

ATTACHMENT 2: DEVELOPMENT PLAN CONDITIONS OF APPROVAL

- 1. Proj Des-01 Project Description.** This Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits 1 and 2, dated February 4, 2014, 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 project will validate the unpermitted construction of a 264,500 sq. ft. greenhouse (9.6% of the CA Overlay development cap); three existing permitted greenhouses on the site will be incorporated into the Development Plan. The three existing permitted greenhouses total approximately 122,100 sq. ft. and were permitted between 1968 and 1971. At project completion, total greenhouse development on the lot will be approximately 386,600 sq. ft. for total lot coverage of 65.0%. The currently unpermitted greenhouse is 17 feet 7 inches in height. The previously permitted greenhouses are 15 feet high. There will be no change to the height of any greenhouse structure.

All cultivation will be in the ground using the native soil. Three parallel concrete-paved areas, 17 feet by 393 feet each, will provide access for small farm vehicles within the 264,500 sq. ft. greenhouse. The paved areas will be located along the north and south ends of the greenhouse and one through the center. No other paving is proposed. A drip irrigation system will be employed. No heaters or boilers are proposed or will be used. The new greenhouse will include interior "grow" lights, and black shade cloth will be installed to block light escape at night when the grow lights are employed. No exterior night-lighting is proposed. Fans will be employed inside the greenhouses to provide air circulation.

The greenhouses are operated by Ocean Breeze Nursery, a company owned by the property owners and applicants Rene and June Van Wingerden. Ocean Breeze Nursery is a flower-growing operation located on this and several adjacent and nearby parcels (APNs 005-310-026, 005-430-042 and 005-430-043). The greenhouses on the site employ 11 people who also work at the adjacent Ocean Breeze Nursery properties.

Access and Parking

Direct access to the site is provided by a private driveway from Foothill Road. The applicant requests a Development Plan modification pursuant to Article II Section 35-174.8.1, to modify the parking requirements for the greenhouses; specifically, to reduce the zoning ordinance requirement of 18 parking spaces to 11 spaces, to allow the uncovered parking to be unpaved, and to waive certain design specifications for marking and striping. The parking would be located no closer than 100 feet from the top-of-bank of Arroyo Paredon. The reason for the modification request is based on the operational/employee needs for the existing greenhouse development: current employee and visitor parking is accommodated on the nearby Ocean Breeze Nursery properties (APNs 005-430-042 and 005-430-043); access to the project site by employees is via internal circulation on foot or by electric cart from the adjacent Ocean Breeze properties; and all products grown on the subject lot are moved by internal circulation to the adjacent property for packing and

shipping. The provision of 11 parking spaces instead of 18 is based on the actual labor and number of employees needed to staff the nursery operation in the greenhouses on the subject property, as described by the applicant and agent.

Grading and Drainage

No grading is proposed. The project includes a series of four retention basins to slow the rate of storm water runoff leaving the site.

Landscaping/Screening

A band of avocado trees approximately 70-120 feet wide (part of the pre-existing avocado orchard on the property) would remain in place along the northern extent of the property between the development and Arroyo Paredon. Existing bamboo lines the west property line and existing cypress trees are located along the south property line. These plant materials would remain in place to provide screening of the greenhouses.

Public Services

Irrigation water is supplied by the Carpinteria Valley Water District and an agricultural well located on the adjacent lot to the east (APN 005-310-026), which is under the same ownership. The agricultural well was permitted in 1991 to provide supplemental agricultural water only. A subsequent lot split, the well to continue to provide water to both parcels. The property will continue to be served by the Carpinteria Valley Water District, the agricultural well, and the Carpinteria-Summerland Fire Protection District. Sewage disposal is not proposed; employees use restroom facilities located on the adjacent Ocean Breeze Nursery properties (APNs 005-310-026, 005-430-042 and 005-430-043).

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. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design and landscape screening. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development.

TIMING: The Owner/Applicant shall submit elevations of the project for review and shall obtain final BAR approval prior to approval of the follow on Land Use Permit.

4. **Aest-10 Lighting-Special.** Any new exterior night lighting installed on the project site shall be limited to the minimum needed for safety and security purposes pursuant to the Building Code. If the exterior lighting is required, it shall be of low intensity, low glare design, of minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over into the Arroyo Paredon Environmentally Sensitive Habitat or onto adjacent parcels.

PLAN REQUIREMENTS: If exterior night lighting is required, the Owner/Applicant shall develop a Lighting Plan for P&D approval incorporating these requirements, showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture, and provisions for dimming lights after 10:00 p.m. .

TIMING: Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance.

MONITORING: P&D shall review the Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. Building and Safety staff shall inspect to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

5. **Aest-10 Lighting/Blackout Screens-Special.** The Owner/Applicant shall install and maintain a mechanized blackout screening system within growing areas to prevent interior night lighting (“grow lights”) from being visible outside the greenhouses.

PLAN REQUIREMENTS AND TIMING: The mechanized blackout screen system shall be noted on plans submitted for follow on Land Use Permit approval. The system shall be installed prior to Final Building Inspection Clearance.

MONITORING: The Owner/Applicant shall demonstrate proper installation and functioning prior to Final Building Inspection Clearance. P&D staff may conduct site inspections as necessary to respond to complaints and ensure that landscaping is maintained for the life of the project.

6. **Bio-07 Habitat Setback.** All greenhouse development, required parking and removal of native vegetation shall be prohibited within a 100-foot setback from the top-of-bank of Arroyo Paredon creek, a sensitive riparian habitat area.

PLAN REQUIREMENTS: The riparian habitat setback area shall be shown on all plans.

7. **Landscp-01a Landscape for Life.** The Owner/Applicant shall maintain landscape screening, including existing vegetation, for the life of the project. The Owner or designee shall permit the County to conduct site inspections as necessary to respond to complaints.

TIMING: Prior to approval of the follow on Land Use Permit the Owner/Applicant shall record a buyer notification that repeats the condition requirement above.

MONITORING: P&D staff may conduct site inspections as necessary to respond to complaints and ensure that landscaping is maintained for the life of the project.

8. **Wastewater Special.** In the event the subject parcel comes under new and/or separate ownership such that it is no longer operated in conjunction with the adjacent nursery operations, the property

owner shall submit an application to modify the Development Plan to address onsite wastewater disposal and parking.

COUNTY RULES AND REGULATIONS

9. **Rules-01 Effective Date-Not Appealable to CCC.** This Development Plan shall not be deemed effective until final action by Coastal Commission is taken to approve the Zoning Map Amendment (Case No. 11RZN-00000-000010). No entitlement for the use or development shall be granted before the effective date of the planning permit.
10. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained, including the Coastal Development Permit and the follow-on Land Use Permit and Building Permit. Before any permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
11. **Rules-04 Additional Approvals Required.** Approval of this Development Plan is subject to the California Coastal Commission approving the required Zoning Map Amendment (Case No. 11RZN-00000-00001).
12. **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.
13. **Rules-07 DP Conformance.** 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 structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1 and 2 , dated December 4, 2013.
14. **Rules-14 Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
15. **Rules-23 Processing Fees Required.** Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
16. **DIMF-24g DIMF Fees-Transportation.** 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 transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and

applicable law. The total DIMF amount for Transportation is currently assessed at \$32,752.00 (December 4, 2013). This is based on a greenhouse project type and traffic generation of 16 new Peak Hour Trips in the afternoon peak hour.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to approval of the follow on Land Use Permit and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

17. **Rules-28 NTPO Condition.** The Owner shall sign a written agreement with the County (i.e., a Notice to Property Owner) to remove greenhouse or greenhouse related development, or any portion thereof, if any component of the greenhouse development is abandoned (not in operation for 24 consecutive months). If, after 24 months of non-use for greenhouse purposes, greenhouse activities resume, such activities shall be continued without interruption for longer than 90 days within the subsequent one year period, or the facility shall be deemed abandoned and notice of such abandonment shall be served upon the landowner by the County. The property owner shall submit an application for demolition of the applicable development and restoration of agricultural lands suitable to ensure continued agricultural productivity. The removal shall occur within 180 days of issuance of a Coastal Development Permit for removal. Conversion of greenhouse development to non-agricultural uses shall not be considered in lieu of demolition or removal.

TIMING: The Owner shall sign and record the Notice to Property Owner agreeing to this requirement of Article II (or any successor regulations, if the CA Overlay is amended) prior to approval of the follow on Land Use Permit.

18. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters shall be required as follows:

- a. Air Pollution Control District dated June 25, 2010;
- b. Environmental Health Services Division dated November 12, 2013;
- c. Flood Control District dated June 22, 2010;
- d. Project Clean Water dated June 21, 2010;
- e. Transportation Division dated November 14, 2013.

19. **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.

20. **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. In the event that the County fails promptly to notify the Owner/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.

21. **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 Health
DEPARTMENT

Environmental Health Services

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

Larry Fay, Director of Environmental Health

Takashi M. Wada, MD, MPH Director/Health Officer
Anne M. Fearon Deputy Director
Suzanne Jacobson, CPA Chief Financial Officer
Susan Klein-Rothschild Deputy Director
Elizabeth Snyder, MHA Deputy Director

TO: Julie Harris, Planner
Planning & Development Department
Development Review Division

FROM: Paul Jenzen
Environmental Health Services

DATE: November 12, 2013

SUBJECT: Case No. 10DVP-00000-00010

Carpinteria Area

Applicant: Rene Van Wingerden
4444 Foothill Road
Carpinteria, CA. 93013

Property Location: Assessor's Parcel No. 005-310-024, zoned AG-I-10, located at 3383 Foothill Road.

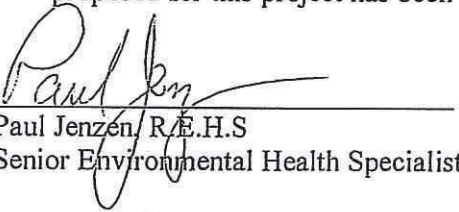
Case No. 10DVP-00000-00010 represents a request to validate the unpermitted construction of greenhouse space. Part of the project would be the construction of four retention basins.

Domestic water supply is provided by the Carpinteria Valley Water District.

Sewage disposal is proposed to be provided by bathroom facilities located on an adjacent plant shelter under common ownership. No further information would be required by Environmental Health Services.

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, 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 has been approved.


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

cc: Applicant
Agent, Bradley Miles, P.O. Box 183, Carpinteria, CA. 93014



Santa Barbara County Public Works Department
Flood Control & Water Agency

June 22, 2010

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

Re: **10DVP-00000-00010; Van Wingerden Greenhouses**
APN: 005-310-024; Carpinteria

RECEIVED
JUN 23 2010
S.B. COUNTY
PLANNING & DEVELOPMENT CC

This letter supersedes the previous letter of June 17, 2010

Dear Ms. Harris:

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 February 2010 (<http://www.countyofsb.org/uploadedFiles/pwd/Water/StdConditionsFeb2010.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 grading plans, drainage plans, drainage studies, and landscape plans to the District for review and approval.
- c. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- d. Detention basins are required and shall be designed such that the post-development peak discharge rate does not exceed 75% of the pre-development rate for the 2-year through 100-year storm events.

- 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.
 - f. The applicant shall acquire and supply proof of drainage easements for any off-site drainage conveyances.
 - g. The applicant shall sign and return the Maintenance Agreement (Subdivider's or Owner's Agreement).
 - h. The applicant shall post surety bonds for drainage improvements in amounts approved by the Public Works Director.
 - i. The applicant shall submit to the District electronic drawings in PDF format of the approved grading 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 a Project Summary Report in PDF format to the District.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: 
Nick Bruckbauer
Development Review Engineer

Cc: Rene Van Wingerden, 444 Foothill Road, Carpinteria, CA 93014
Bradley Miles, P.O. Box 183, Carpinteria, CA 93014



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

PROJECT
CLEAN WATER
Santa Barbara County

SCOTT D. MCGOLPIN
Director

THOMAS D. FAYRAM
Deputy Director

June 21, 2010

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

RECEIVED
JUN 23 2010
S.B. COUNTY
PLANNING & DEVELOPMENT CC

Re: 10DVP-00000-00010 Van Wingerden Greenhouses, Carpinteria
APN 005-310-024

Dear Ms. Harris,

The above referenced project is subject to the County of Santa Barbara's Standard Conditions for Project Plan Approval – Water Quality Best Management Practices (BMPs). The conditions apply because the project is more than 0.5 acre of commercial development. These conditions require appropriate treatment of the design storm runoff (1.2"/24 hrs) from impervious surfaces to remove potential pollutants. See attached Standard Conditions.

The following provisions apply to this application:

1. For application completeness, the applicant must submit additional information identifying how runoff is treated for the design storm using acceptable BMP measures. The information must show the tributary areas that generate runoff, show either the Water Quality Flow Rate or the Water Quality Design Volume per BMP, and verify that adequate space is available and reserved for these measures. Consistent with County policy, infiltration as a treatment control BMP will be expected for a portion of the runoff volume for this project.

For a description of the level of detail needed for application completeness, please see http://www.sbprojectcleanwater.org/Application_Completeness.html.

2. Prior to issuance of Zoning Clearance or Building or Grading Permits, 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 or its equivalent that includes relevant details on the location and function of treatment control BMPs.

At a minimum, the submittal(s) 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.
3. Prior to issuance of Zoning Clearance or Building or Grading Permits, applicant shall submit the long-term maintenance plan for review and approval. The maintenance plan must identify the party responsible for maintenance of all required storm water runoff treatment control facilities and assure perpetual maintenance of the facilities.
4. 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. A set of As-Built plans shall be submitted to Water Resources Division. A Drainage Improvement Certificate shall be signed and stamped by the engineer of record and be submitted to the Water Resources Division.

Note that the applicant will be required to pay the current plan check fee deposit at the time the Storm Water Quality Management Plan or equivalent is submitted for review and approval. The plan check fee is payable to County of Santa Barbara Public Works Department and can be submitted along with the plans to Water Resources Division, Public Works, 123 E. Anapamu St. Santa Barbara, CA 93101.

I would be happy to work with you and the applicant on ways to meet the recommendations and conditions set forth in this letter. Please don't hesitate to contact me at (805) 568-3561.

Sincerely,

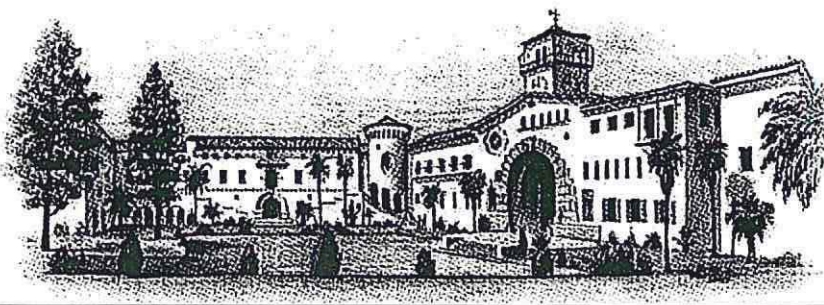


Cathleen Garnand
Civil Engineering Associate

Attachment Standard Conditions

cc: Rene Van Wingerden 4444 Foothill Road, Carpinteria, CA 93013
 Bradley Miles, P.O. Box 183 Carpinteria, CA 93014

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
3 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



November 14, 2013

TO: Julie Harris, Planner
Development Review

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

SUBJECT: **Conditions of Approval (1 page)**
Van Wingerden Greenhouses
11RZN-00000-00001, 10DVP-00000-00010, 11CDP-00000-00009
APN: 005-310-024, -026, 005-430-042, -043/ Carpinteria

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 Unincorporated Carpinteria Planning Area of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$32,752 (16 newly generated peak hour trips (PHT) x \$2,047/PHT). The Transportation Impact Mitigation Fee Program is designed to collect fees from any project that generates more than one additional peak hour trip. **Fees are due prior to zoning 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.

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

Sincerely,

 11/14/2013

William T. Robertson

Date

cc: 10DVP-00000-00010

Chris Sneddon, Transportation Manager, County of Santa Barbara, Public Works Department

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