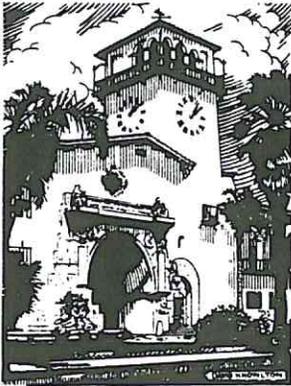


# ATTACHMENT 5

## COUNTY OF SANTA BARBARA CALIFORNIA

### ZONING ADMINISTRATOR

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU STREET  
SANTA BARBARA, CALIFORNIA 93101-2058  
PHONE: (805) 568-2000



COURT HOUSE

October 2, 2017

Mr. Brian A. Tetley  
Urban Planning Concepts  
2624 Airpark Drive  
Santa Maria, CA 93455

ZONING ADMINISTRATOR  
HEARING OF SEPTEMBER 25, 2017

***RE: North Fork Ranch Ponds Project, 16CUP-00000-00005***

Hearing on the request of Brian Tetley, Urban Planning Concepts, agent for Brodiaea, Inc., owner, to consider Case No. 16CUP-00000-00005 [application filed on February 17, 2016] for a Conditional Use Permit allowing the construction and operation of three water storage reservoirs within a 6,565-acre parcel in compliance with Section 35.82.60 of the County Land Use and Development Code, on property zoned AG-II-100; and to adopt the Mitigated Negative Declaration (17NGD-00000-0004) 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: Biological Resources, Cultural Resources, Geologic Processes, and Water Resources/Flooding. The Mitigated Negative Declaration (MND) and all documents may be reviewed at the Planning and Development Department, 624 West Foster Road, Suite C, Santa Maria. The MND is also available for review at the Cuyama Branch Public Library located at 4689 Highway 166, New Cuyama. The application involves Assessor Parcel No. 147-020-045, located approximately nine miles west of the community of New Cuyama between Cottonwood Canyon Road and Schoolhouse Canyon Road, Fifth Supervisorial District.

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Dear Mr. Tetley:

At the regular hearing of the Santa Barbara County Zoning Administrator on September 25, 2017 Case No. 16CUP-00000-00005 marked "Officially Accepted, County of Santa Barbara September 25, 2017 Zoning Administrator Attachments A-E" was conditionally approved, based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings. The Zoning Administrator also took the following action:

1. Made the required findings for approval of the project, Case No. 16CUP-00000-00005, specified in Attachment A of the staff report dated September 8, 2017, including CEQA findings;
2. Adopted the Mitigated Negative Declaration included as Attachment C of the staff report dated September 8, 2017, and adopt the mitigation monitoring program contained in the conditions of approval; and

3. Approved the project, Case No. 16CUP-00000-00005, subject to the conditions included as Attachment B of the staff report dated September 8, 2017 and as revised at the hearing of September 25, 2017

***Revisions to Attachment B – Conditions of Approval***

Condition No. 20, Project Monitoring, is added as follows:

20. **Project Monitoring.** Prior to the issuance of a zone clearance for grading, the applicant shall submit to P&D for review and approval a proposed Evaporation Reporting Plan that identifies the methodology to be used to measure and document evaporative water losses from each of the proposed reservoirs. Measures to reduce annual evaporation losses from the reservoirs shall be implemented if monitoring indicates that annual losses exceed 31 acre feet per year. Future modifications to the operation or design of the project to reduce evaporative losses must be approved by P&D before such measures are implemented. The first Evaporation Reporting Plan report shall be submitted to P&D 30 days after the reservoirs have been in operation for one year. The Evaporation Plan reports shall be submitted annually to P&D for four years after the first report is submitted. The requirement to submit Evaporation Monitoring and Reporting reports may be discontinued after an initial five (5) year monitoring period if deemed warranted by the Planning & Development Director based on results of the previously submitted reports.

***The Findings and the Conditions of Approval reflect the action of the Zoning Administrator and are included in this letter as Attachment A and Attachment B.***

- The action of the Zoning Administrator to approve, conditionally approve, or deny the project may be appealed to the Planning Commission by the applicant, or an aggrieved person, as defined in Chapter 35.102 (Appeals) of the Santa Barbara County Land Use and Development Code, adversely affected by the decision within the 10 calendar days following the date of action by the Zoning Administrator.
- An appeal, which shall be in writing, and accompanying fee of \$610.06 shall be filed with the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to expiration of the appeal period specified above.
- **Public appeal period expires on Thursday, October 5, 2017 at 5:00 P.M.**

Sincerely,



Linda Liu  
Zoning Administrator

xc: Case File: 16CUP-00000-00005  
Hearing Support Zoning Administrator File  
Owner: Matt Turrentine – Brodiaea, Inc., P.O. Box 6565, Santa Maria, CA 93455  
Address File: Nine miles west of New Cuyama, between Cottonwood Canyon Road and Schoolhouse Canyon Road.  
County Surveyor's Office  
Supervisor: Steve Lavagnino, Fifth District Supervisor  
Planner: Steve Rodriguez

**Attachments:**            **Attachment A – Findings**  
                                 **Attachment B – Conditions of Approval**

LL:sf

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## **ATTACHMENT A: FINDINGS OF APPROVAL**

### **1.0 CEQA FINDINGS**

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

The Zoning Administrator has considered the Mitigated Negative Declaration, 17NGD-00000-00004, together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment and analysis of the Zoning Administrator 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 Mitigated Negative Declaration and any comments received, the Zoning Administrator 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 (including the initial study and any comments received), 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 Zoning Administrator of the Planning and Development Department located at 624 W. Foster Road, Santa Maria, CA, 93455.

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

Public Resources Code Section 21081.6 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 Conditional Use Permits**

- A. 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 Minor Conditional Use Permit the review authority shall first make all of the following findings:

**1. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.**

The project property (147-020-045) is approximately 6,565 acres. The proposed reservoir sites are generally level and slope gently to the east or northeast. The proposed reservoirs would be approximately 3,000, 1,200 and 1,500 feet south of State Route 166 and at least 100 feet from nearby ephemeral drainages. The proposed reservoirs would be located in areas adjacent to the vineyards they would serve and would limit the amount of required grading to the maximum extent feasible. Therefore this finding can be made.

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

The proposed reservoir sites are located within an area where San Joaquin kit fox and American badger have historically existed. However, according to the Biological Resources Assessment prepared by Kevin Merk Associates, LLC (dated February 24, 2016), the potential for these or other sensitive animal species to be located at the proposed reservoir sites is very low due to habitat conditions on and near the sites. However, to reduce the potential for the project to result in short-term construction-related impacts to these species to the maximum extent feasible, conditions of approval require preconstruction surveys and if necessary the implementation of appropriate avoidance measures.

A survey of the proposed reservoir sites (Rincon Consultants, August, 2016) did not detect evidence of archaeological resources, however, the project area is considered to be sensitive for cultural resources. Conditions of approval require that a preconstruction educational meeting be conducted with construction personnel; monitoring during construction of the reservoirs; and that if cultural resources are encountered during construction work be stopped in vicinity of the find so appropriate actions can be taken. The implementation of these conditions would reduce the potential for impacts to cultural resources to the maximum extent feasible.

Construction of the proposed reservoirs would have the potential to result in erosion and other water quality-related impacts. Conditions of approval require the preparation and implementation of approved short- and long-term water quality protection measures. The implementation of these conditions would reduce the potential for impacts to water quality to the maximum extent feasible.

The Final MND prepared for the project, dated August 11, 2017, did not identify potentially significant environmental impacts that would result from the construction or operation of the proposed reservoirs. Therefore, this finding can be made.

**3. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The proposed reservoirs will take vehicular access from State Route 166. This public highway is adequate to serve the project as designed. The project will not result in a substantial increase in traffic on the highway and would not result in a significant decrease in the highway's current level of service. Therefore this finding can be made.

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

Water to be stored in the proposed reservoirs would be supplied by existing private water wells located on adjacent parcels but under the same ownership. The project would draw groundwater from the Cuyama Groundwater Basin, which is in a state of overdraft. The proposed project's water use that is subject to the County's adopted groundwater use threshold for the Cuyama Valley Groundwater Basin consists only of the reservoir's annual evaporative losses. The annual evaporative losses from the three proposed reservoirs are estimated to be approximately 26 AFY, which is below the adopted significance threshold of 31 acre feet per year. No sewage will be produced by the proposed project, therefore, no waste water disposal systems are required. The project would not have a substantial demand for fire and police protection services; therefore, adequate services are available to serve the project. Therefore this finding can be made.

**4. 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 (AG-II-100) that allows for the construction of agricultural reservoirs, subject to the approval of a minor conditional use permit for reservoirs consisting of 50,000 sq. ft. or more of total development. There are no residences or other buildings located near the proposed reservoir sites. The reservoirs and associated pipeline improvements are designed to conform to all applicable County requirements to ensure that detrimental effects will not occur to the health, safety, comfort, convenience, and general welfare of the neighborhood. The project also includes fencing and safety equipment to reduce the potential for humans and animals to become trapped in the reservoirs. Therefore this finding can be made.

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

As discussed in Sections 5.3 and 5.4 of this staff report, dated September 8, 2017, and incorporated herein by reference, the project is consistent with the Comprehensive Plan and Land Use and Development Code. Therefore, this finding can be made.

**6. 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.**

The agricultural reservoirs have been designed in a manner that is compatible with the rural and scenic character of the area. The reservoirs would not result in grading scars, would not be prominently visible from State Route 166, and would not obstruct scenic views of the mountains located south of the project site as seen from the highway. Therefore, this finding can be made.

**ATTACHMENT B: CONDITONS OF APPROVAL**

**North Fork Ranch Frost Ponds  
Case No. 16CUP-00000-00005**

**September 25, 2017**

**I. 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 marked Attachment A-E, 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:

**A request of Brian Tetley, agent for Brodiaea, Inc, owner, to consider Case No. 16CUP-00000-00005. The North Fork Ranch Frost Pond project is a request to construct and operate three frost ponds (reservoirs) that would store water to be used for frost protection at the North Fork Ranch Vineyards. The project also includes the construction of new underground pipelines that would extend between each of the proposed reservoirs and the existing vineyard irrigation system.**

**The proposed reservoirs would serve an existing 535-acre vineyard and an additional 100-acre area that is to be planted in the future. Reservoir No. 1 would be located on the eastern portion of the project site adjacent to Schoolhouse Canyon Road (a private road). Reservoir No. 2 would be located in the central portion of the project site, and Reservoir No. 3 would be located on the western portion of the project site approximately 0.75 mile east of Cottonwood Canyon Road. Access to the reservoirs would be from existing roads that connect to State Highway 166.**

**Frost protection would be achieved by sustained spray irrigation when frost has the potential to damage the grape vines. Frost protection would generally be required during the months of February, March and April. The reservoirs would be maintained at a full condition between February and April. A maximum of three feet of well-supplied water would be maintained in the reservoirs between May 1<sup>st</sup> through January 31<sup>st</sup>. Water above a depth of three feet contained in the reservoirs after May 1 would be distributed for vineyard irrigation.**

**Each reservoir would have a water storage capacity of 49 acre-feet and would be lined with a high-density polyethylene plastic liner to prevent water seepage. Each reservoir would also have an emergency overflow discharge system that would prevent stored water from over-topping the reservoir. Water to be stored in the reservoirs would be supplied by existing agricultural wells located on the north side of State Highway 166. Water from the wells would be conveyed to the reservoirs by existing vineyard irrigation pipelines that extend beneath the highway and throughout the vineyard. A six foot high fence**

would be installed around the exterior perimeter of each reservoir to prevent unauthorized entry. Life ring stations and floating pool ropes would also be provided for rescue purposes.

A total of approximately 257,945 cubic yards of cut and fill grading would be required to construct the three proposed reservoirs. The reservoirs would have a maximum depth of 27-28 feet, and in total would occupy an area of approximately 15.6 acres. Proposed pipelines that would convey water from the vineyard's existing irrigation system to each of the reservoirs would have a total length of 1,350 feet. Proposed pipelines that would convey water from each of the reservoirs to the vineyard's existing spray irrigation system would have a total length of 976 feet. Construction details for each of the proposed reservoirs are summarized on Table 1. It is estimated that the construction period for the three proposed reservoirs would be approximately one year.

**Table 1**  
**North Fork Ranch Frost Ponds**  
**Construction Characteristics**

| Reservoir    | Proposed Grading |                    |                  | Reservoir Area                |             | Reservoir Depth            |                          |              | Proposed Pipelines |                   |
|--------------|------------------|--------------------|------------------|-------------------------------|-------------|----------------------------|--------------------------|--------------|--------------------|-------------------|
|              | Cut (cu. yds.)   | Fill (cu. yds.)    | Total (cu. yds.) | Approximate Dimensions (feet) | Acres       | Top of Reservoir Elevation | Bottom of Pond Elevation | Depth (feet) | Fill Line (feet)   | Drain Line (feet) |
| No. 1        | 44,062           | 44,589             | 88,651           | 590 x 370                     | 5.0         | 1,955                      | 1,927                    | 28           | 624                | 517               |
| No. 2        | 44,064           | 42,205             | 86,269           | 580 X 410                     | 5.7         | 1,788                      | 1,761                    | 27           | 370                | 202               |
| No. 3        | 42,771           | 40,254             | 83,025           | 590 x 360                     | 4.9         | 1,744                      | 1,717                    | 27           | 356                | 257               |
| <b>TOTAL</b> | <b>130,897</b>   | <b>127,048 (1)</b> | <b>257,945</b>   | --                            | <b>15.6</b> | --                         | --                       | --           | <b>1,350</b>       | <b>976</b>        |

(1) Due to shrinkage of fill material, no soil would be exported from the project site

Surface water drainage from upslope areas adjacent to the reservoirs would be collected by proposed drainage swales. The collected water would be discharged and allowed to sheet flow at downslope locations adjacent to the reservoirs. Rock energy dissipaters would be installed at each discharge location to reduce potential erosion-related impacts. Stormwater discharge from Reservoir No. 1 would be conveyed beneath Schoolhouse Canyon Road by a proposed culvert beneath the road.

The application involves Assessor Parcel Number 147-020-045, a 6,565-acre parcel that is zoned AG-II-100.

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.

## II. CONDITIONS INCORPORATED FROM MITIGATION MEASURES

3. **Special Condition: San Joaquin Kit Fox Avoidance Measures.** Project-related pre-construction / pre-activity surveys shall be conducted prior to the beginning of ground disturbance and/or construction activities, or any project activity that has the potential to impact the San Joaquin kit fox and/or American badger. Required pre-construction / pre-activity surveys and project-related construction activities shall be conducted in accordance with the requirements of the U.S. Fish and Wildlife Service's *Standardized Recommendations for Protection of The Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (January, 2011). Similar measures and procedures shall be implemented to minimize the potential for impacts to American badger. The Standardized Recommendations are provided as Final MND (dated August 11, 2017) Attachment 3.

**PLAN REQUIREMENTS AND TIMING:** Prior to the start of any project-related pre-construction / pre-activity, the areas that would be affected by reservoir construction and the construction of the proposed reservoir fill and drain lines shall be marked in the field and surveyed by a qualified biologist. Project-related pre-construction / pre-activity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. The qualified biologist shall conduct weekly site visits during site disturbance activities that proceed longer than 14 days for the purpose of monitoring compliance with the attached Standardized Recommendations. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends additional monitoring. This measure shall be printed on all grading and construction plans.

**MONITORING:** The qualified biologist shall document the methods and results of site visits in weekly monitoring reports that are to be submitted to P&D. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a federal and/or state permit for incidental take during project activities.

4. **Bio-09 Fish and Wildlife Jurisdiction Advisory.** The project site is within the range of San Joaquin kit fox, a species listed as Endangered by the U.S. Fish and Wildlife Service, and Threatened by the California Department of Fish and Wildlife. Based upon reports prepared by Kevin Merk Associates, dated February 24, 2016 and June 24, 2016, it has been determined that the probability for San Joaquin kit fox occurrence on the site is very low. The issuance of this permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the federal or California Endangered Species Act or any other law. The permit-holder shall contact the necessary jurisdictional agencies to ascertain his or her level of risk under the federal and California Endangered Species Act in implementing the project herein permitted.

**Indemnity for Violation of the Endangered Species Act:** The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities, against the County or its agents, offices or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other

independent contractors arising out of this permit alleged to be in violation of the federal or California Endangered Species Acts (16 USC Sec. 1531 et seq.; Cal. Fish and Game Code Sec. 2050 et seq.). This permit does not authorize, approve or otherwise support a "take" of any listed species as defined under the federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the federal and/or California Endangered Species Act.

5. **American Badger Avoidance and Minimization Measures.** A minimum of 14 days prior to initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by an approved biologist (a biologist familiar with, including identification of, the wildlife species in the region). Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the proposed area of disturbance shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to ground disturbing activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for three (3) to five (5) days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project site, the dens would be collapsed by hand with a shovel.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys and contact information for the surveying biologist must be submitted to P&D and CDFW in advance of the surveys. The above measures shall be included on all land use, grading, and building plans for the construction of the reservoirs, water pipelines, and utility line improvements. A report of the results of the badger survey shall be submitted to P&D for review and approval prior to Zoning Clearance. **Monitoring.** P&D will review and approve the reports. A County-approved biologist shall be present during the initial ground-disturbing activity.

6. **CulRes-07 Cultural Resource Monitor.** The Owner/Applicant shall have all earth disturbances including scarification and placement of fill within the proposed project sites monitored by a P&D approved archaeologist and a Native American consultant in compliance with the provisions of the County Archaeological Guidelines. The duration and depth of grading below the ground surface that requires monitoring shall be determined by the approved archaeologist and Native American consultant.

**TIMING:** Prior to the approval of a grading permit, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract. This condition shall be printed on all building and grading plans.

**MONITORING:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work. The P&D permit processing planner shall check plans prior to approval of all building and grading permits and P&D compliance monitoring staff shall spot check in the field.

7. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant. 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:** This condition shall be printed on all building and grading plans.

**MONITORING:** The P&D permit processing planner shall check plans prior to Zone Clearance and P&D compliance monitoring staff shall spot check in the field.

8. **Special Condition: Pre-Construction Meeting.** A pre-construction meeting shall be conducted by a County-qualified archaeologist and a local Native American representative funded by the applicant. Meeting attendees shall include the applicant, archaeologist, local Chumash representative, construction supervisors, and heavy equipment operators to ensure that all parties understand the cultural resources monitoring program and their respective roles and responsibilities. All construction personnel who would work on the site during any phase of ground disturbance shall be required to attend the meeting. The names of all personnel who attend the meeting shall be recorded denoting that they have received the required training.

The meeting shall review the following: types of archaeological resources that may be uncovered; provide examples of common archaeological artifacts and other cultural materials to examine; describe why monitoring is required; what makes an archaeological resource significant; identify monitoring procedures; what would temporarily halt construction and for how long; describe a reasonable resource discovery scenario (i.e., feature or artifact); and describe reporting requirements and the responsibilities of the construction supervisor and crew. The meeting shall make attendees aware of prohibited activities, including vehicle use in protected areas, and educate construction workers about the inappropriateness of unauthorized collecting of artifacts that can result in impacts on cultural resources.

**PLAN REQUIREMENTS:** The pre-construction meeting requirements shall be shown on approved grading and building plans.

**TIMING:** The pre-construction meeting shall be conducted prior to the start of ground disturbing activities.

**MONITORING:** The Owner/Applicant shall provide P&D compliance monitoring staff with the names and responsibilities of persons who attended the meeting.

9. **Geo-02. Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects greater than 1 acre) and/or SWMP requirements.

**PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior Zoning Clearance. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round.

**MONITORING:** P&D compliance monitoring staff shall perform site inspections throughout the construction phase.

10. **WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, water body or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all plans for zoning clearance, grading and building permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.

**MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

11. **WatConv-05 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to

prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site daily. The area shall be located at least 100 feet from any storm drain, water body or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all zoning clearance, grading and building permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction.

**MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

### III. COUNTY RULES AND REGULATIONS

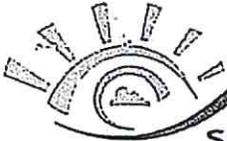
12. **Rules-05 Acceptance of Conditions.** The Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Applicant.
13. **Rules-12 CUP Expiration.** The Applicant shall obtain the 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 35.84.030.2 of the COUNTY LAND USE AND 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.
14. **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 35.84.030 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].
15. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
  1. Air Pollution Control District letter dated June 28, 2017.
16. **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 Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of a Land Use Permit 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 grading and 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, conditions of approval, and mitigation measures from Mitigated Negative Declaration 17NGD-00000-00004";
  - 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.
17. **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 Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
18. **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.
19. **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.

#### IV. PROJECT SPECIFIC CONDITIONS

20. **Project Monitoring.** Prior to the issuance of a zone clearance for grading, the applicant shall submit to P&D for review and approval a proposed Evaporation Reporting Plan that identifies the methodology to be used to measure and document evaporative water losses from each of the proposed reservoirs. Measures to reduce annual evaporation losses from the reservoirs shall be implemented if monitoring indicates that annual losses exceed 31 acre feet per year. Future modifications to the operation or design of the project to reduce evaporative losses must be approved by P&D before such measures are implemented. The first Evaporation Reporting Plan report shall be submitted to P&D 30 days after the reservoirs have been in operation for one year. The Evaporation Plan reports shall be submitted annually to P&D for four years after the first report is submitted. The requirement to submit Evaporation Monitoring and Reporting reports may be discontinued after an initial five (5) year monitoring period if deemed warranted by the Planning & Development Director based on results of the previously submitted reports.



**Santa Barbara County  
Air Pollution Control District**

Our Vision  Clean Air

June 28, 2017

Steve Rodriguez  
Santa Barbara County  
Planning and Development  
624 W. Foster Road  
Santa Maria, CA 93455

RECEIVED

JUL 05 2017  
SB COUNTY  
PLANNING & DEVELOPMENT

**Re: APCD Suggested Conditions on North Fork Ranch Frost Ponds, 16CUP-00000-00005**

Dear Mr. Rodriguez:

The Air Pollution Control District (APCD) has reviewed the referenced project, which consists of a request to construct and operate three frost ponds (water storage reservoirs) to provide frost protection at the North Fork Ranch Vineyard. Each reservoir would have a storage capacity of 49 acre feet and would occupy an area of approximately five acres. Grading consists of approximately 130,280 cubic yards (cy) of cut and 127,900 cy of fill to construct the three proposed reservoirs. The subject property, a 6,565-acre parcel zoned AG-II-100 and identified in the Assessor Parcel Map Book as APN 147-020-045 is located on the south side of State Highway 166, between Cottonwood Canyon Road and Schoolhouse Canyon Road about 9 miles west of the unincorporated community of New Cuyama.

Air Pollution Control District staff offers the following suggested conditions:

1. The State of California considers particulate matter emitted by diesel engines carcinogenic. 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 particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible.
2. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.



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

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a 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 (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO<sub>x</sub>), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- Fleet owners of mobile construction equipment are subject to the CARB Regulation for In-Use (On-Road) Heavy-Duty Diesel-Fueled Vehicles (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO<sub>x</sub> and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. On-road heavy-duty trucks shall comply with the State On-Road Regulation. For more information, see [www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm](http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm).
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, 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 equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- 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:** All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

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