



COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning Commission

FROM: Douglas K. Anthony, Deputy Director  
Development Review Division – North County

DATE: October 26, 2009

RE: 07DVP-00000-00035, Chisan Development Plan

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On October 21, 2009, the Planning Commission heard the Chisan Nursery Development Plan. The Commission was concerned that a substantial amount of development has occurred on the site without benefit of permits, and wanted to ensure that no additional development occur until site development is in full compliance with the zoning ordinance and permit conditions. The Commission discussed two ways to ensure that the site is in compliance prior to additional development: 1) Approve a Development Plan only for the existing development, requiring the applicant to apply for a change to the development plan to permit the additional, unbuilt development, or 2) approve the entire proposed development with a condition that additional square footage will not receive zoning clearance allowing construction until the site is found in full compliance with the zoning ordinance and development plan conditions. The Commission further discussed whether staff or the Planning Commission should make the determination of compliance prior to zoning clearance for additional square footage, and requested that staff and County Counsel review whether compliance review by the Planning Commission would be appropriate. Staff and County Counsel have reviewed the issue and recommend that the Planning Commission only approve the existing development as a part of this action and require the applicant to return for further approval of the subsequent development. This approach would provide the maximum leverage to ensure that the site is in full compliance prior to additional development.

Your Commission also requested staff to provide condition language to outline a heightened level of permit compliance review by staff, requested further protection of the creek setback area, and requested inclusion of the assumptions from the environmental document regarding the closed irrigation and fertilization system. This memo contains the revised conditions requested by the Planning Commission, and incorporates the condition changes provided at the hearing, as well as the revisions to the Mitigated Negative Declaration and Land Use Development Policy 4 language which was read into the record at the hearing. A revised recommendation in the form of a motion is also provided to assist the Planning Commission.

housing, office use and landscaping is expected to result in a 54.62 acre-feet per year rate of water consumption. The project site area is currently, and has historically been in agricultural (row crops, flower seeds and irrigated pasture) production, up until the recent sale (2004) of the property. Water is currently provided to the project parcel and project site area via an existing private water well. The County's Environmental Thresholds and Guidelines Manual states that row crops/flower seeds are expected to use 2.38 acre feet per year/acre which is an average of those particular categories. Using this methodology, the historic water usage on the 50 acre project site area was estimated to be 107 acre feet per year ( $2.38 \text{ AFY} \times 50 \text{ acres} = 107 \text{ AFY}$ ) over a 10 year period with one fallow year. Since the estimated water usage is less than the 10 year historic water use of the site, the project's water demand would not exceed the threshold of significance, and no impact to groundwater would occur. Although the estimated water usage for the proposed project is greater than the 23 AFY threshold of significance for the San Antonio Groundwater Basin, the 54.62 AFY is approximately 53 AFY (50%) less than the baseline water usage that had previously occurred on the project site (baseline), and the proposed project would therefore result in a net decrease in water usage. The proposed project is not expected to alter the direction or rate of flow of groundwater, or change the quantity of groundwater or interfere in recharge. Based on staff consultation with Dennis Gibbs, Hydrologist, Public Works Water Agency, the impact to recharge would be minimal as most recharge in this area come from stream seepage. As proposed, the project would not result in an increase in existing overdraft or an over commitment of any groundwater basin, or a substantial reduction in public water supplies.

### III. New Conditions

48. All ground disturbances, removal of vegetation, or storage of waste, equipment, vehicles shall be prohibited within the 50 foot setback from either side of the top-of-bank of San Antonio creek, a sensitive riparian habitat area. **Plan Requirements:** The riparian habitat area shall be shown on all grading plans.
49. Long term monitoring of the project site is required to ensure compliance with all approved project conditions. Required monitoring shall occur over a five (5) year period, consisting of:
  - 1) Monthly inspections for the first year;
  - 2) Quarterly for the second year; and
  - 3) Once a year for the remaining three years, or until the project is determined to be in complete compliance with all Conditions of Approval.

P&D may increase the foregoing number of inspections as necessary to address incidents of noncompliance with conditions.

These inspections shall be conducted by P&D Permit Compliance staff. Prior to zoning clearance approval, the applicant shall submit a compliance deposit in the amount of \$10,000

and a site inspection shall be conducted by P&D.

58. In order to comply with the Fire Department access and to satisfy the landscape requirements conditions, the west portion of Nurseries A, B, C, and D shall remove fifteen feet of existing structural development. **Timing:** Prior to issuance of the zoning clearance, the proposed building portion shall be removed and a site inspection shall be conducted by P&D.

#### IV. Revised Conditions

1. The Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit # 1 dated October ~~24~~ 26, 2009, 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:**

~~The development plan proposes the construction of a warehouse/office building of approximately 8,000 square feet and two proposed greenhouses totaling approximately 296,475 square feet (144,550 square feet and 151,925 square feet).~~

~~The project also includes the legalization of four existing unpermitted greenhouses totaling approximately 1,079,917 square feet (368,359 square feet, 378,376 square feet 285,912 square feet and 47,270 square feet) for a total of 1,384,392 square feet of greenhouse development onsite to be used for the cultivation of orchids.~~

~~The proposed project also includes the legalization of three decks/porches of 132 square feet for a total of 396 square feet, two 60 square feet storage shed attached to the modular units for a total of 120 square feet, a potting shed of 1,440 square feet, a pump house of 147 square feet, an addition to the existing 726 square foot storage shed of 475 square feet and a storage building of 3,564 square feet. The project also includes a loading dock, three detention basin, and roadway improvements. The proposed project will be for wholesale use only and not open to the public.~~

~~The following structures currently exist on the parcel: unpermitted greenhouses, and three permitted employee dwelling trailers with unpermitted porches and sheds and a 1,200 square foot storage building.~~

## V. Revised Recommendation

Your Commission's motion should include the following:

1. ~~Adopt~~ Make the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. ~~Approve~~ Adopt the Mitigated Negative Declaration and adopt the mitigation monitoring program contained in the conditions of approval included as Attachment B as revised.
3. Approve the project subject to the conditions included as Attachment C as revised.

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