

**ATTACHMENT 2-2: CONDITIONS OF APPROVAL**

**Project Description**

- 1. Proj Des-01 Project Description:** This Revision to 20DVP-00000-00006 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 Revision to Development Plan (Case No. 20DVP-00000-00006) to designate Agricultural Industry Overlay upon APN 128-097-012, allow extensive fruit and vegetable processing uses within the 120,098 sf northern portion of the 449,248 sf Arctic Cold Agricultural Processor and Freezer Facility, revise height of parking lot light fixtures from 16 feet to 30 feet, revise height of exterior security light fixtures from 30 feet to 39 feet, and allow construction of a 35-ft.-tall flag pole. The proposed project does not include grading or vegetation removal. Water service for the Arctic Cold Agricultural Processor and Freezer Facility will be 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 will be 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 1.2:** 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 CO<sub>2</sub>e 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 CO<sub>2</sub>e 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 CO<sub>2</sub>e 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:** 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 that will reduce project emissions to 3.8 MT CO<sub>2</sub>e per service person per year.

**MONITORING:** P&D compliance monitoring staff shall confirm inclusion of the required GHG emission reduction measures into the project. Compliance with all components of the initial 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.

### **Project Specific Conditions**

**5. Special - Drainage Channel Maintenance and Potential Replacement:** T h e

Owner/Applicant shall maintain the drainage channel, including all culverts, along its frontage and shall inspect the entire drainage channel before and after each storm event to keep the channel free of debris to ensure no up-channel and/or off-site flooding occurs as a result of blockage in the drainage channel, including any culvert, on the subject property (APN 128-097-012). In the event such a blockage occurs, the Owner/Applicant shall clear the drainage channel, including all culverts, as soon as safe conditions allow, to resume free flow.

In the event of significant off-site flooding that results from the Owner/Applicant's failure to maintain the drainage channel on the subject property, including the culverts, as required by this condition, the Owner/Applicant shall install a replacement system consisting of clear span crossings of the channel, or an alternative system as approved by the Flood Control District.

PLAN REQUIREMENTS: If a replacement system is required by the County, the Owner/Applicant shall submit updated project plans for the replacement system. The replacement system shall be designed by a Registered Civil Engineer and a plan check fee shall be submitted with the plans of the replacement system. These plans shall be submitted to P&D and the Flood Control District for review and approval. Installation and maintenance for five years shall be ensured through a performance security provided by the Owner/Applicant, in a form approved by the County.

TIMING: The Owner/Applicant shall maintain the drainage channel, including the culverts, for the life of the project. If a replacement system is required to be installed due to off-site flooding, as described above, the replacement system shall be installed within 180 days of the flooding, as determined by the P&D Director.

MONITORING: Installation of the replacement system shall be subject to oversight and final approval by P&D and the Flood Control District. The financial security for performance of the construction of the replacement system shall be released upon satisfactory installation of all items in approved plans.

**6. Traffic Demand Management Plan 1.1:** Traffic Demand Management Plan. The Owner/Applicant shall provide traffic reduction components for employees on site to reduce elective trips during working hours, such as bike racks, motorcycle parking, carpool parking, or similar components. Scheduled traffic count and annual report components shall provide metrics for incoming and outgoing vehicle trips.

I. TDM Agreement. Prior to approval of Zoning Clearance the Owner/Applicant shall develop a TDM program for review and approval of County Counsel, P&D, and Public Works. The program agreement shall include project location, peak-hour and non-peak hour traffic goals and shall identify impacted intersections and links, and project peak hours. Timing for individual aspects of the program shall be outlined in the TDM agreement. The program shall include a monitoring plan.

II. Transportation Coordinator. The Owner/Applicant shall enter into a written agreement to the satisfaction of County Counsel to ensure the designation of a Transportation Coordinator who will manage transportation programs for the project and serve as the contact person for transportation related issues. Said coordinator shall be available during normal working hours. The Transportation Coordinator's name and telephone number shall be submitted to P&D and Public Works prior to Final Building Inspection Clearance and within one month of a change of Transportation Coordinator.

III. Employee Orientation. Owner shall develop a fact sheet that serves as an orientation for new employees by informing them of the traffic mitigation requirements imposed on the site, and the location and availability of carpool and bike parking, transit service, showers and lockers, and other program components. A copy of the fact sheet shall be submitted to P&D prior to occupancy and annually as it is updated.

IV. Information in the Workplace. Informational posters and promotional materials shall be posted throughout the complex (and changed frequently to keep visibility high) with information regarding available commute alternatives (car/vanpool, bicycle and transit routes), available facilities (car/vanpool parking, bike parking, showers and lockers, bus service, etc.), and available incentives (SuperTicket, extra vacation, discounts, etc.).

V. TDM Components. The TDM program may include, but not be limited to employee input and information, vanpooling, parking management, bicycle facilities and discounts, transit services, lunch time facilities and services, work schedule flexibility, and other incentives for employees and customers.

VI. Traffic Counts. The Owner/Applicant shall pay for a consultant hired by the County to conduct traffic counts three months after Final Building Inspection Clearance, quarterly thereafter for two years, and annually for three years, for a total of five years of monitoring. If the traffic counts show that the project is not in compliance with the following traffic levels stated in the Revised Traffic and Circulation Study dated July 21, 2020 [including a maximum of 454 Average Daily Traffic (ADT) during average periods and maximum of 1,642 ADT during peak

harvest season], corrective measures may be required as determined by P&D and Public Works Transportation Division. As part of the corrective measures, P&D and Public Works Transportation Division may require additional traffic counts to confirm current traffic levels, which shall also be funded by the Owner/Applicant.

VII. Quarterly and Annual Report. A report outlining program components, participation rates, and traffic counts shall be submitted to P&D three months after Final Building Inspection Clearance, quarterly thereafter for two years, and annually for three years, for a total of five years of monitoring.

List continued on TDMP 1.2

**7. Traffic Demand Management Plan 1.2:** Continued from Traffic Demand Management Plan 1.2

PLAN REQUIREMENTS: The Owner/Applicant shall show the location and extent of bike racks, motorcycle parking, carpool and vanpool parking on applicable plans (e.g. building plans, etc.).

TIMING: Bike racks, motorcycle parking, carpool, vanpool parking shall be installed prior to Final Building Inspection Clearance. Traffic County's shall be submitted to P&D two times each year. Initial Annual Report shall be submitted to P&D three months after Final Building Inspection Clearance and annually thereafter.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required physical traffic reduction components have been installed prior to Final Building Inspection Clearance and all informational materials shall be prepared prior to start of operation. P&D compliance monitoring staff shall review reports quarterly and annually and require additional traffic counts and/or corrective measures as determined by P&D and Public Works Transportation Division if the project is found to be in noncompliance with the maximum ADT projections identified in the Traffic Count component above.

**Permit Specific Conditions**

**8. DVP Revision - Original Conditions Apply:** All original conditions of approval of the Development Plan (20DVP-00000-00006) still apply unless explicitly modified by this Revised Development Plan.

**County Rules and Regulations**

**9. Rules-01 Effective Date-Not Appealable to CCC:** This Revision to 20DVP-00000-00006 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.

- 10. Rules-04 Additional Approvals Required:** Approval of this Revision to 20DVP-00000-00006 is subject to the County Board of Supervisors approving the required Comprehensive Plan Amendment.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. Rules-14 Final DVP Expiration:** Final Development Plans shall expire five 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.
- 15. Rules-18 CUP and DVP Revisions:** The approval by the County 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.
- 16. 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.
- 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 comply with all components of the Greenhouse Gas Reduction Program (included as Attachment B-1-1) during construction and for the life of the project.

**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.