

# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU ST.  
SANTA BARBARA, CALIF. 93101-2058  
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TO THE HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION  
HEARING OF MAY 14, 2008

**RE: OSR/Rice Cooling and Processing Facility, 06RZN-00000-00005, 06TPM-00000-00019,  
06DVP-00000-00009, 06CUP-00000-00043**

Hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider the following:

- 1) **06RZN-00000-00005** [application filed July 14, 2006] for approval of a rezone to change the existing zoning designation for the 244.4 acres gross, 237.8 acres net, site commonly known as AP Nos. 128-096-001, 128-096-004, and 128-096-005 from the AG-II-100 (Agriculture with 100 acre minimum parcel size) zone district to the AG-II-40 (Agriculture with 40 acre minimum parcel size) zone district;
- 2) **06TPM-00000-00019** [application filed on July 14, 2006] for approval of a Tentative Parcel Map in compliance with County Code Chapter 21 to subdivide an existing 244.4 acres gross, 237.8 acres net, site commonly know as AP Nos. 128-096-001, 128-096-004, and 128-096-005 into three separate legal parcels ranging from 40.0 acres gross to 122.8 acres gross;
- 3) **06DVP-00000-00009** [application filed on July 14, 2006] for approval of a Development Plan to allow the construction of a 27-acre produce cooling and processing facility in compliance with Section 35.82.080 of the County Land Use and Development Code;
- 4) **06CUP-00000-00043** [application filed on July 14, 2006] for approval of a Major Conditional Use Permit to allow the construction of an agricultural processing facility within the AG-II zone district, in compliance with Section 35.82.060 of the County Land Use and Development Code;

and to accept the Addendum to Environmental Impact Report (04-EIR-08) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. The original EIR identified significant effects on the environment in the following categories: Aesthetics, Agricultural Resources/Land Use, Air Quality, Groundwater, Noise, and Traffic/Circulation. The Addendum to the EIR and all documents may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara or 624 W. Foster Rd., Santa Maria. The application involves AP Nos. 128-096-001, -004, and -005 located at the intersection of Betteravia Road and Rosemary Road, in the Santa Maria area, 5th Supervisorial District.

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Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of May 14, 2008, Commissioner Blough moved, seconded by Commissioner Valencia and carried by a vote of 3-0 to:

1. Recommend that the Board of Supervisors adopt the required findings for the project specified in Attachment A of the staff report, dated April 25, 2008, including CEQA findings;
2. Recommend that the Board of Supervisors approve the Addendum to the Uniform Rules EIR (04-EIR-08) as revised at the hearing of May 14, 2008;
3. Recommend that the Board of Supervisors approve 06RZN-00000-00005;
4. Recommend that the Board of Supervisors approve 06TPM-00000-00019 subject to the conditions included as Attachment C-1 of the staff report dated April 25, 2008 as revised by the staff memo dated May 14, 2008 and at the hearing of May 14, 2008;
5. Recommend that the Board of Supervisors approve 06DVP-00000-00009 subject to the conditions included as Attachment C-2 of the staff report dated April 25, 2008 as revised by the staff memo dated May 14, 2008 and at the hearing of May 14, 2008; and
6. Recommend that the Board of Supervisors approve 06CUP-00000-00043 subject to the conditions included as Attachment C-3 of the staff report dated April 25, 2008 as revised by the staff memo dated May 14, 2008 and at the hearing of May 14, 2008.

Any revision to language in the Addendum and/or Project Conditions is represented by underlined font for language which has been added and ~~striketrough~~ font for language which has been deleted. (Please note that the condition numbers in the Final Approved Conditions have been renumbered.)

#### REVISIONS TO THE ADDENDUM TO 04-EIR-08

*Language added on page 14 of 40:*

*Tentative Parcel Map:*

The proposed tentative parcel map would subdivide 244.4 acres into three legal parcels varying in size from 40 acres to 120 acres. This subdivision could result in the ministerial approval of up to 3 primary residences instead of the currently allowed one single-family residence. Generally, the construction of additional residential units would not be a significant visual impact if the surrounding area already exhibits a similar development pattern. The Santa Maria Valley does contain sparse residential development, therefore, the additional development of two new single-family homes would not be out of character with the area. Additionally, newly proposed homes would be need to be consistent with the County's Comprehensive Plan policies and therefore would have to be, "subordinate to the rural character of the area." Therefore, the potential for additional residential development created by the proposed subdivision would not result in a significant impact to visual resources.

## REVISIONS TO ATTACHMENT C-1: CONDITIONS OF APPROVAL (TPM)

*Language deleted in condition number 2, on pages C-1 and C-2:*

- ~~2. **Noise:** Construction activity for site preparation and for future development shall be limited to the hours between 7 AM to 4 PM, Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non noise generating construction activities such as interior painting are not subject to these restrictions.~~

~~**Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site.~~

~~**Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.~~

~~**MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.~~

*Language amended in condition number 13, on page C-3:*

### 13. Departmental Conditions: Compliance with Departmental Letters:

- a. Public Works Department Project Clean Water letter dated September 12, 2006.
- b. Santa Barbara County Fire Department letter dated April 25, 2008.
- c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
- d. Public Works Department of Flood Control letter dated August 17, 2006.
- e. Public Works Transportation letter dated ~~April 28, 2008~~ May 13, 2008.
- f. Environmental Health Services letter dated April 24, 2008.
- g. County Surveyor's Office letter dated August 2, 2006.
- h. Santa Barbara County Parks Department has no conditions.

## REVISIONS TO ATTACHMENT C-2: CONDITIONS OF APPROVAL (DVP)

*Language deleted in condition number 2, on pages C-7 and C-8:*

- ~~2. **Noise:** Construction activity for site preparation and for future development shall be limited to the hours between 7 AM to 4 PM, Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non noise generating construction activities such as interior painting are not subject to these restrictions.~~

~~**Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site.~~

~~**Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.~~

~~**MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.~~

*Language amended in condition number 20, on page C-13:*

**20. Compliance with Departmental letters required as follows:**

- a. Public Works Department Project Clean Water letter dated September 12, 2006.
- b. Santa Barbara County Fire Department letter dated April 25, 2008.
- c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
- d. Public Works Department of Flood Control letter dated August 17, 2006.
- e. Public Works Transportation letter dated ~~April 28, 2008~~ May 13, 2008.
- f. Environmental Health Services letter dated April 24, 2008.
- g. Santa Barbara County Parks Department has no conditions.

**REVISIONS TO ATTACHMENT C-3: CONDITIONS OF APPROVAL (CUP)**

*Language deleted in condition number 2, on page C-16:*

~~2. **Noise:** Construction activity for site preparation and for future development shall be limited to the hours between 7 AM to 4 PM, Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non noise generating construction activities such as interior painting are not subject to these restrictions.~~

~~**Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site.~~

~~**Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.~~

~~**MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.~~

*Language deleted in condition number 3, on page C-16:*

~~3. The processing facility shall not process agricultural products grown more than 25 miles beyond the boundaries of the County of Santa Barbara unless otherwise approved by the Director of Planning and Development.~~

*Language amended in condition number 5, on page C-16:*

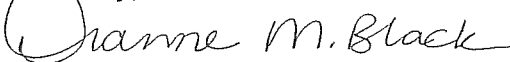
**5. Compliance with Departmental letters required as follows:**

- a. Public Works Department Project Clean Water letter dated September 12, 2006.
- b. Santa Barbara County Fire Department letter dated April 25, 2008.
- c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
- d. Public Works Department of Flood Control letter dated August 17, 2006.
- e. Public Works Transportation letter dated ~~April 28, 2008~~ May 13, 2008.
- f. Environmental Health Services letter dated April 24, 2008.
- g. Santa Barbara County Parks Department has no conditions.

*The attached findings and conditions reflect the Planning Commission's actions of May 14, 2008.*

Because this project is considered a legislative action, the decision of the Planning Commission is automatically forwarded to the Board of Supervisors for their action on the project, unless the action of the Planning Commission is to deny a zoning map amendment (rezone). In this case the action of the Planning Commission must be appealed to the Board of Supervisors in order for the Board of Supervisors to act on the project.

Sincerely,



Dianne M. Black  
Secretary to the Planning Commission

cc: Case File: 06RZN-00000-00005, 06TPM-00000-00019, 06DVP-00000-00009, 06CUP-00000-00043  
Planning Commission File  
Dianne M. Black, Director Development Review  
Agent: Claudia Sigona, SEPPS, 800 Santa Barbara Street, Santa Barbara, CA 93101  
Owner: OSR Enterprises Inc., NRG Enterprises L.P., and OSR Ranch L.P., 1910 E. Stowell Road, Santa Maria, CA 93454  
Engineer: Denis Bethel & Associates, 2450 Professional Parkway, Suite 120, Santa Maria, CA 93455  
David Allen, Deputy County Counsel  
Nathan Eady, Planner

**Attachments:        A – Findings  
                              C – Conditions of Approval**

DMB/dmv

## ATTACHMENT A: FINDINGS

### 1.0 CEQA FINDINGS:

#### 1.1 *Consideration of the Addendum and Full Disclosure*

The Board of Supervisors has considered the Addendum, dated April 25, 2008, together with the previously certified EIR (04-EIR-08) for the Uniform Rules of Agricultural Preserve and Farmland Security Zones. The Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with 04-EIR-08, is adequate for this proposal.

#### 1.2 *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 Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development, located at 123 East Anapamu Street, Santa Barbara, CA 93101.

#### 1.3 *Environmental Reporting and Monitoring Program*

Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

#### 1.4 *Findings Addressing Addendum Issue Areas*

The Addendum prepared for the project addressed the following issues:

Class I (significant and unavoidable)

Project related – Agricultural Resources/Land Use, Air Quality, Noise  
Cumulative – Traffic/Circulation, Aesthetics

Class II (potentially significant but mitigable)

Project related – Noise, Air Quality

In approving the updated Uniform Rules for Agricultural Preserve and Farmland Security Zones, the Board of Supervisors adopted a Statement of Overriding Considerations for significant impacts that could not be fully mitigated.

### 2.0 ADMINISTRATIVE FINDINGS:

#### 2.1 REZONE FINDINGS

Pursuant to Section 35-325.5, in order for the Planning Commission to recommend approval for the Board of Supervisors to approve a rezone request, the following findings shall be made by the Board of Supervisors:

##### 2.1.1 *The request is in the interests of the general community welfare.*

The proposed rezone from AG-II-100 (Agricultural, 100 acre minimum parcel size) to AG-II-40 (Agriculture, 40 acre minimum parcel size) would reduce the minimum parcel size allowed on the project site but would not result in any change to the allowed uses. This request is in the interest of the general community welfare as the predominant zone district in this area of the County is AG-II-40. Rezoning the project site to this predominant zone district would promote

orderly and consistent development patterns within this region of the Santa Maria Valley. Therefore, this finding can be made.

**2.1.2 *The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and Article III.***

State law requires zoning ordinances to be consistent with the comprehensive plan. The subject parcel has an Agricultural (AC) land use designation under the County's Comprehensive Plan. In addition, the project site is designated Agriculture II, 100-acre minimum parcel size (A-II-100) under the County's Land Use and Development Code. The request would rezone the subject property to Agriculture II, 40-acre minimum parcel size. This rezone would not result in any change of allowed uses on the subject property, just a reduction in minimal parcel size. The proposed rezone is consistent with the County's Comprehensive Plan, the requirements of State planning and zoning laws, and Article III. Therefore, the proposed rezone is consistent with this finding.

**2.1.3 *The request is consistent with good zoning and planning practices.***

The proposed rezone from AG-II-100 (Agricultural, 100 acre minimum parcel size) to AG-II-40 (Agriculture, 40 acre minimum parcel size) would reduce the minimum parcel size allowed on the project site but would not result in any change to the allowed uses. This request is consistent with good zoning and planning practices as the predominant zone district in this area of the County is AG-II-40. Rezoning the project site to this predominant zone district would promote orderly and consistent development patterns within this region of the Santa Maria Valley. Therefore, this finding can be made.

**2.2 *SUBDIVISION MAP ACT FINDINGS (Tract Map No. 14,707)***

According to the Subdivision Map Act, the Board of Supervisors must deny this tentative parcel map if the Board is either unable to make the requisite statutory findings for approval of the project or, in the alternative, makes any of the specified statutory findings that would require disapproval. For the reasons discussed below, the Board of Supervisors adopts each of the required statutory findings necessary to approve this Tentative Parcel Map:

**2.2.1 *State Government Code §66473.1 The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.***

The proposed subdivision would create three new parcels the smallest of which is approximately 40 acres. Ample space and favorable topography within these parcels would allow for the future use of passive or natural heating or cooling opportunities in the subdivision. Therefore, the Board of Supervisors finds that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

**2.2.2 *State Government Code §66473.5 No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65450) of Chapter 3 of Division 1.***

As discussed in the policy consistency section of this staff report (section 6.2, incorporated herein by reference), the map is consistent with the County's Comprehensive Plan with the incorporation

of conditions of approval identified in this staff report dated April 25, 2008. Therefore, the Board of Supervisors finds that the proposed project is consistent with the County's Comprehensive Plan.

**2.2.3 State Government Code §66474. The following findings shall be caused for disapproval of a Vesting Tentative Tract Map:**

**a. *The proposed map is not consistent with applicable general and specific plans as specified in §66451***

As evaluated in Section 6.2 of the staff report, the project is consistent with all applicable Comprehensive Plan policies. The project is not subject to a specific or community plan.

**b. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans***

The design and improvements set forth in TM 14,707, and as conditioned, are consistent with the County's Comprehensive Plan in respect to lot width, depth, and size. The parcel contains an adequate building site and private services are available to serve development on the site, including access to the building area. The project is not subject to a specific or community plan.

**c. *The site is not physically suitable for the type of development proposed***

The proposed subdivision includes the creation of three parcels ranging in size from approximately 40 acres to 122 acres. A proposed 27-acre produce cooling and processing facility would be placed on the 40 acre parcel. All three proposed parcels contain ample acreage and favorable topography to allow the currently proposed development and future development which may be proposed.

**d. *The site is not physically suited for the proposed density of development***

The proposed subdivision includes the creation of three parcels ranging in size from approximately 40 acres to 122 acres. A proposed 27-acre produce cooling and processing facility would be placed on the 40 acre parcel. Additional development in the form of one primary residence per legal lot and additional agricultural structures could be developed on the additional parcels. All three parcels have ample acreage and favorable topography necessary to support the proposed density of development.

**e. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat***

As noted in the Addendum to 04-EIR-08, the project will have certain significant and unavoidable project related and cumulative impacts and potentially significant but mitigable project related and cumulative impacts. However, these impacts are the same as originally analyzed in 04-EIR-08 and the Board of Supervisors adopted a Statement of Overriding Considerations for these Class I impacts. Further, the project site is located in an agriculturally disturbed area with little habitat value. In addition, night lighting associated with structural development will be limited in intensity and directed downward in order to reduce any nuisance effect on local wildlife. Mitigation measures from the Addendum have now been incorporated into the project as conditions of approval. Therefore, the project would not result in substantial environmental damage nor would the project be harmful to fish, wildlife or the habitat on which they rely.



The EIR and Addendum did not reveal any impacts to fish, wildlife or the environment generally which could not be mitigated to insignificance. Project conditions of approval require the implementation of erosion control measures during construction, and the use of protective devices to minimize and filter runoff prior to it leaving the site.

*f. The design of the subdivision or type of improvements is likely to cause serious public health problems*

The subdivision and build-out of the proposed parcels with an agricultural processing facility and additional low-density residential development is not expected to result in activities that will cause significant health or safety impacts. Proposed conditions of approval will minimize construction-related air emissions and project related traffic would not result in impacts associated with localized increases in carbon monoxide concentrations. Thus, with the implementation of proposed conditions of approval, the project would not result in serious public health problems.

*g. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision*

The proposed subdivision would not conflict with any easements located on the property. No easements would need to be altered or relocated as a result of the proposed project.

*h. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code*

The proposed subdivision will be served by private septic disposal systems and an industrial wastewater retention basin subject to the approval of the Environmental Health Department. Therefore, waste discharge from the proposed subdivision will not affect an existing community sewer system.

## **2.3 CHAPTER 21, COUNTY SUBDIVISION REGULATIONS**

The following findings shall be cause for disapproval of a tentative map or lot split map, but the tentative map or lot split may nevertheless be approved in spite of the existence of such conditions where circumstances warrant.

**2.3.1 *Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, however the road commissioner may approve such easements or rights-of-way without such subordinations***

The proposed project does not propose any easements or right-of-ways along or across County public streets that are not for street dedication or widening purposes.

**2.3.2 *Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street***

Adequate access and ingress/egress is provided for the proposed parcels via Betteravia Road and Rosemary Roads. Public Works, Roads Division has reviewed the proposed access way to the site and has determined that it would be adequate to serve the proposed project.

**2.3.3 *Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view***

The proposed project includes the creation of minor cut and fill slopes in order to development the required stormwater and industrial wastewater retention basins. However, these slopes will not be of such steepness and/or height as to be unsafe or unattractive to view.

**2.3.4 *Grading or construction may not be performed prior to the approval of the final map***

No grading has occurred nor is proposed for any street or lot prior to recordation of the final map, except for any allowed structures under existing zoning regulations.

**2.3.5 *Potential creation of hazard to life or property from floods, fire, or other catastrophe***

The project has been reviewed by both the County's Flood Control and Fire Prevention Departments. These aforementioned departments have implemented the necessary conditions required to avoid the creation of hazards associated with flooding and fires.

**2.3.6 *Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the state highway commission***

Compliance with the conditions of approval identified in Attachment C, ensures that the design and improvements of the proposed subdivision and future development are consistent with the County's Comprehensive Plan, as discussed in the previous findings and in Section 6.2 of this report. The proposed project does not conflict or impact the alignment of any state highway.

**2.3.7 *Creation of a lot or lots which have a ratio depth to width in excess of 3 to 1***

The project would not result in lots that have a ratio depth to width in excess of 3:1 .

**2.3.8 *Subdivision designs with lots backing up to watercourses***

The proposed subdivision does not back up to a watercourse. Grading and drainage plans that include erosion control measures (temporary and permanent) would be required prior to future development of the site. Review and approval by P&D and Flood Control of these plans is required pursuant to the conditions of approval.

**2.4 DEVELOPMENT PLAN FINDINGS**

Pursuant to Section 35.82.080.E, a Final Development Plan (06DVP-00000-00008) shall be approved only if all of the following findings can be made:

**2.4.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.***

The proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. The parcel is a relatively flat with the exception of one minor slope (15 feet in height) that bisects the property from east to west. The proposed 40-acre site contains one existing oil well. The proposed cooling and processing facility would be approximately 27-acres which represents approximately 68% in total lot coverage. Upon full build-out of the facility, including structures and supporting improvements (i.e. parking lots,

landscaping, wastewater treatment, etc.), 13 acres of the site will remain cultivated with row crops. The physical characteristics, shape and size of the site are adequate to support both the proposed development. Therefore, this finding can be made.

**2.4.2 *That adverse impacts are mitigated to the maximum extent feasible.***

As noted in the Addendum to 04-EIR-08, the impacts of the proposed project are the same or less than those identified in 04-EIR-08 prepared for the update to the Uniform Rules of Agricultural Preserve and Farmland Security Zones. The Board of Supervisors adopted a Statement of Overriding Considerations for 04-EIR-08 for the significant impacts that could not be fully mitigated.

**2.4.3 *That streets and highways are adequate and properly designed.***

The street system surrounding the project site is adequate to accommodate the net increase of 629 Average Daily Trips (ADT) and 56 Peak Hour Trips (PHT) which would be generated by the proposed development. As discussed in Section 4.0 of the proposed Final Addendum to 04-EIR-08, the addition of project-generated traffic to area roadways and intersections would not create significant impacts to areas roadways or intersections. As designed, the project is adequate to serve development onsite and meet Fire Department Standards for emergency access. As conditioned, proposed access ways would not result in the creation of turning movement conflicts or hazards to pedestrians, cyclists or vehicles on Betteravia Road or Rosemary Road. Therefore, this finding can be made.

**2.4.4 *That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.***

The proposed project will be provided with potable water via onsite private wells. Wastewater disposal will be achieved by the use of private septic systems which are subject to the approval of the Environmental Health Department. Adequate police and fire protection are available to serve the proposed project. Therefore, this finding can be made.

**2.4.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.***

The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. Traffic generated by the project will not substantially affect roadways used by residents of the surrounding area. The proposed project will use anhydrous ammonia during the produce cooling process, however, risk assessments indicate that a release of this potentially hazardous chemical on the project site does not pose a significant risk to surrounding residents. The County Fire Department has reviewed and conditioned the project as required to prevent the creation of significant fire or hazardous chemical risks. Therefore, this finding can be made.

*2.4.6 That the project is in conformance with the applicable provisions of the Development Code and the Comprehensive Plan, including any applicable community or area plan.*

As discussed in Sections 6.2 and 6.3 of the staff report dated April 25, 2008 and incorporated herein by reference, the project is in conformance with the applicable provisions of the Land Use Development Code and Comprehensive Plan. The project is not subject to the requirements of any community or area plan. Therefore, this finding can be made.

*2.4.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. As similar cooling facilities and light-industrial facilities with similar site design and architectural style exist in this region of the County the proposed project is consistent with the character of the area. Therefore, this finding can be made.

*2.4.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

There are no public access easements on the property nor has there been any public use of the property.

*2.4.9 The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the applicable review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan. Where the Director cannot make the finding that the Final Development plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the review authority that approved the Preliminary Development Plan for a decision on the Final Development Plan.*

The proposed project site is not subject to a previously approved Development Plan. Therefore, this finding can be made.

*2.4.10 As the proposed processing facility would occupy more than 50% of the parcel, in order for the project to be consistent with Rule 2-2.1 A-1 of the Uniform Rules for Agricultural Preserve the Board must make the finding that the project is a substantial benefit to the agricultural community and the public.*

The project is a 27-acre produce cooling and processing facility. The project would be a substantial benefit to the agricultural community and the public as it would serve the produce cooling and processing needs for approximately 5,000 acres of agricultural land. The placement of such a facility in close proximity to the land which it serves will allow cheaper and faster cooling. This is a benefit to the agricultural producer and increases the shelf-life of produce which is a benefit to the public. Therefore, this finding can be made.

## 2.5 CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 35.82.060.E, a Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

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

The proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. The parcel is a relatively flat with the exception of one minor slope (15 feet in height) that bisects the property from east to west. The 40-acre site contains one existing oil well. The proposed cooling and processing facility would be approximately 27-acres which represents approximately 68% in total lot coverage. Upon full build-out of the facility, including structures and supporting improvements (i.e. parking lots, landscaping, wastewater treatment, etc.), 13 acres of the site will remain cultivated with row crops. The physical characteristics, shape and size of the site are adequate to support both the proposed development. Therefore, this finding can be made.

### 2.5.2 *That significant environmental impacts are mitigated to the maximum extent feasible.*

As noted in the Addendum to 04-EIR-08, the impacts of the proposed project are the same or less than those identified in 04-EIR-08 prepared for the update to the Uniform Rules of Agricultural Preserve and Farmland Security Zones. The Board of Supervisors adopted a Statement of Overriding Considerations for 04-EIR-08 for the significant impacts that could not be fully mitigated.

### 2.5.3 *That streets and highways are adequate and properly designed.*

The street system surrounding the project site is adequate to accommodate the net increase of 629 Average Daily Trips (ADT) and 56 Peak Hour Trips (PHT) which would be generated by the proposed development. As discussed in Section 4.0 of the proposed Final Addendum to 04-EIR-08, the addition of project-generated traffic to area roadways and intersections would not create significant impacts to areas roadways or intersections. As designed, the project is adequate to serve development onsite and meet Fire Department Standards for emergency access. As conditioned, proposed access ways would not result in the creation of turning movement conflicts or hazards to pedestrians, cyclists or vehicles on Betteravia Road or Rosemary Road. Therefore, this finding can be made.

### 2.5.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The proposed project will be provided with potable water via onsite private wells. Wastewater disposal will be achieved by the use of private septic systems which are subject to the approval of the Environmental Health Department. Adequate police and fire protection are available to serve the proposed project. Therefore, this finding can be made.

*2.5.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.*

The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. Traffic generated by the project will not substantially affect roadways used by residents of the surrounding area. The proposed project will use anhydrous ammonia during the produce cooling process, however, risk assessments indicate that a release of this potentially hazardous chemical on the project site does not pose a significant risk to surrounding residents. The County Fire Department has reviewed and conditioned the project as required to prevent the creation of significant fire or hazardous chemical risks. Therefore, this finding can be made.

*2.5.6 That the project is in conformance with the applicable provisions and policies of the Development Code and the Comprehensive Plan.*

As discussed in Sections 6.2 and 6.3 of the staff report dated April 25, 2008 and incorporated herein by reference, the project is in conformance with the applicable provisions of the Land Use Development Code and Comprehensive Plan. The project is not subject to the requirements of any community or area plan. Therefore, this finding can be made.

*2.5.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The proposed project is located in a rural area of the County and is surrounded by low-density residential development, cooling facilities, light-industrial development, oil extraction facilities, and cultivated agriculture. As similar cooling facilities and light-industrial facilities with similar site design and architectural style exist in this region of the County the proposed project is consistent with the character of the area. Therefore, this finding can be made.

ATTACHMENT C-1: CONDITIONS OF APPROVAL (TPM)

OSR/Rice Cooling and Processing Facility Tentative Parcel Map

06TPM-00000-00019 / TPM 14,707

Date: May 14, 2008

I. PROJECT DESCRIPTION

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1 dated May 14, 2008, 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:

Hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider Case No. 06TPM-00000-00019 [application filed on July 14, 2006] for approval of a Tentative Parcel Map in accordance with County Code Chapter 21 to subdivide the existing 244.4 acres gross, 237.8 acres net, site commonly know as APN numbers 128-096-001, 128-096-004, and 128-096-005 into three separate legal parcels. Parcel 1 will be 40.0 acres gross, 37.6 acres net. Parcel 2 will be 122.8 acres gross, 120.6 acres net. Parcel 3 will be 81.6 acres gross, 79.6 acres net. Access to Parcel 1 will be provided from both Betteravia Road and Rosemary Road. Access to Parcel 2 will be provided from Rosemary Road. Access to Parcel 3 will be provided from Betteravia Road.

II. MITIGATION MEASURES FROM ADDENDUM TO 04-EIR-08

III. PROJECT SPECIFIC CONDITIONS

2. **Archaeological remains:** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. 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 and Timing:** This condition shall be printed on all building and improvement plans.

3. **Agricultural Preserve Replacement Contracts:** Concurrent with P&D clearance for recordation of the Final Map the applicant shall submit applications for replacement contracts for each of the newly configured parcels.

#### IV STANDARD CONDITIONS FOR TENTATIVE PARCEL MAPS

4. **Informational Sheet:** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the applicant shall include all of the conditions, agreements, and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the Parcel Map. All applicable conditions of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. If Zoning Clearances are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued Zoning Clearance. For any subsequent development on any parcels created by the project, each set of plans accompanying a Zoning Clearance shall contain these conditions.
5. **Revisions:** If the proposed parcel map is revised from the approved Tentative Map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved Tentative Map.
6. **Final Map Clearance:** Two copies of the map to finalize the tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue Parcel Map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
7. **Easements:** Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities that require easements. The subdivider shall submit to the County Surveyor a set of prints of the parcel map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21-30; Ord. No. 2199, Sec. 13).
8. **Expiration:** The Tentative Map shall expire three years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code Section 66452.6.
9. **Underground Utilities:** All utilities shall be installed underground.

#### V COUNTY RULES & REGULATIONS / LEGAL REQUIREMENTS

10. **Impact Mitigation Fees.** Prior to issuance of the Zoning Clearance, the applicant shall pay the applicable Transportation Impact Mitigation fee with the Public Works Department and prior to Final Map Recordation the mitigation fee with Parks Department.
11. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Zoning Clearance and Building Permit from the Planning and Development Department. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the County Planning Commission. Before any Permit will be issued by the Planning and Development Department, the applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the applicant has



satisfied all pre-construction conditions. A form for such clearance is available at the Planning and Development Department office.

12. **Departmental Conditions:** Compliance with Departmental Letters:
  - a. Public Works Department Project Clean Water letter dated September 12, 2006.
  - b. Santa Barbara County Fire Department letter dated April 25, 2008.
  - c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
  - d. Public Works Department of Flood Control letter dated August 17, 2006.
  - e. Public Works Transportation letter dated May 13, 2008.
  - f. Environmental Health Services letter dated April 24, 2008.
  - g. County Surveyor's Office letter dated August 2, 2006.
  - h. Santa Barbara County Parks Department has no conditions.
13. **Print and illustrate conditions on plans:** All conditions of approval contained herein shall be printed in their entirety on plans submitted to the Planning and Development Department and reflected in graphic illustrations where appropriate.
14. **Fees Required:** Prior to the issuance of Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.
15. **Change of Use:** Any new or changed use on the site shall be subject to appropriate review by the County, including building code compliance and environmental review if applicable.
16. **Indemnity and Separation Clauses:** The applicant shall defend, indemnify and hold harmless the County or its agents, 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 Development Plan. In the event that the County fails to promptly 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.
17. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation 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 within 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 again by the County and substitute conditions may be imposed.

**ATTACHMENT C-2: CONDITIONS OF APPROVAL (DVP)**

OSR/Rice Cooling and Processing Facility Development Plan  
**06DVP-00000-00009**

**Date: May 14, 2008**

**I. PROJECT DESCRIPTION**

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1 dated May 14, 2008, 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:

**Hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises, Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider Case No. 06DVP-00000-00009 [application filed on July 14, 2006] for approval of a development plan to allow for the construction of a 27-acre produce cooling and processing facility on Proposed Parcel 1. The proposed facility will be developed in at least two phases over an approximate timeline of 5-8 years.**

**PHASE 1 DEVELOPMENT**

<b>Land Use</b>	<b>Proposed Square Footage</b>
Coolers and Refrigeration Dock	58,800 square feet
Engine Room, Electrical Services, and Ice Storage	4,720 square feet
Dock Office and Trucker Facility (Two Story)	First Floor: 2,800 square feet Second Floor: 2,800 square feet
Office Building (Two Story)	First Floor: 6,400 square feet Second Floor: 4,096 square feet
Field Supplies, Machine Shop, and Battery Storage	13,750 square feet
Shade Structures	9,320 square feet

<b>Total Phase 1 Development</b>	<b>102,686 square feet</b>
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**FUTURE PHASES OF DEVELOPMENT**

<b>Land Use</b>	<b>Proposed Square Footage</b>
Coolers and Refrigeration Dock	58,800 square feet
Value-Added Processing and Support Facilities	57,900 square feet
Field Supplies	8,250 square feet
Shade Structures	10,000 square feet
<b>Total Future Phase Development</b>	<b>134,950 square feet</b>
<b>Total Structural Development for All Phases</b>	<b>237,636 square feet</b>

**LOT COVERAGE ANALYSIS**

<b>Land Use</b>	<b>Proposed Phase 1 Development</b>	<b>Full Facility Build-out</b>
Building Footprints	102,686 square feet	237,636 square feet
Paved Areas	436,415 square feet	632,821 square feet
Detention and Wastewater	94,050 square feet	115,080 square feet
Landscaped Areas	151,231 square feet	158,347 square feet
Undeveloped Areas	840,768 square feet	481,266 square feet
Public Right-of-Way	124,146 square feet	124,146 square feet

**Traffic and Circulation:** A traffic report was generated for the project by Associated Transportation Engineers (dated January 26, 2007). The study determined there would be no impacts to levels of service at any of the roadways or intersections within the project vicinity as a result of full build out of the project.

**Access:** The proposed facility will include three vehicular access points on Rosemary Road and one vehicular access point on Betteravia Road. These access points would include a combined entrance/exit for “field” trucks on Betteravia Road, a combine entrance/exit for employee and guest parking on Rosemary Road, and separate entrance and exit points for “line” trucks on Rosemary.

**Parking:**

Land Use	Phase 1	Full Project Build-out
Offices/Administration	54 spaces required	54 spaces required
Warehousing/Manufacturing	77 spaces required	202 spaces required
<b>Total Required</b>	<b>131 spaces required</b>	<b>256 spaces required</b>
<b>Total Provided</b>	<b>145 spaces provided</b>	<b>259 spaces provided</b>

**Building Heights:** Proposed structural development will range from a total height of 28 feet (office and administration) to 35 feet (cooling and manufacturing). The height limit in the AG-II-100 zone district is 35 feet for residential structures; there is no height limit otherwise.

**Landscaping:** The project includes approximately 151,231 square feet of landscaping as part of Phase 1 and 158,347 square feet of landscaping at full project build-out. This landscaping is primarily located between the proposed development and the public right-of-ways on Betteravia Road and Rosemary Road. This landscaping would provide screening and visual enhancement of the parking areas and structural development.

**Grading:** Grading to accommodate Phase 1 of the proposed project would include 24,300 cubic yards of cut and 8,550 cubic yards of fill. Despite the flat nature of the site (average slope of less than 2%) Phase 1 requires a significant amount of cut in order to construct the proposed storm water and process water retention basins. Future phases of the project would include an additional 2,700 cubic yards of cut and 950 cubic yards of fill.

**Drainage:** The current configuration of the site yields relatively large areas of impervious surfacing in the form of paving and building footprint. Storm water will be conveyed into a retention basin located in the northwest portion of the project site. This retention basin has been designed to accommodate both 25-year and 100-year flood events. An additional retention basin will be located in the northern portion of the site to accommodate process wastewater.

**Miscellaneous Items:** Agricultural and Potable Water would be provided by on-site private wells. Water pressure for the operation of fire hydrants on the site will be provided by either the City of Santa Maria's community water system or by onsite water storage tanks. Domestic wastewater generated by onsite employees and visitors will be disposed of with the use of a private septic system located in the proposed landscaped areas of the project site. A Solid Waste Management Plan shall be implemented during operation of the facility. This management plan will include the recycling of paper, cardboard, and similar waster products and the composting of organic waste to the maximum extent feasible.

## II. MITIGATION MEASURES FROM ADDENDUM TO 04-EIR-08

### III. PROJECT SPECIFIC CONDITIONS

2. **Archaeological remains:** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. 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 and Timing:** This condition shall be printed on all building and improvement plans.

3. **Solid Waste Management Plan:** The permittee shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project. The program shall include the following measures, but is not limited to those measures:
  - a. Provision of 200 square feet of space and/or bins for storage of recyclable materials (i.e., enough space for two recycling dumpsters) within the project site clearly marked with the appropriate recycling signs, and accessible at all times.
  - b. Implementation of a green waste source reduction program, including the creation of composting areas, and the use of mulching mowers in all open space lawns.
  - c. Implementation of a curbside recycling program or participation in an existing program to serve the new development. If it is determined by Planning and Development that a curbside recycling program cannot be implemented then it will be the responsibility of the applicant to contract with a recycling service acceptable to Planning and Development to implement a project-wide recycling program.
  - d. Development of a Source Reduction Plan (SRP), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of landfilling, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.

- e. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. To ensure compliance, the applicant shall develop an integrated solid waste management program, including recommended source reduction, recycling, composting programs, and/or a combination of such programs, subject to P&D review and approval prior to Land Use Permit approval. Reports on materials purchased, recycled content, participation, and other available information shall be made available to permit compliance upon request.

**Plan Requirement:** The applicant shall submit a Solid Waste Management Program to P&D for review and approval prior to Zoning Clearance.

**Timing:** Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

**MONITORING:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented.

4. **Erosion Control:** A grading and erosion control plan shall be designed to minimize erosion and shall include the following:

- a. Graded areas shall be revegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- b. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.

**Plan Requirements:** The grading and erosion control plan(s) shall be submitted for review and approved by P&D prior to Zoning Clearance. The applicant shall notify Permit Compliance prior to commencement of grading.

**Timing:** Components of the grading plan shall be implemented prior to occupancy clearance.

**MONITORING:** Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

5. **Revegetation/Soil Stabilization:** If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

- a. seeding and watering to revegetate graded areas; and/or
- b. spreading of soil binders; and/or

c. any other methods deemed appropriate by Planning and Development.

**Plan Requirements:** These requirements shall be noted on all plans.

**Timing:** Plans are required prior to Zoning Clearance.

**MONITORING:** Grading Inspector shall perform periodic site inspections.

6. **Dust Abatement:** Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.

a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.

b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

**Plan Requirements:** All requirements shall be shown on grading and building plans.

**Timing:** Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

7. **Dust Abatement Monitoring:** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

**Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD.

**Timing:** The dust monitor shall be designated prior to Zoning Clearance.

**MONITORING:** P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.

8. **Construction Debris:** Excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite.

**Plan Requirements:** This requirement shall be printed on the grading and construction plans. Permittee shall provide P&D with receipts for recycled materials or for separate bins.

**Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance. P&D shall review receipts prior to occupancy clearance.

9. **Construction / Employee Trash:** To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as needed.

**Plan Requirements / Timing:** Prior to Land Use Permit approval, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. Permit Compliance staff shall inspect periodically throughout grading and construction activities.

#### IV. DEVELOPMENT PLAN CONDITIONS OF APPROVAL

10. **DP Expiration:** Approval of the Final Development Plan shall expire ten (10) years after approval by the Board of Supervisors unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
11. **Final DP conformity:** No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit # 1, dated May 14, 2008. Substantial conformity shall be determined by the Director of P&D.
12. **Subsequent DP:** On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but un-built plans shall become null and void.
13. **Time Extension – Revision:** If the applicant requests a time extension for this permit/project, the permit/project 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. Mitigation fees shall be those in effect at the time of Zoning Clearance issuance.
14. **BAR:** The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to Zoning Clearance issuance.



15. The landscape plan shall provide a combination of landscaping with low water-use plants and/or a solid screen wall or fence shall be provided to effectively obscure the public view of parking areas from surrounding roadways.

## V. COUNTY RULES AND REGULATIONS

16. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain applicable Zoning Clearances and Building Permits from Planning and Development. These permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
17. **Landscape Performance Securities:** Two performance securities shall be provided by the applicant prior to Zoning Clearance Issuance, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for 3 years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security 2 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
  - a. Installation of planting, irrigation, and seeding materials consistent with the final landscaping plans approved by the BAR prior to occupancy clearance.  
  
**MONITORING:** P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.
18. **Landscape Requirements:** Landscaping shall be maintained for the life of the project.
19. **Compliance with Departmental letters required as follows:**
  - a. Public Works Department Project Clean Water letter dated September 12, 2006.
  - b. Santa Barbara County Fire Department letter dated April 25, 2008.
  - c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
  - d. Public Works Department of Flood Control letter dated August 17, 2006.
  - e. Public Works Transportation letter dated May 13, 2008.
  - f. Environmental Health Services letter dated April 24, 2008.
  - g. Santa Barbara County Parks Department has no conditions.

20. **Print & Illustrate conditions on plans:** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
21. **Mitigation Monitoring required:** The 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 applicant agrees to:
  - 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.
  - a. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
  - b. Pay fees prior to approval of Zoning Clearances as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including 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 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.
22. **Signed Agreement to Comply with Conditions Required:** Prior to Zoning Clearance issuance, the applicant shall provide evidence that they have recorded an Agreement to Comply with Conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
23. **Fees Required:** Prior to Zoning Clearance issuance, the applicant shall pay all applicable P&D permit processing fees in full.
24. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
25. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officer 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 the Development and Conditional Use Permit. 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.
26. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation 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 within 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 County and substitute conditions may be imposed.

**ATTACHMENT C-3: CONDITIONS OF APPROVAL (CUP)**

Date: May 14, 2008

OSR/RICE COOLING AND PROCESSING FACILITY

CONDITIONAL USE PERMIT

SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE

CASE NO. 06CUP-00000-00043

A Conditional Use Permit is Hereby Granted:

TO: OSR Enterprises, Inc., NRG Enterprises L.P., and OSR Ranch L.P.

APN: 128-096-001, -004, -005

PROJECT ADDRESS: Betteravia and Rosemary Roads, northeast corner

ZONE: AG-II-100

AREA: Santa Maria

SUPERVISORIAL

DISTRICT: Fifth

FOR: A Major Conditional Use Permit to allow for the construction and use of an agricultural processing facility which accepts off-premise agricultural product.

This permit is subject to compliance with the following condition(s):

**I. PROJECT DESCRIPTION**

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit # 1 dated May 14, 2008, 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:**

Public hearing on the request of Claudia Sigona, agent for the applicants, OSR Enterprises, Inc., NRG Enterprises L.P., and OSR Ranch L.P. to consider Case No. 06CUP-00000-00043 [application filed on July 14, 2006] for approval of a Major

Conditional Use Permit to allow for the construction and use of an agricultural processing facility located within the AG-II zone district, in compliance with Section 35.82.060 of the Santa Barbara County Land Use and Development Code.

**II MITIGATION MEASURES FROM ADDENDUM TO 04-EIR-08**

**III PROJECT SPECIFIC CONDITIONS**

**IV COUNTY RULES AND REGULATIONS**

2. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain applicable Zoning Clearances and Building Permits from Planning and Development. These permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
3. **Compliance with Departmental letters required as follows:**
  - a. Public Works Department Project Clean Water letter dated September 12, 2006.
  - b. Santa Barbara County Fire Department letter dated April 25, 2008.
  - c. Santa Barbara County A.P.C.D. letter dated April 18, 2008.
  - d. Public Works Department of Flood Control letter dated August 17, 2006.
  - e. Public Works Transportation letter dated May 13, 2008.
  - f. Environmental Health Services letter dated April 24, 2008.
  - g. Santa Barbara County Parks Department has no conditions.
4. **Print & Illustrate conditions on plans:** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
5. **Mitigation Monitoring required:** The 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 applicant agrees to:
  - 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. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.

- c. Pay fees prior to approval of Zoning Clearances as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including 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 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.
6. **Signed Agreement to Comply with Conditions Required:** Prior to Zoning Clearance issuance, the applicant shall provide evidence that they have recorded an Agreement to Comply with Conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
7. **Fees Required:** Prior to Zoning Clearance issuance, the applicant shall pay all applicable P&D permit processing fees in full.
8. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
9. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officer 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 the Development and Conditional Use Permit. 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.
10. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation 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 within 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 County and substitute conditions may be imposed.
11. This Conditional Use Permit is not valid until a Zoning Clearance for the development and/or use has been obtained. Failure to obtain said Zoning Clearance shall render this Conditional Use Permit null and void. Prior to the issuance of the Zoning Clearance, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of a Zoning Clearance must be satisfied. Upon issuance of the Zoning Clearance, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
12. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Section 35.82.60 of the Santa Barbara County LUDC, the Planning Commission is empowered, in

addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.

13. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance 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.
14. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
15. Within 5 years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Zoning Clearance has been issued. Failure to commence the construction and/or use pursuant to a valid Zoning Clearance shall render the Conditional Use Permit null and void.
16. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
17. If the applicant requests a time extension for this permit/project, the permit/project 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. Mitigation fees shall be those in effect at the time of issuance of a Zoning Clearance.

Diane Meester Black, Director of Development Services

For John Baker, Director

---

Date

cc: Owner: OSR Enterprises, 1910 East Stowell Road, Santa Maria, CA 93454  
Agent: Susan Elledge, 800 Santa Barbara Street, Santa Barbara, CA 93101  
Case Files  
Fire Department  
Flood Control  
Park Department  
Public Works  
Environmental Health Services  
APCD  
Deputy County Counsel



County of Santa Barbara Public Works Department  
Project Clean Water

123 E. Anapamu Street, Suite 240, Santa Barbara, CA 93101  
(805) 568-3440 FAX (805) 568-3454  
Website: [www.countyofsb.org/project\\_cleanwater](http://www.countyofsb.org/project_cleanwater)



PHILLIP M. DUMERY  
Director

RECEIVED

THOMAS D. FAYRAM  
Deputy Director

SEP 12 2006

S.B. COUNTY  
PLANNING & DEVELOPMENT

Planning Commission  
County of Santa Barbara Planning & Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

Reference: 06GPA-00000-00012/06DYP-00000-00009/06TPM-00000-00019; OSR Enterprises Inc., NRG Enterprises L.P., OSR Ranch L.P.  
APN: 128-096-001, -004, -005/Santa Maria

Dear Commissioners:

The above referenced project is subject to the County of Santa Barbara's Standard Conditions for Project Plan Approval – Water Quality BMPs. The conditions apply because the project is more than 0.5 acres of commercial development. These conditions require appropriate treatment of runoff from impervious surfaces for the design storm to remove potential pollutants.

1. Prior to issuance of Development Permits, the applicant shall submit improvement plans, grading & drainage plans, landscape plans, and a drainage study or Storm Water Quality Management Plan that includes relevant details to the Water Resources Division (Attention: Cathleen Garmand) for review and approval. The drainage study or Storm Water Quality Management Plan must:
  - a. demonstrate how the treatment facilities comply with the conditions by treating runoff from the design storm,
  - b. show the locations of all treatment facilities, and
  - c. include a maintenance plan appropriate for the proposed facilities.
2. Prior to issuance of Land Use Clearance applicant shall enter into an approved maintenance agreement with the County of Santa Barbara to assure perpetual maintenance of the treatment control facilities by the property owner.
3. Prior to Occupancy Clearance, all drainage improvements required as part of the above conditions shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer or Landscape Architect. A set of As-Built plans shall be submitted to Water Resources Division that includes those details of Condition 1 of this letter.
4. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for review and approval.




Design guidance is available, but not limited, to the following resources:

- California Stormwater Best Management Practice Handbooks – New Development and Redevelopment. California Stormwater Quality Association. 2003 (or most recent edition).
- Start at the Source. Bay Area Stormwater Management Agencies Association. 1999 (or most recent edition).
- Technical Guidance Manual for Stormwater Quality Control Measures. Ventura Countywide Stormwater Quality Management Program. 2002 (or most recent edition).
- Development Planning for Stormwater Management – A Manual for the Standard Urban Storm Water Mitigation Plan. Los Angeles County Department of Public Works. 2002 (or most recent edition).
- Post-Construction Storm Water Management in New Development & Redevelopment – National Menu of Best Management Practices for Stormwater Phase II. U.S. Environmental Protection Agency.

*It is important to incorporate the treatment control features early on the design process in conjunction with landscaping and grading. An example of appropriate treatment for parking lot runoff would include bioretention within landscaped or open areas. I would be happy to work with the project team in selecting effective and appropriate measures for this site. I can be reached at (805) 568-3561.*

Sincerely,



Cathleen Garrand  
Civil Engineering Associate

cc: Steve Rodriguez, Planner, Planning & Development  
Lary Appel, Planning & Development  
OSR Enterprises/NRG Enterprises, 1910 East Stowell Road, Santa Maria, CA 93454  
Suzanne Elledge Planning & Permitting, 800 Santa Barbara Street, CA 93101  
Dennis Bethel & Associates, 2450 Professional Parkway, Suite 120, Santa Maria, CA 93455

# Memorandum

Date: April 25, 2008

To: Nathan Eady  
Planning & Development  
Santa Maria

From: Russ Sechler, Inspector  
Fire Department



Subject: APN: 128-096-001/004/005  
Case #: 06GPA-00012/06RZN-00005/06IPM-00019/06DVP-00009/06CUP-00043  
Site: Corner of Betteravia and Rosemary Roads, Orcutt  
Project Description: Produce Cooling Facility

*This Memorandum Supersedes the Previous Memorandum Dated September 8, 2006  
Change in Stored Water Requirements and Removal of Orcutt Fees*

*All Other Conditions Remain Unchanged from the September 8, 2006 Memo*

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The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

## GENERAL NOTICE

1. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

## PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

2. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

Driveway width shall be constructed as shown on plans received by the fire department on July 14, 2006.

3. Santa Barbara County Fire Department High Fire Hazard Area Requirements must be met.
4. Eight (8) fire hydrants shall be installed. The hydrants shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrant, valves, main lines and lateral lines shall be approved by the fire department. The hydrants shall consist of one 4-inch outlet and two 2½-inch outlets. The system shall be tested by the fire department to ensure compliance with recognized standards. See Standard #2.

NOTE: On page 6 of the "project description" submittal dated "July 2006" the applicant states: "*The City of Santa Maria has a fire main in the project vicinity and has been requested to serve the site with a fire service connection.*" The Santa Barbara County Fire Department strongly supports this option in lieu of a private on-site stored water fire protection system. However, if the fire water service cannot be obtained from the City of Santa Maria, Conditions 5 and 6 will apply.

5. This condition is based upon proposed Phase One build out of this project.

If connection to a public water supply is not available and the current or anticipated system will not meet minimum flow requirements, a fire department approved fire pumps capable of delivering a fire flow of 1250 gallons per minute shall be installed in compliance with N.F.P.A. Standard #20. The fire pump shall be supervised by a U.L. listed central station and be equipped with a local alarm bell on the address side of the building. The stored water for fire protection shall be 82,500 gallons and comply with N.F.P.A. Standard #22. The stored water requirement of 82,500 gallons is for Phase One only.

The on-site water supply system shall be stubbed out to facilitate connection to the water district or purveyor when available. Connection to a water district or purveyor mains shall be accomplished within 180 days of availability.

Pumps powered by diesel IC engines rated over 50 brake-horsepower are subject to the requirements of the Santa Barbara County Air Pollution Control District (APCD). An APCD permit must be obtained prior to the procurement and installation of the diesel IC engine. Contact the APCD at (805) 961-8800.

6. This condition is based upon full proposed build out of the site.

Fire department stored water requirements for commercial units outside of a water purveyor's district include a stored water fire protection system in compliance with the 2001 California Fire Code, Appendix III-A, III-B and Table A-III-AA. Water storage shall be 285,000 gallons above the amount required for domestic usage and shall be reserved for fire protection purposes exclusively. The stored water requirement of 285,000 gallons is based upon full proposed build out of the site. Required water supplies for fire protection shall be installed and made serviceable prior to and during time of construction.

Plans for a stored water fire protection system shall be submitted and approved by the fire department.

For projects located in a designated High Fire Hazard Area, all above ground water piping, including all pipes at the water tank as well as hydrant locations(s), shall consist of galvanized metal.

The hydrants shall consist of one 4-inch outlet and two 2½-inch outlets.

PRIOR TO OCCUPANCY CLEARANCE  
THE FOLLOWING CONDITIONS MUST BE MET

7. Building address numbers shall be posted in conformance with fire department standards.
8. Santa Barbara County Fire Department fire or emergency alarm system requirements shall be met. Plans shall be approved by the fire department prior to installation.
9. Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
10. Annual permits for the use and storage of hazardous and/or flammable materials/wastes are required. To determine if your business requires the issuance of an annual permit, please contact the Hazardous Materials Unit for additional information and application procedures (805-686-8167).

A Hazardous Materials Business Plan shall be required if your business stores or handles any hazardous materials or hazardous waste at any one time during a calendar year in quantities equal to or greater than: 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at standard temperature and pressure. In addition, an RMP/CalARP document may be required. Please contact the Hazardous Materials Unit for additional information and application procedures.

11. Stationary lead-acid battery systems having an electrolytic capacity of more than 100 gallons in sprinklered buildings or 50 gallons in unsprinklered buildings, used for facility standby power, emergency power or uninterrupted power supplies shall be in accordance with Article 64.
12. The propane tanks shall be installed per Article 82 of the California Fire Code.
13. When access ways are gated a fire department approved locking system shall be installed. Please call the Fire Prevention Division at 681-5523 for additional information and application procedures.
14. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.

April 25, 2008

15. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

- Mitigation Fee at \$10 per square foot for structures with fire sprinkler systems


These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

RS:mkb

- c Claudia Sigona, SEPPS, 800 Santa Barbara St., Santa Barbara, CA 93101  
Santa Maria City Water Department, 110 E. Cook St., Santa Maria, CA 93454  
APN/Chron



Our Vision  Clean Air

To: North County Planning & Development Dept.

Attn: Nathan Early, Planner

From: Vijaya L. Jammalamadaka *Vij*

Date: April 18, 2008

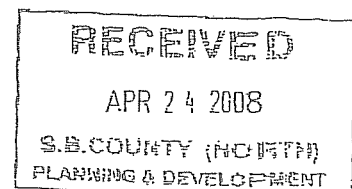
Case #: 06TGM-00000-00019; 06DVP-00000-00009; 06RZN-00000-00005  
OSR Enterprises Produce Cooling Facility

APN #(s): 128-096-001; -004; -005

The Air Pollution Control District has reviewed the referenced case and offers the following:

- Applicant must be issued an APCD permit prior to construction or operation of this project.
- Applicant must apply for an APCD permit exemption prior to land use clearance.
- The applicant should determine whether the structure(s) proposed for demolition contains asbestos that is friable or has the potential to become friable during demolition or disposal. If the structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal.
- Applicant is required to complete the "Notification for Renovation and Demolition" form (available on the APCD website). The completed form should be mailed to the Santa Barbara APCD no later than the date specified in Section I.B.1 of the instructions.
- Standard dust mitigation are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
- Prior to occupancy, APCD permits must be obtained for all equipment that requires an APCD permit. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.

cc: Suzanne Elledge P&PS, Agent  
TEA Chron File



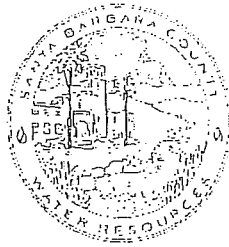
Terence E. Dressler: Air Pollution Control Officer



## STANDARD DUST CONTROL REQUIREMENTS

The first measure is required for all projects involving earthmoving activities regardless of the project size or duration; the other measures must be implemented as applicable to the project. Proper implementation of all of these measures, as necessary, is assumed to reduce fugitive dust emissions to a level of insignificance and is strongly recommended for all discretionary projects involving earthmoving.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day.
- Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible, unless prohibited by law. Reclaimed water should not be used in or around crops grown for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- Gravel pads must be installed at all access points to prevent tracking of mud on to public roads. A vacuum truck or suction sweeper should be used to collect soil on paved surfaces. The use of leaf blowers is prohibited.
- If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance.
- Prior to land use clearance for map recordation (as applicable), the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans. †



Santa Barbara County Public Works Department  
Flood Control & Water Agency

August 17, 2006

Planning Commission  
County of Santa Barbara Planning & Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

Reference: 06GPA-00000-00012/06DVP-00000-00009/06TPM-00000-00019; OSR  
Enterprises Inc., NRG Enterprises L.P., OSR Ranch L.P.  
APN: 128-096-001, -004, -005/Santa Maria

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to issuance of Development Permits, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Development Permits, the applicant shall submit improvement plans, grading & drainage plans and a drainage study to the District for review and approval. Said plans shall convey drainage to an acceptable watercourse or drainage facility in a non-erosive manner and shall include a retardation basin designed to retard the 100-year storm event to 0.07cts/acre of development. The applicant will be required to enter into a Maintenance Agreement with the District, to ensure perpetual maintenance of the Basin by the Owner(s).
3. All drainage improvements shall be constructed in accordance with the approved plans and certified by a Registered Civil Engineer prior to issuance of Occupancy Clearance.
4. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for District review and approval.

Sincerely,

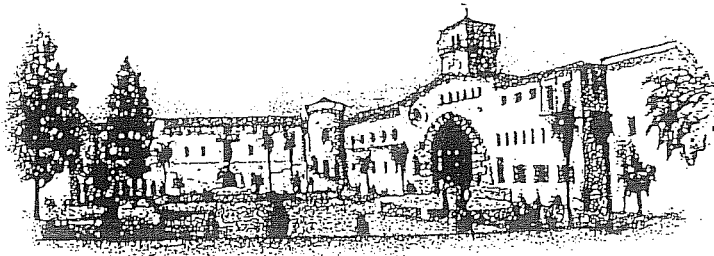
A handwritten signature in cursive script, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.  
Development Engineer

cc: Steve Rodriquez, Planner, Planning & Development  
Larry Appel, Planning & Development  
OSR Enterprises/NRG Enterprises, 1910 East Stowell Road, Santa Maria, CA 93454  
Suzanne Elledge Planning & Permitting, 800 Santa Barbara Street, CA 93101  
Dennis Bethel & Associates, 2450 Professional Parkway, Suite 120, Santa Maria, CA 93455  
Mike Zimmer, Building & Safety



COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
123 East Anapamu Street  
Santa Barbara, California 93101  
805/568-3222 FAX 805/568-3222



May 13, 2008

TO: Nathan Eady, Planner  
Development Review

FROM: William Robertson, Transportation Planner  
Public Works, Transportation Division

SUBJECT: Revised Conditions of Approval (3 pages)  
Rice Cooler, Development Plan  
06RZN-00000-00005, 06DYP-00000-00009, 06TPM-00000-00019  
APN: 128-096-001, 128-096-004, 128-096-005/ Santa Maria  
237,636 sq. ft. Cooling Plant, Betteravia Rd. and Rosemary Rd.

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Rural Planning Areas of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$15,360 (3 new lots x \$480 + 29 newly generated PM peak hour trips x \$480/trip). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2<sup>nd</sup> Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Sight Distance

2. Prior to land use clearance, the developer shall design, and prior to occupancy, the developer shall provide intersection sight distance in a manner acceptable to the Department of Public Works Traffic Section.
- When the criteria for sight distances cannot be met, the County may prohibit vehicle turning movements, require speed change lanes or require additional speed change lane lengths.

Traffic Controls

6. Prior to land use clearance, traffic circulation and control on adjacent streets shall be designed as required by the Department of Public Works Traffic Section. This shall include, but is not limited to, curb openings, turn lanes and control signs for regulation, warning, and guidance of traffic.
  - a. As part of the encroachment permit, the applicant shall provide east bound, left-turn channelization (left turn deceleration lane) along Betteravia Road, acceptable to the County Traffic and Permit Sections, to include a minimum of 75 feet of vehicle storage and all applicable tapers. The developer shall be responsible for his fair share cost of the improvement which has been calculated to be 79 percent.
7. Prior to land use clearance, traffic circulation and control onsite shall meet the approval of the Department of Public Works Traffic Section.
8. Prior to occupancy, all signs shall be installed, and prior to final clearance, the County may require the developer to add traffic safety devices, such as signing and striping, the need for which are not apparent at time of plan approval but which are warranted due to actual field conditions. The developer shall install the traffic safety devices prior to final clearance.

Off-Site Road Improvements


9. Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and shall not be reimbursed by the County.

Where off-site road improvements or a dedication of right of way for off-site improvements is required, for which a need cannot be attributed to the project, and where the value of the off-site road improvements or dedication exceeds the payment required, the County shall:

1. Reimburse the applicant the difference between the amount of the payment and the value of the additional improvements and dedication, or
2. Enter into an agreement with the applicant to establish a credit for the additional improvements and dedications.

If you have any questions, please contact me at 739-8785.

Sincerely,

 5/13/2008

William T. Robertson

Date

cc: 06DVP-00000-00009

Charlie Ebeling, Transportation Manager, County of Santa Barbara, Public Works Department  
J:\Group\Traffic\Winword\Planning\Santa Maria\Rece Coordr. 06DVP-RevConcl.doc

### Driveways/Drive Aisles

3. Prior to land use clearance, the developer shall design, and prior to occupancy the developer shall construct, all site ingress and egress points in a manner acceptable to the Department of Public Works Traffic Section. All driveway accesses shall be improved to include all necessary pavement or cross gutters to match adjacent improvements as required by the Department of Public Works Traffic and Permit Sections.

### Street Sections/Pavement Traffic Index

4. Prior to land use clearance or tract/parcel map approval, the developer shall design, and prior to occupancy, the developer shall construct pavement for all roadwork based on the appropriate road detail provided in the Santa Barbara County Engineering Design Standards under an approved encroachment permit. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic and Permit Sections.

### Encroachment/Excavation Permit

5. Prior to recordation and/or zoning clearance, the developer shall apply for an Encroachment Permit for all proposed work, both within the public and/or private road right of ways; and obtain approval, after submittal of an application, plans, agreement(s), bond(s), and fees, as required by the Public Works Permit Section. The submittals shall include, but are not limited to, all construction documents for safety, erosion and traffic control, landscape, lighting, roads, sidewalks, curbs, gutters, driveways, utility connections, cost estimates, etc. as required to fully show the proposed work and its value.

The developer shall comply with all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, before issuance of the Encroachment Permit.

An Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, and connections.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Public Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section  
620 West Foster Road  
Santa Maria, CA 93455  
805-739-8788

South County Permits Section  
4417 Cathedral Oaks Road  
Santa Barbara, CA 93110  
805-681-4967

San ta Bar b ara Cou n ty



Environmental Health Services

2125 S. Centerpointe Pkwy., #300 • Santa Maria, CA 93455-1340  
805/346-8460 • FAX 805/346-8485

Ellie Schulman, MD, MPH, Director of Health Services  
Kathleen Mitchell, Environmental Health Officer  
Rick Mordred, I&E Director

TO: Nathan Eady, Planner  
Planning & Development Department  
Development Review Division

FROM: Paul E. Jenzen  
Environmental Health Services

DATE: April 24, 2008

SUBJECT: Case No. 06TPM-00000-00019, 06DVP-00000-00009 Santa Maria Area

Applicant: OSR Enterprises  
1910 E. Stowell Road  
Santa Maria, CA, 93454

Property Location: Assessor's Parcel No. 128-096-001, 004, 005, zoned AG-II-100,  
located at the corner of Betteravia and Rosemary Road.

06TPM-00000-00019/06DVP-00000-00009 represents a request to subdivide a 244.4 acre parcel into three parcels of 40 acres, 122.8 acres and 120.6 acres. Additionally the development plan would allow the construction of a 27 acre produce cooling and processing facility on proposed parcel one. At full build out the estimated number of employees could reach 200. However the number of employees anticipated for the first phase is approximately 40.

Domestic water supply is proposed to be provided by a private water system. Due to the number of employees proposed for the project, a Domestic Water Supply Permit will be required prior to zoning clearance.

The water information submitted by the applicant is for an agricultural well located onsite. A new well is proposed for domestic purposes when the project is constructed.

Sewage disposal is proposed to be provided by an onsite wastewater treatment system. The applicant has provided to Environmental Health Services a passing percolation test completed by GSI Soils Inc. and dated March 24, 2006. There was no preliminary layout submitted for the proposed onsite wastewater treatment system and the area designated "septic disposal" appears to be constrained. To resolve this issue the applicant will need to submit a preliminary layout prior to recordation of the map.

Planning and Development Department  
Case Numbers: 06TPM-00000-00010, 06DVP-00000-00009  
April 24, 2008  
Page 2 of 2

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

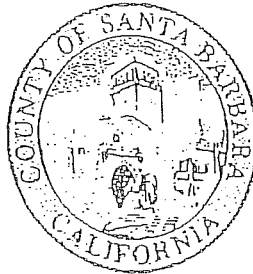
1. Prior to Recordation, a completed application for a Domestic Water Supply Permit shall be reviewed and approved by Environmental Health Services. The application shall include final detailed engineering plans and specifications for the proposed water supply system to serve the project.
2. Prior to Recordation, a water source which is required to complete a suitable system design must be constructed in accordance with the provisions of Santa Barbara County Code Chapter 34A (Ordinance No. 3458).
3. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.
4. Prior to Recordation, the applicant will need to submit a preliminary onsite wastewater treatment system layout for review and approval by Environmental Health Services.
5. Prior to Issuance of Zoning Clearance, an application for an on-site wastewater treatment system permit shall be reviewed and approved by Environmental Health Services.
6. Prior to Issuance of Zoning Clearance, Environmental Health Services shall review a Mosquito Management Plan or service contract to control breeding of mosquitoes in the retention basin proposed for this project.
7. Prior to Issuance of Zoning Clearance, the applicant shall submit verification from Regional Water Quality Control Board that Waste Discharge Requirements apply or that exemption from such requirements has been granted.

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Paul E. Jenze, REHS  
Senior Environmental Health Specialist

cc: Applicant  
Agent, SEPPS, 800 Santa Barbara Street, Santa Barbara, CA, 93101  
Office of the County Surveyor  
Ryan Lodge, Regional Water Quality Control Board  
Mark Matson, Planning & Development Building Div, Santa Maria  
Norman Fujimoto, Environmental Health Services

COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
123 East Anapamu Street  
Santa Barbara, California 93101  
805/568-3000 FAX 805/568-3010



PHILLIP M. DEMERY  
Director

August 2, 2006

County Subdivision Committee  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Tentative Parcel Map No. 14,707 (06TPM-00000-00019)

Owner: OSR Enterprises Inc., NRG Enterprises, L.P.  
and OSR Ranch L.P.

Address: 1910 E. Stowell Road  
Santa Maria, CA 93454

#### Requirements of the County Surveyor's Office

Pursuant to Section 66448 of the State Subdivision Map Act and County Subdivision Regulations Chapter 21, Section 21-9, the Parcel Map shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. Furthermore, property lines shall be monumented in accordance with Section 21-16 of said County Code.

Very truly yours,

FOR Michael B. Emmons  
County Surveyor