



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
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November 2, 2009

Ray Severn, Penfield & Smith
210 East Enos Drive, Suite A
Santa Maria, CA 93454

PLANNING COMMISSION
HEARING OF OCTOBER 26, 2009

RE: Chisan Nursery; 07DVP-00000-00035

Hearing on the request of Ray Severn, Penfield and Smith, agent for Joe Kim, Chisan Nursery to consider Case No. 07DVP-00000-00035, [application filed on December 20, 2007] for approval of a Final Development Plan in compliance with Section 35.82.080 of the County Land Use and Development Code, on property zoned AG-II-100, to develop 1.4 million square feet of greenhouses and associated development; and to approve the Negative Declaration (09NGD-00000-00012) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Fire, Geologic Processes, Hazardous Materials / Risk of Upset, Land Use, Noise, and Water Resources/Flooding. The ND and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or 624 West Foster Road, Suite C, Santa Maria. The ND is also available for review at the Santa Maria public Library, Cook Street, Santa Maria. The application involves AP No. 133-130-009, located at 9676 Harvest Road, in the Los Alamos area, Third Supervisorial District. (Continued from 10/21/09)

Dear Mr. Severn:

At the Planning Commission hearing of October 26, 2009, Commissioner Brooks moved, seconded by Commissioner Valencia and carried by a vote of 5-0:

1. Make the required findings for the project specified in Attachment A of the staff report, dated October 5, 2009, and as revised at the hearing of October 26, 2009, including CEQA findings.
2. Adopt the Mitigated Negative Declaration and adopt the mitigation monitoring program contained in the conditions of approval included as Attachment B of the staff report, dated October 5, 2009, and as revised in the staff memo, dated October 26, 2009.
3. Approve the project subject to the conditions included as Attachment C of the staff report, dated October 5, 2009, and as revised in the staff memo, dated October 26, 2009.
4. Authorize staff to proceed with the substantial conformity application upon submittal for the placement of a temporary office located and approved by the Director of P&D. The approval of the proposed temporary office shall be in substantial conformity with 07DVP-00000-00035.

EXHIBIT A
Planning Commission Action Letter
dated November 2, 2009

REVISION TO THE CONDITIONS OF APPROVAL

1. The Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit # 1 dated October 21 26, 2009, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

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

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

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

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

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

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

These inspections shall be conducted by P&D Permit Compliance staff. Prior to zoning clearance approval, the applicant shall submit a compliance deposit in the amount of \$10,000 to cover staff costs, plus costs for P&D to hire and manage outside consultants as determined necessary by P&D

staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists, etc.) to assess damage and/or ensure compliance. In the event of a violation, permits will be required and permit fees for abatement of violation will be doubled and due upon submittal of the permit application.

50. At Zoning Clearance application submittal, the applicant shall pay double standard permit fees, up to \$2,000 to abate previously unpermitted greenhouse structures as discussed in the staff report under 07DVP-00000-00035.
51. The existing and proposed greenhouses shall not use any interior lighting after 5 p.m. All exterior lighting proposed for security shall be on timers that turn the lighting off within three minute intervals or less.
52. Prior to the first inspection by Permit Compliance staff, water conserving measures shall be implemented which include replacement of the overhead spray system with an approved drip irrigation system plan to water the orchids or any other type of plant cultivated. The drip system plan shall be designed by, or in collaboration with, a licensed irrigation specialist. Prior to issuance of the zoning clearance, the proposed drip system shall be reviewed and approved by P&D. Installation shall occur within three months of issuance of the zoning clearance.
53. Prior to Zoning Clearance approval, the existing fifth wheels onsite shall be permanently removed from the project site.
54. Any future development on the site shall require the filing and approval of a substantial conformity determination, an amendment or a revision to 07DVP-00000-00035 in accordance with the Land Use and Development Code.
55. If P&D determines that the permittee is not in compliance with any permit condition, it may conduct a noticed public hearing before the Planning Commission to consider either revocation of the Development Plan or direction to the permittee to apply for a modification to the Development Plan.
56. Any use authorized by this Development Plan shall immediately cease upon expiration or revocation of this Development Plan. Any Zoning Clearance approved or issued pursuant to this Development Plan shall expire upon expiration or revocation of the Development Plan.
57. In order to comply with the 50 foot setback from San Antonio Creek, the applicant shall be required to remove approximately 100 feet of the northwest corner of Nursery D. **Timing:** Prior to issuance of the zoning clearance, the proposed building portion shall be removed and a site inspection shall be conducted by P&D.
58. In order to comply with the Fire Department access and to satisfy the landscape requirements conditions, the west portion of Nurseries A, B, C, and D shall remove fifteen feet of existing structural development. **Timing:** Prior to issuance of the zoning clearance, the proposed building portion shall be removed and a site inspection shall be conducted by P&D.

Revised Comprehensive Plan Consistency

LUDC Policy # 4. Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public and private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service

connections or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.

Correction to second paragraph: Water for the project would be obtained from the San Antonio ground water basin, which is in a state of overdraft. As is discussed in the Mitigated Negative Declaration, the proposed water use would be significantly less than the historic water use for row crops on the site. Therefore, adequate water is available to serve the site. ~~Although the estimated water usage for the proposed project is greater than the 23 AFY threshold of significance for the San Antonio Groundwater Basin, the 54.62 AFY is approximately 53 AFY (50%) less than the baseline water usage that had previously occurred on the project site (baseline), and the proposed project would therefore result in a net decrease in water usage.~~

The calculations used for the proposed orchid development is as follows:

Total Demand 54.62 AFY – Recharge Adjustment of 13.5 – Historic Use* of 107 AFY = -65.88 AFY

*Historic use credit is only given for existing land uses that will be discontinued upon approval of the proposed project. Threshold of significance is 23 AFY. Pages 96 and 99 of the Environmental Thresholds Manual.

Revised Negative Declaration

Page 34, paragraph (g-k), delete the sentence:

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

Revised CEQA Finding

The Planning Commission has considered the Negative Declaration as revised by the October 26, 2009 memorandum together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.


The attached findings and conditions reflect the Planning Commission's actions of October 26, 2009.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, November 5, 2009 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$643 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 07DVP-00000-00035
Planning Commission File
Owner: Joe Kim, Chisan Nursery, P.O. Box 525, Los Alamos, CA 93449
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Doreen Farr, Third District Supervisor
Marell Brooks, Third District Planning Commissioner
Rachel Van Mullem, Deputy County Counsel
Florence Trotter-Cadena, Planner

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

DMB/dmw

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.2 Negative Declarations

1. CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The Planning Commission has considered the Negative Declaration as revised by the October 26, 2009 memorandum together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

2. FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the negative declaration and any comments received, the Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and there is no substantial evidence that the project will have a significant effect on the environment.

3. LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101 and/or Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

4. ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 DEVELOPMENT PLAN FINDINGS

A. **Findings required for all Preliminary or Final Development Plans.** In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

1. **The site for the subject project is adequate in terms of location, physical characteristics, shape, and size 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 cultivated agriculture, vineyards and cattle grazing. The 49.9 acre parcel is relatively level, and currently developed with approximately one million square feet of greenhouses, three farm employee dwellings and numerous outbuildings. Upon completion of development the site would contain approximately 1.4 million square feet of total development which represents

approximately 64% in total lot coverage. Approximately 17.9 acres of the site will remain open area. The physical characteristics, shape and size of the site are adequate to support both the proposed development.

2. Adverse impacts will be mitigated to the maximum extent feasible.

The environmental analysis performed for this project and contained in 09NGD-00000-00012 (Attachment B) identified significant but mitigable impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Hazardous Materials/Risk of Upset, Land Use, Noise, and Water Resources/Flooding. Adherence to required mitigation measures will ensure that adverse impacts are mitigated to the maximum extent feasible.

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

Project vehicular access is taken directly from: 1) the frontage road (known as Harvest Road) which parallels Highway 101; and 2) Alisos Canyon Road. The incremental project increase in traffic is far below the County's threshold and will not result in a degradation of the current Level of Service on surrounding roads or highways.

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

Domestic water and sewage service will be provided to the project by an existing water well and an existing septic system in compliance with EHS requirements. Adequate fire and police protection are available to serve the project.

5. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

The project site is located in an agricultural zone district (AG-II-100) that allows greenhouse/nurseries as a permitted use. Structural designs, project siting, and appropriate conditions have been incorporated into the project in order to avoid any detriment to the neighborhood and incompatibility with the surrounding areas.

6. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.

The proposed project conforms to all applicable requirements of the Comprehensive Plan and is not subject to any community or area plan. The project also conforms to all requirements of the Land Use and Development Code in regards to the both the AG-II zone district and requirements for greenhouses.

7. Within rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.

As an agriculturally related use, the greenhouse/nursery would be compatible with the immediately surrounding vineyards and grazing on adjacent properties, and with the rural status of the area. When completed the greenhouses would cover approximately 32 acres of a 49.9 acre site and be adequately screened from public view. As a condition of approval

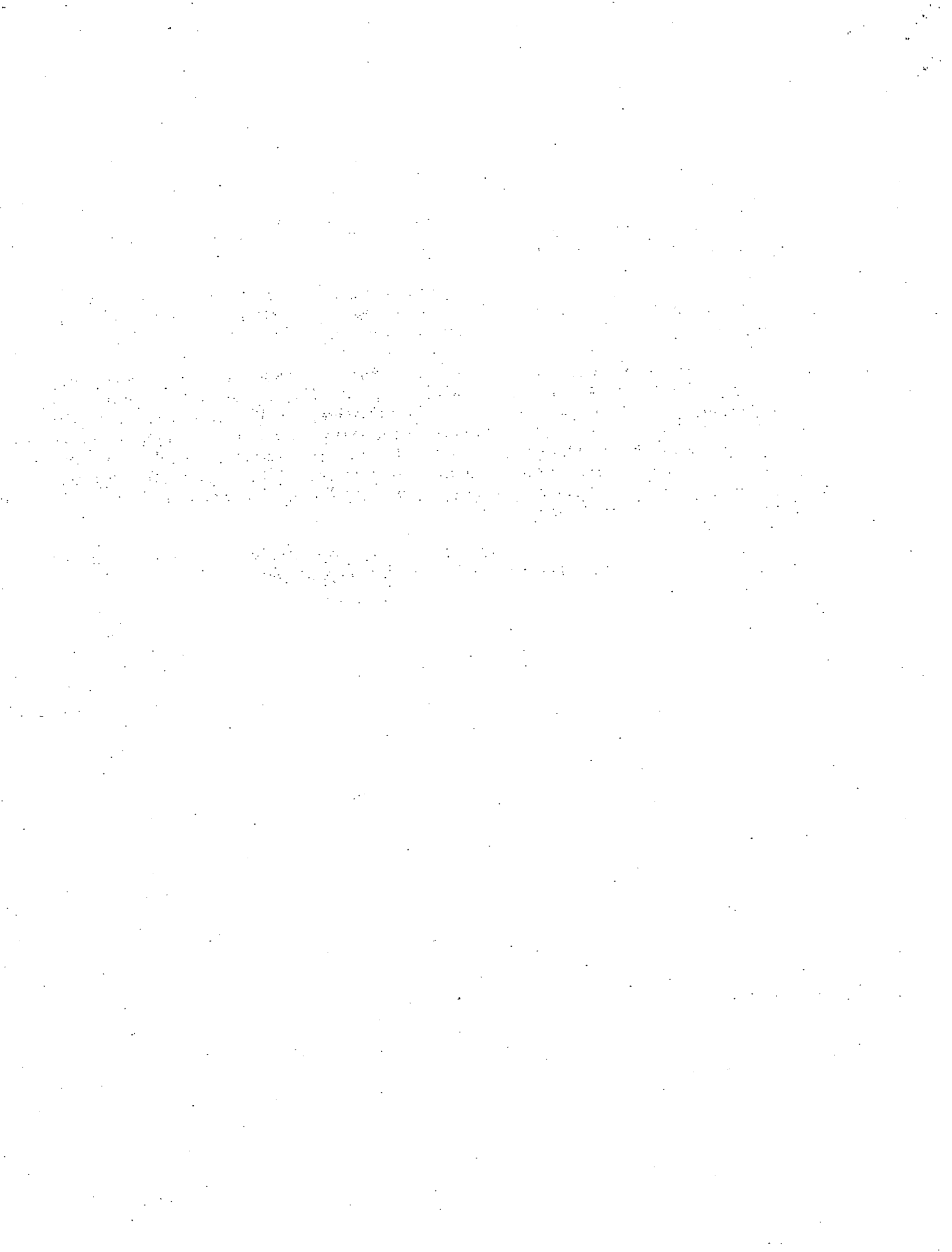
the owner shall submit a landscape plan to ensure compliance with the rural area and public view off U.S. Highway 101.

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

The project does not conflict with any public easements and there currently is no public use of the subject property. The project does not propose any development within the Caltrans 101 right-of-way, which currently accommodates existing drainage flows.

- B. **Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the 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.**

The project consists of a Final Development Plan, and does involve a previously approved Preliminary Development Plan; therefore, this finding is not applicable.



ATTACHMENT C: CONDITIONS OF APPROVAL

PROJECT SPECIFIC CONDITIONS

Case No.: 07DVP-00000-00035

Project Name: Chisan Nursery Final Development Plan

Project Address: 9676 Harvest Road, Los Alamos, CA, 93440

APN: 133-130-009

I. PROJECT DESCRIPTION

1. The Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit # 1 dated October 26, 2009, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

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

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

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

II. MITIGATION MEASURES from NEGATIVE DECLARATION

09NGD-00000-00012

Aesthetics/Visual

2. The design, scale, and character of the project architecture shall be made as compatible as possible with surrounding development. **Plan Requirement/Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Central Board of Architectural Review prior to approval of Zoning Clearance Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Central Board of Architectural Review plan filing.

Monitoring: P&D shall review prior to zoning clearance approval.

3. Aest-6: Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of the proposed greenhouse and

warehouse/office. **Plan Requirement:** Materials and colors shall be denoted on building plans.
Timing: Structures shall be painted prior to occupancy clearance.

Monitoring: P&D shall inspect prior to occupancy clearance.

4. The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species which adequately screen the project site from surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure.
Plan Requirements/Timing: Prior to Zoning Clearance Permit approval, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D and the Central Board of Architectural Review (CBAR) for final review and approval. The CBAR shall review the final landscaping plan at the time of their final review of the nursery/greenhouse facility (i.e., both shall be reviewed and approved together). Prior to occupancy clearance, landscape and irrigation shall be installed.

Monitoring: Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

5. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be fully shielded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Light trespass and glare shall be reduced to the maximum extent feasible through directional lighting methods. Any externally illuminated signs or building identification shall use top mounted light fixtures which shine downward and are fully shielded. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR. The Lighting Plan shall also specify lamp or bulb type, wattage, and shielding.

Monitoring: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to issuance of a Zoning Clearance Permit for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

Air Quality

6. AQ-1: 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:
- seeding and watering to re-vegetate graded areas; and/or
 - spreading of soil binders; and/or
 - 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 issuance.

Monitoring: Grading Inspector shall perform periodic site inspections.

7. AQ-2: 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.

Biological

8. Bio-7: No alteration of the channel or bank of San Antonio Creek shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. **Plan Requirement/Timing:** Prior to approval of a Zoning Clearance Permit, the applicant must receive all necessary permits from California Department of Fish and Game to allow the discharge of drainage into San Antonio Creek.

Monitoring: A copy of the permit shall be submitted to P & D.

Cultural Resources

9. CulRes-9: In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist 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/Timing:** This condition shall be printed on all building and grading plans.

Monitoring: P&D shall check plans prior to approval of Zoning Clearance Permits and shall spot check in the field.

Fire

10. The project shall comply with the Fire Department condition letter dated September 25, 2008 regarding: access standards, fire hydrant installation, on-site fire extinguishers, automatic fire sprinkler systems, building address identification, hazardous materials storage and payment of fire mitigation fees. **Plan Requirements/Timing:** All components of the Fire Department condition letter shall be completed when indicated in the letter.

Monitoring: A site inspection shall be conducted by the Fire Department and P&D compliance staff prior to occupancy clearance.

Geologic Processes

11. **Geo-1:** 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 approval of Zoning Clearance Permits. 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.

12. Drainage shall be consistent with approved drainage plans. **Plan Requirements:** Prior to issuance of a Zoning Clearance Permits, a drainage plan shall be submitted to P&D, the Water Resources Division, Project Clean Water, and Flood Control for review and approval. The plan shall include the location(s) and dimensions of all proposed bioswales and pipelines **Timing:** The components of the drainage plan shall be approved prior to issuance of a Zoning Clearance Permits. All drainage features shown on the plans shall be installed and approved by P&D.

Monitoring: P&D shall site inspect during grading.

13. **Geo-5:** The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion.

Monitoring: P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.

Hazardous Materials/Risk of Upset

14. The final design for:

- 1) the hazardous materials storage area where fertilizers, pesticides, herbicides, fungicides, and all other chemicals used onsite; and
- 2) the closed system ensuring that contaminated runoff from irrigation and fertilization operations onsite are not released outside of the greenhouses under normal operating conditions

and procedures; shall be reviewed and approved by the County Fire Department, Protection Services Division. **Plan Requirements:** Prior to zoning clearance approval for any phase of the proposed project, the applicant shall submit detailed building plans for the proposed hazardous materials storage area to P&D and the Fire Department, Protective Services Division for review and approval. **Timing:** The hazardous materials building shall be constructed and approved for occupancy prior to final inspection for the first phase of any structural development onsite.

Monitoring: The Fire Department shall site inspect prior to final inspection for the proposed hazmat storage area.

15. The applicant shall prepare a Hazardous Materials Business Plan (HMBP) for the storage and use of hazardous materials onsite for review and approval by the Protective Services Division of the County Fire Department. Said plan shall be implemented immediately upon Fire Department approval. **Plan Requirements/Timing:** Prior to zoning clearance issuance the applicant shall submit a HMBP to Fire Department for review and approval. The plan shall be updated annually and shall include a monitoring section. The components of HMBP shall be implemented as indicated in the approved Business plan.

Monitoring: The Fire Department shall monitor implementation of the approved HMBP.

Land Use

16. **Lands-1:** Drought tolerant natives and/or Mediterranean type landscape screening shall be planted on the shoulders adjacent to driveways. The vegetation shall be staggered from the road to blend with natural habitats and to screen the effects of grading and paving. **Plan Requirements/Timing:** Prior to zoning clearance approval, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain landscaping for the life of the project. The applicant shall also submit three copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscaping and irrigation shall be installed.

Monitoring: Prior to occupancy clearance Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of performance security requires Permit Compliance signature.

17. **Lands-3:** Landscaping with low water-use plants, shrubs and trees shall be provided to screen the entire site and soften the view of the existing and proposed structures including the farm employee dwellings. **Plan Requirements/Timing:** Prior to zoning clearance approval, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain landscaping for the life of the project. The applicant shall also submit three copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscaping and irrigation shall be installed.

Monitoring: Permit Compliance shall inspect installation prior to occupancy clearance and shall inspect maintenance once per year during the maintenance period.

Noise

18. **Noise-2:** Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. 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:** 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.

Water Resources/Flooding

19. **Wat-12:** A permanent biofiltration system shall be constructed to treat storm water runoff from the site. Biofiltration includes vegetated swales, channels, buffer strips, retention, rain gardens, and shall be designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method. The biofilter system shall be designed by a registered civil engineer specializing in water quality or other qualified professional to ensure that the filtration properties and the plants selected are adequate to reduce concentrations of the target pollutants including fertilizers and chemicals used for orchid cultivation. Where feasible, local plants sources (i.e., collected from the watershed or propagated from cuttings or seed collected from the watershed) shall be used in the biofiltration system. Invasive plants shall not be used. Biofilters shall not replace existing riparian vegetation or native vegetation unless otherwise approved by P&D. **Plan Requirements/Timing:** The applicant shall include the biofilter design, including the plant palette and the source of plant material, on the grading and drainage and landscape plans, and depict it graphically. The applicant shall submit a maintenance plan for the biofilter system to P&D for review and approval. A performance security will be required to ensure installation and long-term maintenance, including maintenance inspections at least once/year. Long-term maintenance and proof of inspections shall be the responsibility of the landowner. Maintenance requirements shall be specified in the in a maintenance program submitted by the landowner of the commercial/industrial site and recorded with the Clerk of the Board. The plans and a copy of the long-term maintenance program shall be submitted to P&D, and Public Works, Water Resources Division staff, for review prior to approval of a Zoning Clearance Permit. Biofilter maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once/year and retain proof of inspections.

Monitoring: Planning and Development shall site inspect for installation and periodically inspect for maintenance throughout a five-year performance period. Performance security release requires P&D approval. The landowner shall be responsible for maintenance inspections at least once/year for the life of the project. Proof of maintenance inspections shall be maintained and made available to County of Santa Barbara upon request.

20. **Wat-15:** To reduce runoff from impervious areas and allow for infiltration, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement or unit pavers on sand) into the project design. **Plan Requirements/Timing:** Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans and shall constitute a minimum of 20% of the total paved area. The plans shall be submitted to P&D for review prior to approval of a Zoning Clearance Permit.

Monitoring: P&D shall site inspect for installation.

21. **Wat-22:** The parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as oil/water separators, sand

filters, landscaped areas for infiltration, basins or equivalent BMPs shall be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records.

Plan Requirements/Timing: The location and type of BMP shall be shown on the site, building and grading plans. The plans and maintenance program shall be submitted to P&D for approval prior to zoning clearance permits.

Monitoring: P&D shall site inspect for installation prior to occupancy clearance. The landowner shall make annual maintenance records available for review by the County upon request.

22. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements/Timing:** Prior to approval of a Zoning Clearance Permit, the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

Monitoring: The County shall review the documentation prior to approval of Zoning Clearance Permit. The County shall site inspect during construction for compliance with the SWPPP.

23. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Zoning Clearance Permits. The washout area(s) shall be in place and maintained throughout construction.

Monitoring: P&D staff shall check plans prior to approval of Zoning Clearance Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

24. **Wat-14:** To allow for infiltration and treatment, drainage shall be directed to a bioretention filter. A registered civil engineer or other qualified professional shall design the bioretention filter in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method. **Plan Requirements/Timing:** Bioretention design, including the selected plant material, shall be described and detailed on the site, grading and drainage and landscape plans, and depicted graphically. A maintenance program shall be specified in an inspection and maintenance plan and include maintenance inspections at least once/year. Long term maintenance shall be the responsibility of the landowner. A maintenance program shall be specified in the CC&Rs or in a maintenance program submitted by the landowner for commercial/industrial sites and recorded with the Clerk of the Board. The plans and a copy of the long-term maintenance program shall be submitted to P&D and Public Works, Water Resources Division staff, for review prior to approval of Zoning Clearance Permits. Bioretention maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once/year and retain proof of inspections.

Monitoring: Planning and Development shall site inspect for installation of the bioretention facility and periodically thereafter to ensure long-term maintenance. The landowner shall be responsible for maintenance inspections at least once/year for the life of the project. Proof of maintenance inspections shall be maintained and made available to County of Santa Barbara upon request.

III. PROJECT SPECIFIC CONDITIONS

25. The applicant shall develop and implement a Solid Waste Management Plan (SWMP) to be approved by the Public Works Solid Waste Division and P&D and shall include the following components at a minimum:

- a. Provision of space and bins for storage of recyclable materials within the project site.
- b. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County-sponsored programs).

Plan Requirement/Timing: The applicant shall submit a Solid Waste Management Program to P&D for review and approval prior to Zoning Clearance Permit. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

26. 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 directed by Permit Compliance staff. **Plan Requirements/Timing:** Prior to Zoning Clearance 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.

27. Prior to issuance of Zoning Clearances, the applicant shall have obtained final by the Central Board of Architectural Review for the landscape-irrigation plan. Landscaping and irrigation shall be installed and permanently maintained in accordance with this plan, and shall be water conserving in nature.

28. All elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to BAR approval 07BAR-00000-00350. **Plan Requirement/Timing:** The applicant shall submit architectural drawings of the project for review and shall obtain final approval by the Central Board of Architectural Review prior to issuance of Zoning Clearance Permits. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.

29. A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance.

30. The applicant shall provide Planning and Development with a check payable to the "County of Santa Barbara" within 10 days of project approval as required by California Fish & Game Code Section 711.4 for that Department's review of the Mitigated Negative Declaration associated with the project.

31. **Landscape Requirements:** Two performance securities shall be provided by the applicant prior to approval of Zoning Clearance Permits, 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 3 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 landscaping and irrigation with timers 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.

32. Landscaping shall be maintained for the life of the project.

IV. DEVELOPMENT PLAN CONDITIONS

33. Deleted

34. No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1, dated **October 21, 2009**. Substantial conformity shall be determined by the Director of P&D.

35. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.

36. 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 approval of a Zoning Clearance Permit.

37. The applicant shall obtain final approval from the Board of Architectural Review (BAR) prior to approval of a Zoning Clearance Permit.

V. COUNTY RULES, REGULATIONS AND LEGAL REQUIREMENTS

38. Compliance is required with Departmental letters as follows:

- a. County Fire Department letter dated June 2, 2009.
- b. APCD letter dated June 9, 2009.
- c. Environmental Health Services letter dated September 28, 2009.
- d. Public Works, Flood Control letter dated June 4, 2009.
- e. County Parks Department letter dated May 15, 2009 (no conditions).
- f. Public Works, Roads Division letter dated September 29, 2009.

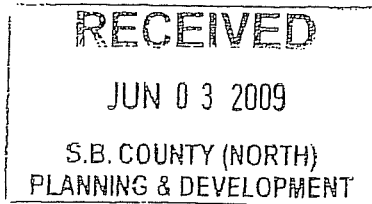
g. Public Works, Project Clean Water letter dated January 22, 2008.

39. 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 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.
40. **Signed Agreement to Comply Required:** Prior to approval of Zoning Clearance Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
41. **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 Land Use Permits\Coastal Development Permits 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.
42. **Signs:** No exterior signs are approved as part of this approval, except those required to properly delineate handicapped parking and handicapped access. Any other exterior signs desired shall require Board of Architectural Review (BAR) approval and a Zoning Clearance Permits issued in accordance with the Santa Barbara County Land Use and Development Code (Article I).
43. **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.
44. **Fees Required:** Prior to the issuance of Zoning Clearances, the applicant shall pay all applicable permit processing fees in full.
45. **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.

46. **Indemnity and Separation Clauses:** Developer 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 the Development Plan. 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.
47. **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.
48. All ground disturbances, removal of vegetation, or storage of waste, equipment, vehicles shall be prohibited within the 50 foot setback from either side of the top-of-bank of San Antonio creek, a sensitive riparian habitat area. **Plan Requirements:** The riparian habitat area shall be shown on all grading plans.
49. Long term monitoring of the project site is required to ensure compliance with all approved project conditions. Required monitoring shall occur over a five (5) year period, consisting of:
- 1) Monthly inspections for the first year;
 - 2) Quarterly for the second year; and
 - 3) Once a year for the remaining three years, or until the project is determined to be in complete compliance with all Conditions of Approval.
- P&D may increase the foregoing number of inspections as necessary to address incidents of noncompliance with conditions.
- These inspections shall be conducted by P&D Permit Compliance staff. Prior to zoning clearance approval, the applicant shall submit a compliance deposit in the amount of \$10,000 to cover staff costs, plus costs for P&D to hire and manage outside consultants as determined necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists, etc.) to assess damage and/or ensure compliance. In the event of a violation, permits will be required and permit fees for abatement of violation will be doubled and due upon submittal of the permit application.
50. At Zoning Clearance application submittal, the applicant shall pay double standard permit fees, up to \$2,000 to abate previously unpermitted greenhouse structures as discussed in the staff report under 07DVP-00000-00035.

51. The existing and proposed greenhouses shall not use any interior lighting after 5 p.m. All exterior lighting proposed for security shall be on timers that turn the lighting off within three minute intervals or less.
52. Prior to the first inspection by Permit Compliance staff, water conserving measures shall be implemented which include replacement of the overhead spray system with an approved drip irrigation system plan to water the orchids or any other type of plant cultivated. The drip system plan shall be designed by, or in collaboration with, a licensed irrigation specialist. Prior to issuance of the zoning clearance, the proposed drip system shall be reviewed and approved by P&D. Installation shall occur within three months of issuance of the zoning clearance.
53. Prior to Zoning Clearance approval, the existing fifth wheels onsite shall be permanently removed from the project site.
54. Any future development on the site shall require the filing and approval of a substantial conformity determination, an amendment or a revision to 07DVP-00000-00035 in accordance with the Land Use and Development Code.
55. If P&D determines that the permittee is not in compliance with any permit condition, it may conduct a noticed public hearing before the Planning Commission to consider either revocation of the Development Plan or direction to the permittee to apply for a modification to the Development Plan.
56. Any use authorized by this Development Plan shall immediately cease upon expiration or revocation of this Development Plan. Any Zoning Clearance approved or issued pursuant to this Development Plan shall expire upon expiration or revocation of the Development Plan.
57. In order to comply with the 50 foot setback from San Antonio Creek, the applicant shall be required to remove approximately 100 feet of the northwest corner of Nursery D. **Timing:** Prior to issuance of the zoning clearance, the proposed building portion shall be removed and a site inspection shall be conducted by P&D.
58. In order to comply with the Fire Department access and to satisfy the landscape requirements conditions, the west portion of Nurseries A, B, C, and D shall remove fifteen feet of existing structural development. **Timing:** Prior to issuance of the zoning clearance, the proposed building portion shall be removed and a site inspection shall be conducted by P&D.

Memorandum



DATE: June 2, 2009

TO: Florence Trotter-Cadena
Planning and Development
Santa Maria

FROM: Russ Sechler, Inspector
Fire Department

SUBJECT: APN: 133-130-009; Permit #: 07DVP-00035 (revised plans and description)
Site: 9676 Harvest Road, Los Alamos
Project Description: Development Plan for Chisan Nursery

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

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

Santa Barbara County High Fire Hazard Area Requirements must be met.

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

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.

Access shall be as shown on plans dated May 5, 2009.

Fire hydrants shall be installed. Fire hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Plans shall be approved by the fire department prior to installation.

Plans for a stored water fire protection system shall be approved by the fire department. Water storage shall be XXXX (to be determined) gallons above the amount required for domestic usage and shall be reserved for fire protection purposes exclusively.

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 pump 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 XXXX (to be determined) gallons and comply with N.F.P.A. Standard #22.

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.

**PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET**

7. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved by the fire department prior to installation. Location of any fire department connection shall be determined by the fire department. The fire sprinkler requirement is for the proposed warehouse/office building.
Fire sprinkler system plans shall require Fire Protection Engineer certification.
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.
Alarm system plans shall require Fire Protection Engineer certification.
9. Propane tanks shall be installed per Chapter 38 of the California Fire Code.
10. Portable fire extinguishers are required.
11. A recorded address is required for the proposed warehouse/office building. The fire department shall determine and assign all address numbers and shall issue such numbers to property owners and occupants.
12. Building address numbers shall be posted as required by fire department.
13. Access way entrance gates shall conform to fire department standards.
14. When access ways are gated a fire department approved locking system shall be installed.
15. A Knox key box entry safe shall be installed..
16. 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
 - Mitigation Fee at \$.20 per square foot for structures without fire sprinkler systems

ADVISORY

7. If the proposed project modifies the storage, handling or dispensing of hazardous material, engineered drawings of the hazardous materials process shall be submitted for approval prior to operation.

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.

A copy of this letter will be placed in your Assessor's Parcel File in this office and the fire department advises that these conditions be listed as a disclosure item should your property ever be sold.

As always, if you have any questions or require further information, please telephone 805-681-5523 or 805-681-5500.

jmkb

Joe Kim, Chisan Orchids Nursery, Inc., PO Box 525, Los Alamos, CA 93440
Ray Severn, Penfield & Smith, 210 E. Enos Dr, #A, Santa Maria 93454





Santa Barbara County
Air Pollution Control District

RECEIVED
JUN 11 2009
S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

To: North County Planning & Development Dept.

Attn: Florence Trotter-Cadena, Planner

From: Molly M. Pearson *MP*

Date: June 9, 2009

Case #: 07DVP-00000-00035; Chisan Nursery Development Plan

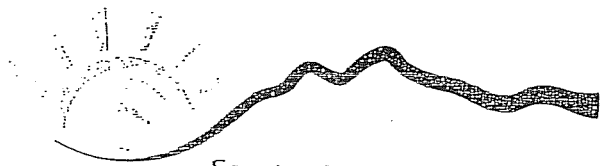
APN #: 133-130-009

The Air Pollution Control District (APCD) received additional application materials related to the subject project on May 15, 2009. The project was discussed at the Subdivision/Development Review Committee on June 4, 2009. APCD staff offers the following revised comments, to replace the February 13, 2008 memo that was submitted by Vijaya Jammalamadaka at APCD:

- Applicant is required to complete the attached "Notification for Renovation and Demolition" form. 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 mitigations 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.

Attachment(s)

cc: Ray Severn, Pennfield & Smith
Project File
TEA Chron File



Santa Barbara County
Air Pollution Control District

301 East Cook Street, Suite L • Santa Maria, CA • 93454 • www.sbapcd.org
805.614.6788 • 805.614.9135 (fax) • 805.714.1259 (cell)

Our Vision Clean Air
Fred White
Inspector III, REA
whitef@sbapcd.org

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. ●

PUBLIC Health



DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Michele Midurvia, Director
Rick Merrifield / Environmental Health Director

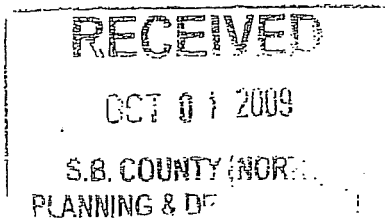
TO: Florence Trotter-Cadena, Planner
Planning & Development Department
Development Review Division

FROM: Paul Jenzen
Environmental Health Services

DATE: September 28, 2009

SUBJECT: Case No. 07DVP-00000-00035

Los Alamos Area



Applicant: Chisan Orchid Nursery
c/o Ray Severn, Penfield & Smith
210 E. Enos Drive, Suite A
Santa Maria, CA. 93454

Property Location: Assessor's Parcel No. 133-130-009, zoned AG-II-100, located at 9676 U.S. Highway 101.

Case No. 07DVP-00000-0035 represents a request to construct a warehouse/office building, two greenhouses of approximately 334,585 square feet and legalize three greenhouses of approximately 1,082,700 square feet. Also included in the development plan are three detention basins. The following structures currently exist on the parcel: Unpermitted greenhouses, two 5th wheel type units and three permitted employee dwellings.

The project would employ 25-50 workers depending on the season.

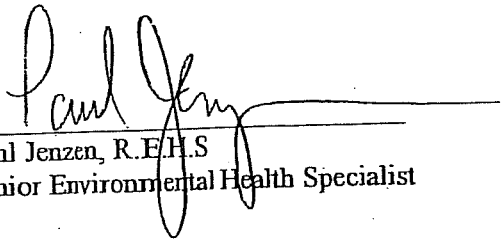
Domestic water supply is proposed to be provided by a private water system. Because of the number of projected employees, a Domestic Water Supply Permit will be required to be constructed to serve the project.

Sewage disposal is proposed to be provided by onsite wastewater treatment systems. The three permitted employee residences have existing onsite wastewater treatment systems and require no additional permitting from Environmental Health Services. The warehouse/office utilizes an onsite wastewater treatment system which will need to be permitted.

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

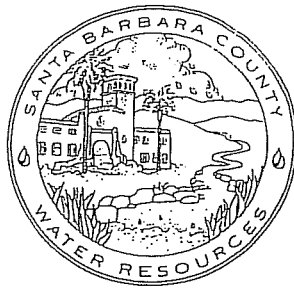
1. Prior to Issuance of Zoning Clearance, a completed application for a Domestic Water Supply Permit shall be reviewed and approved by Environmental Health Services. The application shall include final detailed engineering plans and specifications for the proposed water supply system to serve the project.
2. Prior to Issuance of Zoning Clearance, an application for an onsite wastewater treatment system permit shall be reviewed and approved by Environmental Health Services.

3. Prior to Issuance of Zoning Clearance, Environmental Health Services shall review a **Mosquito Management Plan** or service contract to control the breeding of mosquitoes in the retention basins proposed for this project.
4. 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.



Paul Jenzen, R.E.H.S.
Senior Environmental Health Specialist

cc: Applicant
Agent, Ray Severn, Penfield & Smith, 210 E. Enos Drive, Suite A, Santa Maria, CA. 93454
Ryan Lodge, Regional Water Quality Control Board
Mark Matson, Planning & Development Dept, Building Div., Santa Maria
Norman Fujimoto, Environmental Health Services



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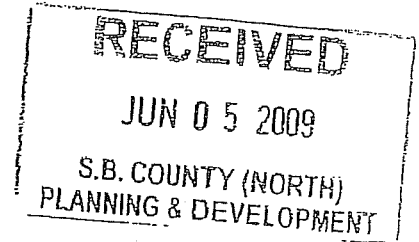
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JUN 04 2009

S.B. COUNTY
PLANNING & DEVELOPMENT

Santa Barbara County Public Works Department
Flood Control & Water Agency

June 4, 2009

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



Re: 07DVP-00000-00035R; Chisan Nursery Development Plan
APN 133-130-009; Los Alamos

This letter supersedes the previous condition letter for project 07DVP-00000-00035, dated January 10, 2008.

Dear Commissioners:

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated November 2007 (www.countyofsb.org/pwd/water/downloads/StdCond_PlnApproval.pdf).
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

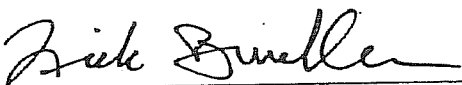
2. Prior to Issuance of Development Permits:

- a. Projects near a watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code.
- b. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies, and landscape plans to the District for review and approval. Said plans and study shall include, but not be limited to the following:
 - i. A detention basin designed such that the post-development peak discharge rate does not exceed the pre-development rate in all return period events up to and including the 100-year event.

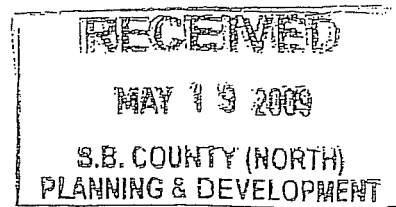
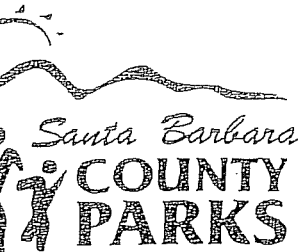
- ii. All runoff shall be conveyed to a District approved watercourse in a non-erosive manner. For discharge to a CALTRANS Right of Way, the applicant shall include clearance/encroachment permit from that agency in the drainage study.
 - iii. The drainage study shall include the Preliminary Flood Report for the adjacent employee dwelling units, prepared by Penfield & Smith (December 22, 2005).
 - iv. All proposed structures shall be elevated 2-feet above the existing grade, or shall be flood proofed per FEMA standards.
 - v. The drainage study shall address the impacts that the proposed structures have on the overflow waters from the creek. Any offsite impacts as a result of an increase in depth or spread of overflow waters shall be mitigated for.
- c. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
 - d. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.
 - e. The applicant shall acquire and supply proof of drainage easements for off-site drainage conveyances.
 - f. The applicant shall sign and return the Maintenance Agreement (Subdivider's or Owner's Agreement).
 - g. The applicant shall submit to the District electronic drawings in PDF format of the approved Final Map, grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc along with one hard copy of each.
3. Prior to Occupancy Clearance
- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
 - b. The applicant shall submit an Elevation Certificate or certification of flood proofing for the proposed structures.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: 
 Nick Bruckbauer
 Development Review Engineer.

Cc: Florence Trotter-Cadena, Planning & Development
 Heung Bok Lee, 4375 Franklin Road, Santa Maria, CA 93455
 Penfield & Smith, P.O. Box 98, Santa Barbara, CA 93101
 Penfield & Smith, 210 East Enos, Suite A, Santa Maria, CA 93454



Francisco C. Hernandez, MPA
Director of Parks
(805) 568-2461

Michael Gibson, MPA
Business Manager
(805) 568-2477

Deltranena, AIA, AICP
Project Manager
(805) 568-2470

Jeff Stone
North County
Deputy Director
(805) 934-6145

Erik Axelson
South County
Deputy Director
(805) 681-5651

Administration Office
1000 Mission Canyon Road
Santa Barbara, CA 93105
Tel: (805) 568-2461
Fax: (805) 568-2459

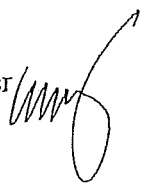
**North County
Park Operations**
300 Goodwin Road
Santa Maria, CA 93455
Tel: (805) 934-6123
Fax: (805) 934-6213

**South County
Park Operations**
188 Calle Real, Building E
Santa Barbara, CA 93110
Tel: (805) 681-5650
Fax: (805) 681-5657

**Cachuma Lake
Recreation Area**
HC 59, Hwy. 154
Santa Barbara, CA 93105
Tel: (805) 686-5055
Fax: (805) 686-5075

www.sbparcs.org
Opportunity Employer

TO: Florence Trotter-Cadena, Planner
Development Review
Planning and Development

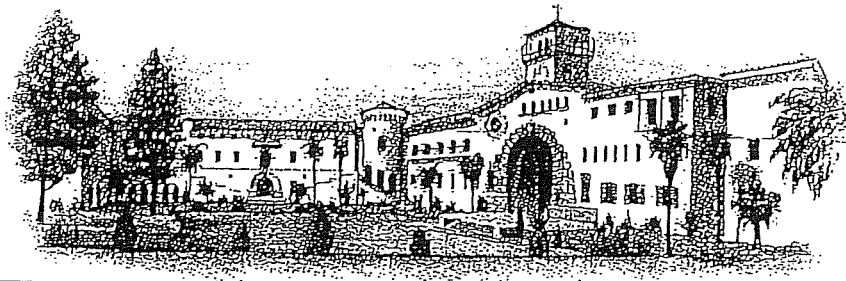
FROM: Claude Garciacelay, Park Planner 

DATE: May 15, 2009

RE: 07DVP-035 Chisan Nursery
APN 133-130-009

County Parks has no conditions of approval of the above referenced case(s).

cc:



September 29, 2009

TO: Florence Trotter-Cadena, Planner
Development Review

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

SUBJECT: Conditions of Approval (3 pages)
Chisan Nursery Development Plan
07DVP-00000-00035
APN: 133-130-009
Los Alamos

Traffic Mitigation Fees

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 \$44,978 (86 newly generated PHT's x \$523/PHT). 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., 2nd 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

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.

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 and/or Tract 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. All designs and/or modifications shall be reviewed and approved by the Department of Public Works Traffic Section.

Encroachment/Excavation Permit

5. 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.

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

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Pubic 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

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.

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

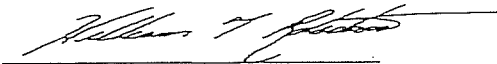
Where off-site road improvements or a dedication of right of way for off-site improvements is required for which a need cannot be attributed to the project, the County shall deduct the value of construction or dedication from the payment that would otherwise be collected for Traffic Mitigation Fee's.

Improvements and dedication that are necessary to mitigate the specific impacts of a project on area roads are considered on-site and are not to be deducted from the Traffic Mitigation Fee's. If the value of the off-site road improvements or dedication exceeds the payment required, the County may:

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,



William T. Robertson

9/29/09

Date

cc: 07CUP-00000-00035

Charlie Ebeling, Transportation Manager, County of Santa Barbara, Public Works Department

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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) 568-3434
 Website: www.countyofsb.org/project_cleanwater



COTT D. MCGOLPIN
 Director

THOMAS D. FAYRAM
 Deputy Director

January 22, 2008

Planning Commission
 Santa Barbara County Planning & Development
 123 E. Anapamu St.
 Santa Barbara CA 93101

RECEIVED
 130 2008
 S.B. COUNTY
 PLANNING & DEVELOPMENT

Re: 07DVP-00000-00035 Chisan Orchids Nursery
 APN 133-130-009 Los Alamos

RECEIVED
 JAN 31 2008
 S.B. COUNTY (NORTH)
 PLANNING & DEVELOPMENT

Dear Planning 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 has more than 25 parking stalls. These conditions require appropriate treatment of runoff from impervious surfaces for the design storm to remove potential pollutants (see attached conditions).

It is important to incorporate the treatment control features early on the design process.

The following specific provisions will apply:

1. Prior to recordation/zoning clearance, the applicant shall submit to the Water Resources Division (attention: Project Clean Water) for review and approval either A) improvement plans, grading & drainage plans, landscape plans, and a drainage study or B) a Storm Water Quality Management Plan that includes relevant details on improvements, grading & drainage, and landscaping. The submittal must:
 - a. show the locations of all treatment facilities and their drainage (treatment) areas,
 - b. demonstrate how the treatment facilities comply with the conditions by treating runoff from the design storm, and
 - c. include a long-term maintenance plan appropriate for the proposed facilities.
2. Prior to recordation/zoning clearance, applicant shall submit the long-term maintenance plan for review and approval to assure perpetual maintenance of the treatment control facilities by the property owner. The maintenance plan shall be recorded with the County Clerk-Recorder.
3. Prior to issuance of 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. 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. A Drainage Improvement Certificate shall be signed and stamped by the engineer of record and be submitted to the Water Resources Division (attn: Cathleen Garnand).

Design guidance is available on the Project Clean Water website (http://www.sbprojectcleanwater.org/post_construction.html) and from the following resources:

- California Stormwater Best Management Practice Handbooks – New Development and Redevelopment. California Stormwater Quality Association. 2003 (or most recent edition).
- Technical Guidance Manual for Stormwater Quality Control Measures. Ventura Countywide Stormwater Quality Management Program See Section 5.0, Treatment Control BMPs
- Post-Construction Storm Water Management in New Development & Redevelopment – National Menu of Best Management Practices for Stormwater Phase II. U.S. Environmental Protection Agency.

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 Garnand
Civil Engineering Associate

cc: Florence Trotter-Cadena 624 W. Foster Road Suite C Santa Maria, CA 93455
Ray Severn P&S 101 E. Victoria Santa Barbara, CA 93101
Heung Bok Lee, Chisan Nursery 4375 Franklin Road Santa Maria CA 93455

Attached Standard Conditions