

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for Hollister-Yacono Development Plan,**  
**Consistency Rezone, Conditional Use Permit, and Overall Sign Plan**

**Hearing Date: December 8, 2010**

**Staff Report Date: November 24, 2010**

**Case Nos.: 10CUP-00000-00043, 09RZN-00000-00010,**

**07DVP-00000-00028, 08OSP-00000-00001**

**Environmental Document: 10NGD-00000-00003**

**Deputy Director: Douglas Anthony**

**Division: Development Review Division**

**Staff Contact: John Karamitsos**

**Planner's Phone #: 934-6255**

**OWNER:**

Charles C. and Mary E. Hollister  
Trust  
2201 U.S. Highway 101  
Buellton CA 93427

**AGENT:**

Rob Alexander  
Mosaic Land Planning LLC  
436 Alisal Road, Suite E  
Solvang CA 93463  
805 686-9977



The project site is Assessor's Parcel Number 099-640-010, commonly known as 2201 U.S. Highway 101, located approximately 2 miles north of the City of Buellton and 1 ½ miles south of the Highway 101 and Highway 154 interchange. Site access is from Jonata Park Road, Third Supervisorial District.

Application Complete: October 9, 2007  
Processing Deadline: 60 days from approval of ND

## 1.0 REQUEST

Hearing on the request of Rob Alexander, Mosaic Land Planning, agent for Kenny Hollister, representative for owner to consider:

1. Case No. 09RZN-00000-00010, [application filed on October 9, 2007] Zoning Map Amendment to rezone 32.84 acres (gross) from Intensive Agricultural zone district (AGI), under Ordinance 661, to Agriculture, 100 acre minimum parcel size (AG-II-100), zone district under the Land Use and Development Code in compliance with Chapter 35.104 of the County Land Use and Development Code;

2. Case No. 07DVP-00000-00028 [application filed on October 9, 2007] for approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code to allow existing and proposed structural development;
3. Case No. 10CUP-00000-00043, for approval of a Conditional Use Permit in compliance with Section 35.82.060 of the County Land Use and Development Code to allow existing conforming uses and structures onsite.
4. Case No. 08OSP-00000-00001, [application filed on October 9, 2007] for approval of an Overall Sign Plan in compliance with the Santa Barbara County Land Use & Development Code (LUDC) Section 35.82.150,

and to adopt the Negative Declaration 10NGD-00000-00003 pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: **Aesthetics/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geologic Processes, Hazardous Materials, Noise, Public Facilities, and Water Resources/Flooding.**

The ND and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara, CA 93101, 624 West Foster Road, Suite C, Santa Maria CA 93455, the Santa Maria Public Library, 421 S. McClelland Street, Santa Maria, CA 93454, and Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

The project site is Assessor's Parcel Number 099-640-010, commonly known as 2201 U.S. Highway 101, located approximately 2 miles north of the City of Buellton and 1 ½ miles south of the Highway 101 and Highway 154 interchange. Site access is from Jonata Park Road, Third Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and recommend conditional approval Case Nos. 09RZN-00000-00010, 07DVP-00000-00028 and 08OSP-00000-00001 marked "Officially Accepted, County of Santa Barbara December 8, 2010 County Planning Commission Attachment A-H", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration No. 10NGD-00000-00003 (included as Attachment C) and adopt the mitigation monitoring program contained in the conditions of approval.

3. Adopt a resolution recommending that the Board of Supervisors adopt by Ordinance a Zoning Map Amendment for APN 099-640-010, amending the Inland Zoning Map for the Buellton Rural Areas Zones included as Attachments D and E.
4. Recommend that the Board of Supervisors approve 07DVP-00000-00028 subject to the conditions included as Attachment B.1
5. Recommend that the Board of Supervisors approve 10CUP-00000-00043 subject to the conditions included as Attachment B.2
6. Recommend that the Board of Supervisors approve 08OSP-00000-00001 subject to the conditions included as Attachment B.3

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

### **3.0 JURISDICTION**

This project is being considered by the County Planning Commission based on the following County Land Use and Development Code provisions:

3.1 Pursuant to Section 35.104.050.A.2 states that the Planning Commission's recommendation on the proposed rezone shall be transmitted to the Board of Supervisors in the form of a written recommendation.

3.2 Pursuant to Sections 35.21.30.C & 35.82.080.B.3, which place all Development Plans greater than 20,000 square feet of gross floor area outside the review authority of the Director or Zoning Administrator and under the review authority of the Planning Commission.

3.3 Pursuant to Section 35.82.060, Conditional Use Permits to allow the permitting of existing conforming uses and structures onsite

3.4 Section 35.82.150, which places review authority for an Overall Sign Plan with the decision maker for the Development Plan. The section establishes the procedures and findings for the approval of Overall Sign Plans. While the section specifically references shopping centers, the number of uses and lessees on the project site are appropriately regulated through an approved Overall Sign Plan.

3.5 Pursuant to Section 35.80.020, which 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. In this case, the highest jurisdiction is the Board of Supervisors. When the Board of

Supervisors is the review authority for a project, the Commission shall make an advisory recommendation to the Board of Supervisors on each project.

## 4.0 ISSUE SUMMARY

**4.1 Project Objective.** The primary objective of the proposed project is to facilitate the construction of a single family residence on the approximately 33 acre parcel. Because the project site is zoned under the obsolete Ordinance 661, a consistency rezone to a Land Use Development Code zoned designation is required.

In 1958, the proposed project site began use as a Livestock Sales Lot which included a 3,200 square foot (sq.ft.) Auction House. Since that time, structural development onsite has increased to approximately 26,000 sq.ft. and other agricultural uses have been established while the livestock operation, once capable of accommodating 2,000 head of cattle, has decreased in size.

Although the 20,000 sq. ft. threshold for a Development Plan (DVP) was exceeded in 1986, there is presently no approved DVP in place. As discussed below, the subject DVP and Consistency Rezone would establish parcel conformity with the current Land Use Development Code, in addition to distinguishing legitimate agriculture-related services provided onsite from legal, non-conforming uses which may not be expanded or intensified above their historic uses.

**4.2 Comprehensive Plan Designation.** The proposed project site is designated Rural Area, Agriculture II (100 acre minimum parcel size), with an Agricultural Industry Overlay. The purpose of this overlay (which is depicted on the Comp. 4 map and was placed on the subject parcel as part of the Board of Supervisors-adopted 1980 Comprehensive Plan process) is to provide for agriculturally related commercial and industrial uses in Rural areas where appropriate. Item 1 of the Overlay identifies criteria which must be satisfied unless the overlay was placed on the property prior to the date of adoption of this Plan (i.e., the Land Use Element, adopted in 1981). Please refer to Section 6.2, Land Use Element Designation (p. 16 below for the specific language of the overlay).

The subject parcel is one of four properties in Santa Barbara County with the Agricultural Industry Overlay (AIO); the other three being: 1) approximately 1,300 acres comprising and surrounding the former Union Sugar property (at Betteravia in the Santa Maria Valley); 2) the 10.81 acre former Unocal Battles Gas Plant property (east of US 101 and north of Betteravia Road in the Santa Maria Valley); and 3) a 2.31 acre parcel adjacent to US 101 north of Los Alamos which was placed in the Overlay in order to accommodate an approved, but undeveloped winery warehouse facility (approximately nine miles north of the proposed project site).

**4.3 Zone Designation.** The proposed project site is currently zoned Intensive General Agricultural (AGI) under Ordinance 661. This outdated zone district provided for all uses permitted in the general agricultural district (all types of farming and agriculture, public stables and riding arenas, animal hospitals), as well as livestock auction yards including the following uses: Offices, food preparation and facilities, veterinarian services and supplies, feed mill,

livestock feed yard, trucking terminals, and animal fertilizer processing plant, slaughter house, dormitory, and other uses which are related to a livestock auction yard.

No other property in Santa Barbara County carries the AGI zone designation, which was established in 1966, and applied to the subject parcel in lieu of a landowner request to rezone the property to Light Industrial (M-1). At that time, the subject parcel contained approximately 10,000 sq. ft. of structures which had been in use since 1958 as part of the livestock yard and associated uses.

In order to increase structural development onsite through the discretionary Development Plan requirement, a Consistency Rezone from Ord. 661 to the LUDC is required. As a result, some uses which are conforming within the AGI zone district would not be in conformance with the provisions of the AG-II-100 zone district. While AG-II-100 is the most permissive agricultural zone district in the LUDC, some of the more intensive uses enumerated in the AGI zone district (under Ord. 661) may only be approved with a Conditional Use Permit in AG-II-100.

#### **4.4 Legal, Non-Conforming Uses Onsite.**

Each of the uses currently operating onsite are considered legal non-conforming, based on the fact that they either predate zoning, or have been previously permitted or exempted from permits pursuant to the Intensive General Agriculture (AGI) zone district requirements.

As indicated in Table 5 below, the majority of these existing commercial uses would not be permitted on AG-II zoned property, despite the accompanying AIO Comprehensive Plan designation.

Approval of the subject DVP and CUP would not apply to the current uses onsite which are deemed to be legal, non-conforming. No future expansion in area of operation, or intensity of use is permitted for these legal non-conforming uses. Future determinations regarding the termination and/or unpermitted expansion of Non-conforming Uses would be regulated by the procedures established in LUDC Chapter 35.101, Nonconforming Uses, Structures, and Lots.

#### **4.5 Conditional Use Permit**

The proposed project includes an as-Built Conditional Use Permit (CUP), in addition to the subject DVP, in order to legalize through permitting the existing structures and uses onsite which conform to the AIO.

**4.6 Signage.** The proposed project includes an Overall Sign Plan (OSP) addressing all signage for the project site. The OSP would control all signs onsite, including replacement signs for future enterprises determined to be consistent with the zone district. All signs identifying legal, non-conforming uses currently existing onsite would be removed upon discontinuation of the non-conforming use.

**4.7 Caltrans Right-of-Way.** Over time, some outdoor storage uses, fencing, and associated landscape screening have encroached into the Caltrans US Highway 101 right of way easement area for maintenance and access, as depicted on Exhibit G. As a result of the proposed project, all fencing and storage areas within this right of way would be relocated onto the project site. While Caltrans representatives have indicated that the structures within the easement may remain, they reserve to right to clear the easement as required for potential future projects (email Peter Hendrix, PE, Caltrans District 5 Encroachment Permits office, 08/08/07).

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

<b>2.1 Site Information</b>	
Comprehensive Plan Designation	Rural, Agriculture with 100-acre minimum parcel size (A-II-100), one dwelling unit per acre. Agricultural Industry Overlay
Zoning District, Ordinance	Existing: Ordinance 661, Intensive Agricultural District (AGI), No minimum parcel size required, High Fire Hazard Area. Proposed: LUDC, AG-II-100, with AGI Overlay, 100 acre minimum parcel size, High Fire Hazard Area
Site Size	32.84 acres gross; 25.41 acres net.
Present Use & Development	Project site contains various agricultural and commercial structures; see the “Land Use Description Table” below for more information regarding existing and proposed development.
Surrounding Uses/Zoning	North: AG-II-320 and AG-I-20, Cattle Grazing South: 100-AG, Cattle Grazing, PG&E Substation East: AG-II-100, Highway 101 and Cattle Grazing West: AG-II-320, Cattle Grazing
Access	Direct access from Jonata Park Road, via U.S. Highway 101.
Public Services	Water Supply: One domestic well and one agricultural well Sewage: Three existing private septic disposal and four proposed septic systems Fire: Santa Barbara County Fire, Station No. 31 Schools: Jonata Elementary School, Santa Ynez Union High School

### 5.2 Setting

The western and eastern extents of the project site contain various slopes ranging from 5 to 20 percent. The central portion of the site is relatively level and predominantly developed with existing structures. The project site ranges from a low elevation of 505 feet above mean sea level to 560 feet above mean sea level. Zaca Creek traverses the site from north to south. The Zaca Creek drainage contains a dense riparian canopy of oaks, cottonwoods, and other vegetation

typical of seasonal water ways. Soil types onsite consist of predominantly of shaly and clay loams. There are three known archaeological sites on the subject property. The surrounding land uses include cattle grazing, single-family homes, and commercial trailer sales.

### 5.3 Statistics

<b>Statistics</b>		
<b>Item</b>	<b>Developed</b>	<b>Ordinance Standard</b>
Structures (floor area)	Existing: 26,356 sq. ft. Proposed: 22,470 sq. ft. and demolition of 3,784 sq. ft.	As Built Conditional Use Permit and Final Development Plan LUDC 35.82.60/35.82.80
Max. Height of Structure(s)	30 ft.	Allowable (35 ft in AGI zone for dwellings only) LUDC 35.21.50
Building Coverage (footprint)	45,042 square feet of building coverage equals approximately 1 acre on a 32.84-acre lot or 3 % lot coverage	No maximum limit identified in AG-II zone per Section 35.21.050
Roads Parking (covered/uncovered, ratio) Walkways	71 uncovered parking spaces.	Single Family Dwelling = 2 parking spaces Commercial Operations = 1 space per 500 sq. ft. = 22 Production storage, or warehousing = 1 space per 1,000 sq. ft. = 13 Employee Parking = 8 Total Required: 45 spaces
Open Space Private, Landscaping and detention basins	305,250 square feet	N/A for AG-II zone. Development Plan requires landscaping plan 35.34.30
Number of Dwellings	Proposed: 1 single family dwelling	Allowed per Ordinance 661
Employees	8	See above under Roads, Parking and Walkways
Grading	990 cubic yards (cu.yds.) cut, 1,955 cu.yds. fill; 1,600 cu.yds overexcavation/recompaction; 1,165 cu.yds. import; and 200 cu.yds. export	N/A for AG-II zone

### 5.4 Description

The Consistency Rezone would change the zone district of an existing parcel (32.84 acres gross/25.41 acres net) from Intensive Agricultural (AGI) under Ordinance 661, to Agriculture, 100 acre minimum parcel size (AG-II-100) under the Land Use and Development Code. The project site would retain its existing Agricultural Industry Overlay.

**Table 3  
PROPOSED BUILDING SQUARE FOOTAGE**

<b>Land Use Description</b>	<b>Proposed</b>	<b>Total Sq. Ft.</b>
P. 2,974 sq. ft. Residence	2,974	2,974
Q. Horse Barn (Building C relocated and enlarged)	2,026	2,026
R. Agricultural Accessory Building	2,970	2,970
S. Agricultural Storage Building	3,000	3,000
T. Agricultural Storage Building*	Deleted	Deleted
U. Agricultural Storage Building	3,000	3,000
V. Agricultural Storage Building	3,000	3,000
W. Agricultural Storage Building	3,000	3,000
X. Agricultural Storage Building	2,500	2,500
Y. Horse Barn*	Deleted	Deleted
Z. Horse Barn*	Deleted	Deleted
<b>TOTAL PROPOSED BUILDING COVERAGE</b>	<b>22,470 sq. ft.</b>	<b>22,470 sq. ft.</b>

\*Proposed Building T shall be deleted as part of the proposed project due to archaeological issues and proposed Buildings Y and Z shall be deleted as part of the proposed project due to biological issues. The project site would also contain public areas, roadways, parking lots, and landscaped areas totaling 305,250 ft<sup>2</sup> in area.

The Development Plan proposes the construction of a primary residence, six agricultural storage structures and one horse barn for a total of 22,470 square feet. The project proposes approximately 990 cubic yards of cut and 1,955 cubic yards of fill, 600 cubic yards of over-excavation and re-compaction, 1,165 cubic yards of import and 200 cubic yards of export. Grading activities would disturb approximately 3.32 acres of the project site. Existing and proposed driveway access to the site is off Jonata Park Road. Domestic freshwater service will be provided by a permitted single-parcel water system utilizing on-site wells. No new creek crossings are proposed as part of this project. Wastewater service will be provided by existing and proposed septic systems utilizing the leachline disposal method. The following legal non-conforming uses exist onsite: 1) Santa Ynez Valley trailer Sales, 2) Caldera Fencing, 3) Paradise Welding, 4) Oltman Trucking, 5) RLF Tricking, 6) Carlton Cooper Excavation, 7) Cody Flint Excavation, 8) Gary Little Excavation, and 9) Tom Johnson Excavation.

The Overall Sign Plan entails the approval of existing and proposed signage and removal of some existing signage as follows: All new signs are proposed to be 16” x 96”, horizontal painted wood. The background colors are proposed to be white with the lettering and logo to be brown. The bottom of all canopy signs will be 8’ above finished grade and the top of all wall signs for the new buildings is proposed to be 12’ above top of grade. The existing freestanding sign shall



remain with colors to match, as well as the modifications to the sign plan through the conceptual approval by the Central Board of Architectural Review. The existing sign located on the welding shop is to be removed and will comply with the proposed new signage above. Signage proposed for the Veterinarian Supply Store, Hay and Feed, Trucking Terminal, Two Equipment Storage Shop, Fencing Contractor Shop/Truck Terminal and Trailer Sales shall comply with the proposed overall sign plan.

## **5.5 Background Information**

### **Chronology**

- 04/11/58 Building Permit (No. 4083) authorizes Santa Ynez Valley Sales Yard auction house on site. Property begins use as a Livestock Auction Sales Lot
- 09/1959 Zoning established pursuant to Ordinance 971.
- 07/12/61 Conditional Use Permit (61-CP-57) authorizes Santa Ynez Sales Yard: a truck yard, office and shop (Land Use Rider 16065, 07/25/61).
- 05/09/62 Conditional Use Permit (62-CP-41) authorizes development of a gasoline service station onsite. Due to Highway right-of-way negotiations the use was not established
- 05/22/63 Conditional Use Permit (63-CP-50) authorizes development of a gasoline service station onsite.
- 05/13/64 Conditional Use Permit (63-CP-50A) renews the gas station CUP.
- 05/25/65 Conditional Use Permit (65-CP-58) renews the gas station CUP.
- 06/01/66 Conditional Use Permit (66-CP-38) authorizes a service station in association the Santa Ynez Sales Yard.
- 10/31/66 Conditional Use Permit (66-CP-54) authorizes the existing Livestock Yard and Auction Facilities and Allied Uses on Santa Ynez Sales Yard.
- 11/21/66 Rezone (66-RZ-034) rezones the parcel from Unclassified (U) to Intensive General Agriculture (AGI). Staff report describes permitting of a livestock auction yard, and recommends: 1) “incidental facilities such as offices, restaurant and trucking terminal be permitted by conditional use permit but only in relation to the livestock auction yard;” and 2) “denial of the M-1 or any other industrial zoning on the basis that it would permit certain uses not allied to agricultural, will constitute “spot zoning” completely unrelated to uses permitted in the surrounding area.”

- 06/14/67 Determination (67-M-44) allows for the development of a Gas Station onsite
- 01/25/72 Land Use Rider (Permit #51395) approving Santa Ynez Valley Sales Yard garage
- 02/09/81 Land Use Rider for Substantial Conformity Determination approving use of a Shop/Storage Barn and Hay Barn
- 06/22/82 Land Use Rider approving relocation of Trucking Terminal Fuel Facility
- 09/18/87 Notification of potential zoning violation onsite.
- 12/16/87 Determination that “the uses onsite are appropriate under the AGI-Intensive General Agricultural district” (Lawrence Appel letter to Mr. Charles Hollister).
- 12/20/89 Land Use Permit (Permit No. 131111) approves office addition for hay sales.
- 08/18/03 Planner Consultation Memorandum regarding a request to review the permit process for the sales of manufactured homes, trailers, tractors, and farm equipment on the subject parcel. Memo states that manufactured homes are not a permitted use, but that the other identified uses would likely be considered consistent with the AGI zone district.
- 01/13/04 Determination that Mobile Home Sales onsite would require a General Plan Amendment and Rezone which would not be supported by P&D staff. Letter states that “the site was used almost exclusively for livestock auctions with cattle holding pens until the substantial conformity determination in 1981 allowed the existing trailer sales” (Steve DeCamp letter to Mr. Charles J. LeBeau).
- 07/16/08 Applicant indicates agreement with the proposed Rezone “provided all historical, commercial and/or industrial uses directly supportive and accessory to agriculture remain in effect” (Email from Susan Alexander, Agent, to Brian Tetley, Planner).  
Past uses are described as livestock auctions, feed yards, and transfer station.

**Existing Structures and Uses Onsite.** Tables 4 and 5 below identify the existing structures and uses onsite. The approximately 26,356 square feet of structural development (as indicated in Table 4) on the subject parcel has been constructed over the past 50 years in association with a wide range of uses during this period. The uses conducted onsite during the processing of the subject applications are indicated Table 5, along with the number of employees onsite, and the approximate year the operation was established onsite.

**Table 4: EXISTING STRUCTURES ONSITE**

Land Use Description	Years Onsite	Existing (Sq. Ft.)	Proposed (Sq. Ft.)	Total (Sq. Ft.)
A. Existing Welding Shop (1957, Ag Exempt)	53	1,887	0	1,887
B. Existing Hay Shed/Tack Room	53	961	-961	0

(1957, Ag Exempt)				
C. Existing Barn (2001, Ag Exempt)	9	1,013	-1013	See Q in Table 3 above
D. Existing Barn Construction Office (1956, Predates Zoning)	54	4,075	0	4,075
D1. Storage Container (2003, Ag Exempt)	7	160	0	160
E. Equipment Storage Shed (1986, Ag Exempt)	24	786	-786	0
F. Livestock Shelter (1956, Ag Exempt)	54	1,024	-1024	0
G. Hay Sales and Trucking (1957, Ag Exempt)	53	1,664	0	1,664
H. Truck Terminal (1982 Relocation)	28	2,497	0	2,497
I. Livestock Shelter/Hay Storage (1983, Ag Exempt)	27	659	0	659
J. Veterinarian Supply Store (1982, Ag Exempt)	28	2,322	0	2,322
K. Equipment Storage Shop (1982, Ag Exempt)	28	1,901	0	1,901
L. Equipment Storage Shop (1986, Ag Exempt)	24	1,685	0	1,685
M. Fencing Contractor Shop and Trucking Terminal (1986)	24	3,466	0	3,466
N. Livestock Shelter (2006, Ag Exempt)	4	363	0	363
O. Trailer Sales Office (1986, Ag Exempt)	24	1,893	0	1,893
<b>TOTAL BUILDING COVERAGE</b>		<b>26,356</b> <b>(Sq. ft.)</b>	<b>3,784</b> <b>(Sq. ft.)</b>	<b>22,572</b> <b>(Sq. ft.)</b>

**Table 5: EXISTING USES ONSITE**

	<b>Current Operator</b>	<b>Activities Conducted Onsite</b>	<b>LUDC AG-II Zone Conformity</b>	<b>Agricultural Industry Overlay Conformity</b>	<b>No. of Employees</b>	<b>Year Use Established</b>
1	Santa Ynez Valley Trailer Sales	Retail sales office and storage of equine and livestock trailers.	Not permissible	Legal Non-conforming	4-5	1985
2	Horse	Sells and	Not	Legal, Non-	6	1982

	Housing Construction	builds prefabricated and custom barns.	permissable	conforming		
3	Caldera Fencing	Equipment and materials storage; and office space for sales and construction of fences for ranches and agricultural properties.	Not permissable	Legal Non-conforming	6	1986
	<b>Current Operator</b>	<b>Activities Conducted Onsite</b>	<b>LUDC AG-II Zone Conformity</b>	<b>Agricultural Industry Overlay Conformity</b>	<b>No. of Employees</b>	<b>Year Use Established</b>
4	Templeton Livestock Sales Yard	Storage of hay onsite in association with 4-5 annual livestock auctions conducted offsite and	Permissable, with AIO	Conforming	1	1956

		weekly cattle transfers from the site				
5	Whitford Hay and Feed Supply	Sales and delivery of hay to cattle and equine owners; vehicle storage and maintenance.	Permissable, with AIO	Conforming	4	1956
6	<u>Monighetti's One Stop Livestock Supplies Inc.</u>	Retail sales of livestock-related products stored onsite.	Not Permissable	Legal Non-Conforming	1	1984
Including veterinary supplies including equine and bovine vaccines, feed and mineral supplements, therapeutic supplies such as wraps, bandages, dressings, medications, as well as blankets, halters and leads, and insect control products and equipment. Sales of farrier supplies such as horseshoe blanks, nails, and tools.						
7	Pacific Livestock Supplement	Storage of liquid cattle feed supplements.	Not Permissable	Legal Non-Conforming	2	1998
Provides feed supplements (primarily molasses-based products) for local cattle operations. Bulk-stored on Hollister's site and delivered to customers by Pacific Ag in small tank trailers						

	<b>Current Operator</b>	<b>Activities Conducted Onsite</b>	<b>LUDC AG-II Zone Conformity</b>	<b>Agricultural Industry Overlay Conformity</b>	<b>No. of Employees</b>	<b>Year Use Established</b>
8	Ralph Lausten Farming	Storage of farming materials.	Permissible	Conforming	2	2002
Mechanized farm support services including discing and harrowing, planting, fertilizer application, weed management, and harvesting cutting and baling						
9	Paradise Welding	Fabricates iron gates, fences, and farm equipment for ranches and agricultural properties	Not permissible	Legal Non-conforming	2	2002
10	County Sanitation (no longer operating onsite)	Equipment and materials storage associated with installation and certification of sanitation systems for ranch and agricultural properties	Not Applicable	Not Applicable	None	Use discontinued
12	Oltman Trucking	Office and vehicle storage in association with trucking contractor.	Not permissible	Legal Non-conforming	1	1958
13	RLF Trucking	Sales and delivery of bulk commodities stored onsite	Not permissible	Legal Non-conforming	1	“
	<b>Current</b>	<b>Activities</b>	<b>LUDC</b>	<b>Agricultural</b>	<b>No. of</b>	<b>Year Use</b>

	<b>Operator</b>	<b>Conducted Onsite</b>	<b>AG-II Zone Conformity</b>	<b>Industry Overlay Conformity</b>	<b>Employees</b>	<b>Established</b>
14	Carlton Cooper Excavating	Fuel storage	Not permissable	Legal Non-conforming	1	1985
15	Cody Flint Excavating (Tom Keck)		Not permissable	Legal Non-conforming	1	1985
16	Gary Litle Excavating	Equipment storage associated with excavation contracting services	Not permissable	Legal Non-conforming	1	1985
17	Tom Johnson Excavating	Equipment storage and office associated with excavation contracting services	Not permissable	Legal Non-conforming	1	1985

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

A Mitigated Negative Declaration (10NGD-00000-00003) was prepared for the proposed project (see Attachment C) pursuant to Section 15070 of the State Guidelines for the implementation of the California Environmental Quality Act and the County of Santa Barbara Environmental Guidelines. Mitigation measures required to reduce potentially significant impacts on **Aesthetics/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Fire, Geologic Processes, Hazardous Materials / Risk of Upset, Land Use, Noise, and Water Resources/Flooding** were accepted by the applicant on March 24, 2010 and are included in the recommended conditions of approval (Attachment B). The Draft Mitigated Negative Declaration (MND) was circulated for public comment and review for an initial 30 days (April 1, 2010 through April 30, 2010). Written comments were received from: Air Pollution Control District, Department of Fish and Game, Department of Transportation (Cal Trans), Regional Water Quality Control Board, and the Santa Ynez Band of Mission Indians.

Please refer to the Proposed Final Negative Declaration for a full discussion of all environmental issues, including the existing setting, potential project impacts, and required mitigation to reduce these identified impacts

## 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><b>Land Use Element Designation</b>                      Agriculture II, 100-acre minimum size, with an Agricultural Industry Overlay</p> <p>The purpose of this overlay designation is, notwithstanding other provisions of this Plan, to provide for agriculturally related commercial and industrial uses in Rural Areas where appropriate. Development Plans and Conditional Use Permits shall be required pursuant to applicable zoning ordinances.</p> <p>1.The request for the designation must be accompanied by a Development Plan and Conditional Use Permit, information outlining the reasons why it is necessary to put this overlay in the Rural Area, and must satisfy the following criteria:</p> <ul style="list-style-type: none"> <li>a. The- use must be directly related to agriculture.</li> <li>b. Special circumstances require that the project be located within the Rural Area.</li> <li>c. The placement of the designation will provide particular and specific benefits which will advance the purposes and policies of this Plan.</li> <li>d. The proposed site is currently designated as “A-II Agriculture-II” and is located within the Rural Area.</li> <li>e. The use is not otherwise permitted under the agricultural land use designations of the Land Use Element and Zoning Ordinances.</li> <li>f. The project site should not include prime soils, or environmentally sensitive areas where development would result in significant adverse impacts.</li> <li>g. The overlay shall not be applied where it would have a significant adverse impact on adjacent residential areas.</li> <li>h. The placement of the designation will not represent a significant cumulative loss of agricultural land in the planning area.</li> </ul>	<p><b>Consistent:</b> The parcel is 32.84 acres in size and is currently developed with structures accommodating permissible and legal-nonconforming uses. Please refer to Tables 4 and 5 above.</p> <p>The legal non-conforming uses are recognized and would remain in operation without the ability to increase in size or intensity. Conforming uses would be approved with the as-built Conditional Use Permit and Development Plan.</p>



REQUIREMENT	DISCUSSION
<p>The criteria set forth under Number 1 above, do not have to be met with respect to uses on lands designated with the “Agricultural Industry Overlay” prior to the date of the adoption of this Plan.</p> <p>1. The following uses may be allowed with a Conditional Use Permit and Development Plan as required pursuant to applicable Zoning Ordinances: processing, packaging, treatment, and/or sale of agricultural commodities, transportation facilities required to support agriculture; and fertilizer manufacturing.</p>	
<p><b>Agricultural Element, Goal I:</b></p> <p>Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged.</p> <p><b>Agricultural Element, Policy I.D</b>  <b>Agricultural Element, Goal II</b></p> <p>Agricultural lands shall be protected from adverse urban influence</p> <p><b>Agricultural Element, Policy II.D</b></p> <p>Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.</p> <p><b>Land Use Element, Santa Ynez Area Goals, Agriculture</b></p> <p>Agriculture should be preserved and protected as one of the primary economic bases of the Valley.</p>	<p><b>Consistent:</b> The current agricultural activities comprise horse trailer sales, hay sales, livestock shelter and barns. The site does not have an agricultural production use on site. The existing uses support the needs of agricultural uses, but not all retail uses require a location in the Rural area to provide such services. These latter uses are considered to be legal non-conforming under the Consistency Rezone.</p> <p>The existing soil types and past use does not represent highly productive agriculture. Therefore, the proposed project would be consistent with these policies.</p>
<b>LAND USE ELEMENT</b>	
<b>Land Use Development Policies</b>	

REQUIREMENT	DISCUSSION
<p><b>Policy # 4.</b> 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.</p>	<p><b>Consistent:</b> Existing onsite is one domestic water well and one agricultural water well. Water use would continue to be provided by the existing domestic water well onsite . in conformance with Environmental Health Services requirements Sanitary services would be provided by existing and proposed private septic systems in conformance with Environmental Health Services requirements. The adjacent frontage road off of U.S. Highway 101 is adequate to serve the proposed and existing development onsite.</p> <p>Water for the project would be obtained from a well which receives its water from the Buellton Uplands Basin groundwater basin. Any future residence, resulting from the proposed project would receive its water from an on-site private well. The project site currently contains one domestic well and one agricultural well. The new single-family home is expected to generate an additional water usage of less than 5.6 acre feet per year (AFY). This is below the 26 (AFY) significance threshold for groundwater usage in the Buellton groundwater basin. Therefore, adequate water is available to serve the site.</p> <p>Wastewater: Any future residence, resulting from the proposed project, would utilize an on-site wastewater disposal system (septic) which would contribute to the cumulative degradation of groundwater quality. However, the construction and ongoing use of this system would be subject to the approval of the Environmental Health Services Department and therefore all expected impacts from this disposal system are expected to fall below a level of significance. The proposed project would be below the 26 (AFY) threshold. Therefore, adequate wastewater is available to serve the site.</p> <p>Access: Roadways and intersections in the Buellton area operate at acceptable levels of service, and would continue to operate within the acceptable range.</p>

REQUIREMENT	DISCUSSION
	<p>In order to minimize impacts to landfill, a condition of approval requiring recycling of recyclable material would be required. Adherence to condition 13 would ensure compliance with this policy. Therefore, the project would be consistent with the requirements of this policy.</p>
<p><b><u>Hillside and Watershed Protection Policies</u></b></p> <p><b>Policy #1.</b> Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</p> <p><b>Policy #2.</b> 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 development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</p> <p><b>Policy #3.</b> 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.</p>	<p><b>Consistent:</b> The project proposes approximately 990 cubic yards of cut and 1,955 cubic yards of fill, 600 cubic yards of over-excavation and re-compaction, 1,165 cubic yards of import and 200 cubic yards of export. Grading activities would disturb approximately 3.32 acres of the project site. No substantial changes in site topography would be required and grading would generally conform to existing contours. The proposed project would not result in substantial changes in existing drainage patterns. No trees are proposed to be removed as part of this development.</p> <p><b>Consistent:</b> All new and existing development as part of this project would be sited in areas previously disturbed by the previous agriculture operations and/or vehicle parking. No vegetation would be removed as part of this project. The proposed project would not result in substantial changes in existing drainage patterns or the topography of the project site. The proposed project would not require the removal of any trees and the area along Zaca Creek would be retained as natural open space.</p> <p><b>Consistent:</b> The project site is not on a hillside. Proposed mitigation measures require that areas disturbed by grading be revegetated within four (4) weeks after the completion of earth-moving operations, and 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. Adherence to Conditions 14, 20, and 21 would ensure compliance with this policy.</p>

REQUIREMENT	DISCUSSION
<p><b>Policy #4.</b> 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.</p> <p><b>Policy #6.</b> 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.</p> <p><b>Policy #7.</b> 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.</p>	<p><b>Consistent:</b> Mitigation measures incorporated as conditions of approval related to Biological Resources, Geological Processes and Water Resources ensure compliance with each of these Hillside and Watershed Protection policies.</p> <p><b>Biological Resources.</b> The proposed project would require Oak Tree Protection during all grading and construction activities. Adherence to Condition 11 would ensure compliance with this policy.</p> <p><b>Geological Processes and Water Resources.</b> The proposed project would be required to re-seed graded areas to avoid erosion. Grading activities would also be required to be conducted during the dry season unless an approved erosion control plan is in effect, and areas disturbed by grading be revegetated within four (4) weeks after the completion of earth-moving operations. 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. Adherence to Conditions 4, 12, 14, 15, 20, and 21 would ensure compliance with these policies.</p> <p>Therefore, the project would be consistent with these policies.</p>
<p><b><u>Visual Resources</u></b></p> <p><b>Policy #2.</b> In areas designated as rural on the land use plan maps, the height, scale and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</p>	<p><b>Consistent:</b> The parcel is approximately 32.84 acres and is currently developed with commercial agricultural uses and barns. As part of the proposed project, the applicant has eliminated the construction of three buildings due to archaeological and biological issues. The existing and proposed development is highly visible to north- and south-bound travelers on U.S. Highway 101. Although the existing and proposed development would be clustered to limit views from U.S. Highway 101, the proposed landscaping would soften the views from U.S. Highway 101. As required, the County's Central Board of Architectural Review (CBAR) conceptually reviewed the conceptual site, elevation, and landscape plans for</p>

REQUIREMENT	DISCUSSION
<p><b>Policy #5.</b> 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.</p>	<p>the project on 11/16/07, 12/07/07 and 1/4/08 and the Overall Sign Plan received conceptual review on 8/1/08. Mitigation requiring: 1) Final approval from the CBAR for project design elements including landscaping and massing of structures, signage, and 2) minimization of offsite effects of night-lighting. In addition, exterior lighting shall be hooded, so that no light be directed toward offsite residential areas, and that lighting be designed not to interfere with vehicular traffic. The project would be allowed to return for preliminary review after approval by the Board of Supervisors. The proposed structures would include architectural design features, which in combination with mitigation measures requiring the installation and maintenance of the proposed landscaping would ensure that visual impacts compatible with the surrounding area. Adherence to conditions 2, 3 and 4 would ensure compliance with this policy.</p> <p>Project development consisting of outdoor storage area, fencing, and associated landscape screening have encroached into the adjacent creek and Caltrans US Highway 101 right of way easement area, as depicted on Exhibit G.</p> <p>Caltrans representatives have indicated that while, they current requirement to vacate the right of way, they reserve to right to clear the easement as required for potential future projects</p> <p>Removal of fencing and storage areas within this right of way, as required by Condition 23, would further minimize visual degradation for travelers on US 101, enhancing consistency with Policy #2.</p> <p><b>Consistent:</b> All utilities to serve the new development would be required to be placed underground to ensure consistency with this policy.</p>

### 6.3 Zoning: Land Use and Development Code Compliance

#### 6.3.1 Compliance with Land Use and Development Code Requirements

The subject parcel is currently zoned AGI, Intensive General Agricultural District under Ordinance 661. The proposed rezone would replace this antiquated agricultural zoning designation with the modern agricultural zoning designation of AG-II-100, (Agriculture, 100 acre minimum parcel size) zone district under the Land Use and Development Code. The AG-II zone district is applied to areas appropriate for agricultural land uses on prime or non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The intent is to preserve these lands for long-term agricultural use.

The 32.84-acre parcel is considered legal, nonconforming as to size, as it does not meet the minimum parcel size of 100 acres. The development plan proposal includes demolition of approximately 3,784 square feet of structures and the construction of 22,470 square feet of new structures. Approximately 26,356 square feet of existing development will remain onsite. This would ultimately result in a net of 45,042 square feet structural development on the site (existing and new). Structures proposed for demolition include a livestock shelter, hay barn, and tack room/shed. Newly proposed development includes a single-family residence, two horse barns, one agricultural accessory building, and five agricultural storage buildings and an Overall Sign Plan which would remove old signage and replace with new approved signage.

### ***6.3.2 Development Plan Code Requirements***

Section 35.82.080.B.3 requires that a Development Plan be obtained prior to the issuance of any Zoning Clearance Permit for development that exceeds 20,000 square feet in size.

The purpose of a Development Plan is to provide discretionary action for projects allowed by right within their respective zoning districts which, because of the type, scale, or location of the development, require comprehensive review.

### ***6.3.3 Overall Sign Plan***

The Overall Sign Plan (OSP) proposes a total of fifteen wall signs, one freestanding sign, and three under-canopy signs. The proposed wall signs, one freestanding sign, and the under canopy signs would be in compliance with LUDC Section 35.38.090 - Signs Allowed in Agricultural Zone District with an Agricultural Industrial overlay, allows one wall sign on each frontage open to the public, not to exceed 1/8 of the square footage of the building façade or a maximum of 100 square feet, canopy signs for each enterprise not exceeding six square feet in sign area, and the lower edge of the sign must be a minimum of eight feet above finished ground level. All new signs are proposed to be 16" x 96", horizontal painted wood. The background colors are proposed to be white with the lettering and logo to be brown. The bottom of all canopy signs would be 8' above finished grade and the top of all wall signs for the new buildings is proposed to be 12' above top of grade. The existing sign located on the welding shop is to be removed and would comply with the proposed new signage above. Signage proposed for the Veterinarian Supply Store, Hay and Feed, Trucking Terminal, Two Equipment Storage Shop, Fencing Contractor Shop/Truck Terminal and Trailer Sales shall comply with the proposed overall sign plan. Monument signs are considered free standing signs. The existing freestanding sign does

not currently meet the sign regulations, per Section 35.82.150.E.4.b states that the Central Board of Architectural Review (CBAR) “may make specific recommendations to the review authority on any modifications to the signs.” On August 1, 2008, the CBAR supported the height exemption and setback exception for the existing freestanding sign. The existing freestanding sign is currently 4’ x 8’, with the proposed modifications as conceptual reviewed by CBAR the sign would increase in height not to exceed 16’. The existing signs would be changed to reflect colors and materials approved by CBAR.

#### **6.4 Subdivision/Development Review Committee**

The following Subdivision Development Review Committee representatives identified conditions for the proposed project, based on November 1, 2007 review: Public Works, Roads Division, Environmental Health Services, Fire Department, Flood Control. All departmental condition letters are included in the Conditions of Approval, Attachment B.

#### **6.5 Design Review**

On 11/16/07, 12/07/07, 1/4/08 and 3/7/08 the project Central Board of Architectural Review (CBAR) received conceptual review on the Development Plan and was ask to submit for preliminary/final approval with after the Planning Commission hearing and the Overall Sign Plan received conceptual review on 8/1/08 and was ask to submit for preliminary/final approval with modifications noted after the Planning Commission hearing.

#### **6.6 Development Impact Mitigation Fees**

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

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

<b>Estimated Countywide Development Impact Mitigation Fees</b>			
<b>Fee Program</b>	<b>Base Fee (per unit or 1,000 sf)</b>	<b>Estimated Fee</b>	<b>Fee due at</b>
Recreation (Parks)	No Conditions		Building Permit
Transportation	No Conditions		ZCI

Fire (\$0.20/sf.)	\$ 0.20 per square feet	.20 per square feet	Final Inspection
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## **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, appeal provisions are not relevant to this project.

### **ATTACHMENTS**

- A. Findings
- B. Conditions of Approval with attached Departmental letters:
  - B.1 Development Plan
  - B.2 Conditional Use Permit
  - B.3 Overall Sign Plan
- C. Negative Declaration, with Transmittal Letter
- D. Draft Ordinance
- E. Planning Commission Resolution
- F. BAR Comments
- G. APN Zoning Page
- H. Site Plans



## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE**

The Planning Commission has considered the Mitigated Negative Declaration (MND) together with the comments received and considered during the public review process. The MND reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

#### **1.2 FINDING OF NO SIGNIFICANT EFFECT**

On the basis of the whole record, including the negative declaration and comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record there is no substantial evidence that the project will have a significant effect on the environment.

#### **1.3 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 Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 West Foster Road, Suite C, Santa Maria CA 93455, the Santa Maria Public Library, 421 S. McClelland Street, Santa Maria, CA 93454, and Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

#### **1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

### **2.0 ADMINISTRATIVE FINDINGS**

## **2.1 REZONE FINDINGS**

Pursuant to Section 35.104.060, 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 Planning Commission and Board of Supervisors:

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

The rezone will bring the subject parcel into conformance with the current ordinance, the County's Land Use and Development Code (LUDC). The rezone will not change the fundamental intent of the current zone district. The subject parcel is currently zoned for agricultural use and will remain zoned for agricultural use. All types of agriculture allowed under the current zoning district would be allowed under the proposed zoning district. Rezoning the parcel will also facilitate permitting for new agricultural or other types of development. Therefore, the project is in the interests of the general community welfare.

### **2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.**

State law requires zoning ordinances to be consistent with the comprehensive plan. The subject parcel is designated Agriculture II, 100-acre minimum lot area (A-II-100) under the County Comprehensive Plan. The request will rezone the subject parcel from the antiquated AGI zoning district under Ordinance 661 to the modern AG-II-100 zoning district under LUDC Section 35.21. The AG-II-100 zoning district is consistent with the objectives, policies and general land uses in the A-II-100 plan designation. The current parcel size is 32.84 acres and is considered legal nonconforming as to size. With the adoption of the rezone the parcel would still remain legal nonconforming as to size. Therefore, the proposed rezone is consistent with this finding.

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

The subject parcel is currently zoned under Ordinance 661. In 1983, the County replaced Ordinance 661 with Article III, and then again in 2006 with the Inland LUDC. The subject parcel and numerous other parcels in rural areas are still subject to the outdated Ordinance 661. Therefore, the request is consistent with good zoning and planning practices.

The request will replace the existing antiquated Ordinance 661 zoning onsite with the modern zoning in the LUDC. This will help implement a uniform and up-to-date zoning ordinance throughout the inland area. The benefits of the rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. In addition, the property owner will enjoy full use of the

parcel consistent with other parcels that are already subject to LUDC zones and allowable uses. Therefore, the rezone is consistent with this finding.

### **3.0 DEVELOPMENT PLAN FINDINGS**

**3.1 Findings required for all Preliminary or Final Development Plans.** In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

**3.1.1 The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.**

The project is located in a rural area of the County and is surrounded by residential ranchettes and cattle grazing. The western and eastern extents of the project site contain various slopes ranging from 5 to 20 percent. The central portion of the 32.84-acre parcel is relatively level, and currently developed with approximately 26,356 square feet of commercial agricultural related development. The project site parallels Highway 101. Upon completion of development the site will contain approximately 45,042 square feet of total development which represents approximately 3% in total lot coverage. Approximately 31 acres of the site will remain open area. The physical characteristics, shape and size of the site are adequate to support both the development.

**3.1.2 Adverse impacts will be mitigated to the maximum extent feasible.**

The environmental analysis performed for this project and contained in 10NGD-00000-00003 (Attachment C) identifies significant but mitigable impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Hazardous Materials/Risk of Upset, Land Use, Noise, and Water Resources/Flooding. Adherence to required mitigation measures will ensure that adverse impacts are mitigated to the maximum extent feasible.

**3.1.3 Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

Project vehicular access is taken directly from Jonata Park Road, via; 1) direct access from U.S. Highway 101 onto the frontage road (known as Jonata Park Road) which parallels Highway 101; and 2) from Damassa Road to Avenue of the Flags to Jonata Park Road with the project site located approximately 2 1/2 miles north of this intersection. The incremental project increase in traffic is far below the County's threshold and will not result in a degradation of the current Level of Service on surrounding roads or highways.

**3.1.4 There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.**

Domestic water and sewage service will be provided to the project by an existing water well and an existing septic system in compliance with EHS requirements. Adequate fire and police protection are available to serve the project.

**3.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.**

The project site is located in an agricultural zone district (AGI Ordinance 661) and will continue to be within an agricultural zone district (AG-II-100, Land Use and Development Code) upon approval of the consistency rezone. The existing agricultural industry overlay will continue to allow for agricultural support uses as a permitted use. Structural designs, project siting, and appropriate conditions have been incorporated into the project in order to avoid detriment to the surrounding areas and views from U.S. Highway 101.

**3.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.**

The project conforms to all applicable requirements of the Comprehensive Plan and is not subject to any community or area plan. The project also conforms to all requirements of the Land Use and Development Code in regards to the both the AG-II zone district and requirements for agricultural support uses.

**3.1.7 Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.**

As an agriculturally related use, the structural development will be compatible with the immediately surrounding residential ranchettes and grazing on adjacent properties, and with the rural status of the area. When completed the structural development would cover approximately 1 acre of a 32.84-acre parcel and will be adequately screened from public view. As a condition of approval the owner shall submit a landscape plan to ensure compliance with the rural area and public views from U.S. Highway 101.

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

The project does not conflict with any public easements and there currently is no public use of the subject property.

**B. Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the 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.**

The project consists of a Final Development Plan, and does involve a previously approved Preliminary Development Plan; therefore, this finding is not applicable.

#### **4.0 CONDITIONAL USE PERMIT FINDINGS**

**4.1 Findings required for all Conditional Use Permits.** In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings:

**4.1.1 The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed**

The project is located in a rural area of the County and is surrounded by residential ranchettes and cattle grazing. The western and eastern extents of the project site contain various slopes ranging from 5 to 20 percent. The central portion of the 32.84-acre parcel is relatively level, and currently developed with approximately 26,356 square feet of commercial agricultural related development. The project site parallels Highway 101. Upon completion of development the site will contain approximately 45,042 square feet of total development which represents approximately 3% in total lot coverage. Approximately 31 acres of the site will remain open area. The physical characteristics, shape and size of the site are adequate to support both the development.

**4.1.2 Environmental impacts: Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.**

The Condition Use Permit applies to existing uses onsite only for the purpose of bringing these uses in to conformance with the new AG-II zoning with a Agricultural Industry Overly. There is no new development nor environmental impacts.

**4.1.3 Streets and highways are adequate and properly designed to carry the type**

**and quantity of traffic generated by the proposed use.**

Project vehicular access is taken directly from Jonata Park Road, via; 1) direct access from U.S. Highway 101 onto the frontage road (known as Jonata Park Road) which parallels Highway 101; and 2) from Damassa Road to Avenue of the Flags to Jonata Park Road with the project site located approximately 2 1/2 miles north of this intersection. The incremental project increase in traffic is far below the County's threshold and will not result in a degradation of the current Level of Service on surrounding roads or highways.

**4.1.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.**

Domestic water and sewage service will be provided to the project by an existing water well and an existing septic system in compliance with EHS requirements. Adequate fire and police protection are available to serve the project.

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

The project site is located in an agricultural zone district (AGI Ordinance 661) and will continue to be within an agricultural zone district (AG-II-100, Land Use and Development Code) upon approval of the consistency rezoning. The existing agricultural industry overlay will continue to allow for agricultural support uses as a permitted use. Structural designs, project siting, and appropriate conditions have been incorporated into the project in order to avoid detriment to the surrounding areas and views from U.S. Highway 101.

**4.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

The project conforms to all applicable requirements of the Comprehensive Plan and is not subject to any community or area plan. The project also conforms to all requirements of the Land Use and Development Code in regards to the both the AG-II zone district and requirements for agricultural support uses.

**4.1.7 Within Rural areas as designated on the Comprehensive Plan maps, the**

**proposed use will be compatible with and subordinate to the rural and scenic character of the area.**

As an agriculturally related use, the structural development will be compatible with the immediately surrounding residential ranchettes and grazing on adjacent properties, and with the rural status of the area. When completed the structural development would cover approximately 1 acre of a 32.84-acre parcel and will be adequately screened from public view. As a condition of approval the owner shall submit a landscape plan to ensure compliance with the rural area and public views from U.S. Highway 101.

## **5.0 OVERALL SIGN PLAN FINDINGS**

**5.1** In compliance with Subsection 35.82.150.F of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Overall Sign Plan that includes any modifications in compliance with Subsection 35.82.150.C the Planning Commission shall first make all of the following findings (as applicable):

**5.1.1 Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the agriculture industrial area and have been conceptually reviewed by the Central Board of Architectural review for modification to the signs and height per Section 35.82.150.E.4.b of the Land Use and Development Code.

**5.1.2 Under Canopy sign.**

The proposed area of the under canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.

**5.1.3 Wall sign.**

- a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
- b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

The area of the wall signs are architecturally harmonious in relation to the size and location of the area on which the structure is constructed. The Overall Sign Plan is consistent with Section 35.82.150 of the County Land Use and Development Code, Signs Permitted in the AG-II-100 zone district with the Agriculture Industry Overlay, based on the information contained in Section 6 of this staff report and Finding 4, above.

**ATTACHMENT B.1: CONDITIONS OF APPROVAL**

**PROJECT SPECIFIC CONDITIONS**

**Case No.: 07DVP-00000-000281**

**Project Name: Hollister-Yacono Final Development Plan**

**Project Address: 2201 Highway 101, Buellton, CA, 93427**

**APN: 099-640-010**

**I. PROJECT DESCRIPTION**

**1. ProjDes-1, Project Description:** The project description is as follows:

The Consistency Rezone would change the zone district of an existing parcel (32.84 acres gross/25.41 acres net) from Intensive Agricultural (AGI) under Ordinance 661, to Agriculture, 100 acre minimum parcel size (AG-II-100) under the Land Use and Development Code. The project site would retain its existing Agricultural Industry Overlay.

**PROPOSED BUILDING SQUARE FOOTAGE**

<b>Land Use Description</b>	<b>Proposed</b>	<b>Total Sq. Ft.</b>
P. Residence	2,974	2,974
Q. Horse Barn (Building C relocated and enlarged)	2,026	2,026
R. Agricultural Accessory Building	2,970	2,970
S. Agricultural Storage Building	3,000	3,000
T. Agricultural Storage Building*	Deleted	Deleted
U. Agricultural Storage Building	3,000	3,000
V. Agricultural Storage Building	3,000	3,000
W. Agricultural Storage Building	3,000	3,000
X. Agricultural Storage Building	2,500	2,500
Y. Horse Barn*	Deleted	Deleted
Z. Horse Barn*	Deleted	Deleted
<b>TOTAL PROPOSED BUILDING COVERAGE</b>	<b>22,470 sq. ft.</b>	<b>22,470 sq. ft.</b>

\*Proposed Building T shall be deleted as part of the proposed project due to archaeological issues and proposed Buildings Y and Z shall be deleted as part of the proposed project due to biological issues. The project site would also contain public areas, roadways, parking lots, and landscaped areas totaling 305,250 ft<sup>2</sup> in area.

The Development Plan proposes the construction of a primary residence, six agricultural storage structures and one horse barn for a total of 22,470 square feet. The project proposes approximately 990 cubic yards of cut and 1,955 cubic yards of fill, 600 cubic yards of over-excavation and re-compaction, 1,165 cubic yards of import and 200 cubic yards of export. Grading activities would disturb approximately 3.32 acres of the project site.

The As-Built Conditional Use Permit legalizes the following existing uses currently operating on the project site: 1) Templeton Livestock Sales Yard; 2) Whitford Hay and Feed Supply; and 3) Ralph Lausten Farming.



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The As-Built Conditional Use Permit legalizes the following existing uses currently operating on the project site: 1) Templeton Livestock Sales Yard; 2) Whitford Hay and Feed Supply; and 3) Ralph Lausten Farming.

Existing and proposed driveway access to the site is off Jonata Park Road. Domestic freshwater service will be provided by a permitted single-parcel water system utilizing on-site wells. No new creek crossings are proposed as part of this project. Wastewater service will be provided by existing and proposed septic systems utilizing the leachline disposal method.

The Overall Sign Plan entails the approval of existing and proposed signage, and removal of some existing signage as follows: All new signs are proposed to be 16" x 96", horizontal painted wood. The background colors are proposed to be white with the lettering and logo to be brown. The bottom of a canopy signs will be 8' above finished grade and the top of all wall signs for the new buildings is proposed to be 12' above top of grade. The existing freestanding sign shall remain with colors to match, as well as the modifications to the sign through the conceptual approval by the Central Board of Architectural Review. The existing sign located on the welding shop is to be removed and will comply with the proposed new signage above. Signage proposed for the Veterinarian Supply Store, Hay and Feed, Trucking Terminal, Two Equipment Storage Shop, Fencing Contractor Shop/Truck Terminal and Trailer Sales shall comply with the proposed overall sign plan.

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.

## II. MITIGATION MEASURES from NEGATIVE DECLARATION 10NGD-00000-00003

### Aesthetics

2. In order to ensure compatibility with the visual character of the area all elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall conform in all respects to BAR approval [07BAR-00000-00273 and 08BAR-00000-00166]. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and shall obtain final approval by the Board of Architectural Review prior to issuance of Zoning Clearance Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.

**MONITORING:** P&D shall review prior to zoning clearance approval.

3. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

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

4. Any exterior night lighting installed on the project site shall be of low intensity, low glare

design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

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

### **Air Quality**

5. 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 approval of a Zoning Clearance Permit.

**MONITORING:** Grading Inspector shall perform periodic site inspections.

6. 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.

7. 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 issuance of a Land Use Permit.

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

### **Biological Resources**

8. An oak tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall include but not be limited to the following components:
- a. Program elements to be graphically depicted on final grading and building plans:
    - i. The size, species, location, and extent of dripline for all trees and the type and location of any fencing.
    - ii. To avoid disturbance to oak trees, site preparation and construction of building pads shall avoid disturbance to existing oak trees. Construction envelopes shall be located outside the driplines of all oak trees. All ground disturbances including grading for buildings, accessways, easements, subsurface grading, sewage disposal, and well placement shall be prohibited outside construction envelopes.
    - iii. Equipment storage and staging areas shall be designated on approved grading and building plans outside of dripline areas.
    - iv. Paving shall be of pervious material (i.e., gravel, brick without mortar) where access roads or driveways encroach within 25 feet of an oak tree's dripline.
    - v. Permanent tree wells or retaining walls shall be specified on approved plans and shall be installed prior to approval of Zoning Clearance Permits. A P&D-qualified arborist or biologist shall oversee such installation.
    - vi. Drainage plans shall be designed so that oak tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D-qualified biologist/arborist.
  - b. Program elements to be printed as conditions on final grading and building plans:
    - i. No grading or development shall occur within the driplines of oak trees that occur in the construction area.

- ii. All oak trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed six feet outside the dripline of each oak tree, and shall be staked every six feet.
- iii. No construction equipment shall be parked, stored or operated within six feet of the dripline of any oak tree.
- iv. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D-approved arborist/biologist.
- v. No permanent irrigation shall occur within the dripline of any existing oak tree.
- vi. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand.
- vii. Only designated trees shall be removed.
- viii. Any oak trees which are removed and/or damaged (more than 25% of root zone disturbed) shall be replaced on a 10:1 basis with 10-gallon size saplings grown from locally obtained seed. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing, and gopher fencing during the maintenance period.
- ix. A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact oak trees.

**Plan Requirements:** Prior to approval of a Zoning Clearance Permit, the applicant shall submit a copy of the grading and/or building plans to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Zoning Clearance, the applicant shall successfully file and submit evidence of posting a performance security which is acceptable to P&D. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**MONITORING:** Permit Compliance personnel shall perform periodic inspections.

**Cultural Resources**

9. The archaeological site and 100 foot buffer area shall be temporarily fenced with chain link flagged with color or other material authorized by P&D where ground disturbance is proposed within 100 feet of the site and buffer. **Plan Requirements:** The fencing

requirement shall be shown on approved grading and building plans. **Timing:** Plans to be approved and fencing to be in place prior to start of construction.

**MONITORING:** P&D shall verify installation of fencing by reviewing photo documentation or by site inspection prior to approval of Zoning Clearance Permits, Permit for grading, and ensure fencing in place throughout grading and construction through site inspections.

10. All earth disturbances including scarification and placement of fill within 100 ft of the archaeological site area and buffer shall be monitored by a P&D-qualified archaeologist pursuant to County Archaeological Guidelines.

**Plan Requirements and Timing:** Prior to approval of zoning clearance, a contract or Letter of Commitment between the applicant and the archaeologist, consisting of a project description and scope of work, shall be prepared. The contract must be executed and submitted to P&D for review and approval.

**MONITORING:** P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check field work.

11. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

**Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D shall check plans prior to approval of Zoning Clearance Permit and shall spot check in the field.

12. If archaeological site AE-HDP-1 and its 100-foot buffer cannot be avoided, Phase 2 significance evaluation shall be conducted per County Cultural Resource Guidelines. If the site fails to meet CRHR significance criteria, no further archaeological investigations would be necessary. However, if the site is assessed as significant and it cannot be avoided through project redesign, Phase 3 mitigation of project impacts in conformance with County Cultural Resource Guidelines shall be conducted. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check field work.

### **Geological Processes**

13. 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 approval of Zoning Clearance Permits. 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.

14. All runoff water from impervious areas shall be conveyed to prevent erosion from slopes and channels. **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Zoning Clearance Permits by the applicant the Flood Control District for review and approval.

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

15. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

**MONITORING:** P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

### **Hazardous Materials/Risk of Upset**

**16. HAZARDOUS MATERIALS DISCOVERY:** In the event that visual contamination or chemical odors are detected while implementing the approved work on the project site all work shall cease immediately. The property owner or appointed agent shall Contact the County Fire Department’s Hazardous Materials Unit (HMU); the resumption of work requires the approval of the HMU. **Plan Requirements/Timing:** This requirement shall be noted on all grading and building plans.

**MONITORING:** Permit Compliance personnel shall perform periodic inspections.

**17.** The applicant shall modify the existing Hazardous Materials Business Plan (HMBP) for the proposed project site as required by the Fire Department. **Plan Requirements and Timing:** Prior to occupancy clearance, the applicant shall submit a revised HMBP to Fire Department for review and approval. The plan shall be updated annually and shall include a monitoring section. The components of HMBP shall be implemented as indicated in the approved Business Plan.

**MONITORING:** Fire Department will monitor as specified in the Business Plan. Annual permits may be required.

### **Noise**

**18.** Construction activity for site preparation and for future development shall be limited to the hours between **7:00 a.m. and 4:00 p.m.**, Monday through Friday. No construction shall occur on State holidays (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.

### **Public Facilities**

**19.** 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, but is not limited to the following measures:

#### **General**

- a. Provision of bins for storage of recyclable materials within the project site.

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

### **Water Resources/Flooding**

20. No structural development shall be located within a 50-foot development setback from the Flood Control District approved top of bank of Zaca Creek. Access and utility improvements are not prohibited but shall be designed, to the extent feasible, to avoid and minimize impacts to sensitive biological resources.

**Plan Requirements/Timing:** Prior to final map recordation the proposed final map, with approved top of bank and 50-foot development setback shown, shall be reviewed and approved by the County's Flood Control District.

**MONITORING:** P&D staff shall check plans for compliance with this condition prior to map clearance for recordation.

21. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs.

**Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Zoning Clearance Permits. The washout area(s) shall be in place and maintained throughout construction.

**MONITORING:** P&D staff shall check plans prior to approval of Zoning Clearance Permit and compliance staff shall site inspect throughout

## **PROJECT SPECIFIC CONDITIONS**

- 22. Bio-22 Fish and Game Fees.** The Owner/Applicant shall provide Planning and Development with a check payable to the “County of Santa Barbara” within 10 days of project approval as required by California Fish and Game Code Section 711.4 for that Department’s review of the Mitigated Negative Declaration associated with the project.
- 23. Special - Aesthetics.** Prior to Land Use Clearance, the Owner/Applicant shall remove all outdoor storage areas and fencing from the Caltrans right of way easement for US Highway 101.

## **COUNTY RULES AND REGULATIONS**

- 24. Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 25. Rules-04: Additional Permits Required:** Approval of this Development Plan and Overall Sign Plan is subject to the Board of Supervisors approving the required rezoning.
- 26. Rules-05: Additional Permits Required:** The applicant’s acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the applicant.
- 27. Rules-05 Acceptance of Conditions.** The applicant’s acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 28. Rules-07: DP Conformance:** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibits A-H, dated December 8, 2010.
- 29. Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 30. Rules-09: Signs: Rules-09 Signs.** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the Land Use and Development Code and the approved overall sign plan.

- 31. Rules-14: Final DVP Expiration:** Final Development Plans shall expire ten years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
- 32. Rules-18: DVP Revisions:** The approval by the Planning Commission of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
- 33. Rules-20: Revisions to Related Plans:** The applicant shall request a revision for any proposed changes to approved Development Plan. Substantial conformity shall be determined by the Director of P&D.
- 34. Rules-23: Revisions to Related Plans:** Prior to issuance of Zoning Clearance, the applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 35. Rules-25: Signed Agreement to Comply:** Prior to approval of Zoning Clearance, the applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 36. Rules-29: Other Dept Conditions** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District letter dated May 4, 2010.
  - b. Environmental Health Services dated April 19, 2010
  - c. Fire Department letter dated March 18, 2008.
  - d. Flood Control letter dated October 30, 2007.
  - e. Road Division (Public Works) dated June 7, 2010 (no conditions).
  - f. Parks Department letter dated October 29, 2008 (no conditions).
- 37. Rules-30: Plans Requirements:** The applicant shall ensure all applicable final conditions of approval are 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.
- 38. Rules-31: 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 shall:
1. 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;

2. Pay fees prior to approval of Zoning Clearance as authorized by 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;
3. Note the following on each page of grading and building plans “This project is subject to Mitigation and/or Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and Mitigation Measures from Negative Declaration 10NGD-00000-00003;
4. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

**39. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 project. In the event that the County fails promptly to notify the Owner / 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.

**40. Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for 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 review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.

**41. Rules-37 Time Extensions-All Projects.** The applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the applicant requests a time extension for this permit, the permit 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.

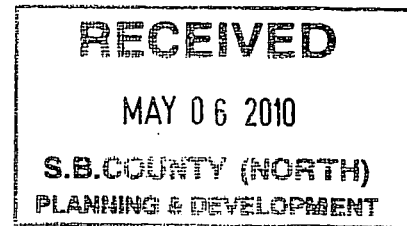
**42. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County



Santa Barbara County  
Air Pollution Control District

May 4, 2010

Florence Trotter-Cadena  
Santa Barbara County  
Planning and Development  
624 W. Foster Road, Suite C  
Santa Maria, CA 93454



Re: **Hollister/Yacono Development Plan, Consistency Rezone**  
**10NGD-00000-00003, 09RZN-00000-00010, 08OSP-00000-00001, 07DVP-00000-00028**

Dear Ms. Trotter-Cadena:

The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of demolition and relocation of approximately 3,700 square feet of existing structures. Also proposed are approximately 22,400 square feet of new agricultural storage buildings in addition to the existing 22,572 square feet proposed to remain. The proposed consistency rezone would change the current zoning of Ordinance 661 Intensive Agricultural to AG-II-100. An overall sign plan is also proposed for commercial signs. The subject property, a 32.84-acre parcel identified in the Assessor Parcel Map Book as APN 009-640-010, is located at 2201 Highway 101 in the unincorporated area of Buellton.

The Air Pollution Control District offers the following suggested conditions:

1. Standard dust mitigations (**Attachment A**) 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.
2. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
3. 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.
4. All portable diesel-fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
5. Applicant is required to complete and submit an Asbestos Demolition/Renovation Notification (APCD Form ENF-28 which can be downloaded at <http://www.sbcapcd.org/eng/dl/dl08.htm> ) for each regulated structure to be demolished or renovated. Demolition notifications are required

Terence E. Dressler • Air Pollution Control Officer

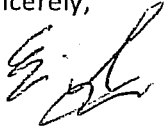
May 4, 2010

Page 2

regardless of whether asbestos is present or not. The completed notification should be presented or mailed to the Santa Barbara Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. For additional information regarding asbestos notification requirements, please visit our website at <http://www.sbcapcd.org/biz/asbestos.htm> or contact us at (805) 961-8800.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at [edg@sbcapcd.org](mailto:edg@sbcapcd.org).

Sincerely,



Eric Gage,  
Air Quality Specialist  
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: Mosaic Land Planning, LLC  
Project File  
TEA Chron File



**ATTACHMENT A**  
**FUGITIVE DUST CONTROL MEASURES**

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- 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. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is 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.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- 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 for map recordation and land use clearance for finish grading of the structure.

**Plan Requirements:** All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.





ATTACHMENT B  
DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

**MONITORING:** Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

# PUBLIC Health



DEPARTMENT

## Environmental Health Services

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

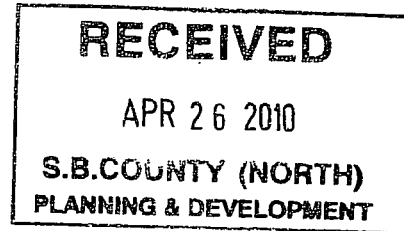
TO: John Karamitsos, Planner  
Planning & Development Department  
Development Review Division

FROM: Paul Jenzen  
Environmental Health Services

DATE: April 19, 2010

SUBJECT: Case No. 07DVP-00000-00028

Buellton Area



Applicant: Charles & Mary Hollister Trust  
2201 U.S. Highway 101  
Buellton, CA. 93427

Property Location: Assessor's Parcel No. 099-640-010, zoned AGI, located 2201 U.S. Highway 101.

Case No. 07DVP-00000-00028 represents a request to permit approximately 45,000 square feet of existing and proposed development. This would include various businesses and agricultural storage buildings.

Domestic water supply is proposed to be provided by a private water system. Because of the limited number of employees and members of the public that would utilize the proposed water system Environmental Health Services has determined that a Single Parcel Water System is appropriate for this project. If in the future the number of people utilizing the water system increases, a different water system permit may be required.

Sewage disposal is proposed to be provided by Three existing onsite wastewater treatment systems that were installed prior to the requirement for a building permits and four existing onsite wastewater treatment systems which will need to be permitted as new systems. The onsite wastewater treatment systems for the structures that were built prior to the need for a building permit will only need an evaluation to determine if they remain functional. The remaining onsite wastewater treatment systems that were constructed without permits would need to be permitted as new systems.

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 Issuance of Zoning Clearance, an application for a **Single Parcel Water System** Permit shall be reviewed and approved by Environmental Health Services in accordance with Santa Barbara County Code Chapter 34B.
2. Prior to Issuance of Zoning Clearance, construction applications for the previously unpermitted Onsite Wastewater Treatment Systems shall be reviewed and approved by Environmental Health Services.

3. Prior to Issuance of Zoning Clearance, an application for an Onsite Wastewater Treatment System Evaluation Permit shall be reviewed and approved by Environmental Health Services. The application shall be accompanied by:
- (a) A septic tank pumper's report, completed within the last two years, which verifies the capacity of the septic tank and includes a statement regarding the current physical operating condition of the septic system,
  - (b) A detailed plot plan which includes the size and location of all existing septic system components, including the initial disposal area and 100% expansion area,
  - (c) Floor plans of all structures to be served by the system,
  - (d) Documentation of the sources of the disposal field and septic tank information (e.g. previous building permits, construction invoices, pump-out records of past septic system inspections, etc.).



Paul Jenzen, R.E.H.S.  
Senior Environmental Health Specialist

cc: Applicant  
Agent, Susan Alexander, Mosaic Planning, LLC, 436 Alisal Road, Suite B, Solvang, CA. 93463  
Mark Matson, Planning & Development Dept, Building Div., Santa Maria  
James Hamlin, Environmental Health Services

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MAR 19 2008

S.B. COUNTY (NORTH)  
PLANNING & DEVELOPMENT

# Memorandum



**Date:** March 18, 2008

**To:** Brian Tetley  
Planning & Development  
Santa Maria

**From:** Dwight Pepin, Captain *mg*  
Fire Department

**Subject:** APN: 099-640-010; Case #: 07DVP-00028  
Site: 2201 HWY 101, Buellton  
Project Description: Development Plan

***This Memorandum Supersedes the Previous Memorandum Dated October 29, 2007  
Change in Stored Water Requirement Only – All Other Conditions Remain the Same***

---

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 OCCUPANCY CLEARANCE 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.

Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Driveways serving one residential dwelling are required to have a minimum width of **12** feet. Driveways serving two residential dwellings are required to have a minimum width of **16** feet. Driveways serving three to nine residential dwellings are required to have a minimum width of **20** feet. If any future development is planned for this parcel or will be served by this driveway, the applicant is encouraged to coordinate these standards into their plans and with other interested parties.

Any portion of the driveway exceeding 10 percent in slope shall be paved.

3. Because the proposed project is located within the mapped boundaries of the High Fire Hazard Zone of Santa Barbara County, special provisions of the Building Code will apply. These provisions will influence both the design of the project and the type of building materials that may be utilized. Please refer to the Santa Barbara County Building and Safety Division for details.

**Note:** Owners of property located within a designated "Very High Fire Hazard Severity Zone" are required by state law (Government Code Section 51182) to create a firebreak of 100 feet (or to the property line, whichever is nearer) around any structures on their property. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any dwelling or structure.

4. Plans for a stored water fire protection system shall be submitted and approved by the fire department. Water storage shall be **2,500** gallons above the amount required for domestic usage for the proposed new residence and shall be reserved for fire protection purposes exclusively.

- A **5,000** gallon water tank elevated a minimum of two (2) feet above grade shall be required for fire protection at the southern end of the site and reserved

exclusively for this purpose. Exact location to be determined by the fire department and applicant.

5. 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.
6. Propane tanks shall be installed per Article 82 of the California Fire Code.
7. Building address numbers shall be posted in conformance with fire department standards.
8. 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.

MJ:jmd

c: Mary Hollister Yacono, c/o Kenny Hollister, 2201 US HWY 101, Buellton, CA 93427  
Mosaic Land Use Planning, LLC, 436 Alisal Road, Suite E, Solvang, CA 93463  
California Homes, Inc., PO Box 1064, Solvang, CA 93464  
APN



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OCT 31 2007

S.B. COUNTY  
PLANNING & DEVELOPMENT

Santa Barbara County Public Works Department  
Flood Control & Water Agency

October 30, 2007

Planning Commission  
County of Santa Barbara  
Planning & Development Department  
123 East Anapamu Street  
Santa Barbara, CA 93101

Dear Commissioners:

**Reference: 07DVP-00000-00028; Hollister Yacono Development Plan  
APN: 099-640-010; Buellton**

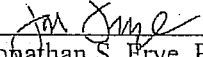
Dear Commissioners:

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 submit a grading and drainage plans to the District for review and approval. Runoff shall be conveyed to prevent erosion from slopes and channels.
2. 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,

SANTA BARBARA COUNTY FLOOD CONTROL WATER CONSERVATION DISTRICT

By:   
Jonathan S. Frye, P.E.  
Engineering Manager

Cc: Brian Tetley, Planning & Development  
Mark Matson, Building & Safety  
Charles & Mary Hollister, 48-365 Calle del Sol Ave., Indio, CA 92201  
Susan Alexander, 435 Alisal Rd. Ste. E, Solvang, CA 93463  
MNS Engineers, Inc., 201 Industrial Wy., Buellton, CA 93427  
California Homes, Inc., P.O. Box 1064, Solvang, CA 93463

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



June 7, 2010

TO: Florence Trotter-Cadena, Planner  
Development Review

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

SUBJECT: **Conditions of Approval**  
**Hollister/Yacano Development Plan**  
**2201 Highway 101**  
**07DVP-00000-00028**  
**APN: 099-640-010**

The Santa Barbara County, Public Works Department has no recommended conditions for the approval of the above referenced project.

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

Sincerely,

Handwritten signature of William T. Robertson

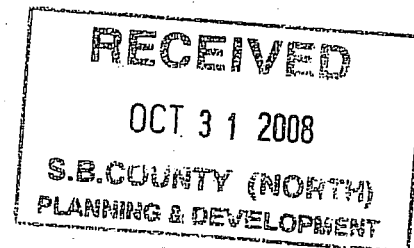
William T. Robertson

6/7/2010

Date

cc: 07DVP-00000-00028  
Bret Stewart, Transportation Manager, County of Santa Barbara, Public Works Department  
J:\Buellton\Hollister Yacano 07DVP-NC.doc





**Daniel C. Hernandez, MPA**  
Director of Parks  
(805) 568-2461

**Michael Gibson, MPA**  
Business Manager  
(805) 568-2477

**Juan Beltranena, AIA, AICP**  
Project Manager  
(805) 568-2470

**Jeff Stone**  
North County  
Deputy Director  
(805) 934-6145

**Erik Axelson**  
South County  
Deputy Director  
(805) 681-5651

**Park Administration Office**  
610 Mission Canyon Road  
Santa Barbara, CA 93105  
Tel: (805) 568-2461  
Fax: (805) 568-2459

**North County  
Park Operations**  
300 Goodwin Road  
Santa Maria, CA 93455  
Tel: (805) 934-6123  
Fax: (805) 934-6213

**South County  
Park Operations**  
4568 Calle Real, Building E  
Santa Barbara, CA 93110  
Tel: (805) 681-5650  
Fax: (805) 681-5657

**Cachuma Lake  
Recreation Area**  
HC 59, Hwy. 154  
Santa Barbara, CA 93105  
Tel: (805) 686-5055  
Fax: (805) 686-5075

TO: Brian Tetley, Planner  
Development Review  
Planning and Development

FROM: Claude Garciacelay, Park Planner *mg*

DATE: October 29, 2008

RE: 07DVP-028 Hollister/Yacomo DP

County Parks has no conditions of approval of the above referenced case(s).

CC:

**ATTACHMENT B-2: CONDITIONS OF APPROVAL**  
**PROJECT SPECIFIC CONDITIONS**

**Case No.: 10CUP-00000-00043**

**Project Name: Hollister-Yacono Conditional Use Permit**

**Project Address: 2201 Highway 101, Buellton, CA, 93427**

**APN: 099-640-010**

A Conditional Use Permit is Hereby Granted:

TO: Charles C. and Mary E. Hollister Trust

APN: 099-640-010

PROJECT ADDRESS: 2201 US Highway 101, Buellton area

ZONE: AG-II-100

AREA/SUPERVISORIAL  
DISTRICT: Third

FOR: Hollister-Yacono

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

- 1. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits, dated December 8, 2010, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Board of Supervisors for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.**

The project description is as follows:

**An as-Built Conditional Use Permit to legalize the following existing uses currently operating on the project site as:**

- 1. Templeton Livestock Sales Yard**
- 2. Whitford Hay and Feed Supply**
- 3. Ralph Lausten Farming**

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **PROJECT SPECIFIC CONDITIONS**

2. All conditions of approval under 07DVP-00000-00028 and 08OSP-00000-00001 shall apply to 10CUP-00000-00043.

### **CONDITIONAL USE PERMIT CONDITIONS**

3. Within the 18 months following the effective date of this Conditional Use Permit, the required Zoning Clearance shall be issued. If the required Zoning Clearance, is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030.2 of the County Land Use and Development Code, and an application for an extension of the 18 months has not been submitted to the Planning and Development Department, then the Conditional Use Permit shall be considered void and of no further effect. The effective date of this Conditional Use Permit shall be the date of expiration of the appeal period, or, if appealed, the date of action final action by the final review authority including, if the project site is located in the Coastal Zone, the Coastal Commission.
4. 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 issuance of the Zoning Clearance, shall be satisfied. Commencement of construction and/or use in reliance on this Conditional Use Permit shall not occur until the Zoning Clearance, has been issued.
5. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this Conditional Use Permit shall be deemed acceptance of all conditions of this Conditional Use Permit by the permittee.
6. If the Zoning Administrator determines at a noticed public hearing that the permittee is not in compliance with any permit conditions, pursuant to the provisions of Section 35.84.060.B of the County Land Use and Development Code of Chapter 35, Zoning, the Santa Barbara County Code, the Zoning Administrator may either revoke the Conditional Use Permit or direct the

permittee to apply for an amendment to or revision of the Conditional Use Permit.

7. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
8. This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030.2 of the County Land Use and Development Code.
9. 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.

## **COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS**

10. 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 of permit issuance, the applicant shall obtain a Zoning Clearance and Building Permit 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.
11. Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., 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. **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.

12. All applicable final conditions of approval Zoning Administrator 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.

## **ATTACHMENT B.3: CONDITIONS OF APPROVAL**

### **PROJECT SPECIFIC CONDITIONS**

**Case No.: 08OSP-00000-00001**

**Project Name: Hollister-Yacono Overall Sign Plan**

**Project Address: 2201 Highway 101, Buellton, CA, 93427**

**APN: 099-640-010**

#### **I. Project Description**

1. The Hollister- Yacono Overall Sign Plan is based upon and limited to compliance with the project description, Planning Commission Hearing Exhibits dated December 8, 2010, 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 Rob Alexander, Mosaic Land Planning, agent for the Charles C. and Mary E. Hollister Trust, landowner, to consider Case No. 08OSP-00000-00001 (application filed on October 9, 2007) for approval of an Overall Sign Plan consisting of 19 signs in association with the approved Development Plan (07DVP-00000-00028) for the Hollister-Yacono project site as follows:**

**Fifteen wall signs, one freestanding sign, and three under-canopy signs in compliance with LUDC Section 35.38.090 - Signs Allowed in Agricultural Zone District with an Agricultural Industrial overlay. One wall sign on each frontage open to the public, not to exceed 1/8 of the square footage of the building façade or a maximum of 100 square feet, canopy signs for each enterprise not exceeding six square feet in sign area, and the lower edge of the sign must be a minimum of eight feet above finished ground level.**

**Each new sign to have dimensions of 16" x 96" and made from horizontal painted wood. Background colors to be white with the lettering and logo to be brown. The bottom of all canopy signs to be 8' above finished grade and the top of all wall signs for the new buildings to be 12' above top of grade. The existing sign located on the welding shop is to be removed and replaced in compliance with the new signage criteria above. Signage for the Veterinarian Supply Store, Hay and Feed, Trucking Terminal, Two Equipment Storage Shop, Fencing Contractor Shop/Truck Terminal and Trailer Sales to comply with the Overall Sign Plan criteria.**

**The existing 4' x 8' freestanding sign to be modified as proposed by the Central Board of Architectural Review (CBAR) on August 1, 2008, the CBAR supported the height exemption and setback exception for the existing freestanding sign, not to exceed 16' in height.**

**All existing signs to reflect colors and materials as approved by CBAR.**

**The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as landscape and habitat protection plans) must be submitted for review and approval and shall be implemented as approved by the County.**

## **II. PROJECT SPECIFIC CONDITIONS**

2. Prior to Sign Certificate of Conformance (SCC) issuance, each proposed sign shall receive Final Board of Architectural Review approval.

## **III. CONDITIONS UNIQUE TO OVERALL SIGN PLANS**

3. Each sign authorized by this Overall Sign Plan shall be permitted through issuance of a Sign Certificate of Conformance (SCC). One SCC may include more than one sign.
4. All future signs proposed for the this subject property shall be found to be in substantial conformity with the approved Overall Sign Plan as determined by Planning and Development and shall obtain a Sign Certificate of Conformance prior to the construction or placement of any new of replaced sign.
5. The applicant shall pay all Planning and Development Department fees attributable to the processing of this Overall Sign Plan prior to issuance of any SCC for any sign authorized by this Overall Sign Plan.

## **IV. COUNTY RULES AND REGULATIONS**

6. **Indemnity and Separation Clauses:** Developer shall defend, indemnify, and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Overall Sign Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
7. **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.



COUNTY OF SANTA BARBARA

Planning and Development

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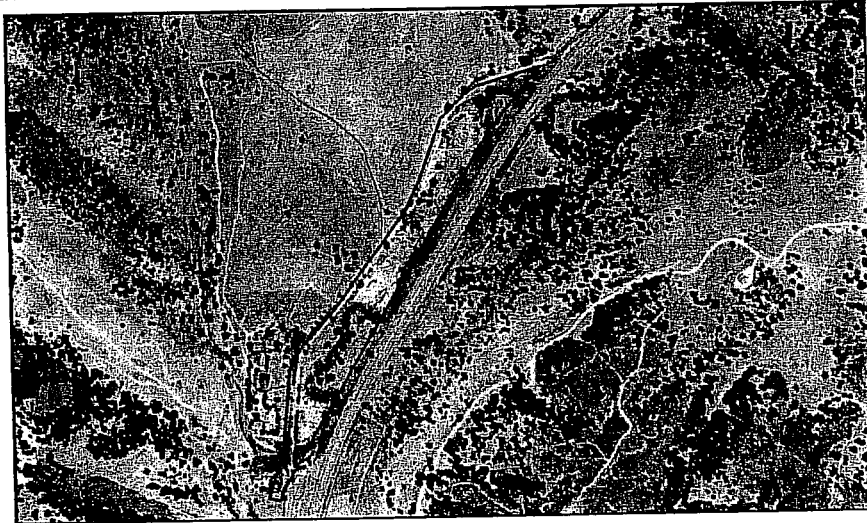
## Final Mitigated Negative Declaration

### Hollister/Yacono Consistency Rezone, Development Plan and Overall Sign Plan

09RZN-00000-00010/07DVP-00000-00028

08OSP-00000-00001/10NGD-00000-00003

May 26, 2010



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ATTACHMENT C  
FINAL NEGATIVE DECLARATION



## 1.0 REQUEST/PROJECT DESCRIPTION

The Hollister/Yacono Development Plan project consists of:

- 1) Consistency Rezone 09RZN-00000-00010;
- 2) Final Development Plan No. 07DVP-00000-00028 for 45,042 ft<sup>2</sup> gross floor area of existing and proposed structural development; and
- 3) Overall Sign Plan No. 08OSP-00000-00001 for approval of existing and proposed signage, and removal of some existing signage.

**1.1 Consistency Rezone No. 09RZN-00000-00010** would change the zone district of an existing parcel (32.84 acres gross/25.41 acres net) from Intensive Agricultural (AGI) under Ordinance 661, to Agriculture, 100 acre minimum parcel size (AG-II-100) under the Land Use and Development Code. The project site would retain its existing Agricultural Industry Overlay.

**1.2 Development Plan No. 07DVP-00000-00028** would include approximately 45,000 square feet of existing and proposed structural development as follows:

Land Use Description	Existing	Proposed	Total Sq. Ft.
A. Existing Welding Shop (1957, Ag Exempt)	1,887	0	1,887
B. Existing Hay Shed/Tack Room (1957, Ag Exempt)	961	-961	0
C. Existing Barn (2001, Ag Exempt)	1,013	-1013	See Q below
D. Existing Barn Construction Office (1956, Predates Permitting)	4,075	0	4,075
D1. Storage Container (2003, Ag Exempt)	160	0	160
E. Equipment Storage Shed (1986, Ag Exempt)	786	-786	0
F. Livestock Shelter (1956, Ag Exempt)	1,024	-1024	0
G. Hay Sales and Trucking (1957, Ag Exempt)	1,664	0	1,664
H. Truck Terminal (1982, ????)	2,497	0	2,497
I. Livestock Shelter/Hay Storage (1983, Ag Exempt)	659	0	659
J. Veterinarian Supply Store (1982, Ag Exempt)	2,322	0	2,322
K. Equipment Storage Shop (1982, Ag Exempt)	1,901	0	1,901
L. Equipment Storage Shop (1986, Ag Exempt)	1,685	0	1,685
M. Fencing Contractor Shop and Trucking Terminal (1986, ???)	3,466	0	3,466
N. Livestock Shelter (2006, Ag Exempt)	363	0	363
O. Trailer Sales Office (1986, Ag Exempt)	1,893	0	1,893
P. Residence	0	2,974	2,974
Q. Horse Barn (Building C relocated and enlarged)	0	2,026	2,026
R. Agricultural Accessory Building	0	2,970	2,970
S. Agricultural Storage Building	0	3,000	3,000
T. Agricultural Storage Building*	0	Deleted	Deleted
U. Agricultural Storage Building	0	3,000	3,000
V. Agricultural Storage Building	0	3,000	3,000
W. Agricultural Storage Building	0	3,000	3,000
X. Agricultural Storage Building	0	2,500	2,500
Y. Horse Barn*	0	Deleted	Deleted
Z. Horse Barn*	0	Deleted	Deleted
<b>TOTAL BUILDING COVERAGE</b>	<b>26,356</b>	<b>18,686</b>	<b>45,042</b>

A principle objective of the proposed project is the construction of storage areas and accessory buildings with outdoor storage areas. The project site would also contain public areas, roadways, parking lots, and landscaped areas totaling 305,250 ft<sup>2</sup> in area.

\*Proposed Building T shall be deleted as part of the proposed project due to archaeological issues and proposed Buildings Y and Z shall be deleted as part of the proposed project due to biological issues. Existing and proposed driveway access to the site is off Jonata Park Road. Domestic freshwater service will be provided by a permitted single-parcel water system utilizing on-site wells. No new creek crossings are proposed as part of this project. Wastewater service will be provided by existing and proposed septic systems utilizing the leachline disposal method.

1.3 Overall Sign Plan No. 08OSP-00000-00001 entails the approval of existing and proposed signage, and removal of some existing signage as follows: All new signs are proposed to be 16" x 96", horizontal painted wood. The background colors are proposed to be white with the lettering and logo to be brown. The bottom of a canopy signs will be 8' above finished grade and the top of all wall signs for the new buildings is proposed to be 12' above top of grade. The existing sign located on the welding shop is to be removed and will comply with the proposed new signage above. Signage proposed for the Veterinarian Supply Store, Hay and Feed, Trucking Terminal, Two Equipment Storage Shop, Fencing Contractor Shop/Truck Terminal and Trailer Sales shall comply with the proposed overall sign plan.

## 2.0 PROJECT LOCATION

The project site is Assessor's Parcel Number 099-640-010, commonly known as 2201 U.S. Highway 101, located approximately 2 miles north of the City of Buellton and 1 1/2 miles south of the Highway 101 and Highway 154 interchange. Site access is from Jonata Park Road, Third Supervisorial District.

2.1 Site Information	
Comprehensive Plan Designation	Rural, Agriculture with 100 acre minimum parcel size (A-II-100), one dwelling unit per acre, with Agriculture Industrial Overlay.
Zoning District, Ordinance	Ordinance 661, Intensive Agricultural District (AGI), No minimum parcel size, High Fire Hazard Area.
Site Size	32.84 acres gross; 25.41 acres net.
Present Use & Development	Project site contains various agricultural and commercial structures; see the "Land Use Description Table" above for more information regarding existing and proposed development.
Surrounding Uses/Zoning	North: Cattle Grazing; AG-II-320 and AG-I-20. South: Agriculture, PGE Substation, 100-AG East: Highway 101 and Cattle Grazing; AG-II-100. West: Cattle Grazing; AG-II-320.
Access	Direct access from Jonata Park Road.
Public Services	<i>Water Supply:</i> Private onsite well. <i>Sewage:</i> Private septic disposal. <i>Fire:</i> Santa Barbara County Fire, Station No. 31 <i>Schools:</i> Jonata Elementary School, Santa Ynez Union High School

## 3.0 ENVIRONMENTAL SETTING

### 3.1 PHYSICAL SETTING

The western and eastern extents of the project site contain various slopes ranging from 5 to 20 percent. The central portion of the site is relatively level and predominantly developed with existing structures. The project site ranges from a low elevation of 505 feet above mean sea level to 560 feet above mean sea level. Zaca Creek traverses the site from north to south. The Zaca Creek drainage contains a dense riparian canopy of oaks, cottonwoods, and other vegetation typical of seasonal water ways. Soils types onsite consist of predominantly of shaly and clay loams. There are three known archaeological sites on

the subject property. The surrounding land uses include cattle grazing, single-family homes, and commercial trailer sales.

### 3.2 ENVIRONMENTAL BASELINE

The environmental baseline from which the project's impacts are measured consists of the on the ground conditions described above.

**Aesthetics Baseline:** The aesthetic baseline is based upon the intensive development of the site and the historical tendency for onsite land uses to maintain substantial areas of outdoor storage which are exposed to public views along Highway 101 and Jonata Park Road.

**Land Use Baseline:** The project site is currently located in an Intensive Agriculture zone district (AGI), under Ordinance 661, and also has an Agricultural Industrial overlay designation. Land uses allowed within the AGI zone district include all of the uses typically allowed in a General Agricultural district (such as the AG-II zone district, LUDC) as well as several uses which are not typically allowed in a General Agricultural district. These additional uses include but are not limited to trucking terminals, veterinarian supplies & services, animal fertilizer processing plant, and slaughterhouse. The proposed consistency rezone would change the project site's underlying zone district to General Agriculture with 100 acre minimum parcel size (AG-II-100) under the Land Use and Development Code. This rezone would thereby result in a reduction in the number and intensity of uses allowed by the underlying zone district, even with the existing Agricultural Industry overlay designation.

## 4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is defined as follows:

**Potentially Significant Impact:** A fair argument can be made, based on the substantial evidence in the file, that an effect may be significant.

**Less Than Significant Impact with Mitigation:** Incorporation of mitigation measures has reduced an effect from a Potentially Significant Impact to a Less Than Significant Impact.

**Less Than Significant Impact:** An impact is considered adverse but does not trigger a significance threshold.

**No Impact:** There is adequate support that the referenced information sources show that the impact simply does not apply to the subject project.

**Reviewed Under Previous Document:** The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case and is summarized in the discussion below. The discussion should include reference to the previous documents, a citation of the page(s) where the information is found, and identification of mitigation measures incorporated from the previous documents.

### 4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Documents
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?		X			
b. Change to the visual character of an area?		X			
c. Glare or night lighting which may affect adjoining areas?		X			
d. Visually incompatible structures?		X			

**Existing Setting:** The project site is located along the western frontage of Highway 101 approximately 2 miles north of the City of Buellton and approximately 1 ½ miles south of the Highway 101 and Highway 154 interchange. The site is highly visible from both Highway 101 and Jonata Park Road, although topographic features and the riparian canopy along Zaca Creek sporadically obstruct views from the Highway 101 corridor. The project site currently contains 26,356 square feet of structural development and substantial areas of outdoor storage, the majority of which is highly visible to the north and sound bound travelers on Highway 101.

**Regulatory Setting.** The Visual Aesthetics Impact Guidelines of the Environmental Thresholds and Guidelines Manual classify coastal and mountainous areas, the urban fringe, and travel corridors as “especially important” visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas. The guidelines address public, not private views.

**Impact Discussion:**

*(a-b, d) Less than significant with mitigation:* The proposed project consists of three components. The proposed Consistency Rezone would bring the property into a current zone district, also resulting in a reduction in the number of ministerially permitted land uses allowed onsite. As a result, the rezone would have a less than significant effect on the aesthetics of the project site or surrounding community. The proposed Development Plan component would result in the demolition of approximately 5,991 square feet of structures; the construction of 18,686 square feet of new structural development; and the validation of approximately 30,288 square feet of existing development which would remain onsite. At build-out, 45,042 square feet structural development would be permitted onsite. Structures proposed for demolition include a livestock shelter, hay barn, and tack room/shed. Newly proposed development includes a single-family residence, two horse barns, one agricultural accessory building, and five agricultural storage buildings. The Overall Sign Plan component of the project would consist of: All new signs are proposed to be 16” x 96”, horizontal painted wood. The background colors are proposed to be white with the lettering and logo to be brown. The bottom of a canopy signs will be 8’ above finished grade and the top of all wall signs for the new buildings is proposed to be 12’ above top of grade. The existing sign located on the welding shop is to be removed and will comply with the proposed new signage above. Signage proposed for the Veterinarian Supply Store, Hay and Feed, Trucking Terminal, Two Equipment Storage Shop, Fencing Contractor Shop/Truck Terminal and Trailer Sales shall comply with the proposed overall sign plan. The net result of the plan is expected to result in a net benefit to the aesthetics of the site as existing signage which does not meet County requirements would be removed and replaced with new approved signage.

The project site is adjacent to US Highway 101 and most of the structural development is and would be visible to north and south-bound travelers. The existing concentration of large structures within the Highway 101 view corridor is the only one between Buellton and Los Alamos. This project baseline includes a historic pattern of storing agricultural equipment, supplies, used materials and debris in outdoor storage yards open to public view. Impacts would be potentially significant.

A principle objective of the proposed project is the construction of storage areas and accessory buildings with outdoor storage areas. The design of the proposed project design was conceptually reviewed by the Central Board of Architectural Review (CBAR) on four separate occasions. Mitigation measures listed consisting of: 1) limiting the location and size of areas used for outdoor storage within the subject parcel; and 2) landscape screening in the form of poplars (quick growth screening) and oaks (long-term screening) would "soften" the appearance of the development from views along Highway 101. Additional mitigation would require additional CBAR review and approval of project components, including lighting. Adherence to these mitigation measures would reduce adverse visual resource/aesthetic impacts of the proposed project to less than significant levels.

#### **Cumulative Impacts:**

The proposed project site is designated agriculture with an Agricultural Industrial Overlay recognizing intensive agricultural support structures and use. Rural agricultural uses surround the property on all sides. Adherence to proposed mitigation would improve the overall appearance of the project site, increasing compatibility with the visual character of the surrounding area. As a result, proposed project contribution to cumulative impacts would not be considerable.

#### **Mitigation and Residual Impact:**

With the incorporation of the following measures, impacts to aesthetics/visual resources would be mitigated to a less than significant level (Class II). Residual impacts would be less than significant.

1. In order to ensure compatibility with the visual character of the area all elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall conform in all respects to BAR approval [07BAR-00000-00273 and 08BAR-00000-00166]. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and shall obtain final approval by the Board of Architectural Review prior to issuance of Zoning Clearance Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.

**MONITORING:** P&D shall review prior to zoning clearance approval.

2. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

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

3. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR.

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

## 4.2 AGRICULTURAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Revised Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?			X		
b. An effect upon any unique or other farmland of State or Local Importance?			X		

**Existing Setting:** Agricultural lands play a critical economic and environmental role in Santa Barbara County. Agriculture continues to be Santa Barbara County's major producing industry with a gross production value of over \$1 billion (Santa Barbara County 2007 Crop Production Report). In addition to the creation of food, jobs, and economic value, farmland provides valuable open space and maintains the County's rural character.

The existing 32.84 acre parcel currently contains various commercial operations (hay sales, veterinary supply, etc.) which support agricultural operations in the surrounding community. The site does not currently support cultivated agricultural (row crops, vineyards, etc.) and is insufficient in size to independently support a cattle grazing operation. The project site adjoins agricultural parcels ranging from approximately 24 to 375 acres; these neighboring properties primarily support cattle grazing and single-family homes. Soil types onsite consist of shaly loam and clay loam. Prime soils cover approximately 7.4 acres (22%) of the project site.

**Regulatory Setting:** The need to preserve agricultural lands and discourage non-agricultural uses is recognized and addressed in both the Agricultural Resource Guidelines and the Agricultural Element of the Comprehensive Plan. Sustaining agricultural land also protects open space and maintains the rural lifestyle prevalent in the region.

### Impact Discussion:

**(a, b) Less than significant impact:** The proposed project site does not currently contain an active agricultural operation (i.e. cattle grazing, row crops, etc.) Historically, the project site has been used for commercial operations, such as veterinary supply and hay sales, which directly support surrounding agricultural operations. These historic land uses are consistent with the project site's zone district, Intensive General Agriculture (AGI), which allows all of the land uses allowed in other general agricultural zones in addition to agriculturally supportive commercial uses which include but are not limited to: offices, veterinarian services and supplies, trucking terminals, animal fertilizer processing, and livestock auction yard. As previously discussed in the CEQA baseline section the proposed consistency rezone would result in a reduction in the number ministerial permitted land uses allowed by the underlying zone district. 1) The Rezone would not have a significant effect on agricultural resources. Given the historical land uses located on the project site, County land use maps do not designate the subject parcel as unique farmland of local or statewide importance. 2) The Development Plan and Overall

Sign Pan for the proposed development would not disrupt any existing agricultural operation. As previously mentioned in the project setting, the project site does contain 7.4 acres of prime soil which is located on the southern portion of the project site. No development is proposed in this area and therefore the project would not disrupt prime soils on the project site. Project impacts to agricultural resources would be less than significant (Class III).

**Cumulative Impacts:**

While the proposed project site is not currently used for cultivation or grazing, activities onsite support agriculture consistent with the agricultural zone designation. The proposed project would not contribute to the cumulative loss of agriculture in the region. Cumulative impacts of the project would not be considerable.

**Mitigation and Residual Impact:**

No mitigation is required. Residual impacts would be less than significant.

**4.3 AIR QUALITY**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?			X		
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?		X			
<b>Greenhouse Gases</b>	<b>Significant</b>		<b>No classification</b>		
d. Emissions equivalent to or greater than 25,000 metric tons of CO <sub>2</sub> per year from both stationary and mobile sources during long-term operations?				X	

**Regulatory Setting:** Air Quality thresholds state that a proposed project will not have a significant impact on air quality if operation of the project will:

- emit (from all project sources, mobile and stationary), less than the daily trigger (55 pounds per day) for offsets for any pollutant; and
- emit less than 25 pounds per day of oxides of nitrogen (NOx) or reactive organic compounds (ROC) from motor vehicle trips only; and
- not cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone); and
- not exceed the APCD health risk public notification thresholds adopted by the APCD Board; and
- be consistent with the adopted federal and state Air Quality Plans.

No thresholds have been established for short-term impacts associated with construction activities. However, the County's Grading Ordinance requires standard dust control conditions for all projects involving grading activities. Long-term/operational emissions thresholds have been established to address mobile emissions

(i.e., motor vehicle emissions) and stationary source emissions (i.e., stationary boilers, engines, paints, solvents, and chemical or industrial processing operations that release pollutants).

### Impact Discussion:

*(a, c) Less than significant with mitigation.* Short-Term Construction Impacts. Project-related construction activities would require grading of approximately 990 cubic yards of cut and 1,955 cubic yards of fill that has been minimized to the extent possible under the circumstances. Grading activities would disturb approximately 3.32 acres of the project site. Earth moving operations at the project site would not have the potential to result in significant project-specific short-term emissions of fugitive dust and PM<sub>10</sub>, with the implementation of standard dust control measures that are required for all new development in the County. Emissions of ozone precursors (NO<sub>x</sub> and ROC) during project construction would result primarily from the on-site use of heavy earthmoving equipment. Due to the limited period of time that grading activities would occur on the project site, construction-related emissions of NO<sub>x</sub> and ROC would not be significant on a project-specific or cumulative basis. However, due to the non-attainment status of the air basin for ozone, the project should implement measures recommended by the APCD to reduce construction-related emissions of ozone precursors to the extent feasible. Compliance with these measures is routinely required for all new development in the County.

Long-Term Operation Emissions. Long-term emissions that would result from project-generated vehicle trips, along with stationary sources (i.e. natural gas usage) have been calculated as follows, pursuant to the URBEMIS computer model program:

#### Total Mobile Source and Stationary Source Emissions:

ROC emissions = 0.73 lbs./day

NO<sub>x</sub> emissions = 2.25 lbs./day

These emission estimates were calculated with the assumption that the project would generate 114 Average Daily Trips (ADT). These trips were analyzed using Urbemis software and the assumption that all trips lengths were *Rural* and that 100% of the vehicle fleet would be Medium Trucks (5,751-8,500 lbs.). These estimated emission levels are below the County's applicable thresholds and therefore the project's associated impacts to air quality are less than significant. As previously discussed in the CEQA baseline section, the proposed consistency rezone would result in a reduction in the number ministerial permitted land uses allowed by the underlying zone district. As a result the rezone would have a less than significant effect on air quality.

The proposed project site is located adjacent to Jonata Park Road, approximately 200 feet from the edge of pavement of US Highway 101, a four-lane highway serving as the primary north-south travel corridor through Santa Barbara County. Traffic volumes on the Buellton - Los Alamos segment of the highway are 23,000 to 30,000 ADT. Build-out of the proposed project site would result in 1 additional single family dwelling within 250 feet of the southbound travel lanes of US 101. According to APCD data, concentrations in toxic air pollutant levels from diesel emissions decrease by approximately 70% at a distance of 500 feet from the travel corridor. However, the entire site is within 350-400 feet of US 101, which precludes the ability to achieve a 500 foot setback for sensitive receptors.

*(b) Less than significant impact:* Future agricultural operations could potentially produce objectionable smoke, ash, or odors associated with operation and maintenance of motorized vehicles. However, the proposed project site is located within the AG-II-100 zone district and such uses are already allowed by the zone in effect. Potential impacts from such agricultural operations could take place regardless of the project being approved. Therefore, the approval of the proposed project would not create any new significant impacts.



*(d) No classification:* Greenhouse gases (GHG's) include water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and other compounds. Combustion of fossil fuels constitutes the primary source of GHGs. GHGs accumulate in the atmosphere, where these gases trap heat near the Earth's surface by absorbing infrared radiation. This effect causes global warming and climate change, with adverse impacts on humans and the environment. Potential effects include reduced water supplies in some areas, ecological changes that threaten some species, reduced agricultural productivity in some areas, increased coastal flooding, and other effects. The County's methodology to address Global Climate Change in CEQA documents is evolving. Until appropriate regulatory entities develop CEQA thresholds for GHGs, only relatively large GHG emitters will be considered to have cumulatively significant effects on the environment. Projects that are estimated to emit the equivalent of 25,000 metric tons of CO<sub>2</sub> emissions from direct and indirect, long-term operational sources would be considered to have a cumulatively significant impact on greenhouse gas emissions.<sup>1</sup> Projects below these levels remain unclassifiable until more evidence becomes available

As estimated with the use of Urbemis software, the proposed project would produce approximately 2,423 pounds/per day of CO<sub>2</sub> from both stationary and mobile sources. This daily emission production equates to 401 metric tons of CO<sub>2</sub> per year which will be produced by the proposed project. This is below the threshold for cumulative significance.

#### **Cumulative Impacts:**

Projects that do not exceed the County's 25 pound/day long term air quality impact threshold for NO<sub>x</sub> and/or ROC emissions do not have the potential to result in significant cumulative air quality impacts. The short-term construction and long-term operational air quality impacts would not be cumulatively considerable.

#### **Mitigation and Residual Impact:**

Adherence to the following measures would reduce impacts to air quality to less than significant levels (Class II). Residual impacts would be less than significant.

4. 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 approval of a Zoning Clearance Permit.

**MONITORING:** Grading Inspector shall perform periodic site inspections.

5. 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.

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<sup>1</sup> California Air Resources Board Resolution 07-54 establishes 25,000 metric tons of GHG emissions as the threshold for identifying the largest stationary emission sources in California for purposes of requiring the annual reporting of emissions. This threshold is just over 0.005% of California's total inventory of GHG emissions for 2004.

- 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.

6. 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 issuance of a Land Use Permit.

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

#### 4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
<b>Flora</b>					
a. A loss or disturbance to a unique, rare or threatened plant community?			X		
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?			X		
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?			X		
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?			X		
e. The loss of healthy native specimen trees?		X			
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?			X		
<b>Fauna</b>					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?			X		

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?			X		
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?			X		
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?			X		

**Existing Plant and Animal Communities/Conditions:**

Santa Barbara County has a wide diversity of habitat types, including but not limited to chaparral, oak woodlands, wetlands, and beach dunes. These are complex ecosystems and many factors are involved in assessing the value of the resources and the significance of project impacts. For this project, a site visit was conducted by the staff Biologist on January 17, 2008. The following analysis is based on observations made during this site visit in addition to other documentation such as aerial photographs, County land use maps, biological resource maps, etc.

*Flora:*

The Zaca Creek drainage adjacent to the existing structures contains scattered valley and coast live oaks. Abundant willow stands and occasional stands of coyotebrush line the bottom of the creek. The top of the bank is highly disturbed; the primary vegetation in this area is annual grasses and weedy invasives such as black mustard, fennel, poison hemlock, and castor bean. The presence of at least two oak trees along the southern portion of the creek have been observed. Vegetation along the creek is mostly riparian, and disturbed oak savanna occurs on both sides, extending outwards for about 100 feet. With the exception of the valley oaks, few native plant species were noted in the savanna area. Non-native Cheeseweed (*Marrubium vulgare*) and annual grasses are the dominants in the shrub and grass layers. One small patch of native creeping wildrye was observed just offsite in the Caltrans right of way.

*Fauna:*

Wildlife species expected to inhabit the site include common species such as raccoons, fox, coyote, deer, skunk, and common birds & raptors. Several riparian species, such as amphibians, are also expected to inhabit the Zaca Creek drainage. In addition, the CNDDB indicates that two sensitive animal species, Townsend's big eared bat (*Corynorhinus townsendii*) and California red-legged frog (*Rana draytonii*), inhabit the Zaca Creek drainage in close proximity to the Jonata Park Road bridge located on the southern portion of the project site. Approximately 1,000 feet south of deleted Buildings Y and Z.

**Regulatory Setting:** Biological resource thresholds applicable to the proposed project state:

*Riparian Habitats:* Project created impacts may be considered significant due to: direct removal of riparian vegetation; disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation; or intrusion within the upland edge of the riparian canopy leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion; or construction activity which disrupts critical time periods for fish and other wildlife species.

*Oak Woodlands and Forests:* Project created impacts may be considered significant due to habitat fragmentation, removal of understory, alteration to drainage patterns, disruption of the canopy, removal of a significant number of trees that would cause a break in the canopy, or disruption in animal movement in and through the woodland.

### Impact Discussion:

*(a-d) Flora. Less than significant impact:* As discussed in the setting section above, the project site contains various native plant species including willows, valley oaks, coast live oaks, coyotebrush, and Cheeseweed (*Marrubium vulgare*). However, the majority of this native vegetation is located within the riparian drainage and surrounding grassland which would not be disturbed by the proposed project. The proposed project includes development on plateau areas above the creek which have been disturbed by prior development. Proposed vegetation removal is limited to ten pistachio trees, non-native (from Asia), and of no significant horticultural or habitat value. As such the removal of these trees would constitute an adverse but less than significant impact. The loss of general biomass associated with the removal of these trees (a less than significant impact which does not warrant mitigation) would most likely be offset with the planting of screening oaks and poplars as described in the Aesthetics discussion above. Therefore, the proposed project would not have a significant impact on the environment.

*(e) Specimen Trees. Less than significant impacts with mitigation:* The proposed project would not remove any of native trees (such as the coast live and valley oaks) located on the project site. However, it is still possible that construction activity associated with future development could inadvertently damage or destroy these oaks. Therefore, the County's standard oak tree mitigation measures are applicable to the project. With the implementation of these measures the proposed project's impacts to biological resources would be reduced to a level of less than significant.

*(f) Other Factors Affecting Flora. Less than significant impact:* The ongoing agricultural and commercial use of the site may involve or result in the introduction of chemicals, herbicides, pesticides, and non-native plants which could disturb existing habitats located onsite. However, these uses are already allowed onsite by the current zoning in affect. As previously discussed in the CEQA baseline section the proposed consistency rezone would result in a reduction in the number of ministerial permitted land uses allowed by the underlying zone district. Therefore, the proposed project impacts would not result in increased chemicals, herbicides, etc. onsite.

### Fauna:

*(g) Rare or Special Status Wildlife. Less than significant impact:* Zaca Creek traverses the entire project site from north to south. The California Natural Diversity Database indicates that two sensitive animal species, *Corynorhinus townsendii* (Townsend's big eared bat) and *Rana draytonii* (California red-legged frog), inhabit the Zaca Creek drainage in close proximity to the Jonata Park Road bridge located on the southern portion of the project site. Buildings Y and Z of the proposed project have been deleted due to the close proximity of rare or special status wildlife within 1,000 feet of those buildings. The proposed project includes development on plateau areas above the creek which have already been disturbed by prior development. Due to this prior site disturbance the project is not expected to result in impacts to sensitive animal species. Therefore, the proposed project impacts would have a less than significant impact on the environment.

*(h-k) Less than significant impact:* Local fauna (such as deer, coyote, etc.) may travel across the project site from north to south along the Zaca Creek drainage. Due to the heavily incised nature of the creek in this area the steep bluffs located along much of the northern bank would severely restrict east to west movement across the site. The proposed development is located on disturbed areas of the site and would not affect the riparian drainage. As a result, the project is not expected to result in any additional restriction of animal

movements across the site. Therefore, the proposed project would have a less than significant impact on biological resources.

**Cumulative Impacts:** The proposed project site would not adversely impact sensitive plant communities or habitat for rare or endangered species associated within the adjacent Zaca Creek riparian corridor. Impacts of the project would not be cumulatively considerable.

**Mitigation and Residual Impact:**

Adherence to the following measures would reduce impacts to biological resources to less than significant levels (Class II). Residual impacts would be less than significant.

7. An oak tree protection and replacement program, prepared by a P&D-approved arborist/biologist shall be implemented. The program shall include but not be limited to the following components:

a. Program elements to be graphically depicted on final grading and building plans:

- i. The size, species, location, and extent of dripline for all trees and the type and location of any fencing.
- ii. To avoid disturbance to oak trees, site preparation and construction of building pads shall avoid disturbance to existing oak trees. Construction envelopes shall be located outside the driplines of all oak trees. All ground disturbances including grading for buildings, accessways, easements, subsurface grading, sewage disposal, and well placement shall be prohibited outside construction envelopes.
- iii. Equipment storage and staging areas shall be designated on approved grading and building plans outside of dripline areas.
- iv. Paving shall be of pervious material (i.e., gravel, brick without mortar) where access roads or driveways encroach within 25 feet of an oak tree's dripline.
- v. Permanent tree wells or retaining walls shall be specified on approved plans and shall be installed prior to approval of Zoning Clearance Permits. A P&D-qualified arborist or biologist shall oversee such installation.
- vi. Drainage plans shall be designed so that oak tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D-qualified biologist/arborist.

b. Program elements to be printed as conditions on final grading and building plans:

- i. No grading or development shall occur within the driplines of oak trees that occur in the construction area.
- ii. All oak trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed six feet outside the dripline of each oak tree, and shall be staked every six feet.
- iii. No construction equipment shall be parked, stored or operated within six feet of the dripline of any oak tree.

- iv. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D-approved arborist/biologist.
- v. No permanent irrigation shall occur within the dripline of any existing oak tree.
- vi. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand.
- vii. Only designated trees shall be removed.
- viii. Any oak trees which are removed and/or damaged (more than 25% of root zone disturbed) shall be replaced on a 10:1 basis with 10-gallon size saplings grown from locally obtained seed. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with timer shall be installed. Trees shall be planted prior to occupancy clearance and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing, and gopher fencing during the maintenance period.
- ix. A P&D approved arborist shall be onsite throughout all grading and construction activities which may impact oak trees.

**Plan Requirements:** Prior to approval of a Zoning Clearance Permit, the applicant shall submit a copy of the grading and/or building plans to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to approval of Zoning Clearance, the applicant shall successfully file and submit evidence of posting a performance security which is acceptable to P&D. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**MONITORING:** Permit Compliance personnel shall perform periodic inspections.

## 4.5 CULTURAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. With Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
<b>Archaeological Resources</b>					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site (note site number below)?		X			
b. Disruption or removal of human remains?		X			
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?		X			
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?		X			
<b>Ethnic Resources</b>					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?		X			
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?			X		

Will the proposal result in:	Poten. Signif.	Less than Signif. With Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?			X		

**Existing Setting:** For at least the past 10,000 years, the area that is now Santa Barbara County has been inhabited by Chumash Indians and their ancestors. Based a Phase 1 Survey conducted on 26 August 2009 by Applied Earthworks, Inc. (Phase 1 Archaeological Survey Report for a 6.4 acre Portion of the Proposed Hollister/Yacono Development North of Buellton, 2201 N. Highway 101, Santa Barbara County, California, February 2009), cultural resources are located in the vicinity of the proposed project.

**Regulatory Setting:** Cultural resource guidelines describe identification, significance determination, and mitigation of impacts to important cultural resources. Chapter 8 of the Manual, the *Archaeological Resources Guidelines: Archaeological, Historic and Ethnic Element*, specifies that if a resource cannot be avoided, it must be evaluated for importance under CEQA. CEQA Section 15064.5 contains the criteria for evaluating the importance of archaeological and historical resources. For archaeological resources, the criterion usually applied is: (D), "Has yielded, or may be likely to yield, information important in prehistory or history". If an archaeological site does not meet any of the four CEQA criteria in Section 15064.5, additional criteria for a "unique archaeological resource" are contained in Section 21083.2 of the Public Resource Code, which states that a "unique archaeological resource" is an archaeological artifact, object, or site that: 1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) is directly associated with a scientifically recognized important prehistoric or historic event or person. A project that may cause a substantial adverse effect on an archaeological resource may have a significant effect on the environment.

**Impact Discussion:**

*(a-g) Less than significant with mitigation:* The Phase 1 archaeological study was completed for a 6.4-acre portion of the proposed project. Background research at the CCIC identified no archaeological sites or isolates recorded within the previously unsurveyed study area. Six archaeological sites are recorded within a one-mile radius of the property; none are recorded within one-quarter mile. One isolated artifact is recorded a short distance east of the survey area, east of Zaca Creek.

The Field survey identified two weathered shell fragments atop previously disturbed soils overlying a drainage culvert at the northwestern margin of the survey area. Their location adjacent to the west margin of the former soil borrow pit that encompasses the northern portion of the project area suggests their origin may lie outside the project parcel. Due to their secondary context and the absence of information regarding their source, these materials do not appear to meet significance criteria specified by the California Register of Historic Resources (CRHR) and referenced by CEQA. As a consequence, no further archaeological resource study requirements appear necessary at that location.

A low density lithic scatter, consisting of four Monterey chert flakes and one possible Monterey chert biface fragment, was noted near Corral 253. This scatter was recorded as temporary resource designation AE-HDP-1. At its closest point, this archaeological site lies approximately 36 feet from the first proposed agricultural storage building north of the existing Horse Housing Construction sales office.

Avoidance of impacts to archaeological resources is the preferred option specified by CEQA and by County guidelines. As a result, subsequent to the Phase 1 study, the proposed agricultural storage building

nearest the lithic scatter was removed from the project description. After the Phase I study was completed, the applicant chose to remove Building T from the project to ensure compliance with the archaeological resources found near that location.

A comment letter submitted by the Tribal Elders Council of the Santa Ynez Band of Mission Indians (Alex Valencia, Chairman; undated, received May 26, 2010) stating that the subject cultural resource analysis does not adequately address: 1) the potential for discovery of subsurface cultural materials; 2) the cumulative effects of the project. While acknowledging the appropriateness of the mitigation measures relative to AE-HDP-1, the letter requests that: 1) the Elders Council be notified of any discoveries made during project implementation, and consulted prior to the commencement of Phase II or III activity onsite, in order to resolve SB18 consultation issues; 2) an Extended Phase I Survey be conducted within all building footprints and areas of extensive ground disturbance; and 3) that Native American advisors be used during any testing and/or ground disturbance onsite.

Based on: 1) the presence of a "borrow" area onsite devoid of *in situ* soil deposits; and 2) the nature of the project area which is an erosional and not depositional surface, thus further reducing the likelihood that buried deposits could be present, P&D staff does not believe the Extended Phase I Survey is necessary to ensure that impacts would be less than significant (Joyce Gerber, Staff Archaeologist, 06/09/09). Consistent with the requirements of Mitigation Measure 10 below, staff would ensure that the Council is notified in the event of any discovery or additional survey work onsite.

In the context of this project and its environmental setting, an earth disturbance exclusion buffer zone of 100 feet (approximately 30 meters) surrounding AE-HDP-1 would be adequate to achieve avoidance of impacts to the site. Exclusion of earth-disturbing project elements (including scarification, grading, cut or fill, trenching, etc.) from the site area and its 100-foot buffer zone, archaeological monitoring, and investigation of any unexpected discoveries per County Cultural Resource Guidelines (Mitigation Measures 8, 9, 10, and 11) would reduce impacts to the site than less than significant.

#### **Cumulative Impacts:**

The proposed project would not impact any known archaeological resources and therefore the project would not contribute to the cumulative loss of such resources in the region. However, given the sensitivity of the area with respect to extensive known archaeological sites, there is the potential for the project to impact previously unknown archaeological resources discovered during site preparation and grading. In such a case, the project would contribute to a significant cumulative impact to cultural resources absent mitigation. Adherence to project-specific mitigation would reduce cumulative impacts to less than significant levels.

#### **Mitigation and Residual Impact:**

The following mitigation measures would reduce the project's cultural resource impacts to a less than significant level:

8. The archaeological site and 100 foot buffer area shall be temporarily fenced with chain link flagged with color or other material authorized by P&D where ground disturbance is proposed within 100 feet of the site and buffer. **Plan Requirements:** The fencing requirement shall be shown on approved grading and building plans. **Timing:** Plans to be approved and fencing to be in place prior to start of construction.

**MONITORING:** P&D shall verify installation of fencing by reviewing photo documentation or by site inspection prior to approval of Zoning Clearance Permits, Permit for grading, and ensure fencing in place throughout grading and construction through site inspections.



9. All earth disturbances including scarification and placement of fill within 100 ft of the archaeological site area and buffer shall be monitored by a P&D-qualified archaeologist pursuant to County Archaeological Guidelines.

**Plan Requirements and Timing:** Prior to approval of zoning clearance, a contract or Letter of Commitment between the applicant and the archaeologist, consisting of a project description and scope of work, shall be prepared. The contract must be executed and submitted to P&D for review and approval.

**MONITORING:** P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check field work.

10. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

**Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D shall check plans prior to approval of Zoning Clearance Permit and shall spot check in the field.

11. If archaeological site AE-HDP-1 and its 100-foot buffer cannot be avoided, Phase 2 significance evaluation shall be conducted per County Cultural Resource Guidelines. If the site fails to meet CRHR significance criteria, no further archaeological investigations would be necessary. However, if the site is assessed as significant and it cannot be avoided through project redesign, Phase 3 mitigation of project impacts in conformance with County Cultural Resource Guidelines shall be conducted. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check field work.

With the incorporation of these measures, residual impacts would be less than significant.

#### 4.6 ENERGY

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?			X		
b. Requirement for the development or extension of new sources of energy?			X		

**Impact Discussion:** The County has not identified significance thresholds for electrical and/or natural gas service impacts (Thresholds and Guidelines Manual). Private electrical and natural gas utility companies provide service to customers in Central and Southern California, including the unincorporated areas of Santa Barbara County. The proposed project would have a negligible effect on regional energy needs. No adverse impacts would result.

**Cumulative Impacts:** The proposed project would not result in a significant increase in energy demand for the area. The project's contribution to cumulative energy impacts is not considerable.

**Mitigation and Residual Impact:**

No mitigation is required. Residual impacts would be less than significant.

**4.7 FIRE PROTECTION**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area?			X		
b. Project-caused high fire hazard?			X		
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?			X		
d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?			X		
e. Development of structures beyond safe Fire Dept. response time?			X		

**Regulatory Setting:** The following County Fire Department standards are applied as appropriate in evaluating impacts associated with the proposed development:

- The emergency response thresholds include Fire Department staff standards of one on-duty firefighter per 4000 persons (generally 1 engine company per 12,000 people, assuming three fire fighters per station). The emergency response time standard is approximately 5-6 minutes.
- Water supply thresholds include a requirement for 750 gpm at 20 psi for all single family dwellings.
- The ability of the County's engine companies to extinguish fires (based on maximum flow rates through hand held line) meets state and national standards assuming a 5,000 square foot structure. Therefore, in any portion of the Fire Department's response area, all structures over 5,000 square feet are an unprotected risk (a significant impact) and therefore should have internal fire sprinklers.
- Access road standards include a minimum width (depending on number of units served and whether parking would be allowed on either side of the road), with some narrowing allowed for driveways. Cul-de-sac diameters, turning radii and road grade must meet minimum Fire Department standards based on project type.
- Two means of egress may be needed and access must not be impeded by fire, flood, or earthquake. A potentially significant impact could occur in the event any of these standards is not adequately met.

**Impact Discussion:**

*(a-c, e) Less than significant with mitigation:* 1) The proposed project includes new development within a High Fire Hazard Area of the County. Introducing new development into a High Fire Hazard Area could result in a significant fire hazard. In order to mitigate this potential hazard the County Fire Department would

require several improvements to the property which would mitigate the aforementioned threat to public safety: 2) These include: the improvement of existing and proposed roads to meet Fire Department, all-weather standards, the construction of onsite water storage tanks to be used for fire suppression, and 3) the incorporation of fire sprinkler systems into all new structures, as appropriate. Adherence to Fire Department requirements would ensure that impacts are less than significant.

*(d) Less than significant impact:* The project would not affect fire prevention techniques such controlled burns or backfires.

**Cumulative Impacts:**

The proposed project's contribution to cumulative impacts is considered adverse but not significant with implementation of Fire Department standard conditions including the payment of development impact mitigation fees. Fees from new development will fund fire protection facilities and/or additional firefighter positions, as deemed necessary.

**Mitigation and Residual Impact:**

No mitigation is required. Residual impacts would be less than significant.

**4.8 GEOLOGIC PROCESSES**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			X		
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?			X		
c. Exposure to or production of permanent changes in topography, such as bluff retreat or sea level rise?			X		
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?			X		
e. Any increase in wind or water erosion of soils, either on or off the site?		X			
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?		X			
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?			X		
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?			X		
j. Sand or gravel removal or loss of topsoil?			X		
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?		X			
l. Excessive spoils, tailings or over-burden?			X		





**Existing Setting:** The project site is located in a vicinity of the County which has been given an overall Category-III Moderate Problem Rating for geologic hazards by the County Comprehensive Plan Seismic Safety and Safety Element. Specifically, the proposed project site is located in an area identified as having a low potential for soil creep, liquefaction, expansive soils, high groundwater, and compressible/collapsible soils. The project site has a moderate potential for seismic potential and high potential for landslides.

**Regulatory Setting:** Geologic Constraints Guidelines identify potentially significant impacts if the proposed project involves any of the following characteristics:

1. The project site or any part of the project is located on land having substantial geologic constraints, as determined by P&D or PWD. Areas constrained by geology include parcels located near active or potentially active faults and property underlain by rock types associated with compressible/collapsible soils or susceptible to landslides or severe erosion. "Special Problems" areas designated by the Board of Supervisors have been established based on geologic constraints, flood hazards and other physical limitations to development, as appropriate.
2. The project results in potentially hazardous geologic conditions such as the construction of cut slopes exceeding a grade of 1.5 horizontal to 1 vertical.
3. The project proposes construction of a cut slope over 15 feet in height as measured from the lowest finished grade.
4. The project is located on slopes exceeding 20% grade.

#### Impact Discussion:

*(a) Less than significant impact:* The County Comprehensive Plan Seismic Safety and Safety Element states that project sites given a geologic hazard designation of Category III, "have moderate problems but would generally be suitable for all types of development." Therefore, the proposed project would not be exposed to, or create, significant geologic hazards.

*(b-d, i, j, l) Less than significant impact:* The project proposes approximately 990 cubic yards of cut and 1,955 cubic yards of fill. Grading activities would disturb approximately 3.32 acres of the project site. There are no significant geologic, paleontological, or physical features in the project area which would be disturbed. Therefore, the proposed project would not result in significant impacts to geology.

*(e-f) Less than significant with mitigation.* The proposed project grading may result in the temporary exposure of soils and therefore increase the probability of erosion during storm events. Application of standard County grading, erosion, and drainage-control measures (**Mitigation Measures 12, 13, and 14 below**) would ensure that no significant erosion would occur.

*(g) Less than significant impact:* The proposed project would require the installation of a private septic system. However, the soil within the project site is not constrained in a manner which would prevent the safe disposal of liquid effluent. The proposed septic system would be setback a minimum of 100 feet from all drainage courses.

*(h) No impact:* No extraction of mineral or ore is proposed as part of the project scope.

*(k) Less than significant with mitigation:* Short-term impacts to nearby residents from construction vibrations would be mitigated to less than significant levels with application of the standard measure limiting construction noise to weekdays between 7:00 a.m. and 4:00 p.m. (**Mitigation Measure #17 in Section 4.9**).







### Cumulative Impact Discussion:

Geologic impacts are generally project specific in nature, as they typically only involve the land upon which the project is proposed to be located. However, significant onsite erosion may contribute to off-site sedimentation for improperly designed projects, and uncontrolled construction activity. With adherence to project-specific mitigation, the proposal is not expected to result in significant long term erosion. The geologic impacts of the project are not considered cumulatively considerable.

### Mitigation and Residual Impact:

Adherence to the following measures would reduce impacts to Geologic Processes to a less than significant level (Class II).

12. 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 approval of Zoning Clearance Permits. 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.

13. All runoff water from impervious areas shall be conveyed to prevent erosion from slopes and channels. **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Zoning Clearance Permits by the applicant the Flood Control District for review and approval.

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

14. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

**MONITORING:** P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

### 4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?		X			
b. The use, storage or distribution of hazardous or toxic materials?		X			
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?		X			
d. Possible interference with an emergency response plan or an emergency evacuation plan?				X	
e. The creation of a potential public health hazard?			X		
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?			X		
g. Exposure to hazards from oil or gas pipelines or oil well facilities?			X		
h. The contamination of a public water supply?			X		

**Regulatory Setting:** Public Safety thresholds address involuntary public exposure from projects involving significant quantities of hazardous materials. The threshold addresses the likelihood and severity of potential accidents to determine whether the safety risks of a project exceed significant levels.

**Impact Discussion:**

*(a-c, e-f, h) Less than significant with mitigation:* The proposed project site has a history of land uses (i.e. welding shop, veterinary services) which utilize some hazardous materials. Although there is no evidence that these past land uses have resulted in the substantial discharge of such hazardous materials onsite, unknown materials may exist and be discovered during development activities. In order to mitigate this potentially significant impact the Fire Department's standard Hazardous Materials Discovery Clause would be applied to this project. With the application of this measure any unknown materials would be disposed of in a safe manner. Additionally, the ongoing land uses on the project site, which would utilize the proposed storage structures, could involve the storage and use hazardous materials. To minimize the risk of site contamination or other hazards posed by the materials, the project would be required to implement a Hazardous Materials Business Plan (HMBP). Implementation of the HazMat discovery clause and the HMBP, the project's impacts from hazardous materials would be reduced to less than significant levels.

*(d) No Impact:* The project would not interfere with any emergency response or emergency evacuation plan.

*(g) No Impact:* The project has no history of oil or gas extraction and the project would not result in exposure to hazards from oil or gas pipelines or oil well facilities.

**Cumulative Impacts:** While the proposed project would involve the use and storage of hazardous materials which could create a significant public health hazard, adherence to mitigation measures below would ensure that the project's contribution to cumulative impacts would be adverse, but less than significant. There are no toxic sites or hazardous facilities in the vicinity that would result in a cumulative public health hazard.

**Mitigation and Residual Impact:**

With the application of the following measures, potential impacts from the use or storage of hazardous materials would be mitigated to less than significant levels (Class II).

**15. HAZARDOUS MATERIALS DISCOVERY:** In the event that visual contamination or chemical odors are detected while implementing the approved work on the project site all work shall cease immediately. The property owner or appointed agent shall Contact the County Fire Department's Hazardous Materials Unit (HMU); the resumption of work requires the approval of the HMU. **Plan Requirements/Timing:** This requirement shall be noted on all grading and building plans.

**MONITORING:** Permit Compliance personnel shall perform periodic inspections.

**16.** The applicant shall modify the existing Hazardous Materials Business Plan (HMBP) for the proposed project site as required by the Fire Department. **Plan Requirements and Timing:** Prior to occupancy clearance, the applicant shall submit a revised HMBP to Fire Department for review and approval. The plan shall be updated annually and shall include a monitoring section. The components of HMBP shall be implemented as indicated in the approved Business Plan.

**MONITORING:** Fire Department will monitor as specified in the Business Plan. Annual permits may be required.

With the incorporation of these measures, residual impacts would be less than significant.

**4.10 HISTORIC RESOURCES**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?			X		
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?			X		

**Existing Setting:** The proposed project site includes multiple structures which are greater than 50 years in age. These structures include a welding shop (built in 1957), a hay shed/tack room (built in 1957), barn/office (built in 1956), livestock shelter (built in 1956), and a hay sales/trucking facility (built in 1957).

**Regulatory Setting:** Historic Resource impacts are determined through use of the County's Cultural Resources Guidelines. A significant resource a) possesses integrity of location, design, workmanship, material, and/or setting; b) is at least fifty years old, and c) is associated with an important contribution, was designed or built by a person who made an important contribution, is associated with an important and particular architectural style, or embodies elements demonstrating outstanding attention to detail, craftsmanship, use of materials, or construction methods.

**Impact Discussion:**

(a) *Less than significant impact:* The proposed project includes the demolition of two structures which are in excess of 50 years in age. These structures include a 961 square foot hay shed/tack room (built in

1957) and a 1,024 square foot livestock shelter (built in 1956). Although these structures are in excess of 50 years in age, they lack the architectural characteristics (i.e. unique design features, native materials, etc.) and/or cultural importance (i.e. designed/built by a master builder/architect, associated with an important historical figure/event, etc.) necessary to be considered historically significant as individual structures. These aforementioned structures were originally constructed as part of a compound of structures associated with a historic livestock auction facility. If this compound of structures still existed in a cohesive historical context, the demolition or substantial alteration of individual historic structures on the project site could impact the historical context of the entire site. However, County records indicate that ten additional structures were constructed on the site between 1982 and 2003. These newer structures are not consistent in architectural character with original auction yard facilities. Furthermore, site conditions indicate that existing historic structures have been substantially altered and that other livestock auction facilities were demolished over the past 40 years. As a result the project site now lacks the cohesive historical context necessary to consider the remaining livestock auction facilities historically significant. Therefore, the proposed demolition and new construction would not result in a significant impact to historical resources.

**(b) No impact:** The proposed project would not result in beneficial impacts to historic resources.

**Cumulative Impacts:** The proposed project would not result in a substantial change to the historic character of the site. Project contribution to cumulative impacts would not be considerable.

**Mitigation and Residual Impact:** No mitigation required. Residual impacts would be less than significant.

#### 4.11 LAND USE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?			X		
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		
c. The induction of substantial growth or concentration of population?			X		
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?			X		
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?			X		

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

**Existing Setting:**

The project site is currently developed with several agricultural and commercial structures. Surrounding land uses include cattle grazing, single-family residences, and a commercial trailer sales lot.

**Regulatory Setting:** The Thresholds and Guidelines Manual contains no specific thresholds for land use. Generally, a potentially significant impact can occur if a project as proposed is potentially inconsistent with policies and standards adopted by an agency for the purposes of environmental protection or would result in substantial growth inducing effects.

**Impact Discussion:**

*(a-b) Less than significant impact:* As previously discussed in the CEQA baseline section: 1) the proposed consistency Rezone would result in a reduction in the number ministerial permitted land uses allowed by the underlying zone district. As a result the rezone would not have a significant effect on the land use pattern in this region of the County. 2) The Development Plan and Overall Sign Plan development of a single-family home, horse barns, agricultural accessory, storage structures, and signs on the proposed project site would be consistent with the existing and/or future development in this region of the county and is an allowed use in the both AGI zone district and an allowed in the AG-II zone district on parcels with an Agricultural Industrial overlay designation. The proposed project site already contains several commercial and agricultural structures which are supportive of surrounding offsite agricultural operations. Many of these would continue operations as legal, non-conforming uses after the Consistency Rezone. The proposed aforementioned land uses are similar in operation and intensity to land uses which already exist on the project site and on surrounding properties. Therefore the proposed project would not result in a substantial change to the existing environment.

*(c-d) Less than significant impact:* The project includes the development of a single-family home whose marginal residential population would not result in a substantial growth in regional population. There are no new access roads or sewer improvements proposed as part of the project which would have the potential to serve other development.

*(e-g) No impact:* There are no existing residential structures proposed for demolition as part of the project and, therefore, no residents would be displaced as a result the proposed project.

*(h) Less than significant impact:* The property is currently privately owned and is not currently used, nor has it been historically used, by the surrounding community for active or passive recreational purposes.

(i-j) **No impact:** The project would not create any identified social or economic effect that could result in a significant physical change, and future development on the site would not affect, nor be affected by, airport safety zones.

**Cumulative Impacts:**

The project would not result in any significant project specific land use impacts. The project would be consistent with the County Comprehensive Plan and would be compatible with surrounding land uses and development. The project's contribution to cumulative impacts would not be considerable.

**Mitigation and Residual Impact:** No mitigation required. Residual impacts would be less than significant.

**4.12 NOISE**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?		X			
b. Short-term exposure of people to noise levels exceeding County thresholds?		X			
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?			X		

**Existing Setting:** The proposed project site is located within the 65 dB(A) noise contour for Highway 101. Surrounding noise-sensitive uses consist of single-family homes located on adjacent parcels to the west and to the north.

**Regulatory Setting:** Noise is generally defined as unwanted or objectionable sound which is measured on a logarithmic scale and expressed in decibels (dB(A)). The duration of noise and the time period at which it occurs are important values in determining impacts on noise-sensitive land uses. The Community Noise Equivalent Level (CNEL) and Day-Night Average Level (L<sub>dn</sub>) are noise indices which account for differences in intrusiveness between day- and night-time uses. County noise thresholds are: 1) 65 dB(A) CNEL maximum for exterior exposure, and 2) 45 dB(A) CNEL maximum for interior exposure of noise-sensitive uses. Noise-sensitive land uses include: residential dwellings; transient lodging; hospitals and other long-term care facilities; public or private educational facilities; libraries, churches; and places of public assembly.

**Impact Discussion:**

(a, c) **Less than significant:** The proposed project consists of the demolition of approximately 2,998 square feet of structures and the construction of 19,547 square feet of new structures. Approximately 26,356 square feet of existing development will remain onsite. This would ultimately result in a net of 45,042 square feet structural development on the site (existing and new). Structures proposed for demolition include a livestock shelter, hay barn, and tack room/shed. Newly proposed development includes a single-family residence, two horse barns, one agricultural accessory building, and five agricultural storage buildings. The Noise Element of the County's Comprehensive Plan, requires that interior noise levels not exceed a level of 45 dBA and exterior noise levels not exceed a level of 65 dBA. According to a noise study prepared for a recent subdivision south of the project site, the sound levels within 10-0 feet of the edge of pavement for U.S. Highway 101 does not exceed the County's maximum levels of 45 dBA for interior levels and 65 dBA for exterior noise levels. Although the topography ingredient and U.S. Highway 101 gradients differ between the two sites, staff concludes that traffic noise levels in both locations are comparable. This

means that simply complying with the Uniform Building Code (UBC) would ensure that interior noise levels are below the interior noise threshold of 45 dBA. The establishment of a residential use on the project site would not subject the residents to exterior noise levels in excess of 65 dB(A) CNEL nor interior noise levels in excess of 45 dB(A) CNEL. Long-term noise generated onsite would not: 1) exceed County thresholds, or 2) substantially increase ambient noise levels in adjoining areas. Noise sensitive uses on the proposed project site would not be exposed to or impacted by off-site noise levels exceeding County thresholds. Impacts would be less than significant.

(b) *Less than significant*: The proposed project would not result in construction activities generating short-term noise impacts exceeding County thresholds. Impacts would be less than significant.

**Cumulative Impacts:**

The proposed project would generate noise consistent with the character and level of existing ambient noise in the vicinity. The project's contribution to cumulative noise impacts would not be considerable.

**Mitigation and Residual Impact:** The following mitigation measures would reduce the project's noise effects to a less than significant level:

17. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (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.

With the incorporation of these measures, residual impacts would be less than significant.

**4.13 PUBLIC FACILITIES**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?			X		
b. Student generation exceeding school capacity?			X		
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	
d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	
e. The construction of new storm water drainage or water quality control facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		

**Regulatory Setting:**

(Schools) A significant level of school impacts is generally considered to occur when a project would generate sufficient students to require an additional classroom.

(Solid Waste) A project is considered to result in significant impacts to landfill capacity if it would generate 196 tons per year of solid waste. This volume represents 5% of the expected average annual increase in waste generation, and is therefore considered a significant portion of the remaining landfill capacity. In addition, construction and demolition waste from remodels and rebuilds is considered significant if it exceeds 350 tons. A project which generates 40 tons per year of solid waste is considered to have an adverse effect on solid waste generation, and mitigation via a Solid Waste Management Plan is recommended.

**Impact Discussion:**

(a) *Less than significant impact:* The proposed project includes the development of one single-family home which would constitute a negligible increase in residential population; this associated residential population would not produce any significant increase in the need for emergency services. Therefore, the project could be accommodated by the Sheriff's Department and the existing health care system without a significant impact to public service levels.

(b) *Less than significant impact:* The addition of one single-family home and associated population would be expected to generate one student at a projected generation rate of 0.5 elementary students, 0.25 middle school students, and 0.25 high school students. This project impact on school facilities would be considered less than significant, and any students generated as a result of the project would be accommodated by the existing school districts. School fees would be collected by the districts to offset the project's incremental contribution to cumulative impacts on schools.

(c) *Less than significant impact:* The proposed project is expected to generate approximately 36.4 tons of solid waste per year based on the following generation rates contained in the County Threshold Manual.

Land Use	Solid Waste Generated per Year	Estimated Project Waste Generation
One (1) Single-family Dwelling	2.9 tons of solid waste	2.9 tons
One (1) Agricultural Accessory Structure (2,970 sq. ft.)	0.0016 tons solid waste / per sq. ft.	4.7 tons
Six (6) Agricultural Storage Structures (18,000 sq. ft.)	0.0016 tons solid waste / per sq. ft.	28.8 tons
<b>Total Estimated Waste Generation</b>		<b>36.4 tons per year</b>

The 36.4 tons of solid waste per year would fall below both the 196 tons per year threshold for significant impacts and the 40 tons per year threshold for adverse impacts. Therefore the project would constitute an incremental and less than significant contribution to cumulative solid waste generation.

(d) *Less than significant impact:* The proposed project does not include or necessitate the construction of any new public sewer treatment infrastructure. The proposed development would be serviced by onsite, private septic systems.



(e) **Less than significant impact:** The project would result in a marginal increase of impermeable surface area on the project site. However, County Flood Control has reviewed the proposed project and would require the construction of new drainage improvements. The project would include the review and approval of grading and drainage plans. All runoff would be conveyed to prevent erosion from slopes and channels. The physical impacts resulting from this disturbance are discussed in Sections 4.2, 4.4, 4.5 and 4.8 above. Therefore, no further mitigation would be required to mitigate these potential impacts. Impacts to public facilities resulting from the project would be less than significant (Class III)

**Cumulative Impacts:**

The proposed project would not result in any significant public facilities impacts. Solid waste generation would be below the County threshold of 196 tons per year for a significant cumulative impact. The payment of Development Impact Mitigation Fees would ensure the project covers its fair share of any enhancements or improvements necessary for local services (Fire, Sheriff, Library, etc.). The project's contribution to significant cumulative impacts would not be considerable.

**Mitigation and Residual Impact:**

The following mitigation measures would reduce the project's public service impacts to a less than significant level:

18. 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, but is not limited to the following measures:

General

- a. Provision of bins for storage of recyclable materials within the project site.

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

With the incorporation of this measure, residual impacts would be less than significant.

**4.14 RECREATION**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?			X		
b. Conflict with biking, equestrian and hiking trails?			X		
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?			X		

**Impact Discussion:**

(a,b) *Less than significant impacts:* The proposed project site is not located adjacent, or in close proximity, to any designated equestrian or hiking trails. The project site is located adjacent to Highway 101 which is a designated bikeway. However, sufficient open space area (including the Zaca Creek riparian corridor) is located between all proposed development and Highway 101 to prevent any impacts to this bikeway. Therefore, no significant impacts would result.

(c) *Less than significant impacts:* The proposed project includes the development of one new single-family dwelling, this minimal increase in residential population increase and would not result in significant adverse impacts on the quality or quantity of existing recreational opportunities, either in the project vicinity or County-wide. Parks Department would require the payment of Quimby fees for new residential development which would mitigate the project's contribution to the regional demand for parks and recreational facilities.

**Cumulative Impact Discussion:**

The proposed project would not directly impact any existing recreational resources in the vicinity. The increase in population resulting from the project would not be substantial or overburden existing recreation activities. The project would nonetheless be required to pay Development Impact Mitigation Fees, which would be applied directly to the maintenance of existing and/or development of new recreational facilities in the planning area. The project's contribution to cumulative recreational impacts would not be considerable.

**Mitigation and Residual Impact:** No mitigation required. Residual impacts would be less than significant.

**4.15 TRANSPORTATION/CIRCULATION**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?			X		
b. A need for private or public road maintenance, or need for new road(s)?			X		
c. Effects on existing parking facilities, or demand for new parking?				X	
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?			X		
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?			X		
g. Inadequate sight distance?				X	
ingress/egress?				X	
general road capacity?			X		
emergency access?			X		
h. Impacts to Congestion Management Plan system?				X	

**Impact Discussion:**

(a) *Less than significant impact:* The proposed project includes the development of one new single-family dwelling, two horse barns, one agricultural accessory structure, and six agricultural storage buildings. The proposed horse barns are considered accessory to the residential use of the property and are not expected to independently generate substantial amounts of traffic. The additional traffic associated with the single-family dwelling and seven agricultural structures is estimated in the table below, using the County's standard traffic generation coefficient for commercial warehousing. Projected traffic is identified in Average Daily Trips (ADTs) and Peak Hour Trips (PHTs).

Traffic Generation Rates By Proposed Land Use		
Single-family Residence	10 ADTs per Unit	1/PHTs Per Unit
Warehousing	4.9/ADTs per 1,000 square feet	0.45 AM PHTs per 1,000 s.f. 0.47 PM PHTs per 1,000 s.f.

Estimated Project Generated Traffic				
(1) Single-family Residence	1-unit	10 ADTs	1 AM PHT	1 PM PHTs
(1) Agricultural Accessory Structure	2,970 square feet	15 ADTs	2 AM PHTs	2 PM PHTs
(6) Agricultural Storage Building	18,000 square feet	89 ADTs	9 AM PHTs	9 PM PHTs
<b>Total Estimated Traffic</b>		<b>114 ADTs</b>	<b>12 AM PHTs</b>	<b>12 PM PHTs</b>

As indicated in the table above, the estimated project generated traffic would be 114 ADTs and 12 PHTs. Due to the low traffic volume on Jonata Park Road this amount of traffic would have a negligible effect on area roadways. The only intersection located in close proximity to the project (Jonata Park Road and Highway 101) would be expected to continue operating at a Level of Service A. The proposed project would result in less than significant impacts to transportation.

(b-h) *Less than significant impacts:* (b) No new public roads would be required to serve the project. (c) The project would not substantially affect existing neighborhood parking. Existing parking onsite is forty-five and proposed is twenty-six for a total of seventy-one parking spaces. The quantity of existing parking spaces located on the project site exceeds the number required by the County's Land Use and Development Code. Required parking would be thirty-seven spaces for the existing and proposed uses and eight spaces for employees. (d) There are limited transit facilities and subsequent use in this area, however, the project is minor in scope and would have less than significant effect. (e) The proposed residential and agricultural commercial uses would not affect air, rail, or waterborne traffic. (f) Due to the low traffic volumes on Jonata Park Road and the project's potential for creating only marginal amounts of additional traffic, the proposed project would result in less than significant traffic hazards. Caltrans (Chris Shaeffer, CALTRANS, 04/28/10) review indicates the need for General Plan transportation goals and policies requiring: 1) frontage road expansion along Highway 101; 2) access limitations and closure of at-grade intersections; 3) median cross-overs along Highway 101; 4) right of way dedication for a frontage road network for properties developing adjacent to Highway 101; and 5) discourage intensification where reliance for local and regional transportation access is placed upon at-grade intersections. However, Public Works Transportation review concludes that the minimal increase in traffic generated by the proposed project would be less than significant when compared to the overall volume of, and daily fluctuation in, traffic on the roadway and at the US 101/Jonata Park Road intersection. (g) The design of the project provides full line of sight for the traffic generated by the project. Access to the project site would be provided by existing private driveways extending from Jonata Park Road. (h) No impacts to a Congestion Management Plan are expected.

**Cumulative Impacts:**

The proposed project would not result in any significant transportation impacts. The payment of Development Impact Mitigation Fees would help to fund local transportation and roadway improvements which would offset any cumulative impact of the project. Thus, the project's contribution to cumulative transportation impacts would not be considerable.

**Mitigation and Residual Impact:** No mitigation required. Residual impacts would be less than significant.

**4.16 WATER RESOURCES/FLOODING**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?			X		
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?		X			
c. Change in the amount of surface water in any water body?			X		
d. Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?			X		
e. Alterations to the course or flow of flood water or need for private or public flood control projects?		X			
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis, sea level rise, or seawater intrusion?		X			
g. Alteration of the direction or rate of flow of groundwater?			X		
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?			X		
i. Overdraft or over-commitment of any groundwater basin? Or, a significant increase in the existing overdraft or over-commitment of any groundwater basin?			X		
j. The substantial degradation of groundwater quality including saltwater intrusion?			X		
k. Substantial reduction in the amount of water otherwise available for public water supplies?			X		
l. Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?			X		

## Setting:

The proposed project site is located on a portion of the Buellton Uplands Groundwater Basin is located in the southwest corner of the Santa Ynez Valley Community Plan (SYVCP) Area. It extends westward from Ballard Canyon Road just east of Buellton to a topographic divide outside the Planning Area about one mile west of Drum Canyon Road. According to the SYVCP, agriculture irrigation accounts for about 80% of the water demand within the basin; the remaining demand is mostly from urban consumers (including City of Buellton) and scattered farmsteads around the rural area.

The 2005 SB County Groundwater Report indicated this basin was in a state of surplus equivalent to 800 AFY. This surplus represents the average annual amount of groundwater from the Buellton Uplands Basin that discharges annually into the Santa Ynez River Riparian Basin.

## Water Resources Thresholds

A project is determined to have a significant effect on water resources if it would exceed established threshold values which have been set for each overdrafted groundwater basin. These values were determined based on an estimation of a basin's remaining life of available water storage. If the project's net new consumptive water use [total consumptive demand adjusted for recharge less discontinued historic use] exceeds the threshold adopted for the basin, the project's impacts on water resources are considered significant.

A project is also deemed to have a significant effect on water resources if a net increase in pumpage from a well would substantially affect production or quality from a nearby well.

*(a, e-f) Less than significant with mitigation:* Zaca Creek traverses the eastern edge of the proposed project site. This blue line creek does present a minor potential for flooding to occur on the project site resulting in a potentially significant impact. To mitigate this potential flooding hazard no development shall occur within 50 feet of the top of bank of Zaca Creek, resulting in a less than significant impact to associated development. With the implementation of this measure, potential impacts from flooding hazards will be less than significant.

*(b-d) Less than significant impact:* Construction activities such as grading could potentially create temporary runoff and erosion problems. Application of standard County dust-control measures (mitigation listed previously in Section 4.3) which require revegetation or soil stabilization of disturbed areas would ensure that no significant increase of erosion or storm water runoff would occur.

*(g-k) Less than significant impact:* The proposed project would be supplied water from a private well which receives its water from the Buellton Uplands Basin groundwater basin. Any future residence, resulting from the proposed project would receive its water from an on-site private well. The project site currently contains one domestic well and one agricultural well. The new single-family home is expected to generate an additional water usage of less than 5.6 acre feet per year (AFY). This is below the 26 (AFY) significance threshold for groundwater usage in the Buellton groundwater basin. Any future residence, resulting from the proposed project, would utilize an on-site wastewater disposal system (septic) which would contribute to the cumulative degradation of groundwater quality. However, the construction and ongoing use of this system would be subject to the approval of the Environmental Health Services Department and therefore all expected impacts from this disposal system are expected to fall below a level of significance. Therefore the proposed project would be below the 26 (AFY) threshold, no significant impact would occur.

*(l) Less than significant impact:* Additional residential use would be expected to generate only minor amounts of storm water pollutants, such as cleansers, paint, and motor oil. Minor amounts of such household

hazardous material would not present a significant potential for release of waterborne pollutants and would be highly unlikely to create a public health hazard. The agricultural use of industrial chemicals, such as pesticides and fertilizers, could potentially result in the release of waterborne pollutants into Zaca Creek. However, this agricultural application is already allowed under the current zone district (AG-II-100) and is considered an existing condition of the subject property. Therefore, the presence and use of such chemicals on the project site is not considered an impact directly produced by the approval of the proposed project. Refer to Hazardous Materials Business Plan required in Section 4.9.

**Cumulative Impacts:** The project's water quality impacts would result from an increase in impervious surfaces and the associated increase in storm water runoff and potential short-term construction related pollution and contamination. Mitigation requiring a setback from the top of bank of Zaca Creek, and approval of stormwater detention would ensure that the project would not contribute to considerable cumulatively adverse water quality impacts.

**Mitigation and Residual Impact:**

With the application of the measures listed below the potential impacts resulting from increased potential for storm water runoff of the project would be mitigated to a less than significant level (Class II).

19. No structural development shall be located within a 50-foot development setback from the Flood Control District approved top of bank of Zaca Creek. Access and utility improvements are not prohibited but shall be designed, to the extent feasible, to avoid and minimize impacts to sensitive biological resources.

**Plan Requirements/Timing:** Prior to final map recordation the proposed final map, with approved top of bank and 50-foot development setback shown, shall be reviewed and approved by the County's Flood Control District.

**MONITORING:** P&D staff shall check plans for compliance with this condition prior to map clearance for recordation.

20. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs.

**Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Zoning Clearance Permits. The washout area(s) shall be in place and maintained throughout construction.

**MONITORING:** P&D staff shall check plans prior to approval of Zoning Clearance Permit and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

**5.0 INFORMATION SOURCES**

**5.1 County Departments Consulted** (*underline*):

Police, Fire, Public Works, Flood Control, Parks, Environmental Health, Special Districts,  
 Regional Programs, Other : \_\_\_\_\_

**5.2 Comprehensive Plan** (*check those sources used*):

- |                                                                   |                                                          |
|-------------------------------------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> Seismic Safety/Safety Element | <input checked="" type="checkbox"/> Conservation Element |
| <input type="checkbox"/> Open Space Element                       | <input checked="" type="checkbox"/> Noise Element        |
| <input type="checkbox"/> Coastal Plan and Maps                    | <input checked="" type="checkbox"/> Circulation Element  |
| <input type="checkbox"/> ERME                                     | _____                                                    |

**5.3 Other Sources** (*check those sources used*):

- |                                                                      |                                                                                           |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Field work                       | <input type="checkbox"/> Ag Preserve maps                                                 |
| <input type="checkbox"/> Calculations                                | <input checked="" type="checkbox"/> Flood Control maps                                    |
| <input checked="" type="checkbox"/> Project plans                    | <input checked="" type="checkbox"/> Other technical references<br>(reports, survey, etc.) |
| <input type="checkbox"/> Traffic studies                             | <input checked="" type="checkbox"/> Planning files, maps, reports                         |
| <input type="checkbox"/> Records                                     | <input checked="" type="checkbox"/> Zoning maps                                           |
| <input checked="" type="checkbox"/> Grading plans                    | <input checked="" type="checkbox"/> Soils maps/reports                                    |
| <input type="checkbox"/> Elevation, architectural renderings         | <input checked="" type="checkbox"/> Plant maps                                            |
| <input checked="" type="checkbox"/> Published geological map/reports | <input checked="" type="checkbox"/> Archaeological maps and reports                       |
| <input checked="" type="checkbox"/> Topographical maps               | <input type="checkbox"/> Other                                                            |

**6.0 PROJECT SPECIFIC (short- and long-term) AND CUMULATIVE IMPACT SUMMARY**

The proposed project does not have potential impacts that cannot be feasibly mitigated to less than significant levels.

- I. Project-Specific Impacts which are of unavoidable significance levels (Class I): None
- II. Project-Specific Impacts which are potentially significant but can be mitigated to less than significant levels (Class II): Aesthetics/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geologic Processes, Hazardous Materials / Risk of Upset, Transportation / Circulation, Water Resources/Flooding.
- III. No potentially significant adverse cumulative impacts have been identified.

**7.0 MANDATORY FINDINGS OF SIGNIFICANCE**

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, contribute significantly to greenhouse gas emissions or significantly increase energy consumption, or eliminate important examples of the major periods of California history or prehistory?				X	
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?			X		
3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)		X			
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?			X		

Compliance with required mitigation measures would avoid significant impacts to the biological resources associated with the riparian corridor. The project's effects on air quality, traffic, water, and public services would be below adopted thresholds of significance.

## 8.0 PROJECT ALTERNATIVES:

Not applicable.

## 9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

### Zoning

The proposed project is consistent with the requirements of the Santa Barbara County Land Use and Development Code (Inland Zoning Ordinance). The AGI zoning of the site allows for the uses proposed.



**Comprehensive Plan**

The project will be subject to all applicable requirements and policies under the Santa Barbara County Land Use and Development Code, and the County's Comprehensive Plan. This analysis will be provided in the forthcoming Staff Report. The following policies will be addressed among others:

1. Land Use Development Policy #4
2. Hillside & Watershed Protection Policy # 1,2,3,5,6,7
3. Historical and Archaeological Policy # 2, 3,5
4. Visual Resources Policy # 2,5

### 10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

X  Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

     Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the **REVISED PROJECT DESCRIPTION** would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

     Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

     Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

     With Public Hearing      X  Without Public Hearing

PREVIOUS DOCUMENT: None

PROJECT EVALUATOR:  John Karamitsos  DATE:  March 3, 2010

### 11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

     I agree with staff conclusions. Preparation of the appropriate document may proceed.

     I DO NOT agree with staff conclusions. The following actions will be taken:

     I require consultation and further information prior to making my determination.

SIGNATURE: \_\_\_\_\_ INITIAL STUDY DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ NEGATIVE DECLARATION DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ REVISION DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ FINAL NEGATIVE DECLARATION DATE: \_\_\_\_\_

### 12.0 ATTACHMENTS

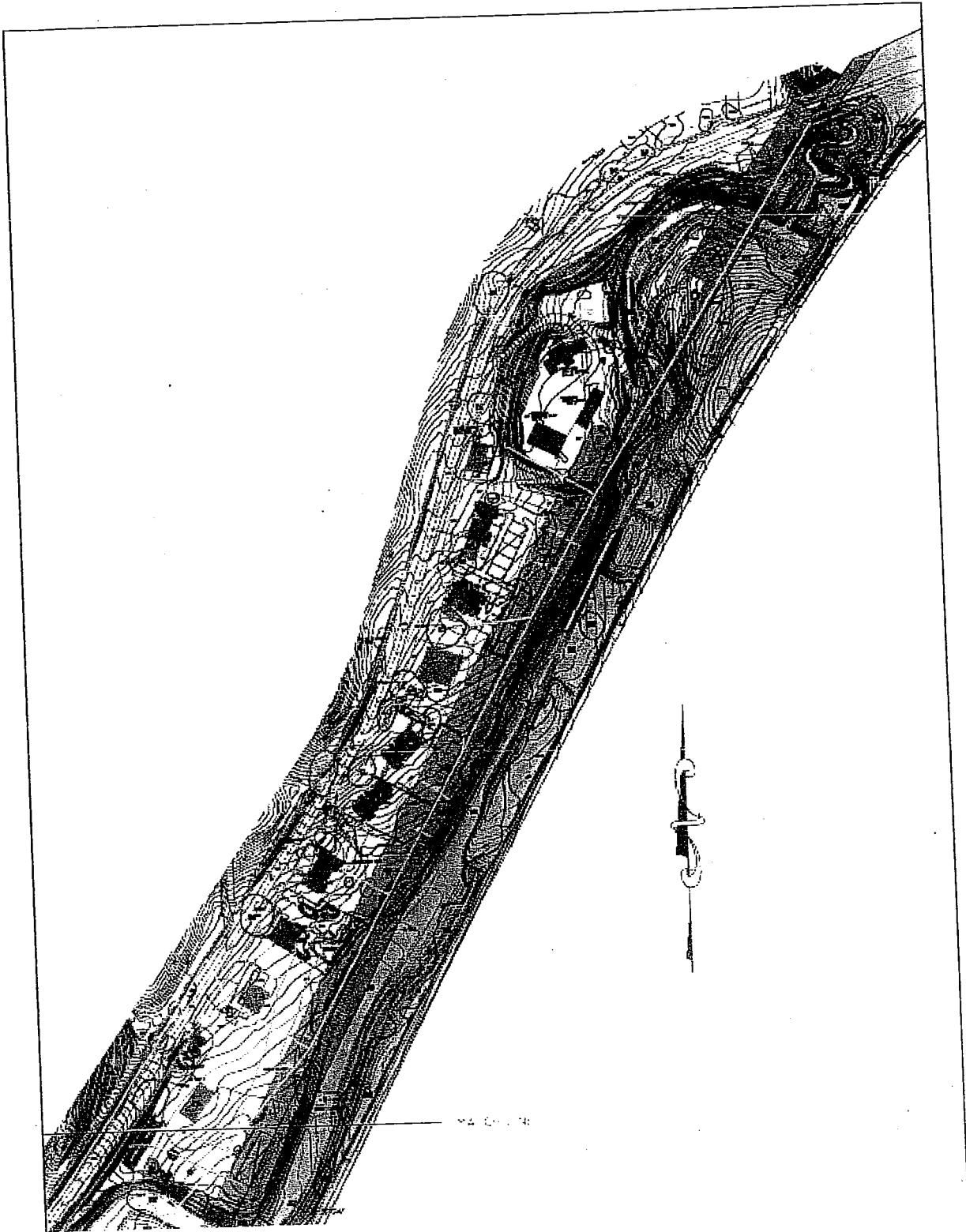
1. Vicinity Map
2. Site Plan
3. Zoning Page
4. Public Comment Letters

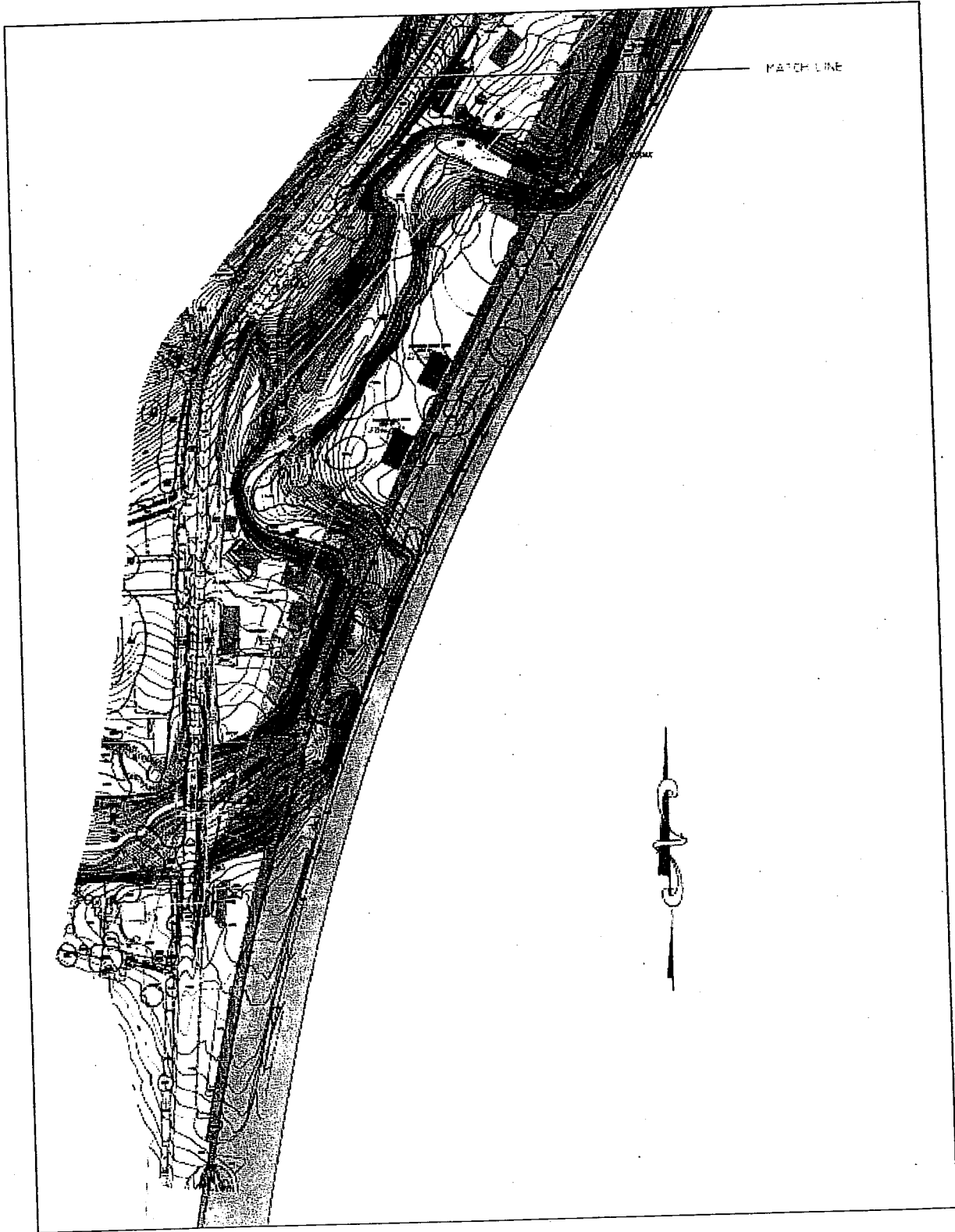
# VICINITY MAP



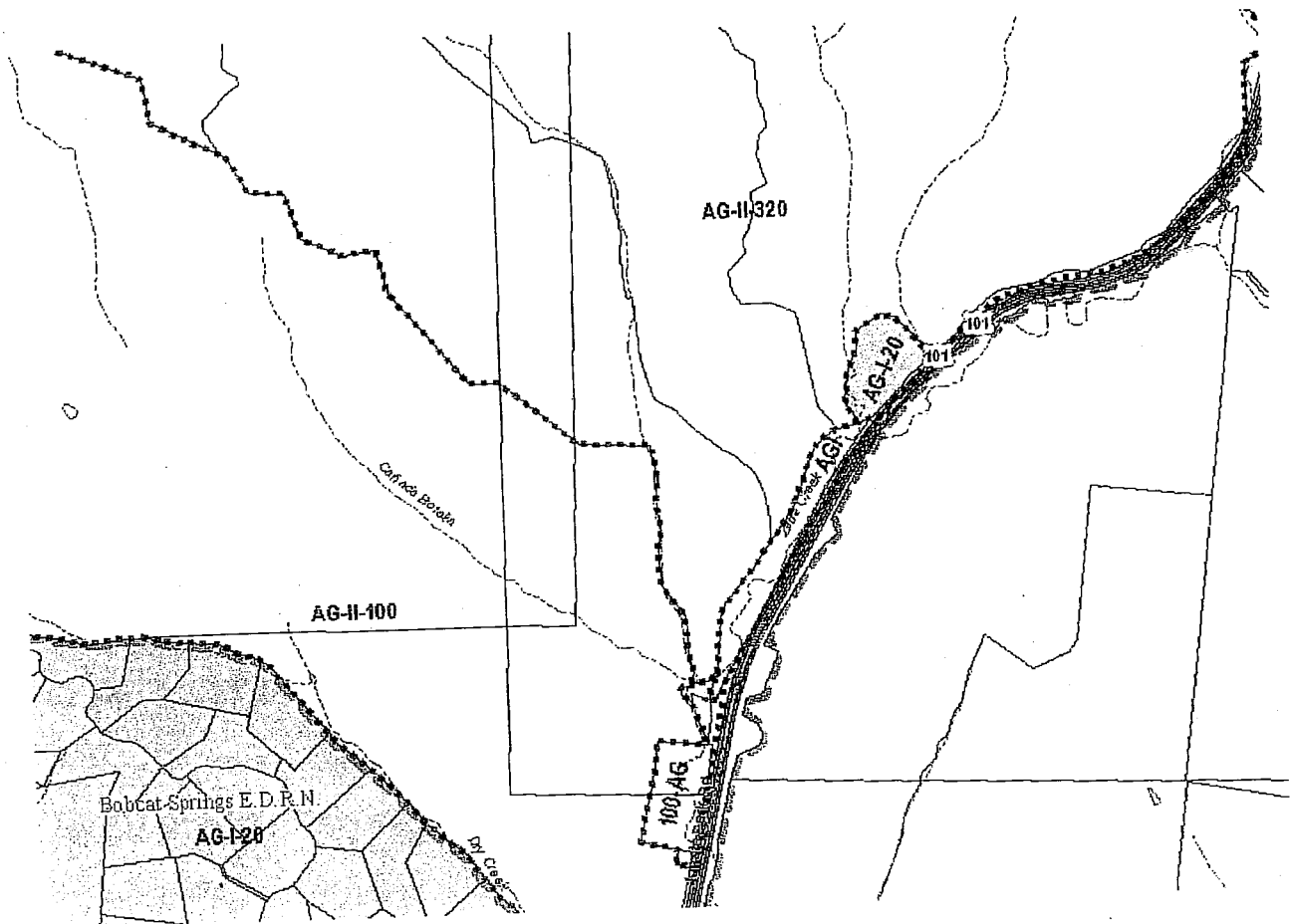


### SITE PLAN





### Zoning Map



**ATTACHMENT 4**  
**PUBLIC COMMENTS RECEIVED**

A. Letters Received:

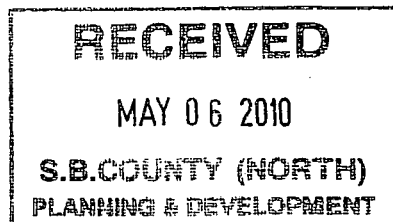
1. Eric Gage, SB County Air Pollution Control District, letter dated April 16, 2010.
2. Chris Shaeffer, CA Department of Transportation, letter dated April 28, 2010.
3. Edmund Pert, CA Department of Fish & Game, letter dated April 28, 2010.
4. Regional Water Quality Control Board email dated May 4, 2010

G:\GROUP\PERMITTING\Case Files\DVP\07 Cases\07DVP-00000-00028 Hollister-Yacono\CEQA Review\Revised  
Final MND Hollister-Yacono 05-14-10.doc



  
Santa Barbara County  
Air Pollution Control District

May 4, 2010

Florence Trotter-Cadena  
Santa Barbara County  
Planning and Development  
624 W. Foster Road, Suite C  
Santa Maria, CA 93454

**Re: Hollister/Yacono Development Plan, Consistency Rezone**  
**10NGD-00000-00003, 09RZN-00000-00010, 08OSP-00000-00001, 07DVP-00000-00028**

Dear Ms. Trotter-Cadena:

The Air Pollution Control District (APCD) has reviewed the referenced case, which consists of demolition and relocation of approximately 3,700 square feet of existing structures. Also proposed are approximately 22,400 square feet of new agricultural storage buildings in addition to the existing 22,572 square feet proposed to remain. The proposed consistency rezone would change the current zoning of Ordinance 661 Intensive Agricultural to AG-II-100. An overall sign plan is also proposed for commercial signs. The subject property, a 32.84-acre parcel identified in the Assessor Parcel Map Book as APN 009-640-010, is located at 2201 Highway 101 in the unincorporated area of Buellton.

The Air Pollution Control District offers the following suggested conditions:

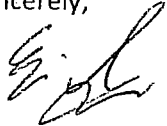
1. Standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
2. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
3. 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.
4. All portable diesel-fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
5. Applicant is required to complete and submit an Asbestos Demolition/Renovation Notification (APCD Form ENF-28 which can be downloaded at <http://www.sbapcd.org/eng/dl/dl08.htm>) for each regulated structure to be demolished or renovated. Demolition notifications are required

Terence E. Dressler • Air Pollution Control Officer

regardless of whether asbestos is present or not. The completed notification should be presented or mailed to the Santa Barbara Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. For additional information regarding asbestos notification requirements, please visit our website at <http://www.sbcapcd.org/biz/asbestos.htm> or contact us at (805) 961-8800.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at [edg@sbcapcd.org](mailto:edg@sbcapcd.org).

Sincerely,



Eric Gage,  
Air Quality Specialist  
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: Mosaic Land Planning, LLC  
Project File  
TEA Chron File



**ATTACHMENT A**  
**FUGITIVE DUST CONTROL MEASURES**

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- 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. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is 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.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- 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 for map recordation and land use clearance for finish grading of the structure.

**Plan Requirements:** All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B  
DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

**MONITORING:** Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.ca.gov/dist05/>



*Flex your power!  
Be energy efficient!*

April 28, 2010

Florence Trotter-Cadena  
County of Santa Barbara Planning & Development  
624 W. Foster Road #C  
Santa Maria, CA 93455

SB 101 pm 60.05  
SCH 2010041006

Subject: Hollister-Yacono Development Plan Mitigated Negative Declaration

Dear Ms. Trotter-Cadena:

Thank you for the opportunity to review and comment upon the subject project and environmental document. The project is located near the north end of Jonata Park Road and near the Jonata Park Road / U.S. 101 at-grade intersection. The Mitigated Negative Declaration anticipates 114 average daily trips will be generated through the combination of uses that the development plan proposes. There is no discussion how many of those trips will access U.S. 101 directly versus remaining on Jonata Park Road toward Buellton. Although the Level of Service may well remain acceptable, there should be acknowledgement that at-grade intersections upon U.S. 101 are not desirable.

With the exception of this single point, U.S. 101 is an operational freeway between the SR 154/U.S. 101 and Santa Rosa Road/U.S. 101 interchanges. Jonata Park Road recently experienced rehabilitation thereby providing a modern, updated two-lane frontage road that provides adequate service to all land uses on the westside of U.S. 101.

Caltrans urges the lead agency to consider various actions that are related to both land use decisions and interagency cooperation. These include General Plan transportation goals and policies that point to both frontage road expansion along U.S. 101 and access limitations and closure of at-grade intersections and/or median cross-overs along U.S. 101; land use goals and policies that require right of way dedication for a frontage road network when properties develop adjacent to U.S. 101 and discouraging land use intensification where reliance for local or regional transportation access is placed upon these at-grade intersections. Regarding interagency cooperation, Caltrans suggests that County Planning and Public Works begin a dialog focused on solutions to these access points and develop a strategic plan or memorandum of understanding which leads the way to a future regional facility with superior local and regional access.

Future regional and interregional vehicle trip volumes are anticipated to grow whether it is increased desire for coastal access and recreation or due simply to statewide population

Florence Trotter-Cadena

April 28, 2010

Page 2

growth. Turning and through movement conflicts at this and other at-grade intersections along U.S. 101 will only tend to increase. These conflicts in turn will increase the potential for accidents. It is incumbent upon us to collectively ensure that the regional infrastructure continues to provide operationally intact and safe mobility for multiple interests, but particularly our local constituents, as they make efforts to grow and develop the local economy and provide a legacy for their families.

Please contact either Paul McClintic (805.549.3473) or Larry Newland (805.549.3103) to begin this substantive dialog. Thank you in advance for your consideration of these comments.

If you have any questions about this letter, I can be reached at (805) 549.3632 or [chris.shaeffer@dot.ca.gov](mailto:chris.shaeffer@dot.ca.gov)

Sincerely,



Chris Shaeffer  
District 5 – Planning Group South  
Development Review

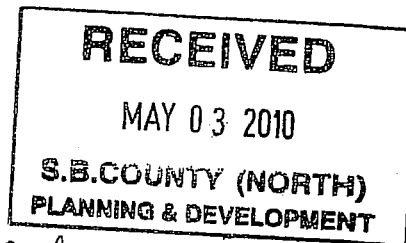
Cc: J. Karamitsos, SB County Planning  
D. Morgan, SB County Public Works  
W. Robertson, SB County Public Works  
L. Newland, Branch Chief, Planning South  
P. McClintic, Traffic Operations Chief



South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201  
<http://www.dfg.ca.gov>

April 28, 2010

John Karamitsos  
Santa Barbara County Planning and Development  
624 W. Foster Road, Suite C  
Santa Maria, CA 93455  
Fax No.: (805) 934-6258



*Read email copy  
4-30-10 FTJC.*

**Subject: Draft Mitigated Negative Declaration for the Hollister-Yacono Development Plan Project, SCH #2010041006**

Dear Mr. Karamitsos:

The Department of Fish and Game (Department), has reviewed the above Draft Mitigated Negative Declaration (DMND) for impacts to biological resources. The project applicant proposes a consistency rezone and final development plan for 45,042 ft.<sup>2</sup> of existing and proposed structural development, including driveways. The proposed project site is 32.84 acres located at 2201 U.S. Highway 101, two miles north of the City of Buellton, Santa Barbara County. Access is from Jonata Park Road. The habitat is primarily disturbed annual grassland. Surrounding land uses include open rangeland to the north, west, and south, and Zaca Creek (Creek) and U.S. Highway 101 to the east.

Proposed project impacts include the removal of ten non-native trees and the potential for impacts to coast live oak (*Quercus agrifolia*). Measures proposed to mitigate impacts include an oak tree protection and replacement plan, and a 50 ft. development setback from the Creek.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines §15386(a)) and pursuant to our authority as a Responsible Agency (CEQA Guidelines §15381) over those aspects of the proposed project that come under the purview of the Fish and Game Code Section 1600 et seq. As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.

**Impacts to Jurisdictional Drainages**

The Department requires a Lake or Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian resources. The law requires any person, state or local governmental agency, or public utility to notify the Department before beginning an activity that could substantially modify a river, stream, or lake. The project as proposed includes a 50 ft. development setback from the Creek. However, site plan G-1.1 for the proposed project shows at least one driveway proposed for construction within the 50 ft. setback. The site plan also does not indicate the location of construction equipment access or staging areas. The proposed project therefore may result in impacts from construction to streambeds within

Department jurisdiction. An application for a Lake or Streambed Alteration Agreement (LSAA), under Section 1600 et seq., will be required, in order to determine if the impacts would be substantial. The project applicant may call our San Diego office at (858) 636-3160 to initiate the 1600 process. A notification package may also be obtained online by visiting the Department's website at <http://www.dfg.ca.gov/1600/1600.html>.

### Impacts to Nesting Birds

All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. §10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA. The proposed removal of 10 trees should therefore take place outside of the breeding bird season (February 1- August 15) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, pre-project nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500 foot buffer for all active raptor nests).

Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Martin Potter, Environmental Scientist, at (805) 640-3677.

Sincerely,



Edmund Pert  
Regional Manager  
South Coast Region

cc: Ms. Helen Birss, DFG, Los Alamitos  
Ms. Betty Courtney, DFG, Newhall  
Mr. Sean Carlson, DFG, La Verne  
Ms. Natasha Lohmus, DFG, Santa Barbara  
Mr. Martin Potter, DFG, Ojai  
Mr. Scott Morgan, State Clearinghouse, Sacramento



## Trotter, Florence

---

**From:** David Innis [DBInnis@waterboards.ca.gov]  
**Sent:** Tuesday, May 04, 2010 10:06 AM  
**To:** Trotter, Florence  
**Cc:** JKaramitsos@SantaBarbaraCA.gov; Barrie Valencia  
**Subject:** Draft Mit Neg Dec - Hollister-Yacono Development Plan (SCH# 2010041006)

Florence Trotter-Cadena  
Santa Barbara County  
Planning and Development  
(805) 934-6258

Florence,

I would like to submit comments on the Draft Mitigated Negative Declaration (MDN) for the Hollister-Yacono Development Plan (SCH# 2010041006).

The MND indicates the project will disturb over 3 acres yet no mention is made to the developer applying for a Construction Stormwater General Permit Waste Discharge Identification (WDID) or developing a Storm Water Pollution Prevention Plan (SWPPP). This is especially needed due to the proposed construction and grading on steep slopes listed in Section 4.8 Regulatory Setting #s 2-4 (page 19). See more on these requirements

at:

[http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/construction.shtml)

1

Section 4.8, Mitigation and Residual Impact item 12. has two subsections:

- In 12.a, the MND indicates "graded areas shall be re-vegetation within 4 weeks of grading." However, the MND provides no assurances (other than dust control in Section ~~4.3~~) that any temporary Best Management Practices (BMPs) will be required to control erosion and sedimentation while the soil lays unprotected for a month. The SWPPP must provide the temporary BMPs to control erosion and sedimentation at all times while the disturbed areas remain exposed to the elements.

- In 12.b, the MND indicates "grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff." The MND provides no measures or requirements how this will be accomplished. The County must require specific geo-technically certified design criteria before allowing this project to go forward.

Section 4.8, Mitigation and Residual Impact item 13 states "all runoff water from impervious areas shall be conveyed to prevent erosion from slopes and channels." The Plan Requirements and Timing further state:

"A drainage plan which incorporates the above (conveyance?) and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Zoning Clearance Permits by the application [to] the Flood Control District for review and approval."

Item 13 doesn't provide a clear concept of what measures will be implemented to convey the runoff to what or where. The County must follow it's approved Storm Water Management Program (SWMP) to include all required means to design construction sites to reduce runoff volume and rates as required in the Post Construction BMPs. Additionally, approval by only the Flood Control District is inadequate and County agencies like Project Cleanwater and Planning & Development must also consider and review construction and post-construction design elements before approval.

Section 4.16 Water Resources Thresholds on page 32 list the applicant's reasoning on checklist issues that are less than significant with mitigation.

- Item (a, e-f) indicates "no development shall occur within 50 feet of the top of bank of Zaca Creek. I am not sure that this totally mitigates for potential flooding, but the requirement does concur with the Central Coast Water Board's Basin Plan to limit development within 30-feet of riparian habitats. The MND, however, indicates this might not limit construction of utilities. The applicant must consult with California Department of Fish and Game and US Army Corps of Engineers if any disturbance in the riparian zone or jurisdictional waters prior to any ground disturbing activities.

- Item (b-d) on pages 32 and 33 indicates "construction activities such as grading could potentially create temporary runoff and erosion problems." The mitigation is to apply "standard County dust-control measures", as mentioned in Section 4.3. The MND needs to provide more BMPs than for just dust control (see comments above).

- Item (g-k) indicates the use of "on-site wastewater disposal system (septic) which would contribute to the cumulative degradation of groundwater quality." The following statement indicates the system requires Environmental Health Services Department approval. It is unclear how approval of the system will preclude impacts from the disposal system. The County process must not approve projects that violate our anti-degradation policy (see State Board Resolution No.

68-16, "Statement of Policy With Respect to Maintaining High Quality of Waters in California" (Appendix I-I), and the Federal Anti-degradation Policy, as set forth in 40 CFR 131.12 (Appendix 1-2), as applied to the NPDES permitting process;  
[http://www.waterboards.ca.gov/water\\_issues/programs/npdes/docs/apu\\_90\\_004.pdf](http://www.waterboards.ca.gov/water_issues/programs/npdes/docs/apu_90_004.pdf)).

- Item (l) indicates "residential use would be expected to generate only minor amounts of storm water pollutants...would not present a significant potential for release of waterborne pollutants and would be highly unlikely to create a public health hazard." This mitigation attempt does not provide any controls to protect wildlife in Zaca Creek or its tributaries which may be more sensitive to "minor amounts of pollutants" and to human health. The item continues to indicate agricultural use of industrial chemicals which could potentially result in the release of waterborne pollutants into Zaca Creek. The mitigation logic indicates the agricultural applications are already allowed under the current zone district (AG-II-100) and is considered an existing condition. By stating the presence and use of such chemicals is not considered a impact directly produced by this project is not a mitigation. Past poor land use practices are not a reason for permitting future poor practices. The new land use must not be allowed to continue generating pollutants that may be detrimental to the Water Quality and Beneficial Uses of Zaca Creek and its tributaries.

The Cumulative Impact section on page 33 summarizes that the project's water quality impacts would result from an increase in impervious surfaces and associated increase in storm water runoff and potential short-term construction related pollution and contamination would be mitigated by a 50 foot setback from Zaca Creek and approval of stormwater detention would ensure that the project would not contribute to considerable cumulatively adverse water quality impacts." This summary is not supported by a complete analysis in the MND. This is the first statement that detention would be used to somehow reduce cumulatively adverse water quality impacts. The applicant must demonstrate that the plans are in compliance with the County's SWMP and State Anti-degradation Policy.

I found this MND lacking in detail, poorly written in areas, and needing more work to show that the project would be protective of land uses and water quality. The applicant needs to redraft the MND to clarify the BMPs to achieve protection of these uses.

Thank you for considering these late comments.

- Dave

David Innis, CPESC 5331  
Environmental Scientist  
Municipal, Construction, Industrial Stormwater, 401 Water Quality Certification

E-mail: [dbinnis@waterboards.ca.gov](mailto:dbinnis@waterboards.ca.gov).

or  
Regional Water Quality Control Board, Region 3  
895 Aerovista, Place., Suite 101  
San Luis Obispo, CA 93401-7906  
(805) 549 - 3150 (voice)  
(805) 788-3586 (Fax)

**ATTACHMENT D: DRAFT ORDINANCE**

LAND USE DEVELOPMENT CODE (ZONING MAP AMENDMENT)  
DRAFT  
ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE TO AMEND ASSESSOR PARCEL Number 099-640-010  
Case No. 09RZN-00000-00010

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

**SECTION 1**

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to Assessor's Parcel Number 099-640-010 shown on the map attached hereto as Exhibit A and incorporated by reference.

**SECTION 2**

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated \_\_\_\_\_, which redesignates Assessor's Parcel Number 099-640-010, from AGI to AG-II-100, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

**SECTION 3**

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

**SECTION 4**

Except as amended by this Ordinance, Section 35.14.020 of the Land Use Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

## SECTION 5

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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CHANDRA L. WALLER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, Chair, Board of Supervisors  
County of Santa Barbara  
State of California

DENNIS A. MARSHALL  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

**ATTACHMENT E: PLANNING COMMISSION RESOLUTION**

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING )  
TO THE BOARD OF SUPERVISORS THAT )  
AN ORDINANCE BE APPROVED AMENDING )  
SECTION 35-1, THE SANTA BARBARA )  
COUNTY LAND USE AND DEVELOPMENT )  
CODE, OF CHAPTER 35 OF THE SANTA )  
BARBARA COUNTY CODE, BY AMENDING )  
THE COUNTY ZONING MAP BY CHANGING )  
THE ZONING OF ASSESSOR’S PARCEL )  
NUMBER 099-640-010 FROM AGI to AG-II-100 )

RESOLUTION NO.: \_\_\_\_\_

CASE NO.: 09RZN-00000-00010

WITH REFERENCE TO THE FOLLOWING:

- A. On July 13, 1966, pursuant to Ordinance 1766, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 of Chapter 35 of the Santa Barbara County Code; and

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors approve an Ordinance, Exhibit 1, Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, by Amending the County Zoning Map by changing the zoning of Assessor’s Parcel Number 099-640-010 from AGI to AG-II-100 based on the findings included as Attachment A of the Planning Commission staff report dated June 4, 2010.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

CECILIA BROWN, Chair  
Santa Barbara County Planning Commission

ATTEST:

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Dianne Black  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

**ATTACHMENT F:**  
**Central Board of Architectural Review Minutes (Excerpts)**

**Development Plan Conceptual Review 3/7/08**

<b><u>07BAR-00000-00273</u></b>	<b><u>Hollister Development Plan</u></b>	<b><u>Buellton</u></b>
<b><u>07DVP-00000-00028 (Brian Tetley, Planner)</u></b>		<b><u>Jurisdiction: DVP</u></b>

Request of Mosaic Land Planning, LLC, agent for the owners, Charles C. Hollister and Mary E. Hollister Trust dated 6/22/1990, to consider Case No. 07BAR-00000-00273 for **further conceptual review of a new residence of approximately 3,012 square feet, 2 barns of approximately 2,026 and 3,000 square feet, 2 hay barns of approximately 2,970 and 3,000 square feet, and six agricultural storage buildings of approximately 18,000 total square feet.** The following structures currently exist on the parcel: welding shop of approximately 2,223 square feet, hay shed and tack room of approximately 961 square feet, barn with stalls of approximately 1,013 square feet, barn construction office of approximately 4,446 square feet, equipment storage building of approximately 898 square feet, livestock shelter and equipment storage of approximately 1,024 square feet, hay and feed store office of approximately 2,820 square feet, trucking terminal of approximately 2,497 square feet, livestock shelter and hay storage of approximately 659 square feet, veterinarian supply store of approximately 2,322 square feet, equipment storage shop of approximately 2,381 square feet, equipment of approximately 1,685 square feet, fence contractor shop and trucking terminal of approximately 4,383 square feet, livestock shelter of approximately 363 square feet, and trailer sales office of approximately 2,453 square feet.

The proposed project will require approximately 990 cubic yards of cut and approximately 1,955 cubic yards of fill. The property is a 32.84 acre parcel zoned AGI and shown as Assessor's Parcel Number 099-640-010, located at **2201 US Highway 101** in the Buellton area, Third Supervisorial District. (Continued from 11/16/07, 12/07/07, and 01/04/08)

**Project received further conceptual review only. Clough and Erickson-Lohnas, and Brown absent. No action taken. Applicant may submit for preliminary review after the Planning Commission reviews. The following comment was made:**

**CBAR COMMENT:**

- **Plant poplars for initial screening but also plant oaks and sycamores for long term screening along 101.**



**Overall Sign Plan Conceptual Review 8/1/08**

**08BAR-00000-00166** **Yacono Trust Overall Sign Plan** **Buellton**  
***08OSP-00000-00001 (Brian Tetley, Planner)*** ***Jurisdiction: Signs***

Request of Mosaic Land Planning, LLC, agent for the owners, Charles C. Hollister and Mary E. Hollister Trust dated 6/22/1990, to consider Case No. 08BAR-00000-00166 for **conceptual review of signage for a development plan to include a new residence, 2 barns, 2 hay barns, and six agricultural storage buildings.** The following structures currently exist on the parcel: welding shop of approximately 2,223 square feet, hay shed and tack room of approximately 961 square feet, barn with stalls of approximately 1,013 square feet, barn construction office of approximately 4,446 square feet, equipment storage building of approximately 898 square feet, livestock shelter and equipment storage of approximately 1,024 square feet, hay and feed store office of approximately 2,820 square feet, trucking terminal of approximately 2,497 square feet, livestock shelter and hay storage of approximately 659 square feet, veterinarian supply store of approximately 2,322 square feet, equipment storage shop of approximately 2,381 square feet, equipment of approximately 1,685 square feet, fence contractor shop and trucking terminal of approximately 4,383 square feet, livestock shelter of approximately 363 square feet, and trailer sales office of approximately 2,453 square feet. The proposed project will not require grading. The property is a 32.84 acre parcel zoned AGI and shown as Assessor's Parcel Number 099-640-010, located at **2201 US Highway 101** in the Buellton area, Third Supervisorial District.

**CBAR COMMENTS:**

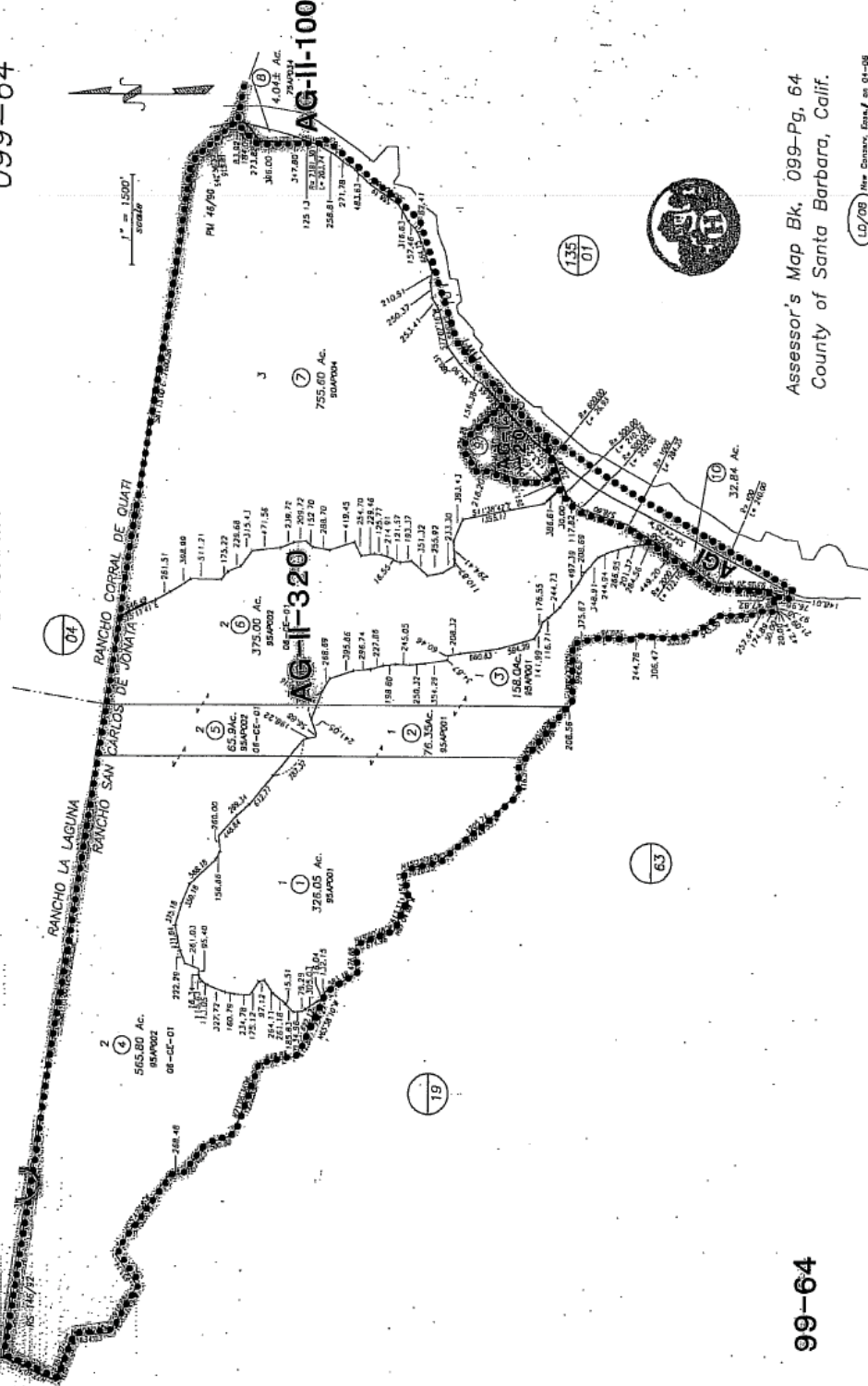
- **CBAR can support height exemption and setback exception for existing monument sign but has no jurisdiction to approve the structure within a road right-of-way; an encroachment permit may be required.**
- **For wall signs, CBAR prefers off white lettering with dark brown background, rather than vice versa.**
- **Exterior light fixtures must comply with county lighting standards and be shielded and directed downward.**

**Project received conceptual review only. Clough and Jones absent. No action taken. Applicant may submit for preliminary/final approval with modifications noted after Planning Commission.**

**ATTACHMENT G: APN ZONING PAGE**

099-64

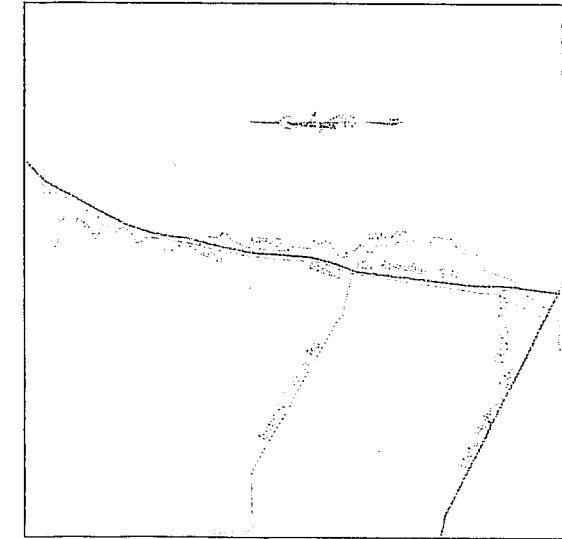
POR. RANCHO SAN CARLOS DE JONATA



Assessor's Map Bk. 099-Pg. 64  
County of Santa Barbara, Calif.

99-64

10/08 Mr. Connor, Enr. # 01-08



**DEVELOPMENT PLAN FOR:**

MARY E. HOLLISTER YACONO, TRUSTEE  
 CHARLES C. HOLLISTER AND MARY E. HOLLISTER TRUST  
 48-365 CALLE DEL SOL AVE.  
 INDIO, CA 92201  
 (951) 316-9242

**AGENT FOR OWNER:**

SUSAN ALEXANDER  
 MOSAIC LAND PLANNING, LLC  
 436 ALISAL ROAD SUITE E  
 SOLVANG, CA 93763  
 (805) 460-0036

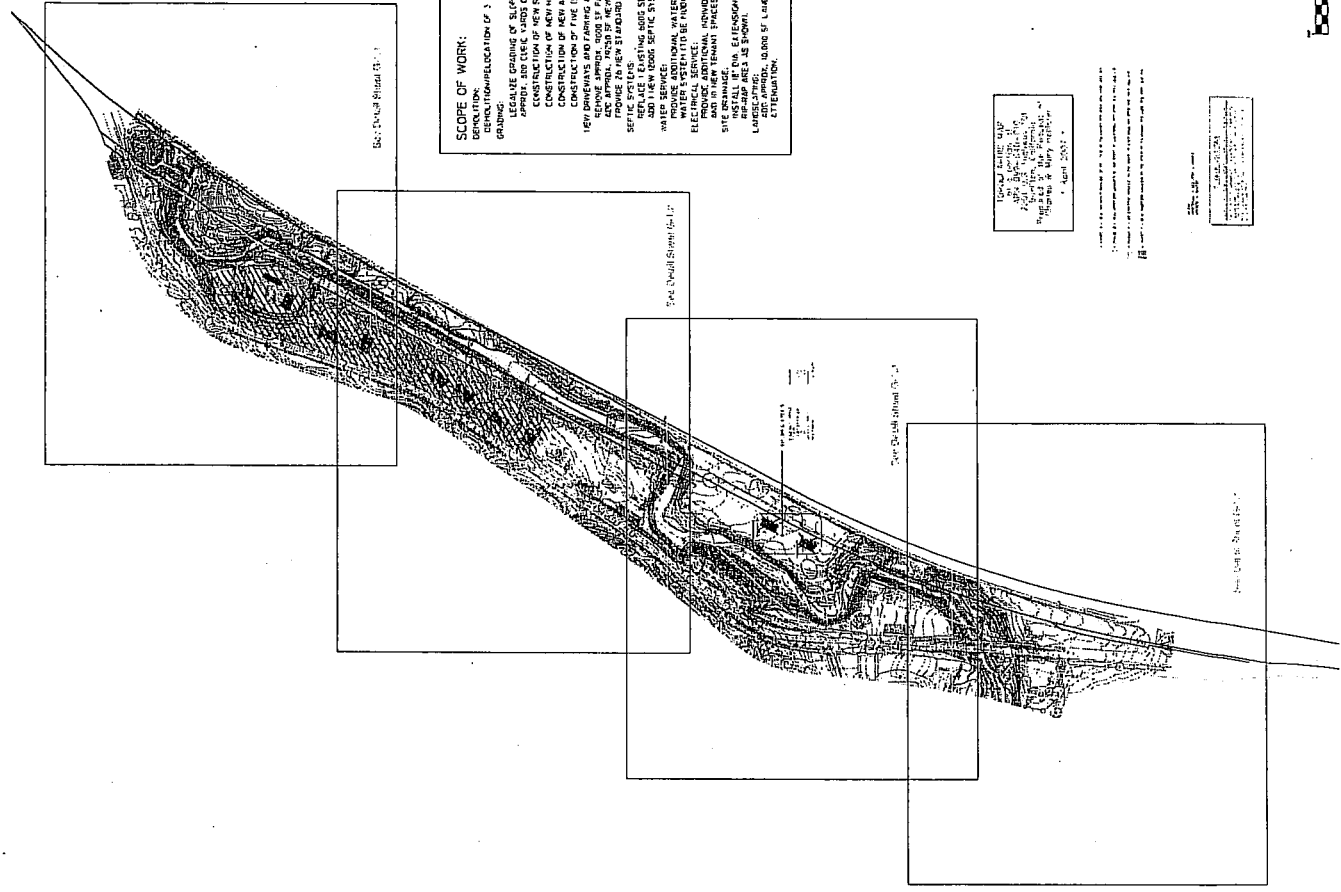
**SURVEYOR:**

MNS ENGINEERS, INC.  
 201 INDUSTRIAL WAY SUITE A  
 BUELLTON, CA 93427  
 (805) 688-5200

**SOILS ENGINEER**

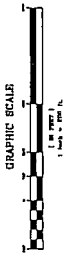
COAST VALLEY TESTING, INC.  
 360 SOUTH FAIRVIEW AVENUE  
 GOLTA, CA 93117  
 (805) 688-3577

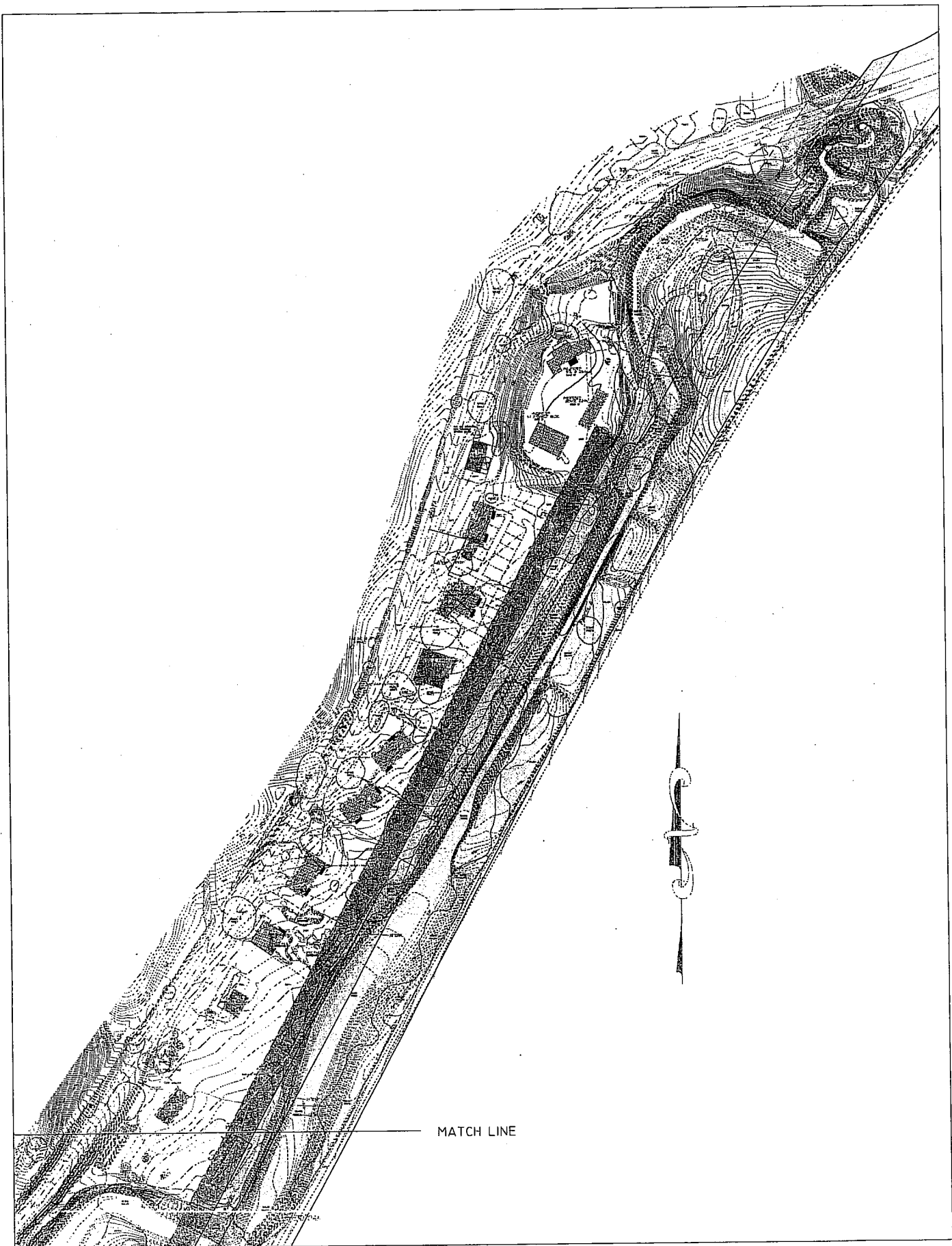
**ATTACHMENT H  
 SITE PLANS**



**SCOPE OF WORK:**  
 DEMOLITION AND RECONSTRUCTION OF 3 AS BUILDINGS TOTALING 2045 SF  
 GRADING  
 LEGALIZE GRADING OF DRIVEWAY IN VICINITY OF PROPOSED RESIDENCE.  
 APPROX. 2000 SF OF CURB AND CURB CUTS (ARMS OF FULL ACCIDENTAL TD  
 CONSTRUCTION OF NEW HORSE BARN ACCESS TO RESIDENCE PADS SF  
 CONSTRUCTION OF FIVE (5) NEW AG STORAGE BUILDINGS TOTALING 4500 SF  
 NEW DRIVEWAYS AND PARKING AREAS  
 PROVIDE FOR NEW STANDARD PARKING SPACES (ACIDENTAL TO NEW CONSTRUCTION)  
 AND APPROX. 1000 SF OF DRIVEWAY AND PARKING AREAS (IMPAIRED)  
 REPLACE EXISTING 6000 SEPTIC SYSTEM  
 PROVIDE ADDITIONAL WATER CONNECTIONS FROM EXISTING SINGLE PIPER  
 WATER SYSTEM TO BE ADAPTED TO SERVE NEW RESIDENCE, 7 NEW HORSE BARN,  
 PROVIDE ADDITIONAL INDIVIDUAL SERVICE CONNECTIONS FOR NEW RESIDENCE  
 AND IN NEW TENANT SPACES IN 3 NEW BUILDINGS  
 INSTALL 18" DIA. EXTENSION TO EXISTING CULVERT DISCHARGE AND DIRECT IT  
 TO EXISTING DRAINAGE AREA AS SHOWN.  
 PROVIDE 2000 SF OF LANDSCAPE AREA FOR VISUAL SCREENING AND VISUAL  
 ATTENUATION.

THOMAS J. JONES, CIVIL  
 ENGINEER  
 1000 S. GARDEN ST.  
 GARDEN GROVE, CA 92640  
 (949) 440-1111  
 4 April 2007





MATCH LINE

MATCH LINE

