



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: September 17, 2024
Placement: Departmental
Estimated Time: 30 min.
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Planning and Development (805) 568-2086
Director
Contact Info: Travis Seawards, Deputy Director, Planning and Development
(805) 568-2518
SUBJECT: **Hearing to Consider the Arctic Cold Extensive Processing Use, General Plan Amendment, Revised Development Plan, Conditional Use Permit, and Tentative Parcel Map, Case Nos. 22GPA-00000-00006, 22CUP-00000-00021, 23RVP-00024, and 23TPM-00002, Fourth Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

Staff recommends that your Board take the following actions to approve the Arctic Cold Extensive Processing Use Project (Project), as recommended by the County Planning Commission:

- a) Make the required findings for approval of the Project, consisting of a General Plan Amendment (Case No. 22GPA-00000-00006), Conditional Use Permit (Case No. 22CUP-00000-00021), Revised Development Plan (Case No. 23RVP-00024), and Tentative Parcel Map (Case No. 23TPM-00002), including CEQA findings;
- b) Approve the Addendum and determine that the previously certified Final Environmental Impact Report (FEIR) (21EIR-00000-00001) and Addendum are adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to State CEQA Guidelines Sections 15162, 15164, and 15168(c)(2); and

- c) Adopt a Resolution (Case No. 22GPA-00000-00006) amending the Santa Maria Area (Comp-6) Map of the Comprehensive Plan Land Use Element, to designate Proposed Lot 1 (Assessor's Parcel No. 128-097-012) with the Agricultural Industry Overlay;
- d) Approve a Major Conditional Use Permit (Case No. 22CUP-00000-00021), subject to the conditions of approval;
- e) Approve a Development Plan Revision (Case No. 23RVP-00024), subject to the conditions of approval;
- f) Approve a Tentative Parcel Map (Case No. 23TPM-00002), subject to the conditions of approval.

Summary Text:

The applicant, AFP, LLC, requests the following:

- General Plan Amendment (Case No. 22GPA-00000-00006) to amend the Santa Maria Area (Comp-6) Map of the Comprehensive Plan Land Use Element by adding the Agricultural Industry Overlay to Assessor Parcel No. (APN) 128-097-012 in compliance with Land Use and Development Code Section 35.104;
- Conditional Use Permit (Case No. 22CUP-00000-00021) to allow extensive processing of agricultural products on APN 128-097-012 in compliance with Land Use and Development Code Section 35.82.060;
- Revised Development Plan (Case No. 23RVP-00024) to revise the previously approved 20DVP-00000-00006 and allow extensive processing of agricultural products and construction of a 35-foot flagpole on APN 128-097-012 in compliance with Land Use Development Code Sections 35.42.040.B.2. and 35.84.040.E, and to modify the site plan to include a new 35-ft.-tall flag pole; and
- Tentative Parcel Map (Case No. 23TPM-00002) to subdivide a 111.75-acre (gross) property into one 71.10-acre parcel (APN 128-097-013) and one 40.65-acre parcel (APN 128-097-012) in compliance with County Code Chapter 21-18 to create a fee title separation of the existing independent agricultural operations on APN 128-097-013 from the Arctic Cold Agricultural Processor and Freezer Facility currently under construction on APN 128-097-012.

An EIR Addendum to the previously certified EIR (21EIR-00000-00001) was prepared for the project, and the proposed project is within the scope of the EIR for the Arctic Cold Agricultural Processor and Freezer Facility.

Background:

On March 9, 2022, the County Planning Commission approved the Arctic Cold Processor and Freezer Facility under Conditional Use Permit (Case No. 20CUP-00000-00005) and Development Plan (Case No. 20DVP-00000-00006). The original project application and CEQA analysis included a request for extensive agricultural processing uses (i.e. pureeing, pasteurizing, and product additives such as sugar), however, extensive agricultural processing can only be conducted in areas designated with the Agricultural Industry Overlay. Therefore, the proposed project required a General Plan Amendment to

add the Agricultural Industry Overlay to the subject property in order to allow extensive agricultural processing. The Applicant chose not to include the General Plan Amendment as part of the 2020 DVP application due to timing issues related to capturing harvest season revenues. The 2020 DVP and CUP permit application was approved, and construction of the Arctic Cold Agricultural Processor and Freezer Facility is currently in process.

On September 14, 2022, the Applicant submitted applications for a General Plan Amendment (Case No. 22GPA-00000-00006) to request the designation of Agricultural Industry Overlay upon APN 128-097-012, and a Conditional Use Permit (Case No. 22CUP-00000-00021) to allow extensive processing uses at the Arctic Cold Agricultural Processor and Freezer Facility. On September 20, 2022, the Applicant applied for a Revised Development Plan (Case No. 23RVP-00024) to revise the previously approved Arctic Cold Agricultural Processor and Freezer Facility Development Plan to allow extensive processing uses in compliance with the LUDC, and to construct a 35-ft.-tall flag pole. On April 14, 2023, the Applicant submitted a Tentative Parcel Map (Case No. 23TPM-00002) to subdivide the subject property to allow the applicant to convey one portion (APN 128-097-012) of the property to the Arctic Cold Agricultural Processor and Freezer Facility operator. The two existing assessor parcels consist of one 40.65-acre parcel (APN 128-097-012), which contains the Arctic Cold Agricultural Processor and Freezer Facility, and one 71.10-acre parcel (APN 128-097-013), which contains active cultivation of row crops and the Mid Coast Cooling facility. The proposed Tentative Parcel Map (Case No. 24TPM-00006) will create legal lot lines that align with the existing Assessor parcels.

On June 12, 2024, the County Planning Commission reviewed the proposed General Plan Amendment (with accompanying requests) and recommended that the Board of Supervisors approve the proposed project, pursuant to the procedures regarding review authority in LUDC Section 35.80.020.

Subsequent to the Planning Commission's recommendation of approval of the project, staff has added clarifying language to the Development Plan Revision conditions of approval in order to ensure project compliance with respect to traffic and drainage conditions, as detailed below.

Traffic Demand Management Plan

The Traffic Demand Management Plan condition has been modified to require traffic counts to ensure that the project is compliant with the expected traffic trips as provided in the approved traffic study with the 2020 DVP permit and require corrective actions if the project is found to be in noncompliance with the maximum Average Daily Traffic (ADT) projections. Condition No. 40 from 20DVP-00000-00006, approved March 9, 2022, has been revised (new text shown in underlined font), as follows:

6. ***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 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.*

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 Counts shall be included in the Annual Reports. Initial Annual Report 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.*

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.*

Drainage Channel Maintenance

The following new condition of approval has been added to clarify the maintenance requirements for the existing drainage channel along Betteravia Road:

- 5. *Drainage Channel Maintenance and Potential Replacement.*** *The 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.*

Proposed Project:

The proposed project is a request for a General Plan Amendment, Conditional Use Permit, Revised Development Plan, and Tentative Parcel Map to allow for a new extensive agricultural processing use, and to create two legal parcels to allow for a fee title structure that will allow the applicant to convey one portion of the property to the Arctic Cold Agricultural Processor and Freezer Facility operator. The project descriptions for each entitlement are as follows:

General Plan Amendment (Case No. 22GPA-00000-00006)

The proposed project includes a request by AFP, LLC, for adoption of a General Plan Amendment pursuant to LUDC Section 35.104 to amend the Comprehensive Plan Land Use Element Map for the Santa Maria area (Comp-6) to apply the Agricultural Industry Overlay to the 40.65-acre property shown as Assessor's Parcel Number 128-097-012. The proposed project is located on a 111.75-acre legal lot, in the AG-II-40 Zone District, identified by Assessor's Parcel Numbers 128-097-012 and 128-097-013, and located at 1750 and 1780 East Betteravia Road in the Santa Maria area, Fourth Supervisorial District.

Conditional Use Permit (Case No. 22CUP-00000-00021)

The proposed project includes a request for a Conditional Use Permit pursuant to LUDC Section 35.82.060 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 square foot (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 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 is provided by two driveways off East Betteravia Road.

Development Plan Revision (Case No. 23RVP-00024)

The proposed project includes a request for a Revision to Development Plan (Case No. 20DVP-00000-00006) pursuant to LUDC Section 35.42.040.B.2 and 35.84.040.E to designate the Agricultural Industry Overlay upon APN 128-097-012, allow extensive fruit and vegetable processing uses within the 120,098 sf northern portion of the Arctic Cold Agricultural Processor and Freezer Facility, and allow construction of a 35-ft.-tall flag pole.

Tentative Parcel Map (Case No. 23TPM-00002)

The proposed project includes a request for a Tentative Parcel Map pursuant to LUDC Section 21-18 to create two legal parcels to allow for a fee title separation of existing independent agricultural operations on APN 128-097-013, including agricultural row crop production and the Mid Coast Cooling processor, from the Arctic Cold Agricultural Processor and Freezer Facility currently under construction on APN 128-097-012. The Tentative Parcel Map will split the legal lot into the two legal lots. Proposed Lot 1 will be a 40.65-acre parcel and proposed Lot 2 will be a 71.10-acre parcel. Existing development on proposed Lot 1 includes the 449,248 sf Arctic Cold Agricultural Processor and Freezer Facility and accessory buildings. Existing development on proposed Lot 2 includes the 52,000 sf Mid Coast Cooling facility and 5,600 sf Valley Farm Supply building and row crops.

The proposed project does not include grading or vegetation removal. Water service for proposed Lot 1 is provided by a permitted public water system supplied by two existing potable wells on site. Water service for proposed Lot 2 is provided by one existing potable well and one existing agricultural well on site. Wastewater treatment service for proposed Lot 1 is provided by an onsite wastewater treatment system and an onsite processing wastewater basin system. Wastewater treatment service for proposed Lot 2 is provided by an existing septic system. Access to proposed Lot 1 is provided by two driveways off East Betteravia Road. Access to proposed Lot 2 is provided by the existing driveway south of the intersection of Rosemary Lane and East Betteravia Road.

County Planning Commission:

The County Planning Commission reviewed the proposed Comprehensive Plan Amendment, Conditional Use Permit, Development Plan Revision, and Tentative Parcel Map on June 12, 2024. By a vote of 5 to 0, the County Planning Commission:

- Recommended that the Board make the findings for approval of the project and determined that as reflected in the CEQA findings, the project is within the scope of the previous EIR with adoption of the EIR Addendum, and no subsequent Environmental Impact Report shall be prepared for this project;
- Adopted Resolution No. 24-08 (Attachment 4) recommending that the Board adopt the proposed Comprehensive Plan Amendment.

The proposed project is consistent with all of the policies of the County Comprehensive Plan pertaining to adequate services and agricultural uses and extensive processing activities. In addition, the proposed project is consistent the development standards for the AG-II Zone District, including setbacks, height, parking, and agricultural processing facility standards. The County Planning Commission Staff Report (Attachment 6), dated June 4, 2024, provides a detailed analysis as to the project's consistency with the Santa Barbara County Comprehensive Plan and applicable policies and standards set forth in LUDC. The

County Planning Commission Action Letter (Attachment 5) reflects the recommendations of the County Planning Commission.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs to process the project were borne by the Applicant through the payment of processing fees. The total costs for processing the project are approximately \$98,000 (permit fees and 250 hours of staff time). Funding for this project is budgeted in the Planning and Development's Permitting Budget Program on Page 317 of the County of Santa Barbara Fiscal Year 2024-2025 Adopted Budget.

Special Instructions:

1. The Planning and Development Department will satisfy all noticing requirements. The Clerk of the Board shall forward the minute order of the hearing to the attention of Planning and Development Department: Hearing Support, David Villalobos.
2. The Clerk of the Board will publish the names of the members of the Board of Supervisors voting for and against the Comprehensive Plan Amendment, Tentative Parcel Map, and Development Plan Revision in the Santa Maria Times before the expiration of 15 days after its passage.
3. The Clerk of the Board shall provide a copy of the executed Resolution, Ordinance, Board Minute Order, notice, and proof of publication to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Attachments:

1. Findings
2. CUP, RVP, and TPM with Conditions
3. FEIR online link and CEQA 15164 Letter
4. Board of Supervisors Resolution – Comprehensive Plan Amendment
5. County Planning Commission Action Letter, dated June 12, 2024
6. County Planning Commission Staff Report, dated June 4, 2024
7. Proposed Tentative Parcel Map
8. Project Plans

Authored by:

Steve Conner, Planner (805) 568-2081

Development Review Division, Planning and Development Department