

ATTACHMENT 2-1: CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project includes a request for a Conditional Use Permit to allow extensive processing (e.g. The refinement or other processing of agricultural products to substantially change them from their raw form, which involves machinery, chemical reactions, and/or hazardous or highly odiferous materials or products.), of agricultural products within the previously permitted 449,248 sf dry storage/warehousing Arctic Cold Agricultural Processor and Freezer Facility. The proposed extensive processing use will occur within the northern 120,098 sf fruit processor portion of the 449,248 sf Arctic Cold Agricultural Processor and Freezer Facility. The existing operations in other areas of the Arctic Cold Agricultural Processor and Freezer Facility will not be modified as part of the proposed project. The proposed extensive processing uses will take place on the subject 40.65-acre lot in the AG-II-40 (Agriculture II) Zone District on APN 128-097-012.

The proposed project does not include grading or vegetation removal. Water service for the Arctic Cold Agricultural Processor and Freezer Facility is provided by a permitted public water system supplied by two existing potable wells on site. Wastewater treatment service for the Arctic Cold Agricultural Processor and Freezer Facility is provided by an onsite wastewater treatment system and an onsite processing wastewater basin system. Access to the Arctic Cold Agricultural Processor and Freezer Facility will be provided by two driveways off East Betteravia Road. The proposed project is located on a 40.65-acre lot, in the AG-II-40 Zone District, identified by Assessor's Parcel Number 128-097-012, and located at 1780 East Betteravia Road in the Santa Maria area, Fourth Supervisorial District.

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.

- 2. 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.

Conditions By Issue Area

3. Special-Greenhouse Gas 1.1: The project applicant shall implement the Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 3.8 MT of CO₂e per service person per year or less. Potential options include, but would not be limited to:

- Supply 100 percent of electricity from renewable energy resources. Options include opting into PG&E's Solar Choice (opting to supply 100 percent of annual energy usage) Program or PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site.
- Implement a zero waste program or other feasible waste-reduction measures such as composting waste food scraps from employee activities and food waste processing.
- After implementation of feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission:
 - Directly undertake or fund activities that reduce or sequester GHG emissions ("Direct Reduction Activities") and retire the associated "GHG Mitigation Reduction Credits." A "GHG Mitigation Reduction Credit" must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB's most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (CARB 2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April 2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018b). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. If the project applicant chooses to meet some

of the GHG reduction requirements through Direct Reduction Activities, the activities shall be implemented as feasible in order of County preference: (1) within the County of Santa Barbara; (2) within the SBCAPCD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.

List continued in GHG-1.2

4. Special-Greenhouse Gas 1.2: Continued from GHG-1.1.

- Obtain and retire “Carbon Offsets.” “Carbon Offset” shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO₂e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A “Carbon Offset” must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB’s most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (CARB 2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the County of Santa Barbara’s preference, which is, in order of County preference: (1) within the County of Santa Barbara; (2) within the SBCAPCD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.
- No more than 50 percent of the project’s total requisite emission reduction over the project’s lifetime may be achieved through direct reduction activities and carbon offsets.

PLAN REQUIREMENTS: The GHGRP shall either reduce the project’s emissions to 3.8 MT CO₂e per service person per year or shall incorporate all feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase 50 percent carbon offsets. Each emission reduction measure shall include a commitment enforceable by P&D.

TIMING: Prior to April 15 of each calendar year following the issuance of the

Zoning Clearance, the applicant shall provide P&D an annual GHG emissions report to verify whether the project has met the 3.8 MT threshold; and if the threshold is not met, the report shall describe the annual 50% offsite reduction obligation. The report shall also describe the necessary annual quantity of verified credits under the GHGRP. Every 5 years, the Applicant shall reevaluate available and feasible GHG reduction measures and update the GHGRP to incorporate newly feasible measures as appropriate to the satisfaction of P&D (in consultation with the SBCAPCD) that will reduce project emissions to 3.8 MT CO₂e per service person per year.

MONITORING: P&D compliance monitoring staff, in consultation with the SBCAPCD, shall confirm inclusion of the required GHG emission reduction measures into the project. Compliance with all components of the GHGRP shall be verified during construction and prior to issuance of a Certificate of Occupancy. The Applicant shall maintain all data and shall provide data to the County upon request. P&D compliance monitoring staff shall confirm inclusion of any new feasible measures whenever the GHGRP is updated, within three months of any updates.

County Rules and Regulations

5. **Rules-01 Effective Date-Not Appealable to CCC:** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. LUDC §35.82.020.
6. **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.
7. **Rules-04 Additional Approvals Required:** Approval of this Conditional Use Permit is subject to the County Board of Supervisors approving the required Comprehensive Plan Amendment.
8. **Rules-05 Acceptance of Conditions:** The Owner/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.
9. **Rules-06 Recorded Map Required:** Tentative Map 14,880 shall be recorded

prior to issuance of any permits for approval of use.

- 10. 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.
- 11. Rules-12 CUP Expiration:** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. 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 of the County Land Use Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
- 12. Rules-17 CUP-Void:** 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 35.84.040 of the County Land Use and Development Code. 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. LUDC §35.82.060 & §35.84.060
- 13. Rules-18 CUP and DVP Revisions:** The approval by the Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
- 14. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.
- 15. Rules-21 CUP Revisions-Change of Use:** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.
- 16. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 17. Rules-23 Processing Fees Required:** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.

- 18. Rules-25 Signed Agreement to Comply:** Prior to issuance of Zoning Clearance, the Owner/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. Owners of lots resulting from this land division shall record such agreements prior to Issuance of Zoning Clearance for future development.
- 19. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
1. Santa Barbara County Air Pollution Control District dated May 31, 2024;
 2. Community Services District Parks Division dated May 8, 2024;
 3. Public Works Water Resources Division dated May 31, 2023;
 4. Public Works Flood Control Division dated November 3, 2022;
 5. Public Works Surveyor dated June 8, 2023.
- 20. Rules-31 Mitigation Monitoring Required:** The Owner/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 Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Sign a separate updated Agreement to Pay (if applicable due to new owner) for compliance monitoring costs (Case No. 22PMC-00000-00027) prior to issuance of Zoning Clearance, as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include 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 Owner/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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of building plans "This project is subject to Mitigation and 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 Environmental Impact Report SCH# 2020100453/Case No. 20EIR-00000-00001;
 - d. 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.

- 21. 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.
- 22. Rules-37 Time Extensions-All Projects:** The Owner / 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 Owner / 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.