an Agricultural Industry Overlay (Rule 2-6); the addition of an allowance for small-scale guest ranches (Rule 2-4) and commercial composting facilities subject to certain requirements (Rule 2-7); and the allowance for temporary filming and special events (Rule 2-11).

Project Location

The Uniform Rules apply to agricultural and open space lands enrolled in the Agricultural Preserve Program throughout the unincorporated areas of Santa Barbara County exclusive of areas under state and federal jurisdiction. Approximately 555,400 acres of agricultural land are enrolled in the Agricultural Preserve Program, which represents roughly 74% of the total private land in the County zoned for agriculture. Parcels zoned for agriculture under Chapter 35 of the Santa Barbara County Code (AG-I and AG-II) are eligible for the Agricultural Preserve Program.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table EX-1, at the end of this section, provides a summary of all the residual Class I, II and III environmental impacts associated with the project description, after taking possible mitigation measures into consideration. Class I impacts are defined as significant, unavoidable adverse impacts which require a statement of overriding consideration by the Board of Supervisors per §15093 of the *State CEQA Guidelines* if the project is approved. Class II impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under §15091 of the *State CEQA Guidelines*. Class III impacts are considered adverse but less than significant, requiring no mitigation, and Class IV impacts are considered beneficial.

This environmental document analyzes the impacts of the project description and proposed alternatives on the following resource issue areas:

- ◆ Agricultural Resources Land Use
- ◆ Visual Resources
- ◆ Noise
- ◆ Transportation Circulation
- ◆ Air Quality
- ◆ Groundwater Resources

Impacts to other resources, such as biological resources, were considered less than significant and not analyzed in the EIR.

The environmental analysis identified the following impacts associated with the project description:

Class I – Significant and Unavoidable Impacts

- ◆ *Agricultural Resources/Land Use*: loss of productive agricultural land; introduction of incompatible development and uses into agricultural areas.
- ◆ *Visual Resources*: introduction of visually incompatible development in rural areas; introduction of new sources of light and glare associated with large-scale wineries and other agricultural support facilities.
- ◆ *Air Quality*: increased emissions of ozone precursors.
- ◆ *Transportation/Circulation*: generation of substantial additional vehicular movement (daily) in relation to capacity and existing traffic volume of rural roads; increased traffic conflicts; and degradation of rural roads.
- ◆ *Groundwater Resources*: water demand exceeding groundwater basin safe yield thresholds.

Class II – Significant but Mitigable Impacts

- ◆ *Agricultural Resources/Land Use*: growth inducement and population increases in agricultural areas.
- ◆ *Visual Resources*: obstruction or degradation of rural public views; introduction of new sources of light and glare associated with residential and other small-scale development.
- ◆ *Noise*: generation of noise greater than 65 dB or substantial increases in ambient noise levels that affect noise-sensitive receptors; short-term noise impacts associated with construction and grading.
- ◆ *Air Quality*: short-term dust and PM₁₀ generation associated with construction and grading.

Class III – Adverse but Less Than Significant Impacts

- ◆ *Agricultural Resources/Land Use*: introduction of incompatible uses associated with smaller-scale development and recreation; dispersed population increases associated with residential development and commercial composting facilities; loss of productive agricultural land

associated with residential development on superprime land, small-scale processing, and the reduction of the requirements for wineries where the cultivation of grapes occurs.

- ♦ *Visual Resources*: visually incompatible residential development in rural areas.

Class IV – Beneficial Impacts

- ♦ *Agricultural Resources/Land Use*: greater production requirements on superprime land, greater housing opportunities to support family farms; increased land use compatibility through removal of sanitary waste landfills and golf courses as compatible uses; inclusion of new Comprehensive Plan and zone districts thus increasing the area eligible for inclusion in Agricultural Preserves; increased viability and longevity of agriculture through provision of a wider array of support facilities and through expansion of facilities and services including commercial composting opportunities.
- ♦ *Visual Resources*: elimination of sanitary waste disposal facilities and transfer stations as compatible uses.

PROJECT ALTERNATIVES

As required by CEQA §15126.6, alternatives to the proposed Uniform Rules update are evaluated in Chapter 6 of this EIR. These alternatives include:

- ♦ No Project - the Uniform Rules would remain unchanged.
- ♦ Alternative 1 - Legislative Updates and Codification of Practice – this alternative includes only those changes mandated by legislative amendments to the Williamson Act or derived from the 2001 audit of Santa Barbara County’s Agricultural Preserve Program by the California Department of Conservation, and codifies existing practice.
- ♦ Alternative 2 – Modified Uniform Rules – this alternative is a variation on the project description to reduce environmental impacts stemming from residential, agricultural support facility, and commercial composting facilities.
- ♦ Alternative 3 - Expanded Facility Development – this alternative increases the opportunities for larger site envelopes for preparation and winery processing facilities.

No Project Alternative. §15126.6(e) of the *State CEQA Guidelines* requires evaluation of a “no project” alternative. This alternative assumes the existing Uniform Rules continue to apply. This would result in less development on contracted land in the future. However, this alternative would not meet the project objectives, as the Uniform Rules would remain inconsistent with the Williamson Act and not address the changing needs of the County’s agricultural industry.

Alternative 1. This alternative brings the Uniform Rules into conformance with the Williamson Act and codifies existing practice. Among the more substantive changes, this alternative includes incorporation of the “principles of compatibility” and the codification of one principal dwelling allowed per contracted

premises. This alternative would meet some, but not all, of the project objectives. It would ensure conformance with the Williamson Act and help to improve the compatibility of development on contracted land, but it would not address the changing needs of the County's agricultural industry.

Alternative 2. This alternative combines aspects of both the project description and the no project alternative. It is the equivalent to the project description except that residential development would be the same as the current administrative practice under the existing Uniform Rules, and opportunities for large-scale preparation and processing facilities and commercial composting facilities would be reduced. This alternative addresses many of the needs of the agricultural industry without increasing the amount of land taken out of agricultural production.

Alternative 3. This alternative mimics the project description except that it provides for greater opportunities for more and larger preparation and winery processing facilities by reducing the size of the premises required to be granted additional acreage for a facility envelope. This alternative meets the objectives of the Uniform Rules update by addressing the needs of the agricultural industry, but is less consistent with the purpose and intent of the Williamson Act, which is to preserve the maximum amount of agricultural land in production.

Environmentally Superior Alternative. Based on the analysis contained herein, Alternative 1 was determined to be environmentally superior to the project description and other alternatives considered.

Table EX-1
 Summary of Environmental Impacts and Mitigation Measures

Class 1-Significant and Unavoidable		
Agricultural Resource Impact	Mitigation Measure	Residual Impact
<p>Impact MG-1: Conversion of agricultural soils and loss or impairment of agricultural productivity. Expansion of agricultural support facilities allowed under the proposed Uniform Rules, including commercial composting and AFO facilities would result in the conditional conversion of approximately 257 acres of soils used for agriculture or potentially suitable for agriculture and the loss of agricultural productivity (Table 3-17-1). Development of agricultural support facilities 7 acres or larger would constitute a <i>potential significant impact</i> by permanently eliminating these lands from agricultural production.</p>	<p>Mitigation MG-1: Amend Uniform Rule 2-6 as follows: Uniform Rule 2-6(D) Agricultural facilities developed within an AFO shall only be approved if the Board of Supervisors finds that the AFO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land.</p> <p>Mitigation MG-2: Amend Uniform Rule 2-7 as follows: Uniform Rule 2-7(B)(7) The footprint of the commercial composting facility occupies no more than 10% of the premises, or 55 acres, whichever is less, that composting is appropriately sited and scaled, and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AFO-11 zone district, in order to ensure compatibility with surrounding agricultural lands.</p> <p>Mitigation MG-3: Amend Uniform Rule 2-2.1 as follows: Uniform Rule 2-2.1(A)(1) Premises greater than 500 acres are permitted 1 additional acre for a preparation or processing facility site for each additional 100 acres above 500 under contract, not to exceed 20 acres.</p> <p>Mitigation MG-7: Amend Uniform Rule 2-2.1 as follows: Add a new requirement as subsection 2-2.1(A)(1) Preparation and Processing: that the parcel with the preparation facility has at least 50% of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to farm-sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage participation to the premises.</p> <p>Refer to Mitigation Measures MG-1, MG-2, MG-3, and MG-7 above.</p>	<p>Significant & unavoidable (Class 1)</p>
<p>Impact MG-2: Incompatible land uses and structures. Increased land uses and structures within or adjacent to agriculturally productive areas would result in land use conflicts and could impair the productivity of agricultural lands. These conflicts would increase where large-scale wineries, agricultural support facilities including those developed under an AFO, commercial composting facilities and special events are proposed on or adjacent to agricultural lands actively engaged in cultivation or grazing operations. Such land use conflicts would constitute a <i>potential significant impact</i> by impairing the ability of agriculturalists to fully engage in their</p>		

Table EN-1
 Summary of Environmental Impacts and Mitigation Measures

agricultural operations, and by introducing types and intensity of uses and structures that are incompatible with the rural character of the area		Residual Impact
Visual Resource Impacts	Mitigation Measure	
<p>Impact VIS-3: Introduction of new sources of light and/or glare. New sources of night lighting and glare associated with increased opportunities for large-scale agricultural support facilities, wineries, residential development, and small-scale guest ranches.</p>	<p>Mitigation Measure VIS-4 refer to Mitigation Measures M6-2 above and Mitigation Measure VIS-5 refer to Mitigation Measure M6-3 above.</p>	<p>Significant & unavoidable (Loss D only for large-scale preparation, processing facilities, wineries & facilities developed under the AIO)</p>
<p>Impact VIS-2: Introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development. The proposed Fortuin Bales amendments allowing for increased opportunities for large-scale agricultural support facilities, including wineries and these facilities developed under an AIO, commercial composting facilities, & special events would facilitate greater development in the rural areas of the County thereby increasing structural & visual intrusion into areas of active agricultural production which contribute to the visual character of the area by providing open vistas.</p>	<p>Mitigation Measures VIS-4 refer to Mitigation Measure M6-2 above and Mitigation Measure VIS-5 refer to Mitigation Measures M6-3 above and</p>	<p>Significant & unavoidable (Loss D)</p>

Table IV-1
 Summary of Environmental Impacts and Mitigation Measures

Transportation/Creation Impacts	Mitigation Measure	Residual Impact
<p>Impact (IRC-1): Increased traffic on rural roads. 67% of potential daily trips attributed to large-scale wineries (2,230 ADT), preparation facilities (561 ADT), industrial development in an AIO (3,050 ADT) and commercial composting facilities (60 ADT) expected to locate in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions.</p>	<p>Mitigation Measure (IRC-2) refer to Mitigation Measure AG-2 above and Mitigation Measure (IRC-3) refer to Mitigation Measure AG-3 above</p>	<p>Significant & unavoidable (Loss D)</p>
<p>Impact (IRC-2): Creation safety hazards. Addition of project and cumulative traffic associated with the proposed Uniform Rules amendments, including potential development of large-scale wineries and preparation processing facilities and agricultural everyday uses in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions, could result in safety problems on rural roadways with unfavorable design features (e.g. narrow lanes-width, sharp curves, limited sight distance, etc.) and/or utilized by bulky and slow agricultural machinery.</p>	<p>Mitigation Measure (IRC-2) refer to Mitigation Measure AG-2 above and Mitigation Measure (IRC-3) refer to Mitigation Measure AG-3 above</p>	<p>Significant & unavoidable (Loss D)</p>
<p>Impact (IRC-3): Roadway degradation. Addition of project and cumulative traffic associated with potential development of large-scale wineries and preparation processing facilities, agricultural industrial everyday uses, and commercial composting facilities could result in increased levels of truck traffic and repetitive loading from employees and visitor traffic. These impacts could apply to roads in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions where large-scale development is anticipated and where there is a prevalence of rural roads with structural limitations. Without the funding to address additional demand for maintenance or needed improvements, roadway degradation could occur. Prevented failure or other road hazards associated with inadequate maintenance could contribute to potential safety problems.</p>	<p>Mitigation Measure (IRC-2) refer to Mitigation Measure AG-2 above and Mitigation Measure (IRC-3) refer to Mitigation Measure AG-3 above</p>	<p>Significant & unavoidable (Loss D)</p>
<p>Impact (IRC-4): Regional traffic increases on Highway 246, Highway 154 & Highway 1. The individual large-scale or cumulative development that could result from the Proposed Rules in the Santa Ynez Valley or Lompoc Valley Regions could increase the existing high traffic volumes on Highways 1, 154 and 246.</p>	<p>Mitigation Measure (IRC-3) refer to Mitigation Measure AG-3 above.</p>	<p>Significant & unavoidable (Loss D)</p>

Table E-V-1
 Summary of Environmental Impact and Mitigation Measures

Noise Impacts	Mitigation Measure	Residual Impact
<p>Impact Noise-1: Generation of noise greater than 65 dBA or substantial increases in ambient noise levels that affect noise-sensitive receptors. Agricultural support facilities, commercial composting facilities, and special events have the potential to impact noise-sensitive receptors by generating noise in excess of 65dBA or substantially exceeding ambient noise levels experienced on their size and location and nature of their operation.</p>	<p>No further mitigation measure is deemed necessary, because policies, standards and other regulatory requirements currently in place to adequately mitigate potential noise impacts. These regulatory requirements would be applied on a case-by-case basis as proposed projects are reviewed during the permit process.</p>	<p>Significant but mitigable for Short-term Impacts (Class III)</p>
<p>Impact Noise-2: Short-term noise impacts associated with construction and grading. Greater development opportunities under the proposed Uniform Rules would result in <i>potentially significant impacts</i> to noise-sensitive receptors associated with construction and grading activities at project sites.</p>	<p>No further mitigation measure is deemed necessary because policies, standards and other regulatory requirements currently in place to adequately mitigate potential noise impacts. These regulatory requirements would be applied on a case-by-case basis as proposed projects are reviewed during the permit process.</p>	<p>Significant but mitigable (Class III)</p>
<p>Impact AQ-1: Short-term dust and PM₁₀ generation. Site preparation activities involving heavy equipment would generate fugitive dust and PM₁₀ emissions.</p>	<p>Proposed Mitigation Measure Implementation of APD standard dust control measures will control dust within acceptable levels.</p>	<p>Significant but mitigable (Class III)</p>
<p>Visual Resource Impacts</p> <p>Impact VIS-1: Introduction of new sources of light and/or glare. New sources of night lighting and/or glare associated with increased opportunities for large-scale agricultural support facilities and various residential development and small-scale guest ranches.</p>	<p>Class III – Adverse but Less Than Significant</p> <p>Mitigation Measure No further mitigation required.</p>	<p>Residual Impact Adverse but less than significant for residential & small scale guest ranches (Class III)</p>
<p>Class IV – Beneficial Impacts</p>		
<p>Impact AG-1: Increased production requirements on supporting land. The proposed Uniform Rules increase the requirements for supporting parcels greater than 10 acres such that parcels in this size category must either have more uses in addition to have a higher annual production value. This will achieve a higher strength of commercial agricultural activity.</p>	<p>The proposed Uniform Rules increase the requirements for supporting parcels greater than 10 acres such that parcels in this size category must either have more uses in addition to have a higher annual production value. This will achieve a higher strength of commercial agricultural activity.</p>	<p>Beneficial impact on the agricultural sector.</p>
<p>Impact AG-2: Agricultural Housing. In spite of the impacts described under Impacts AG-1 and 2, the additional housing opportunities would have a beneficial impact on the maintenance of family farms by providing more flexible housing opportunities for family members or larger pressures without having to separate the purposes into individual contracts for facilities and/or housing and thereby protecting the viability of agricultural operations for future generations.</p>	<p>The proposed Uniform Rules increase the requirements for supporting parcels greater than 10 acres such that parcels in this size category must either have more uses in addition to have a higher annual production value. This will achieve a higher strength of commercial agricultural activity.</p>	<p>Beneficial impact on the agricultural sector.</p>
<p>Impact AG-3: Compatible Uses. The average Uniform Rules distances will be shorter than the current Uniform Rules distances, which will eliminate uses and structures that are potentially incompatible with surrounding agricultural uses and conflicts including native dust odor and the conversion of agricultural soils.</p>	<p>The proposed Uniform Rules increase the requirements for supporting parcels greater than 10 acres such that parcels in this size category must either have more uses in addition to have a higher annual production value. This will achieve a higher strength of commercial agricultural activity.</p>	<p>Beneficial impact on the agricultural sector.</p>
<p>Impact AG-4: Comprehensive Plan and Zoning Requirements. A zoning requirement and Resource Management zones is eligible zone consists are: Agricultural and Commercial and Other Open Land uses eligible land use designations explores the opportunities for residential in the Program. This will bring more agricultural land into the Program and protect it in the long-term.</p>	<p>The proposed Uniform Rules increase the requirements for supporting parcels greater than 10 acres such that parcels in this size category must either have more uses in addition to have a higher annual production value. This will achieve a higher strength of commercial agricultural activity.</p>	<p>Beneficial impact on the agricultural sector.</p>
<p>Impact AG-5: Agricultural Support Facilities Expansion. The expansion of agricultural support facilities within a region can have a significant direct effect on the viability and long-term sustainability of agriculture. Proposed Uniform Rule 2-2.1 (Propagate and Process) and Uniform Rule 2-5 (Large-Scale Farming) proposed changes will result in an <i>indirect beneficial impact</i> to agricultural businesses in Santa Barbara County by increasing opportunities for large-scale production and processing facilities, including and packing facilities.</p>	<p>The proposed Uniform Rules increase the requirements for supporting parcels greater than 10 acres such that parcels in this size category must either have more uses in addition to have a higher annual production value. This will achieve a higher strength of commercial agricultural activity.</p>	<p>Beneficial impact on the agricultural sector.</p>

Table E-A-1
 Summary of Environmental Impacts and Mitigation Measures

<p>and other facilities which make operations more efficient, economic and profitable, allowing local farms to compete more successfully in the marketplace.</p> <p>Allowing additional opportunities for facilities for preparation of raw products will increase the productivity of the process and increase the long term sustainability of the agricultural operation. Locating these facilities closer to the growing areas reduces the amount of time and fuel for hauling crops from harvesting sites to packing. As cooling facilities, increased efficiency in hauling reduces overall costs of farming and in turn, the consumer enjoys increased freshness of produce.</p> <p>As stated in Sec. 2.4.3, B, there is an estimated shortage of local wine processing capacity of approximately 2.85 billion cases of wine country-wide. In addition to contributing to the sustainability and viability of regional agricultural operations by allowing for increased local wine processing through increased employment opportunities, income stream and capital investment will contribute in a broader sense to agricultural sustainability at a regional level. This waste also be used for processing of low-grape crops in AIO facilities or wineries here.</p> <p>Impact VC-9 (Commercial Composting): Proposed Uniform Rule 2.7 will allow commercial composting facilities as a compatible use. This change will result in a <i>degressive</i> impact to agricultural resources by allowing for external benefits for the commercial composting of agricultural waste with the output of soil amendments enhancing soils productivity.</p> <p>Impact VTS-1: Rule changes eliminating potentially incompatible uses, elimination of sanitary waste disposal facilities and transfer stations as compatible uses or contrasted here and eliminating golf courses as compatible uses will have a <i>beneficial impact</i> on the visual resources of the County's rural areas by eliminating potentially incompatible uses.</p>
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ATTACHMENT C-1: CONDITIONS OF APPROVAL (TPM)

OSR/Rice Cooling and Processing Facility Tentative Parcel Map
06TPM-00000-00019 / TPM 14,707

Date: May 14, 2008

I. PROJECT DESCRIPTION

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1 dated May 14, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider Case No. 06TPM-00000-00019 [application filed on July 14, 2006] for approval of a Tentative Parcel Map in accordance with County Code Chapter 21 to subdivide the existing 244.4 acres gross, 237.8 acres net, site commonly know as APN numbers 128-096-001, 128-096-004, and 128-096-005 into three separate legal parcels. Parcel 1 will be 40.0 acres gross, 37.6 acres net. Parcel 2 will be 122.8 acres gross, 120.6 acres net. Parcel 3 will be 81.6 acres gross, 79.6 acres net. Access to Parcel 1 will be provided from both Betteravia Road and Rosemary Road. Access to Parcel 2 will be provided from Rosemary Road. Access to Parcel 3 will be provided from Betteravia Road.

II. MITIGATION MEASURES FROM ADDENDUM TO 04-EIR-08

2. **Noise:** Construction activity for site preparation and for future development shall be limited to the hours between 7 AM to 4 PM, Monday through Friday. No construction shall occur on State holidays (e.g. 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: Two signs stating these restrictions shall be provided by the applicant and posted on site.

Timing: Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

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

III PROJECT SPECIFIC CONDITIONS

- 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. Agricultural Preserve Replacement Contracts:** Concurrent with P&D clearance for recordation of the Final Map the applicant shall submit applications for replacement contracts for each of the newly configured parcels.

IV STANDARD CONDITIONS FOR TENTATIVE PARCEL MAPS

- 5. Informational Sheet:** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the applicant shall include all of the conditions, agreements, and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Parcel Map. All applicable conditions of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. If Zoning Clearances are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued Zoning Clearance. For any subsequent development on any parcels created by the project, each set of plans accompanying a Zoning Clearance shall contain these conditions.
- 6. Revisions:** If the proposed parcel map is revised from the approved Tentative Map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved Tentative Map.
- 7. Final Map Clearance:** Two copies of the map to finalize the tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue Parcel Map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
- 8. Easements:** Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities that require easements. The

subdivider shall submit to the County Surveyor a set of prints of the parcel map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21-30; Ord. No. 2199, Sec. 13).

9. **Expiration:** The Tentative Map shall expire three years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code Section 66452.6.
10. **Underground Utilities:** All utilities shall be installed underground.

V COUNTY RULES & REGULATIONS / LEGAL REQUIREMENTS

11. **Impact Mitigation Fees.** Prior to issuance of the Zoning Clearance, the applicant shall pay the applicable Transportation Impact Mitigation fee with the Public Works Department and prior to Final Map Recordation the mitigation fee with Parks Department.
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 Zoning Clearance and Building Permit from the Planning and Development Department. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the County Planning Commission. Before any Permit 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 at the Planning and Development Department office.
13. **Departmental Conditions:** Compliance with Departmental Letters:
 - a. Public Works Department Project Clean Water letter dated September 12, 2006.
 - b. Santa Barbara County Fire Department letter dated April 25, 2008.
 - c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
 - d. Public Works Department of Flood Control letter dated August 17, 2006.
 - e. Public Works Transportation letter dated April 28, 2008.
 - f. Environmental Health Services letter dated April 24, 2008.
 - g. County Surveyor's Office letter dated August 2, 2006.
 - h. Santa Barbara County Parks Department has no conditions.
14. **Print and illustrate conditions on plans:** All conditions of approval contained herein shall be printed in their entirety on plans submitted to the Planning and Development Department and reflected in graphic illustrations where appropriate.
15. **Fees Required:** Prior to the issuance of Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.

- 16. Change of Use:** Any new or changed use on the site shall be subject to appropriate review by the County, including building code compliance and environmental review if applicable.
- 17. Indemnity and Separation Clauses:** The applicant 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 this Development Plan. In the event that the County fails to promptly 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.
- 18. 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 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 again by the County and substitute conditions may be imposed.

ATTACHMENT C-2: CONDITIONS OF APPROVAL (DVP)

**OSR/Rice Cooling and Processing Facility Development Plan
 06DVP-00000-00009**

Date: May 14, 2008

I. PROJECT DESCRIPTION

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1 dated May 14, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises, Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider Case No. 06DVP-00000-00009 [application filed on July 14, 2006] for approval of a development plan to allow for the construction of a 27-acre produce cooling and processing facility on Proposed Parcel 1. The proposed facility will be developed in at least two phases over an approximate timeline of 5-8 years.

PHASE 1 DEVELOPMENT

Land Use	Proposed Square Footage
Coolers and Refrigeration Dock	58,800 square feet
Engine Room, Electrical Services, and Ice Storage	4,720 square feet
Dock Office and Trucker Facility (Two Story)	First Floor: 2,800 square feet Second Floor: 2,800 square feet
Office Building (Two Story)	First Floor: 6,400 square feet Second Floor: 4,096 square feet
Field Supplies, Machine Shop, and Battery Storage	13,750 square feet
Shade Structures	9,320 square feet
Total Phase 1 Development	102,686 square feet

FUTURE PHASES OF DEVELOPMENT

Land Use	Proposed Square Footage
Coolers and Refrigeration Dock	58,800 square feet
Value-Added Processing and Support Facilities	57,900 square feet
Field Supplies	8,250 square feet
Shade Structures	10,000 square feet
Total Future Phase Development	134,950 square feet
Total Structural Development for All Phases	237,636 square feet

LOT COVERAGE ANALYSIS

Land Use	Proposed Phase 1 Development	Full Facility Build-out
Building Footprints	102,686 square feet	237,636 square feet
Paved Areas	436,415 square feet	632,821 square feet
Detention and Wastewater	94,050 square feet	115,080 square feet
Landscaped Areas	151,231 square feet	158,347 square feet
Undeveloped Areas	840,768 square feet	481,266 square feet
Public Right-of-Way	124,146 square feet	124,146 square feet

Traffic and Circulation: A traffic report was generated for the project by Associated Transportation Engineers (dated January 26, 2007). The study determined there would be no impacts to levels of service at any of the roadways or intersections within the project vicinity as a result of full build out of the project.

Access: The proposed facility will include three vehicular access points on Rosemary Road and one vehicular access point on Betteravia Road. These access points would include a combined entrance/exit for “field” trucks on Betteravia Road, a combine entrance/exit for employee and guest parking on Rosemary Road, and separate entrance and exit points for “line” trucks on Rosemary.

Parking:

Land Use	Phase 1	Full Project Build-out
Offices/Administration	54 spaces required	54 spaces required
Warehousing/Manufacturing	77 spaces required	202 spaces required
Total Required	131 spaces required	256 spaces required
Total Provided	145 spaces provided	259 spaces provided

Building Heights: Proposed structural development will range from a total height of 28 feet (office and administration) to 35 feet (cooling and manufacturing). The height limit in the AG-II-100 zone district is 35 feet for residential structures; there is no height limit otherwise.

Landscaping: The project includes approximately 151,231 square feet of landscaping as part of Phase 1 and 158,347 square feet of landscaping at full project build-out. This landscaping is primarily located between the proposed development and the public right-of-ways on Betteravia Road and Rosemary Road. This landscaping would provide screening and visual enhancement of the parking areas and structural development.

Grading: Grading to accommodate Phase 1 of the proposed project would include 24,300 cubic yards of cut and 8,550 cubic yards of fill. Despite the flat nature of the site (average slope of less than 2%) Phase 1 requires a significant amount of cut in order to construct the proposed storm water and process water retention basins. Future phases of the project would include an additional 2,700 cubic yards of cut and 950 cubic yards of fill.

Drainage: The current configuration of the site yields relatively large areas of impervious surfacing in the form of paving and building footprint. Storm water will be conveyed into a retention basin located in the northwest portion of the project site. This retention basin has been designed to accommodate both 25-year and 100-year flood events. An additional retention basin will be located in the northern portion of the site to accommodate process wastewater.

Miscellaneous Items: Agricultural and Potable Water would be provided by on-site private wells. Water pressure for the operation of fire hydrants on the site will be provided by either the City of Santa Maria's community water system or by onsite water storage tanks. Domestic wastewater generated by onsite employees and visitors will be disposed of with the use of a private septic system located in the proposed landscaped areas of the project site. A Solid Waste Management Plan shall be implemented during operation of the facility. This management plan will include the recycling of paper, cardboard, and similar waster products and the composting of organic waste to the maximum extent feasible.

II. MITIGATION MEASURES FROM ADDENDUM TO 04-EIR-08

2. **Noise:** Construction activity for site preparation and for future development shall be limited to the hours between 7 AM to 4 PM, Monday through Friday. No construction shall occur on State holidays (e.g. 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: Two signs stating these restrictions shall be provided by the applicant and posted on site.

Timing: Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

III. PROJECT SPECIFIC CONDITIONS

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. **Solid Waste Management Plan:** The permittee shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project. The program shall include the following measures, but is not limited to those measures:
- a. Provision of 200 square feet of space and/or bins for storage of recyclable materials (i.e., enough space for two recycling dumpsters) within the project site clearly marked with the appropriate recycling signs, and accessible at all times.
 - b. Implementation of a green waste source reduction program, including the creation of composting areas, and the use of mulching mowers in all open space lawns.
 - c. Implementation of a curbside recycling program or participation in an existing program to serve the new development. If it is determined by Planning and Development that a curbside recycling program cannot be implemented then it will be the responsibility of the applicant to contract with a recycling service acceptable to Planning and Development to implement a project-wide recycling program.
 - d. Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
 - e. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The

program could include requesting suppliers to show recycled materials content. To ensure compliance, the applicant shall develop an integrated solid waste management program, including recommended source reduction, recycling, composting programs, and/or a combination of such programs, subject to P&D review and approval prior to Land Use Permit approval. Reports on materials purchased, recycled content, participation, and other available information shall be made available to permit compliance upon request.

Plan Requirement: The applicant shall submit a Solid Waste Management Program to P&D for review and approval prior to Zoning Clearance.

Timing: Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented.

5. Erosion Control: A grading and erosion control plan shall be designed to minimize erosion and shall include the following:

- a. Graded areas shall be revegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- b. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.

Plan Requirements: The grading and erosion control plan(s) shall be submitted for review and approved by P&D prior to Zoning Clearance. The applicant shall notify Permit Compliance prior to commencement of grading.

Timing: Components of the grading plan shall be implemented prior to occupancy clearance.

MONITORING: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

6. Revegetation/Soil Stabilization: If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

- a. seeding and watering to revegetate graded areas; and/or

- b. spreading of soil binders; and/or
- c. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans.

Timing: Plans are required prior to Zoning Clearance.

MONITORING: Grading Inspector shall perform periodic site inspections.

7. **Dust Abatement:** Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.
- a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

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

8. **Dust Abatement Monitoring:** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

Plan Requirements: The name and telephone number of such persons shall be provided to the APCD.

Timing: The dust monitor shall be designated prior to Zoning Clearance.

MONITORING: P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.

9. **Construction Debris:** Excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite.

Plan Requirements: This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins.

Timing: Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance. P&D shall review receipts prior to occupancy clearance.

10. **Construction / Employee Trash:** To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as needed.

Plan Requirements / Timing: Prior to Land Use Permit approval, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. Permit Compliance staff shall inspect periodically throughout grading and construction activities.

IV. DEVELOPMENT PLAN CONDITIONS OF APPROVAL

11. **DP Expiration:** 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 decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
12. **Final DP conformity:** No permits for development, including grading, shall be issued except in conformance with the 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 May 14, 2008. Substantial conformity shall be determined by the Director of P&D.
13. **Subsequent DP:** On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but un-built plans shall become null and void.

14. **Time Extension – Revision:** 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 Zoning Clearance issuance.
15. **BAR:** The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to Zoning Clearance issuance.
16. The landscape plan shall provide a combination of landscaping with low water-use plants and/or a solid screen wall or fence shall be provided to effectively obscure the public view of parking areas from surrounding roadways.

V. COUNTY RULES AND REGULATIONS

17. **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 applicable Zoning Clearances and Building Permits from Planning and Development. These permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any permit will be issued by Planning and Development, 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 Planning and Development.
18. **Landscape Performance Securities:** Two performance securities shall be provided by the applicant prior to Zoning Clearance Issuance, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one 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. Installation of planting, irrigation, and seeding materials consistent with the final landscaping plans approved by the BAR prior to occupancy clearance.

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

- 19. Landscape Requirements:** Landscaping shall be maintained for the life of the project.
- 20. Compliance with Departmental letters required as follows:**
 - a. Public Works Department Project Clean Water letter dated September 12, 2006.
 - b. Santa Barbara County Fire Department letter dated April 25, 2008.
 - c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
 - d. Public Works Department of Flood Control letter dated August 17, 2006.
 - e. Public Works Transportation letter dated April 28, 2008.
 - f. Environmental Health Services letter dated April 24, 2008.
 - g. Santa Barbara County Parks Department has no conditions.
- 21. Print & Illustrate conditions on plans:** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 22. 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.
 - a. 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.
 - b. Pay fees prior to approval of Zoning Clearances 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.
- 23. Signed Agreement to Comply with Conditions Required:** Prior to Zoning Clearance issuance, the applicant shall provide evidence that they have 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.

24. **Fees Required:** Prior to Zoning Clearance issuance, the applicant shall pay all applicable P&D permit processing fees in full.
25. **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.
26. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officer 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 Development and 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.
27. **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 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 C-3: CONDITIONS OF APPROVAL (CUP)

Date: May 14, 2008

PRELIMINARY DRAFT
OSR/RICE COOLING AND PROCESSING FACILITY
CONDITIONAL USE PERMIT
SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE
CASE NO. 06CUP-00000-00043

A Conditional Use Permit is Hereby Granted:

TO: OSR Enterprises, Inc., NRG Enterprises L.P., and OSR Ranch L.P.

APN: 128-096-001, -004, -005

PROJECT ADDRESS: Betteravia and Rosemary Roads, northeast corner

ZONE: AG-II-100

AREA: Santa Maria

SUPERVISORIAL
DISTRICT: Fifth

FOR: A Major Conditional Use Permit to allow for the construction and use of an agricultural processing facility which accepts off-premise agricultural product.

This permit is subject to compliance with the following condition(s):

I. PROJECT DESCRIPTION

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit # 1 dated May 14, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Public hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises, Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider Case No. 06CUP-00000-00043 [application filed on July 14, 2006] for approval of a Major

Conditional Use Permit to allow for the construction and use of an agricultural processing facility located within the AG-II zone district, in compliance with Section 35.82.060 of the Santa Barbara County Land Use and Development Code.

II MITIGATION MEASURES FROM ADDENDUM TO 04-EIR-08

2. **Noise:** Construction activity for site preparation and for future development shall be limited to the hours between 7 AM to 4 PM, Monday through Friday. No construction shall occur on State holidays (e.g. 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: Two signs stating these restrictions shall be provided by the applicant and posted on site.

Timing: Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

III PROJECT SPECIFIC CONDITIONS

3. The processing facility shall not process agricultural products grown more than 25 miles beyond the boundaries of the County of Santa Barbara unless otherwise approved by the Director of Planning and Development.

IV COUNTY RULES AND REGULATIONS

4. **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 applicable Zoning Clearances and Building Permits from Planning and Development. These permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any permit will be issued by Planning and Development, 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 Planning and Development.

5. **Compliance with Departmental letters required as follows:**

- a. Public Works Department Project Clean Water letter dated September 12, 2006.
- f. Santa Barbara County Fire Department letter dated April 25, 2008.
- g. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
- h. Public Works Department of Flood Control letter dated August 17, 2006.
- i. Public Works Transportation letter dated April 28, 2008.
- f. Environmental Health Services letter dated April 24, 2008.

- g.** Santa Barbara County Parks Department has no conditions.
- 6. Print & Illustrate conditions on plans:** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 7. 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 Zoning Clearances 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.
- 8. Signed Agreement to Comply with Conditions Required:** Prior to Zoning Clearance issuance, the applicant shall provide evidence that they have 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.
- 9. Fees Required:** Prior to Zoning Clearance issuance, the applicant shall pay all applicable P&D permit processing fees in full.
- 10. 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.
- 11. Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officer 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 Development and 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.

- 12. 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 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.
- 13.** This Conditional Use Permit is not valid until a Zoning Clearance for the development and/or use has been obtained. Failure to obtain said Zoning Clearance shall render this Conditional Use Permit null and void. Prior to the issuance of the Zoning Clearance, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of a Zoning Clearance must be satisfied. Upon issuance of the Zoning Clearance, 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.
- 14.** 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 Section 35.82.60 of the Santa Barbara County LUDC, 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.
- 15.** Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance 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.
- 16.** 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.
- 17.** Within 5 years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Zoning Clearance has been issued. Failure to commence the construction and/or use pursuant to a valid Zoning Clearance shall render the Conditional Use Permit null and void.

18. 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.
19. 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 Zoning Clearance.

Diane Meester Black, Director of Development Services
For John Baker, Director

Date

cc: Owner: Phil and Sheri May, 3130 Skyway Drive, Ste 501, Santa Maria, CA 93455
Agent: Mr. David Swenk, Urban Planning Concepts, 2624 Airpark Drive, Santa Maria, CA 93455
Case Files
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Deputy County Counsel

Fire Department Condition Letter

Memorandum

Date: April 25, 2008
To: Nathan Eady
Planning & Development
Santa Maria



From: Russ Sechler, Inspector *RS*
Fire Department

Subject: APN: 128-096-001/004/005
Case #: 06GPA-00012/06RZN-00005/06TPM-00019/06DVP-00009/06CUP-00043
Site: Corner of Belteravia and Rosemary Roads, Orcutt
Project Description: Produce Cooling Facility

*This Memorandum Supersedes the Previous Memorandum Dated September 8, 2006
Change in Stored Water Requirements and Removal of Orcutt Fees*

All Other Conditions Remain Unchanged from the September 8, 2006 Memo

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

GENERAL NOTICE

1. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

2. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Driveway width shall be constructed as shown on plans received by the fire department on July 14, 2006.

128-096-001/004/005

2

April 25, 2008

3. Santa Barbara County Fire Department High Fire Hazard Area Requirements must be met.
4. Eight (8) fire hydrants shall be installed. The hydrants shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrant, valves, main lines and lateral lines shall be approved by the fire department. The hydrants shall consist of one 4-inch outlet and two 2½-inch outlets. The system shall be tested by the fire department to ensure compliance with recognized standards. See Standard #2.

NOTE: On page 6 of the "project description" submittal dated "July 2006" the applicant states: *"The City of Santa Maria has a fire main in the project vicinity and has been requested to serve the site with a fire service connection."* The Santa Barbara County Fire Department strongly supports this option in lieu of a private on-site stored water fire protection system. However, if the fire water service cannot be obtained from the City of Santa Maria, **Conditions 5 and 6** will apply.

5. **This condition is based upon proposed Phase One build out of this project.**

If connection to a public water supply is not available and the current or anticipated system will not meet minimum flow requirements, a fire department approved fire pumps capable of delivering a fire flow of 1250 gallons per minute shall be installed in compliance with N.F.P.A. Standard #20. The fire pump shall be supervised by a U.L. listed central station and be equipped with a local alarm bell on the address side of the building. The stored water for fire protection shall be 82,500 gallons and comply with N.F.P.A. Standard #22. The stored water requirement of 82,500 gallons is for **Phase One** only.

The on-site water supply system shall be stubbed out to facilitate connection to the water district or purveyor when available. Connection to a water district or purveyor mains shall be accomplished within 180 days of availability.

Pumps powered by diesel IC engines rated over 50 brake-horsepower are subject to the requirements of the Santa Barbara County Air Pollution Control District (APCD). An APCD permit must be obtained prior to the procurement and installation of the diesel IC engine. Contact the APCD at (805) 961-8800.

6. **This condition is based upon full proposed build out of the site.**

Fire department stored water requirements for commercial units outside of a water purveyor's district include a stored water fire protection system in compliance with the 2001 California Fire Code, Appendix III-A, III-B and Table A-III-AA. Water storage shall be 285,000 gallons above the amount required for domestic usage and shall be reserved for fire protection purposes exclusively. The stored water requirement of 285,000 gallons is based upon full proposed build out of the site. Required water supplies for fire protection shall be installed and made serviceable prior to and during time of construction.

128-096-001/004/005

3

April 25, 2008

Plans for a stored water fire protection system shall be submitted and approved by the fire department.

For projects located in a designated High Fire Hazard Area, all above ground water piping, including all pipes at the water tank as well as hydrant locations(s), shall consist of galvanized metal.

The hydrants shall consist of one 4-inch outlet and two 2½-inch outlets.

**PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET**

7. Building address numbers shall be posted in conformance with fire department standards.
8. Santa Barbara County Fire Department fire or emergency alarm system requirements shall be met. Plans shall be approved by the fire department prior to installation.
9. Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
10. Annual permits for the use and storage of hazardous and/or flammable materials/wastes are required. To determine if your business requires the issuance of an annual permit, please contact the Hazardous Materials Unit for additional information and application procedures (805-686-8167).

A Hazardous Materials Business Plan shall be required if your business stores or handles any hazardous materials or hazardous waste at any one time during a calendar year in quantities equal to or greater than: 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at standard temperature and pressure. In addition, an RMP/CalARP document may be required. Please contact the Hazardous Materials Unit for additional information and application procedures.

11. Stationary lead-acid battery systems having an electrolytic capacity of more than 100 gallons in sprinklered buildings or 50 gallons in unsprinklered buildings, used for facility standby power, emergency power or uninterrupted power supplies shall be in accordance with Article 64.
12. The propane tanks shall be installed per Article 82 of the California Fire Code.
13. When access ways are gated a fire department approved locking system shall be installed. Please call the Fire Prevention Division at 681-5523 for additional information and application procedures.
14. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.

128-096-001/004/005

4

April 25, 2008

15. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

- Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

RS:mkb

c Claudia Sigona, SEPPS, 800 Santa Barbara St., Santa Barbara, CA 93101
Santa Maria City Water Department, 110 E. Cook St., Santa Maria, CA 93454
APN/Chron

Project Clean Water Condition Letter



County of Santa Barbara Public Works Department Project Clean Water

123 E. Anapamu Street, Suite 240, Santa Barbara, CA 93101
(805) 568-3440 FAX (805) 568-3434
Website: www.countyofsb.org/project_cleanwater



PHILLIP M. DEMERY
Director

RECEIVED

THOMAS D. FAYRAM
Deputy Director

SEP 12 2006

S.B. COUNTY
PLANNING & DEVELOPMENT

Planning Commission
County of Santa Barbara Planning & Development
123 E. Anapamu Street
Santa Barbara, CA 93101

**Reference: 06GPA-00000-00012/06DVP-00000-00009/06TPM-00000-00019; OSR Enterprises Inc., NRG Enterprises L.P., OSR Ranch L.P.
APN: 128-096-001, -004, -005/Santa Maria**

Dear Commissioners:

The above referenced project is subject to the County of Santa Barbara's Standard Conditions for Project Plan Approval – Water Quality BMPs. The conditions apply because the project is more than 0.5 acres of commercial development. These conditions require appropriate treatment of runoff from impervious surfaces for the design storm to remove potential pollutants.

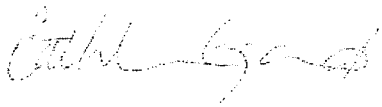
1. Prior to issuance of Development Permits, the applicant shall submit improvement plans, grading & drainage plans, landscape plans, and a drainage study or Storm Water Quality Management Plan that includes relevant details to the Water Resources Division (Attention: Cathleen Garnand) for review and approval. The drainage study or Storm Water Quality Management Plan must:
 - a. demonstrate how the treatment facilities comply with the conditions by treating runoff from the design storm,
 - b. show the locations of all treatment facilities, and
 - c. include a maintenance plan appropriate for the proposed facilities.
2. Prior to issuance of Land Use Clearance applicant shall enter into an approved maintenance agreement with the County of Santa Barbara to assure perpetual maintenance of the treatment control facilities by the property owner.
3. Prior to Occupancy Clearance, all drainage improvements required as part of the above conditions shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer or Landscape Architect. A set of As-Built plans shall be submitted to Water Resources Division that includes those details of Condition 1 of this letter.
4. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for review and approval.

Design guidance is available, but not limited, to the following resources:

- California Stormwater Best Management Practice Handbooks – New Development and Redevelopment. California Stormwater Quality Association. 2003 (or most recent edition).
- Start at the Source. Bay Area Stormwater Management Agencies Association. 1999 (or most recent edition).
- Technical Guidance Manual for Stormwater Quality Control Measures. Ventura Countywide Stormwater Quality Management Program. 2002 (or most recent edition).
- Development Planning for Stormwater Management – A Manual for the Standard Urban Storm Water Mitigation Plan. Los Angeles County Department of Public Works. 2002 (or most recent edition).
- Post-Construction Storm Water Management in New Development & Redevelopment –National Menu of Best Management Practices for Stormwater Phase II. U.S. Environmental Protection Agency.

It is important to incorporate the treatment control features early on the design process in conjunction with landscaping and grading. An example of appropriate treatment for parking lot runoff would include bioretention within landscaped or open areas. I would be happy to work with the project team in selecting effective and appropriate measures for this site. I can be reached at (805) 568-3561.

Sincerely,



Cathleen Garnand
Civil Engineering Associate

cc: Steve Rodriguez, Planner, Planning & Development
Larry Appel, Planning & Development
OSR Enterprises/NRG Enterprises, 1910 East Stowell Road, Santa Maria, CA 93454
Suzanne Elledge Planning & Permitting, 800 Santa Barbara Street, CA 93101
Dennis Bethel & Associates, 2450 Professional Parkway, Suite 120, Santa Maria, CA 93455

Environmental Health Services Condition Letter

Santa Barbara County



Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Elliot Schulman, MD, MPH, Director, Health Officer
Michelle McNewick, Deputy Director
Rick Merfield, DEE Director

TO: Nathan Eady, Planner
Planning & Development Department
Development Review Division

FROM: Paul E. Jenzen
Environmental Health Services

DATE: April 24, 2008

SUBJECT: Case No. 06TPM-00000-00019, 06DVP-00000-00009 Santa Maria Area

Applicant: OSR Enterprises
1910 E. Stowell Road
Santa Maria, CA, 93454

Property Location: Assessor's Parcel No. 128-096-001, 004, 005, zoned AG-I-100,
located at the corner of Betteravia and Rosemary Road.

06TPM-00000-00019/06DVP-00000-00009 represents a request to subdivide a 241.7 acre parcel into three parcels of 40 acres, 122.8 acres and 120.6 acres. Additionally the development plan would allow the construction of a 27 acre produce cooling and processing facility on proposed parcel one. At full build out the estimated number of employees could reach 200. However the number of employees anticipated for the first phase is approximately 40.

Domestic water supply is proposed to be provided by a private water system. Due to the number of employees proposed for the project, a Domestic Water Supply Permit will be required prior to zoning clearance.


The water information submitted by the applicant is for an agricultural well located onsite. A new well is proposed for domestic purposes when the project is constructed.

Sewage disposal is proposed to be provided by an onsite wastewater treatment system. The applicant has provided to Environmental Health Services a passing percolation test completed by GSI Soils Inc. and dated March 24, 2006. There was no preliminary layout submitted for the proposed onsite wastewater treatment system and the area designated "septic disposal" appears to be constrained. To resolve this issue the applicant will need to submit a preliminary layout prior to recordation of the map.

Planning and Development Department
Case Numbers 06TPM-00000-00019, 06DVP-00000-00009
April 24, 2008
Page 2 of 2

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Recordation, a completed application for a **Domestic Water Supply Permit** shall be reviewed and approved by Environmental Health Services. The application shall include final detailed engineering plans and specifications for the proposed water supply system to serve the project.
2. Prior to Recordation, a water source which is required to complete a suitable system design must be constructed in accordance with the provisions of Santa Barbara County Code Chapter 34A (Ordinance No. 3458).
3. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.
4. Prior to Recordation, the applicant will need to submit a preliminary onsite wastewater treatment system layout for review and approval by Environmental Health Services.
5. Prior to Issuance of Zoning Clearance, an application for an on-site wastewater treatment system permit shall be reviewed and approved by Environmental Health Services.
6. Prior to Issuance of Zoning Clearance, Environmental Health Services shall review a **Mosquito Management Plan** or service contract to control breeding of mosquitoes in the retention basin proposed for this project.
7. Prior to Issuance of Zoning Clearance, the applicant shall submit verification from Regional Water Quality Control Board that **Waste Discharge Requirements** apply or that exemption from such requirements has been granted.

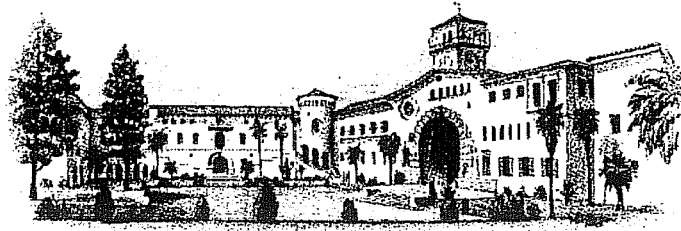


Paul E. Jenzen, REHS
Senior Environmental Health Specialist

cc: Applicant
Agent, SEPPS, 800 Santa Barbara Street, Santa Barbara, CA, 93101
Office of the County Surveyor
Ryan Lodge, Regional Water Quality Control Board
Mark Matson, Planning & Development Building Div, Santa Maria
Norman Fujimoto, Environmental Health Services

Public Works (Transportation) Condition Letter

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



April 28, 2008

TO: Nathan Eady, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: **Conditions of Approval (3 pages)**
Rice Cooler, Development Plan
06RZN-00000-00005, 06DVP-00000-00009, 06TPM-00000-00019
APN: 128-096-001, 128-096-004, 128-096-005/ Santa Maria
237,636 sq. ft. Cooling Plant, Betteravia Rd. and Rosemary Rd.

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Rural Planning Areas of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is **\$15,360 (3 new lots x \$480 + 29 newly generated PM peak hour trips x \$480/trip)**. Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Sight Distance

2. Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.

When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Driveways/Drive Aisles

3. Prior to land use clearance, the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.

Street Sections/Pavement Traffic Index

4. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards under an approved encroachment permit. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic and Permit Sections.

Encroachment/Excavation Permit

5. Prior to recordation and/or zoning clearance, the developer shall apply for an Encroachment Permit for all proposed work, both within the public and/or private road right of ways; and obtain approval, after submittal of an application, plans, agreement(s), bond(s), and fees, as required by the Public Works Permit Section. The submittals shall include, but are not limited to, all construction documents for safety, erosion and traffic control, landscape, lighting, roads, sidewalks, curbs, gutters, driveways, utility connections, cost estimates, etc. as required to fully show the proposed work and its value.

The developer shall comply with all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, before issuance of the Encroachment Permit.

An Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, and connections.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Public Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
620 West Foster Road
Santa Maria, CA 93455
805-739-8788

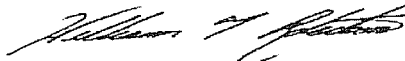
South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

Traffic Controls

6. Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
 - a. As part of the encroachment permit, the applicant shall provide east bound, left-turn channelization (left turn deceleration lane) acceptable to the County Traffic and Permit Sections to include a minimum of 75 feet of vehicle storage and all applicable tapers.
7. Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
8. Prior to occupancy, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

If you have any questions, please contact me at 739-8785.

Sincerely,

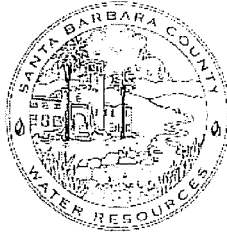
 4/28/2008

William T. Robertson

Date

cc: 06DVP-00000-00009
Charlie Ebeling, Transportation Manager, County of Santa Barbara, Public Works Department
J:\Group\Traffic\Winword\Planning\Santa Maria\Rice Cooler, 06DVP-Cond.doc

Flood Control Condition Letter



Santa Barbara County Public Works Department
Flood Control & Water Agency

August 17, 2006

Planning Commission
County of Santa Barbara Planning & Development
123 E. Anapamu Street
Santa Barbara, CA 93101

**Reference: 06GPA-00000-00012/06DVP-00000-00009/06TPM-00000-00019; OSR
Enterprises Inc., NRG Enterprises L.P., OSR Ranch L.P.
APN: 128-096-001, -004, -005/Santa Maria**

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to issuance of Development Permits, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Development Permits, the applicant shall submit improvement plans, grading & drainage plans and a drainage study to the District for review and approval. Said plans shall convey drainage to an acceptable watercourse or drainage facility in a non-erosive manner and shall include a retardation basin designed to retard the 100-year storm event to 0.07cfs/acre of development. The applicant will be required to enter into a Maintenance Agreement with the District, to ensure perpetual maintenance of the Basin by the Owner(s).
3. All drainage improvements shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer prior to issuance of Occupancy Clearance.
4. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for District review and approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale W. Weber".


Dale W. Weber, P.E.
Development Engineer

cc: Steve Rodriquez, Planner, Planning & Development
Larry Appel, Planning & Development
OSR Enterprises/NRG Enterprises, 1910 East Stowell Road, Santa Maria, CA 93454
Suzanne Elledge Planning & Permitting, 800 Santa Barbara Street, CA 93101
Dennis Bethel & Associates, 2450 Professional Parkway, Suite 120, Santa Maria, CA 93455
Mike Zimmer, Building & Safety

EXHIBIT E

Air Pollution Control District Condition Letter



Our Vision  Clean Air

Santa Barbara County
Air Pollution Control District

To: North County Planning & Development Dept.

Attn: Nathan Eady, Planner

From: Vijaya L. Jammalamadaka *VJ*

Date: April 18, 2008

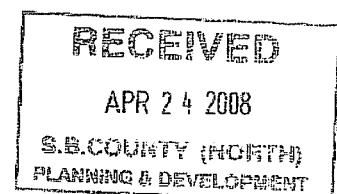
Case #: 06TPM-00000-00019; 06DVP-00000-00009; 06RZN-00000-00005
OSR Enterprises Produce Cooling Facility

APN #(s): 128-096-001; -004; -005

The Air Pollution Control District has reviewed the referenced case and offers the following:

- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant must apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the "Notification for Renovation and Demolition" form (available on the APCD website). The completed form should be mailed to the Santa Barbara APCD no later than the date specified in Section I.B.1 of the instructions.
- Standard dust mitigation are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
- Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.

cc: Suzanne Elledge P&PS, Agent
TEA Chron File



Terence E. Dressler Air Pollution Control Officer

EXHIBIT E



STANDARD DUST CONTROL REQUIREMENTS

The first measure is required for all projects involving earthmoving activities regardless of the project size or duration; the other measures must be implemented as applicable to the project. Proper implementation of all of these measures, as necessary, is assumed to reduce fugitive dust emissions to a level of insignificance and is strongly recommended for all discretionary projects involving earthmoving.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day.
- Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible, unless prohibited by law. Reclaimed water should not be used in or around crops grown for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- Gravel pads must be installed at all access points to prevent tracking of mud on to public roads. A vacuum truck or suction sweeper should be used to collect soil on paved surfaces. The use of leaf blowers is prohibited.
- If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.
- Prior to land use clearance for map recordation (as applicable), the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans. *

County Surveyor's Condition Letter

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805\568-3000 FAX 805\568-3019



PHILLIP M. DEMERY
Director

August 2, 2006

County Subdivision Committee
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Tentative Parcel Map No. 14,707 (06TPM-00000-00019)

Owner : OSR Enterprises Inc., NRG Enterprises, L.P.
and OSR Ranch L.P.

Address: 1910 E. Stowell Road
Santa Maria, CA 93454

Requirements of the County Surveyor's Office

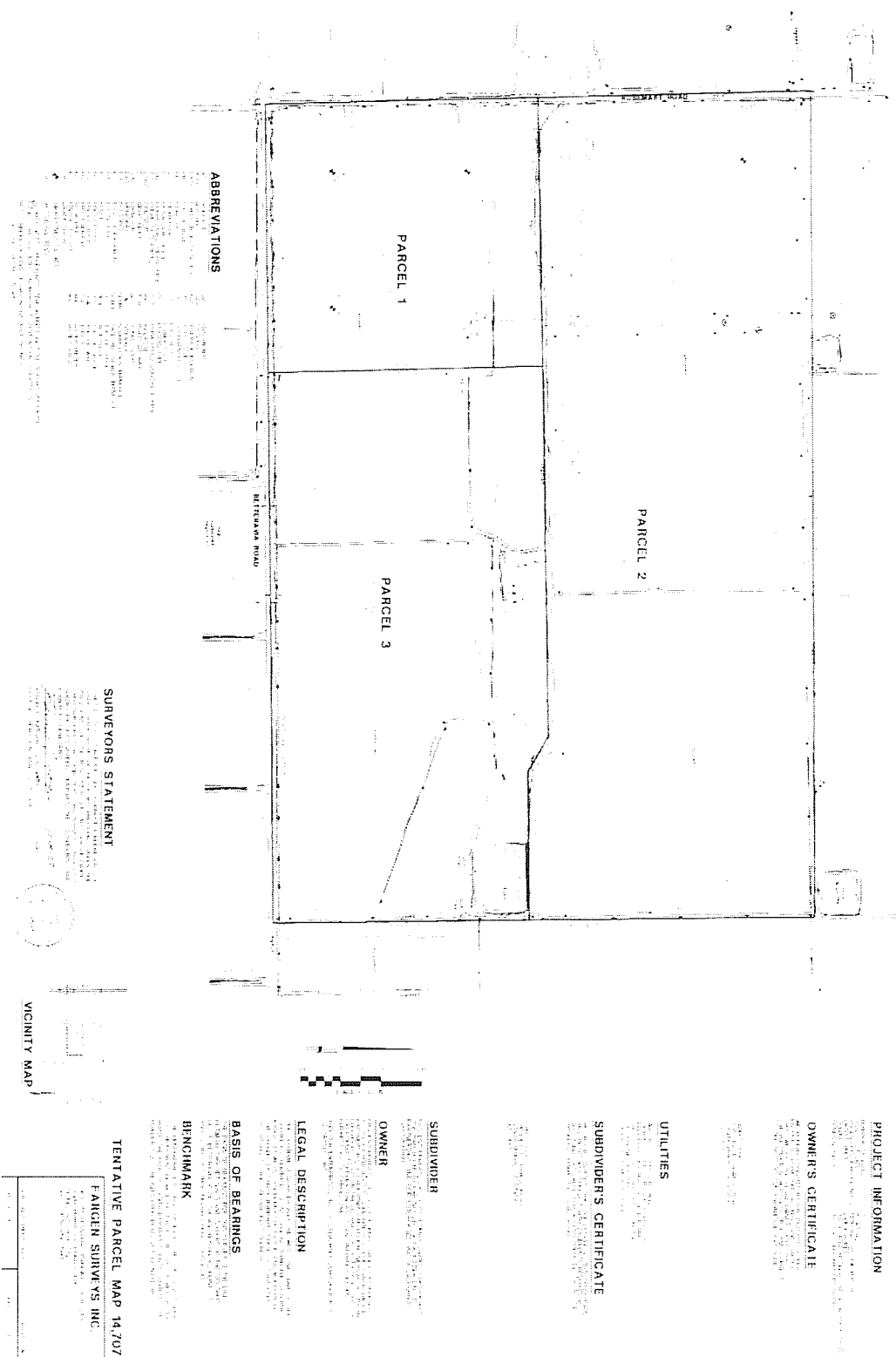
Pursuant to Section 66448 of the State Subdivision Map Act and County Subdivision Regulations Chapter 21, Section 21-9, the Parcel Map **shall be based upon a field survey** made in conformity with the Professional Land Surveyors Act. Furthermore, property lines **shall be monumented** in accordance with Section 21-16 of said County Code.

Very truly yours.

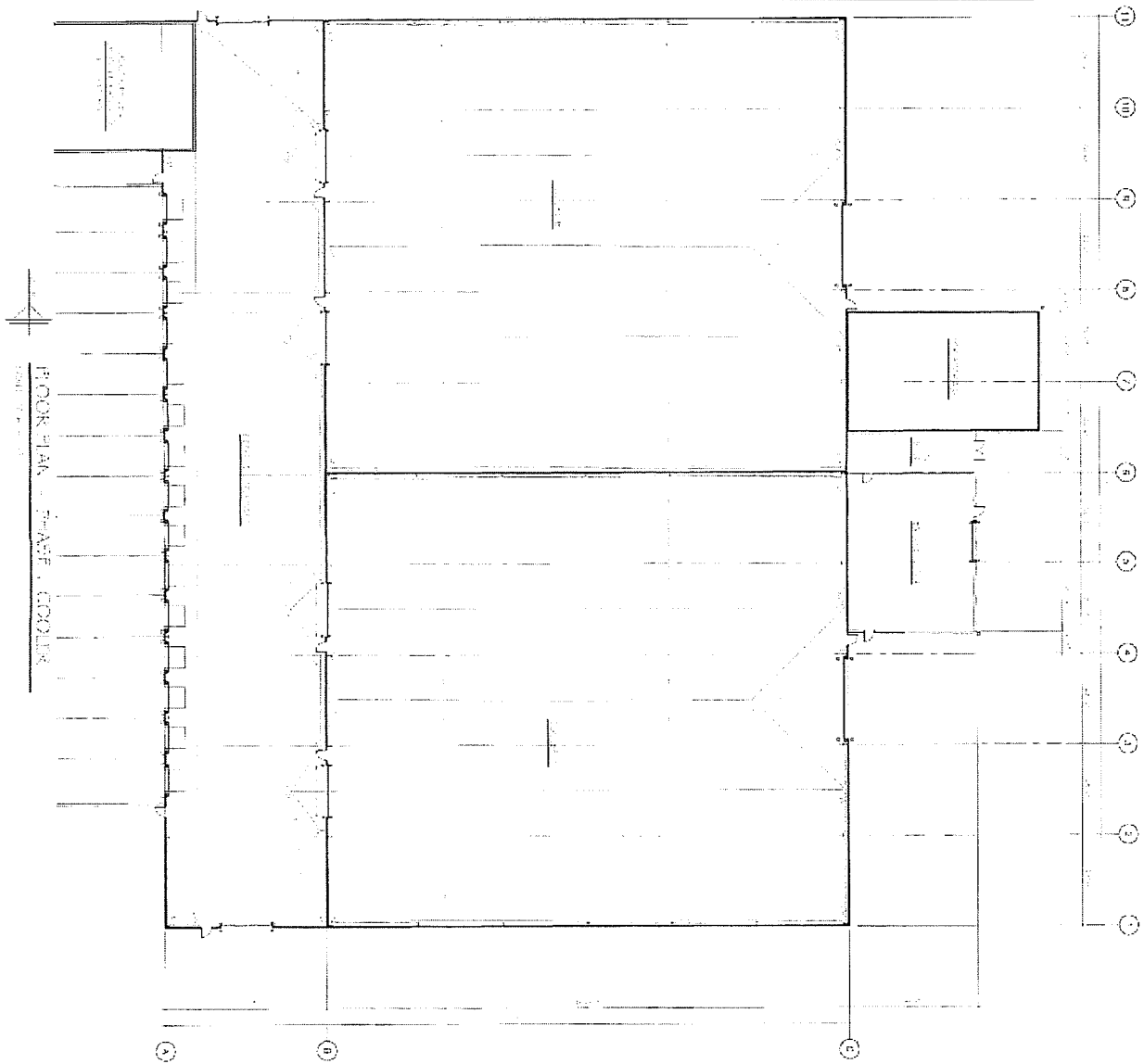
A handwritten signature in cursive script that reads "Edmond R. Villa".

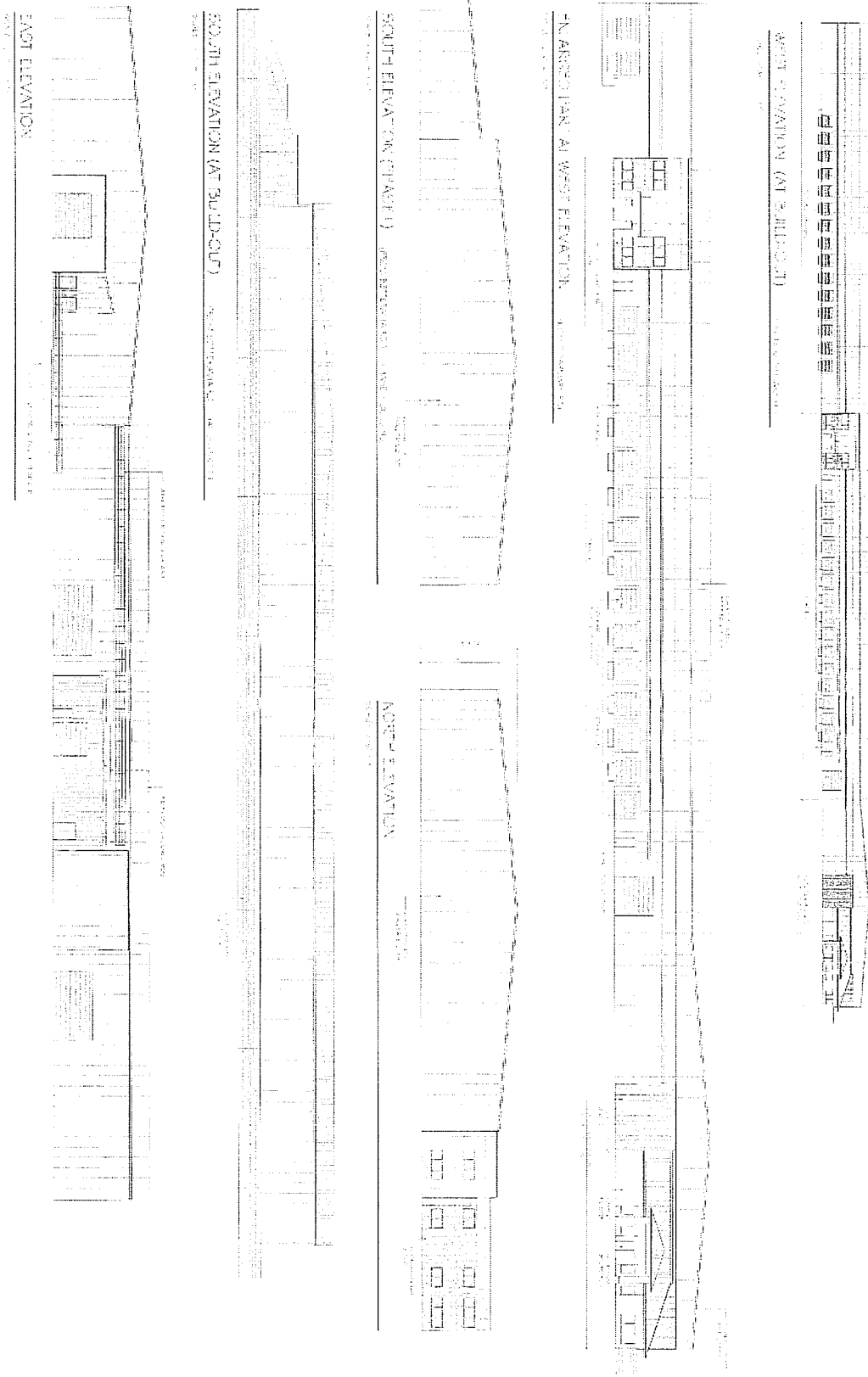
for Michael B. Emmons
County Surveyor

ATTACHMENT D: TENTATIVE PARCEL MAP

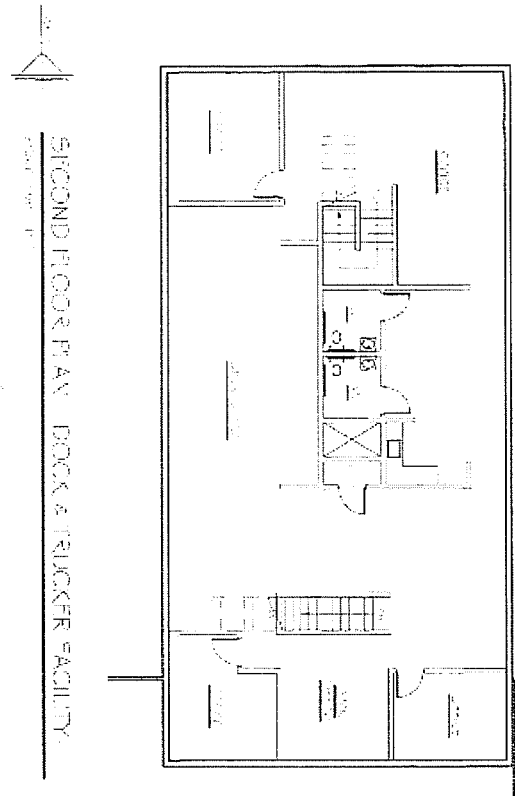
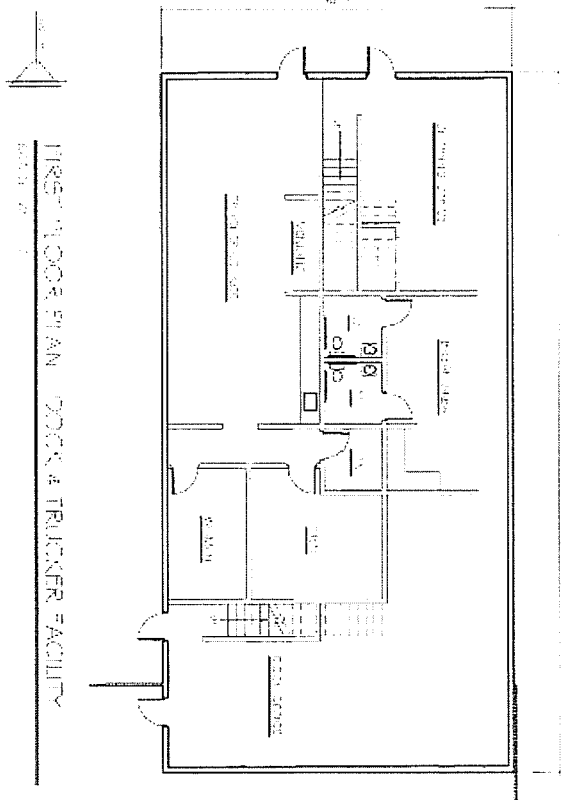


ATTACHMENT G: COOLER FLOOR PLAN AND ELEVATIONS

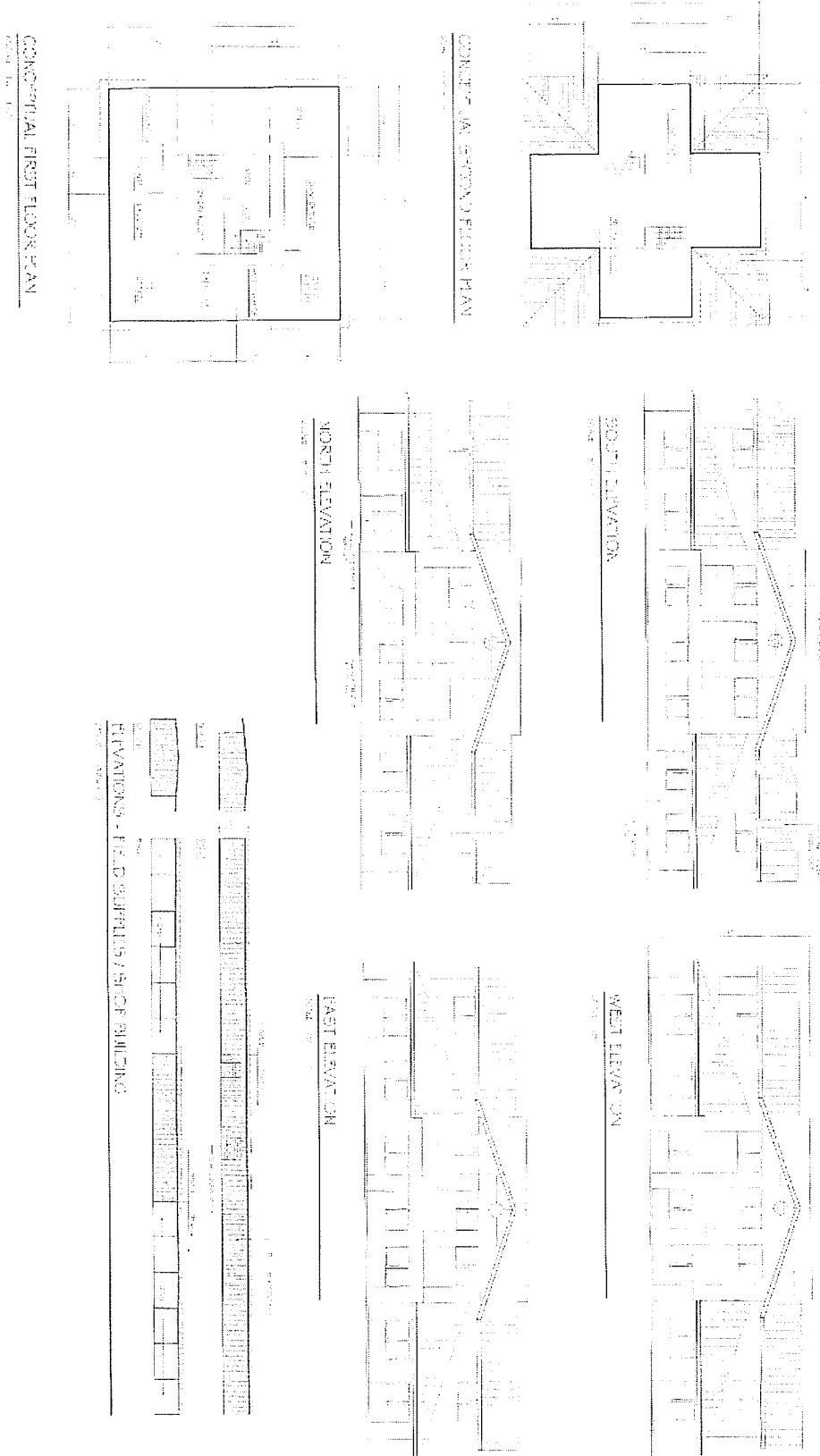




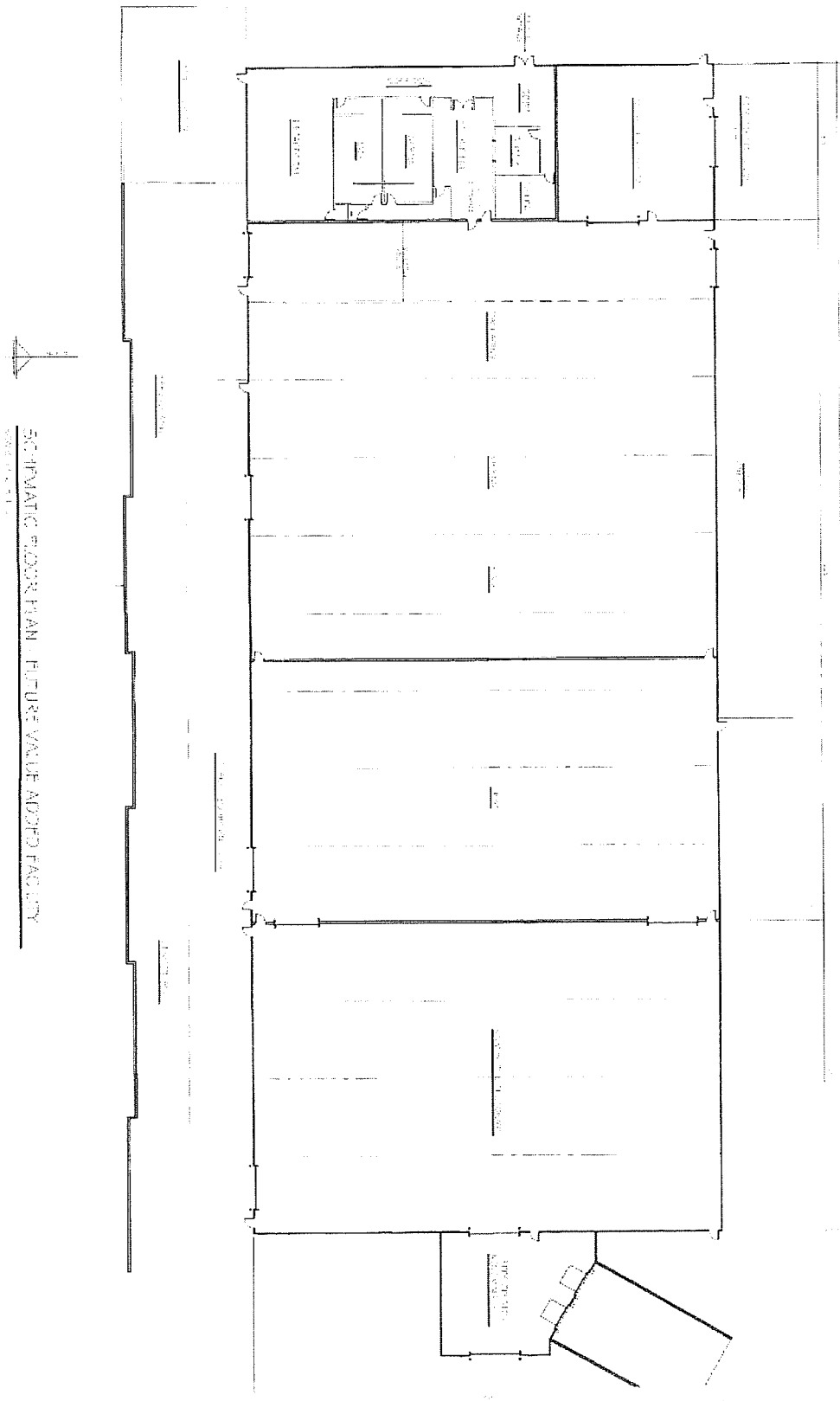
ATTACHMENT H: DOCK & TRUCKER FACILITY FLOOR PLANS



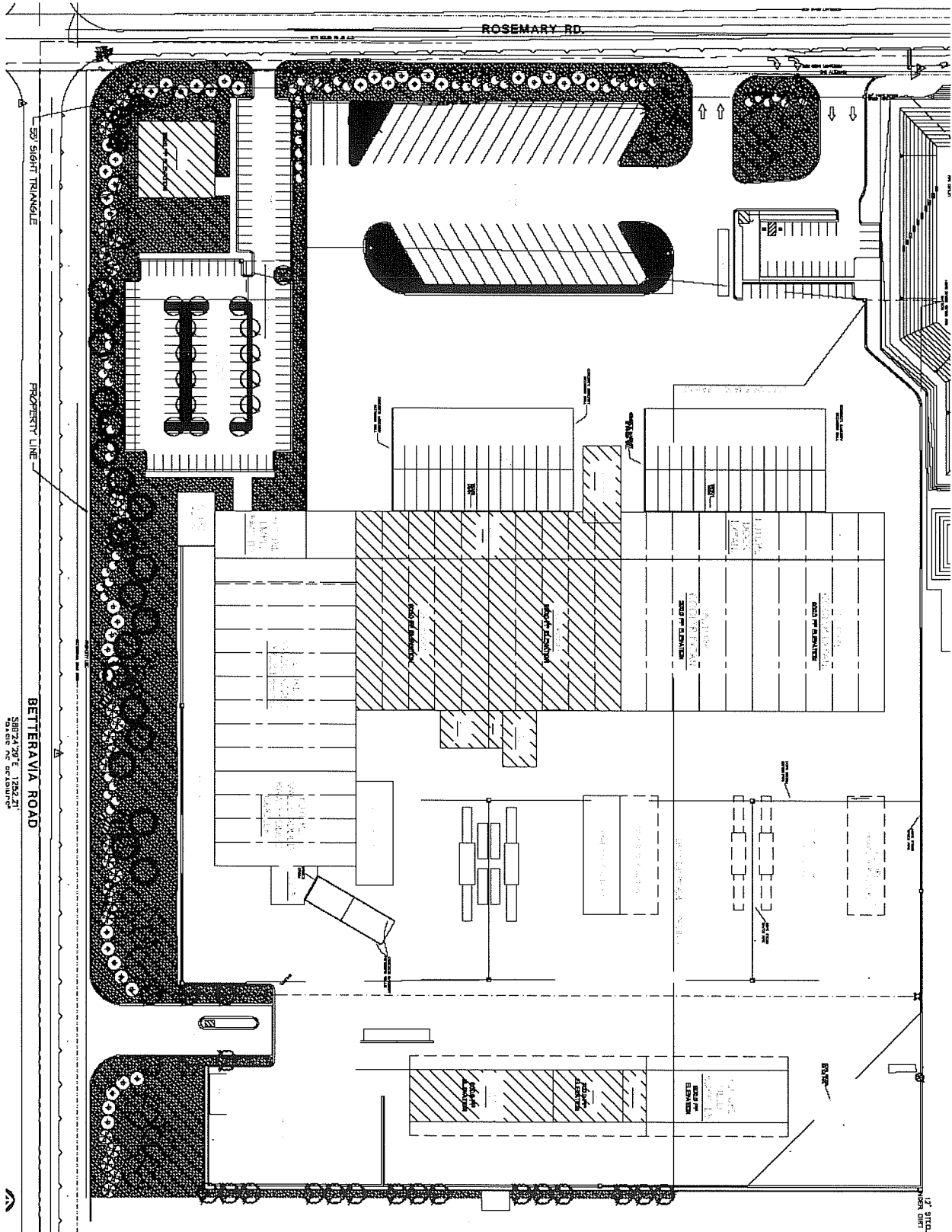
ATTACHMENT I: OFFICE FLOOR PLANS AND ELEVATIONS



ATTACHMENT J: VALUE-ADDED FACILITY FLOOR PLAN





ATTACHMENT K: LANDSCAPE PLANS





PLANT LEGEND:


■ TREES


 *AESCULUS CALIFORNICA*
CALIFORNIA BUCKEYE


 *AGONIS FLEXUOSA*
PEPPERMINT TREE


 *LYONOTHAMNUS FLORIBUNDUS*
CATALINA IRONWOOD

 *PLATANUS RACEMOSA*
CALIFORNIA SYCAMORE


 *QUERCUS AGRIFOLIA*
COAST LIVE OAK


 *QUERCUS ILEX*
HOLLY OAK


 *QUERCUS LOBATA*
VALLEY OAK


 *SCHINUS MOLLE*
CALIFORNIA PEPPER TREE


■ SHRUBS


 *ARCTOSTAPHYLOS UVA-URSI*
BEARBERRY


 *CEANOTHUS GRISEUS HORIZONTALIS* 'HURRICANE POINT'
CARMEL CREEPER

 *CISTUS SALVIIFOLIUS*
SAGELEAF ROCKROSE


 *GALVEZIA SPECIOSA*
ISLAND BUSH SNAPDRAGON


 *LIMONIUM PEREZII*
SEA LAVENDER


 *RIBES VIBURNIFOLIUM*
EVERGREEN CURRANT

 *SALVIA LEUCOPHYLLA* 'POINT SAL SPREADER'
PURPLE SAGE

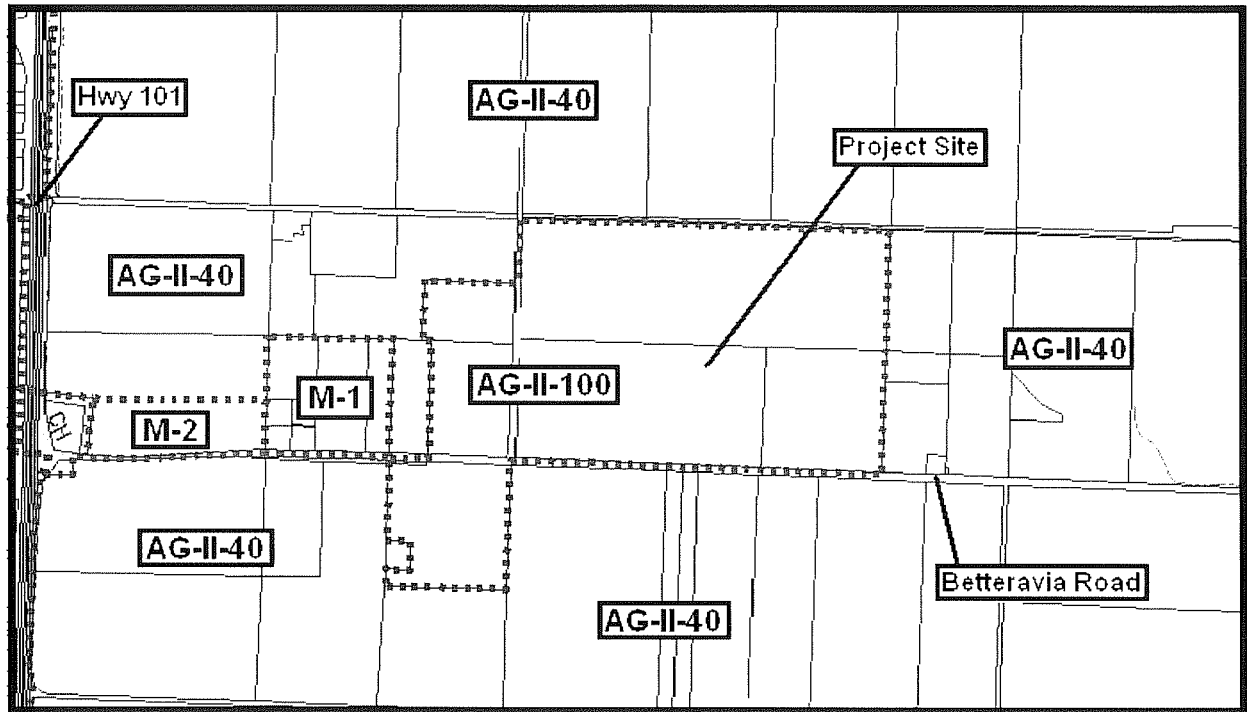
■ GROUNDCOVER

 *ACHILLEA MILLEFOLIUM*
COMMON YARROW (HYDROSEEDED)

 BARK MULCH OR HYDROSEED MIX

 *GAZANIA 'SUNBURST'*
TRAILING GAZANIA

ATTACHMENT L: ZONE DISTRICT MAP



ATTACHMENT M: AGRICULTURAL ADVISORY COMMITTEE MINUTES



COUNTY OF SANTA BARBARA

**AGRICULTURAL ADVISORY
COMMITTEE**

Brian Caird
Kari Campbell-Bohard
Willy Chamberlin
Grant Cremers
Greg France
Sam Frye

Bill Giorgi, Chair
Dorothy Laine
Andrew Rice
LeRoy Scolari
Carl Stucky, Vice Chair
June Van Wingerden

Administrative support provided by the Agricultural Commissioner' Office (805) 681-5600

MINUTE ORDER

At the March 5, 2008 meeting, the Agricultural Advisory Committee approved the following motion:

To recommend the Board of Supervisors allow the Rice Produce Cooler facility because it provides a substantial benefit to the agricultural community and the public for the following reasons;

1. Up to 5000 acres of agriculture in the Santa Maria area will be serviced by the cooler.
2. The new cooling facility will be closer to agricultural fields than the current facility. This will have the public benefits of decreased truck traffic in the urban areas of Santa Maria and will help eliminate land use conflicts.
3. It will allow quicker, more efficient cooling of produce. This reduces post-harvest losses and increases the overall shelf life of the product, thereby providing greater economic stability to the agricultural community.
4. Increases marketability of produce and supports the trend in the industry for "one stop shopping".
5. Addresses new Homeland Security regulations and provides increased protection for food safety.
6. Benefits the community at large by allowing farmers to meet food supply demands.
7. Assists with preserving farmland as processing facilities are an integral part of the fresh produce agricultural industry.
8. The proposed location for this facility is safer for the Community because any hazardous materials will be away from populated areas.

Ayes: Caird, Chamberlin, Cremers, France, Frye, Giorgi, Laine,
Scolari, Van Wingerden

Nocs: None

Absent: Campbell-Bohard, Stucky

Recused: Rice

ATTEST: *William D. Gillette*

William D. Gillette, Secretary

LAFCO 18-04 OUT-OF AGENCY SERVICE AGREEMENT (OASA)

AUTHORIZATION BY THE LOCAL AGENCY FORMATION COMMISSION FOR THE
CITY OF SANTA MARIA TO PROVIDE OUT-OF-AGENCY SERVICES TO THE
OSR COOLER PROPERTY
(1701 East Betteravia Road, Santa Maria, CA 93456)

WHEREAS, the City of Santa Maria and property owners of OSR Cooler have filed a proposal with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code) for the City to provide services outside of its boundaries at 1701 East Betteravia Road, Santa Maria; and

WHEREAS, Government Code Section 56133(c) authorizes the Commission to approve such out of agency service agreements provided the subject area outside the sphere of influence if the City has provided the commission with documentation of a threat to the health and safety of the public or the affected residents and is in anticipation of a later change of organization; and

WHEREAS, for purposes of the California Environmental Quality Act (“CEQA”), the City of Santa Maria is the lead agency for this project. The “project” is to provide potable water services from the City to the OSR Cooler facility located at 1701 East Betteravia Road, in the unincorporated area of the County east of the City of Santa Maria. This OSR Cooler Facility was originally approved by Santa Barbara County in 2008. An addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, for the produce cooling and processing facility. The Addendum assumed that all potable water for the facility would be provided from groundwater. However, Santa Barbara County Environmental Health Services (“EHS”) has determined that OSR’s water system has violated or is violating the California Safe Drinking Water Act because surveys indicate nitrate levels are exceeding the maximum allowable contaminant level. Pursuant to an EHS citation, OSR Coolers was required to submit a plan for correction to EHS. OSR Coolers plan of correction is to obtain potable drinking water from the City of Santa Maria.

WHEREAS, the proposed domestic water connection would not result in additional impacts since there will be no modification to the original development approval and no change in use. The domestic water connection would be provided solely to mitigate a threat to the health and safety of the public. Additionally, there is an existing City water main on

Rosemary Road adjacent to the facility site. Therefore, approval of this project will not result in an extension of water infrastructure services outside of the City, other than to allow OSR Coolers to hookup to an existing water main line on Rosemary Road.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

(1) The Commission has considered that the City of Santa Maria is the lead agency for purposes of compliance with CEQA. The City relied on environmental analysis prepared by the County when this project was originally approved by the Santa Barbara County in 2008. An addendum to Environmental Impact Report (04-EIR-08) was approved by Santa Barbara County on May 14, 2008, for the produce cooling and processing facility. The Commission finds that none of the conditions set forth in Public Resources Code section 21166 have occurred and therefore there is no basis to require additional environmental review. Additionally, the Commission finds pursuant to CEQA Guidelines Section 15162, no substantial changes are proposed in the original project, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore, this action does not justify additional environmental review.

(2) The Commission finds the out-of agency service request to be in the best interests of the affected area. The Commission finds that the new potable water service being provided responds to an existing threat to the health or safety of the public or residents of the affected territory. . The City has provided documentation of the threat to public health by providing the documentation from EHS.

(3) The extension of services shall be subject to the following conditions:

a) The City's provision of sewer services shall be limited to the OSR Cooler site at 1701 East Betteravia Road, Santa Maria, CA 93456.

b) The property owner shall execute and record an agreement approved by the Executive Officer that consents to annexation of the territory, which agreement shall inure to and bind all successors in interest to the property.

c) Said out-of-agency service agreement is for potable water service only shall remain in effect until such time as an annexation is approved by the Commission.

(4) Said out-of-agency service agreement is hereby approved.

PASSED AND ADOPTED this day of September, 2018, in Santa Maria, California by the following vote.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency
Formation Commission

ATTEST

Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission