

## **ATTACHMENT 3: CONDITIONS OF APPROVAL**

**DECKER GREENHOUSE  
CASE NO. 19LUP-00000-00469  
APN: 137-140-033**

### **PROJECT DESCRIPTION**

- 1. Proj Des-01 Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked 1-7, dated January 11, 2022, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project is a request for a Land Use Permit (Case No. 19LUP-00000-00469) to allow the construction of a 15,648 square foot greenhouse that will be used for vegetable cultivation. The maximum height of the proposed greenhouse is 20 feet. The project includes the demolition/removal of 3,329 square foot of existing development consisting of greenhouses, sheds, and storage containers. A new fence is proposed around the greenhouse. Proposed grading is 3,200 cubic yards of cut and 3,106 cubic yards of fill. No tree or vegetation removal is proposed. Access would continue to be provided from an existing private driveway off of Fredensborg Canyon Road. Proposed parking includes 11 new spaces (1 ADA). Approximately six (6) full-time employees would be working from 8 a.m. through 5 p.m. Monday through Friday and occasional Saturdays. The proposed project includes a new private septic system and 3,930 square feet of new landscaping. Water to the new greenhouse will be provided by a new agricultural water well. Blackout curtains will be installed and used from sunset to sunrise while the grow lights are active. The greenhouse will also have a 46,741 kWh/year solar array mounted on the roof, which is exempt from Planning review. The project is located on a 5.24-acre parcel zoned AG-I-5 shown as APN 137-140-033 and addressed as 988 Fredensborg Canyon Road, Solvang, CA 93463, Third Supervisorial District.

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.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## **PROJECT SPECIFIC CONDITIONS**

3. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
  - f. Order increased watering as necessary to prevent transport of dust off-site.
  - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
  - h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D Building Inspectors and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to Grading Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

4. **Bio-01 Tree Protection Without a Tree Protection Plan.** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all oak trees.

- a. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for Valley or Blue Oaks) ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.
- b. To help ensure the long term survival of oak trees, no permanent irrigation systems are permitted within six feet of the dripline of oak trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

**PLAN REQUIREMENTS:** Fencing shall be graphically depicted on project plans.

**TIMING:** This condition shall be printed on project plans submitted for Building and Grading Permits and installed prior to Grading or Building Permit issuance.

5. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

**PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance of Land Use Permit and P&D building inspectors shall spot check in the field throughout grading and construction.

6. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

**TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors shall spot check and respond to complaints.

7. **Special Condition – New Agricultural Well.** A new well shall be drilled on the property for the purposes serving the proposed greenhouse.

**TIMING:** The well shall be drilled prior to Final Building Clearance.

8. **Special Condition – New Septic System.** A new septic system shall be installed on the property to serve the restrooms in the proposed greenhouse.

**TIMING:** The septic system shall be installed prior to Final Building Clearance.

9. **Blackout Curtains.** The Applicant shall install and maintain a blackout screening system within growing areas to prevent interior night lighting (grow lights) from being visible outside the greenhouse structure between sunset and sunrise.

**PLAN REQUIREMENTS:** The blackout screen system shall be noted on plans submitted for Permit approval.

**TIMING:** The system shall be installed prior to Final Building Inspection Clearance or Commencement of Use.

**MONITORING:** The Applicant shall demonstrate proper installation and functioning of blackout screen system prior to Final Building Inspection Clearance or Commencement of Use to P&D Building Inspectors.

## **COUNTY RULES AND REGULATIONS**

10. **DIMF-24d DIMF Fees-Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Fire DIMF amount is currently estimated to be \$0.35/sq. ft. (January 11, 2022). This is based on a project designation of non-retail commercial.

**TIMING:** Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 11. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 12. Rules-23 Processing Fees Required.** Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 13. Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
  - a. Flood Control letter dated February 11, 2020.
- 14. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 15. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
- 16. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



## Santa Barbara County Public Works Department Water Resources Division

Flood Control • Water Agency • Project Clean Water  
130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101  
PH (805) 568-3440 FAX (805) 568-3434  
<http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956>

**SCOTT D. MCGOLPIN**  
Director Public Works

**THOMAS D. FAYRAM**  
Deputy Director Water Resources

02/11/2020

Ben Singer, Planner  
County of Santa Barbara  
Planning & Development Department  
624 W. Foster Rd  
Santa Maria, CA 93455

**Re: 19LUP-00000-00469; Decker Greenhouse  
APN: 137-140-033; Solvang**

Dear Mr. Singer:

The project consists of constructing of a 15,648 SQ FT greenhouse for vegetable cultivation. Maximum height of 20 feet. The project includes the demolition/removal of 3,329 SQ FT of existing development. Proposed grading is 3,200 cubic yards of cut and 3,106 cubic yards of fill. Access is to be provided from an existing private driveway off of Fredensborg Canyon Road. Proposed parking includes 11 new spaces (1 ADA). Approximately 6 full-time employees will be working 8am - 5pm Mon-Fri and occasional Saturdays. Project includes 3,930 square feet of new landscaping. The project includes a new private septic system. Water will provided by a new agricultural/domestic water well. The project is located on a 5.24-acre parcel zoned AG-I-5 shown as APN 137-140-033 and addressed as 988 Fredensborg Canyon Road, Solvang, CA 93463, Third Supervisorial District.

### **A. Flood Control & Water Conservation District**

We have the following incompleteness items at this time and these conditions could potentially be amended upon the submittal of the additional completeness items required of the project.

- Submit a preliminary drainage report that includes the calculations and details of how the pre-development versus post-development runoff is mitigated for 2-year through 100-year 24-hr storm events.
- Provide an exhibit clearly showing *existing* hardscape area by type and square footage. Also provide an exhibit for a site plan showing *proposed* hardscape area by type and square footage
- Greenhouses are required to mitigate to 75% of pre-development runoff per Standard Conditions of Project Plan Approval dated January 2011.

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 Project Plan Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Documents/StdConditionsJan2011.pdf>)
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions for Project Plan Approval.

2. Design/ Prior to Permit Issuance

- a. The applicant shall submit all improvement plans, grading plans, drainage plans and drainage studies to the District for review and approval.
- b. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- c. Detention basins shall provide detention such that the post-development peak storm runoff rate shall not exceed the pre-development runoff for 2-year through 100-year 24-hr storm events. For greenhouses, maximum outflow discharge rates of the post-development condition shall not exceed 75% of the calculated pre-development amounts.
- d. Drainage report to include an exhibit clearly showing *existing* hardscape area by type and square footage. Also provide an exhibit for a site plan showing *proposed* hardscape area by type and square footage.
- e. 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. Please make the check payable to: *Santa Barbara County Flood Control & Water Conservation District*.

3. Prior to Permit Issuance/Zoning Clearance

- a. The applicant shall sign and return the Maintenance Agreement (Subdivider's or Owner's Agreement) if a basin is required.
- b. The applicant shall post surety bonds for drainage improvements in amounts approved by the Public Works Director.
- c. The applicant shall submit to the District electronic drawings in PDF format of the approved grading plans, improvement plans, drainage plans, and drainage studies on a compact disc.

4. Prior to Occupancy Clearance

- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval) for the drainage system.
- b. The applicant shall submit record drawings to the District's Floodplain Manager in electronic format on a compact disc.
- c. In the event that the grading and drainage plans are revised during the construction process the applicant shall update the drainage report/plans and submit to the District for review and approval.

19LUP-00000-00469, Ben Singer

02/11/2020

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**B. Project Clean Water**

The Project Clean Water has no conditions on the above referenced case since it is located outside the NPDES permitting area and has less than 0.5 acre of disturbance.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By:

  
\_\_\_\_\_  
Hansel Corsa, CFM  
Civil Engineering Associate III

Cc: Steve Decker, 988 Fredensborg Canyon Road, Solvang, CA 93463