

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



Filed: 1/26/98
Hearing Opened: 3/12/98
49th Day: 3/16/98
180th Day: 7/27/98
Staff: MHC
Staff Report: 6/18/98
Hearing Date: 7/7-10/98

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: Santa Barbara County
DECISION: Approve with Conditions
APPEAL NO.: A-4-STB-98-057
APPLICANT: Persoon/Mountain Side Flowers
PROJECT LOCATION: 4950 Foothill Road, Carpinteria, Santa Barbara County
APPELLANT: Carpinteria Valley Association

SUBSTANTIVE FILE DOCUMENTS: 97-CDP-209; Santa Barbara County Local Coastal Program; Appeal A-4-STB-98-057

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reason: The construction of the proposed greenhouse is consistent with all the applicable resource protection and access policies and related zoning provisions of the County's certified Local Coastal Program, as well as with the access policies of the California Coastal Act. (See pages 8 through 11.)

The appellants allege the following inconsistencies with the Santa Barbara Local Coastal Program: (1) the project was approved without a Conditional Use Permit pursuant to LCP Policy 8-5.e; (2) the project was not reviewed for consistency with the cumulative impact standards adopted by the County as an implementing measure of LCP Policy 8-5; (3) the project is inconsistent with the water allocation requirement of LCP Policy 2-9; (4) the project is inconsistent with the flood hazards requirement of LCP Policy 3-11; (5) the project is inconsistent with the run-off provisions of LCP Policy 3-18; (6) the project is inconsistent with the groundwater protection policies of LCP Policy 3-19; and (7) the project is inconsistent with the scenic and visual protection standards of LCP Policy 4-3. (See Exhibit 4.)

STAFF NOTE: GROUNDS FOR APPEALABILITY TO THE COMMISSION

The approval of this greenhouse project by Development Plan is appealable to the Commission. The County has taken the position in its Notice of Final Action, as well as in a judicial proceeding to which the Commission was not made a party, that greenhouses in its AG-1 Zone District do not require a Conditional Use Permit (CUP) and are a principal permitted use which is not appealable to the Commission. The Commission thus briefly addresses the basis for the appealability to the Commission.

Because the proposed greenhouse is not located in a geographic area of appeal, the proposed development, in order to be appealable to the Commission, must be one that is not designated as a principal permitted use in the County Local Coastal Program (LCP). (Coastal Act Section 30603[a][4].) The County's certified LCP provides that the issuance of a CDP for a project requiring a CUP (or Development Plan) is appealable to the Commission, irrespective of its location within the Coastal Zone. (Santa Barbara County LCP Coastal Zoning Ordinance Section 35-182.4.) Thus, if a CUP is required for this project under the County's LCP, the decision is appealable to the Commission; if a CUP is not required, it is not appealable.

The County's LCP was fully certified on August 11, 1982. Although the County's certified Coastal Zoning Ordinance provides that greenhouses are a principal permitted use on AG-1 zoned lands, the County LCP Land Use Plan Policy 8-5.e, which is applicable to greenhouses over 20,000 square feet and therefore to this project, provides that a CUP is required under the following circumstances:

In order to adequately assess the potential individual and cumulative impacts of greenhouse development on the coastal resources of the Carpinteria Valley, the County should conduct a master environmental impacts assessment for the Valley to determine the level of greenhouse development that the Valley's resources can support without experiencing adverse environmental impacts. The County shall seek funding for the preparation of the master environmental impact assessment, during the implementation phase of the Local Coastal Program. If the master environmental impact assessment is not completed within three years of the certification of the County's land use plan, greenhouse development as required by Policy 8-5 shall automatically become a conditional use on Agriculture I designated land in the Carpinteria Valley. If, however, the County and Coastal Commission agree on land use designation or policy changes based on the County's assessment of adverse environmental impacts of greenhouses gathered through the permit process, conditional use permits shall not be required for greenhouse development.

Policy 8-5 specifically provides that "[i]f the master environmental impact assessment is not completed within three years of the certification of the County's land use plan, greenhouse development . . . *shall automatically become a conditional use* on Agriculture I designated lands in the Carpinteria Valley." (Emphasis added; See Exhibit 7.) It is undisputed that the County did not complete a "master environmental impact assessment" within three years of the certification of its LCP Land Use Plan. The Land Use Plan was certified on March 17, 1981 and the assessment was not completed by March 17, 1984. Thus the CUP requirement required in

Policy 8-5.e automatically went into effect on March 17, 1984, and decisions concerning such projects became appealable to the Commission. Consequently, on March 17, 1984, the County, which had been approving greenhouses through the Development Plan process without requiring CUPs, began permitting greenhouses through the CUP process.

On March 10, 1986, almost two years *after* the automatic triggering of the CUP requirement for greenhouses, the County adopted Resolution 86-141. This resolution recognized that the County had done a study entitled "Greenhouse Development in the Carpinteria Valley - A Compilation and Assessment of Existing Information 1977 - 1985" and interpreted Policy 8-5 of the LCP Land Use Plan as only requiring a CUP for commercial greenhouses until a master environmental assessment was prepared. (See Exhibits 7 and 8.)

The County approved the study as the master environmental assessment and adopted a set of "Development Review Procedures and Development Standards" in an attempt to supplement the existing LCP Land Use Plan and Coastal Zoning Ordinances. (Policy 8-5.e actually imposed the CUP requirement if the assessment "[was] not completed within three years of the date of certification of the County's land use plan", i.e., March 17, 1994.) These standards have, however, never been submitted to the Coastal Commission for inclusion into the County's certified Local Coastal Program. Nevertheless, after March 10, 1986, the County reverted to approving greenhouses through the Development Plan process and stopped requiring CUPs. The County also stopped notifying the Commission of its actions on greenhouses on the assumption that they were not appealable.

Once the CUP requirements came into effect in March 1984, the CUP requirement could only be removed by amendment of the County's LCP LUP Policy 8-5 pursuant to Sections 30514 of the Coastal Act, or if the "County and the Coastal Commission agree on land use designations or policy changes" pursuant to Policy 8-5.e.

The County's LCP LUP Policy 8-5.e provides a method to remove the Conditional Use Permit requirements stating that:

If, however, the County and the Coastal Commission agree on land use designation or policy changes based on the County's assessment of adverse environmental impacts of greenhouses gathered through the permit process, conditional use permits shall not be required for greenhouse development.
(Emphasis added) (See Exhibit 7)

The County has never submitted a proposed LCP amendment to the Commission to incorporate the master environmental impact assessment or to eliminate the CUP requirement under Policy 8-5.e, nor has the Commission ever agreed to such a change to this policy. Commission staff have explicitly disagreed on two occasions with the County's unilateral decision to stop issuing CUPs for greenhouses without amendment of its LCP or formal agreement by the Commission. (See Exhibits 8 and 9.)

Under Section 30315 of the Coastal Act, "any action" taken by the Commission requires a vote. The Commission has never voted to agree to lift the CUP requirement after it went into effect in 1984 or to amend the County's LCP in this respect. Thus the CUP process for greenhouses in the AG-1 zone district remains a requirement under the LCP and, consequently, the approval of this project is appealable to the Commission.

I. Project Description

The project consists of the development of a 171,743 square foot greenhouse, a 450 square foot fertilizer injection structure, and a 10-space parking lot within the Carpinteria Valley. The greenhouse would be one structure, made up of two main sections of 96,600 square feet and 77,230 square feet on two levels (See Exhibits 6.)

Drainage from the structures would be captured by a roof gutter system directed to a storm drain and an existing concrete-lined drainage channel to the south, and include a retention basin located offsite immediately to the north of the site. Grading is proposed to level the greenhouse building pads and to excavate the retention basin. Each of the two segments of the main structure would have its own graded pad sloping 1.3 % from north to south, separated midway by a five-foot retaining wall. Grading would total 4,600 cubic yards of cut and leveling for the greenhouse site, 2,000 cubic yards of excavations for the retention basin, with 6,600 cubic yard of cut balanced on site as fill. Native vegetation along the drainage to the west of the site, as well as along the periphery of the site, would be retained.

No night lighting of the greenhouse crops is proposed. Screening would be provided along the southern, western, and eastern perimeters of the site, with replacement trees required if necessary.

The project would be served by the Carpinteria Water District; sanitary services would be provided by individual septic systems.

II. Appeal Procedures

The Coastal Act provides for appeals after certification of Local Coastal Programs (LCPs) to the Coastal Commission of local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural water courses. (Coastal Act Section 30603) Additionally, any development approved by the County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4])

As explained in the Staff Note above, the proposed project which is over 20,000 square feet is appealable to the Commission since it requires a CUP under the County's certified LCP.

The grounds for appeal for development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code. (Coastal Act Section 30603[a][4])

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three (3) minutes per side to address whether the appeal raises a substantial issue.

It takes a majority of Commissioners present to find that no substantial issue is raised by the appeal. If a substantial issue is found to exist, the Commission will proceed to a full public *de novo* hearing on the merits of the project which may occur at a subsequent hearing. If the Commission conducts a *de novo* hearing on the merits of the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. If a *de novo* hearing is held, testimony may be taken from all interested persons.

III. Local Government Action and Filing of Appeal

The Santa Barbara County Board of Supervisors denied a local appeal and issued a Development Plan (96-DP-022) for the project on November 25, 1997 thus affirming the approval of the project by the County Planning Commission, and issued a Notice of Final Action for a non-appealable Coastal Development Permit. (See Exhibit 5.)

The Development Plan for the project was approved by the County Board of Supervisors with a number of special conditions. These conditions include: development of drainage plans in accordance with the Santa Barbara County Flood Control District; installation of a retention basin to capture and offset drainage generated by the greenhouse; provision of employee parking during the life of the project; installation of an oil trap to capture pollutants prior to their discharge into the western perimeter drainage course; preservation of native vegetation persisting on the perimeters of the project, including that associated with the drainage swales; provisions for the protection of any archaeological resources which may be disclosed during construction; limiting the exterior lighting to reduce spill-over on adjacent parcels; and control of grading of slopes of the retention basin through seeding, planting, topical cover, or geotextile fabrics. (See Exhibit 6.)

The Commission received an appeal of the County's action on December 9, 1997, prior to the Commission's receipt of a Notice of Final Action from the County of Santa Barbara on January 20, 1998. The appeal was considered filed after receipt of the County's Notice of Final Action, and was therefore filed within the 10 working day appeal period of the receipt of the Notice of Final Action as provided by the Commission's Administrative Regulations. (See Exhibits 4 and 5.)

Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. In accordance with the

California Code of Regulations, on February 27, 1998 staff requested all relevant documents and materials regarding the subject permit from the County to enable Staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Since the Commission did not timely receive all requested documents and materials to allow consideration of the appeal at the March 1998 Commission hearing, the Commission opened and continued the hearing at the March 12, 1998 Commission meeting pursuant to Section 13112 of the California Code of Regulations. All of the remaining file materials have now been transmitted to the Commission and reviewed by Staff.

IV. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that NO substantial issue exists with respect to grounds on which the appeal was filed pursuant to PRC Section 30603 and take the following action:

Motion I

I move that the Commission determine that Appeal A-4-STB-98-057 raises No substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a YES vote on the motion.

A majority of the Commissioners present is required to pass the motion.

V. Findings and Declarations for Substantial Issue

A. Project Description

The project consists of the development of a 171,743 square foot greenhouse, a 450 square foot fertilizer injection structure and a 10-space parking lot within the Carpinteria Valley. The greenhouse would be one structure, made up of two main sections of 96,600 square feet and 77,230 square feet on two levels. A maximum of a 12 workers would be employed for orchard and greenhouse operations on the site.

Drainage from the structures would be captured by a roof gutter system directed to a storm drain and an existing concrete-lined drainage channel to the south. The drainage from the project would be offset by construction of a retention basin located offsite immediately to the north of the site.

Grading is proposed to level the greenhouse building pads and to excavate the retention basin. Each of the two segments of the main structure would have its own graded pad sloping 1.3 % from north to south, separated midway by a five-foot retaining wall. Grading would total 4,600 cubic yards of cut and leveling for the greenhouse site, 2,000 cubic yards of excavations for the retention basin, with 6,600 cubic yards of cut balanced on site as fill. Native vegetation along the drainage to the west of the site, as well as along the periphery of the site, would be retained.

Access to both parcels would be via an existing easement over the parcel to the east. A 14 foot wide driveway is designed around the perimeter of the greenhouse and would connect to the ten

permanent parking spaces (including one handicapped space) located west of the structures. No night lighting of the greenhouse crops is proposed. Screening would be provided by the retention of mature avocado trees along the southern, western, and eastern perimeters of the sites, with replacement trees required as necessary.

The project would be served by the Carpinteria Water District; sanitary services would be provided by individual septic systems.

B. Issues Raised by the Appellant

The appellants allege the following inconsistencies with the Santa Barbara Local Coastal Program: (1) the project was approved without a Conditional Use Permit pursuant to LCP Policy 8-5.e; (2) the project was not reviewed for consistency with the cumulative impact standards adopted by the County as an implementing measure of LCP Policy 8-5; (3) the project is inconsistent with the water allocation requirement of LCP Policy 2-9; (4) the project is inconsistent with the flood hazards requirement of LCP Policy 3-11; (5) the project is inconsistent with the run-off provisions of LCP Policy 3-18; (6) the project is inconsistent with the groundwater protection policies of LCP Policy 3-19; and (7) the scenic and visual protection standards of LCP Policy 4-3. (See Exhibit 4.)

C. Local Government Action

The Santa Barbara County Board of Supervisors denied a local appeal and issued a Development Plan (96-DP-022) for the project on November 25, 1997 thus affirming the approval of the project by the County Planning Commission, and issued a Notice of Final Action for a non-appealable Coastal Development Permit. (See Exhibit 5.)

The Commission received an appeal of the County's action on December 9, 1997, prior to the Commission's receipt of a Notice of Final Action from the County of Santa Barbara on January 20, 1998. The appeal was considered filed after receipt of the County's Notice of Final Action, and was therefore filed within the 10 working day appeal period of the receipt of the Notice of Final Action as provided by the Commission's Administrative Regulations.

The Commission opened and continued the public hear on this matter at its March 10-13, 1998 Commission meeting pending receipt of the administrative record on the matter from the County of Santa Barbara. (See Exhibits 4 and 5.)

D. Substantial Issue Analysis

Section 30603(b)(1) of the Coastal Act stipulates that:

The ground for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

The appellant's contentions do not raise valid grounds for an appeal for the reasons set forth below.

1. Conditional Use Requirement

The project involves the construction of a greenhouse house over 20,000 square feet located within the Carpinteria Valley. The appellants allege that the County has improperly approved the project without a CUP as required by Santa Barbara County's certified Local Coastal Program and Land Use Plan Policy 8-5.e. The County did not process the project through the County's required Conditional Use Permit process, but rather processed the project as a Development Plan, with a follow-up Coastal Development Permit. The County approved a Development Plan (96-DP-022) after rejecting a local appeal by the appellants for the project on November 1997 and proposed to issue a local Coastal Development Permit (97-CDP-209). The appellant's contention is correct that the County did not, however, process a CUP for the project as required in Policy 8-5.e.

While the CUP requirement has a critical bearing on the question of appealability, the County's failure to follow the CUP process requirement in its certified LCP does not in itself provide a basis for finding substantial issue with respect to the project's consistency with the resource protection or coastal access standards of the County's certified LCP, or with the access policies of the Coastal Act.

Here, the findings required to approve a project under the County's CUP process are essentially identical to the findings required under the County's Development Plan permit process, with the exception that the County must find under the CUP process that the project is "not inconsistent with intent of the zone district." Since the project is an agricultural use proposed in an Agriculture I zone district, it does not have the potential for creating a conflict with this finding requirement under the County's CUP process. Further, as discussed below, the project as approved by the County is consistent with all of the applicable substantive standards and policies of the County's certified Local Coastal Program, and therefore does not raise any substantial issue with respect to the other grounds alleged by the appellants.

2. Cumulative Impact Analysis Requirement

The appellants allege that the County has improperly approved the project because it was not reviewed for consistency with the cumulative impact standards adopted by the County in Resolution 86-141 as a implementing measure for Policy 8-5. As described in the Staff Note above, the County's certified Local Coastal Program Land Use Plan stipulates that:

In order to adequately assess the potential individual and cumulative impacts of greenhouse development on the coastal resources of the Carpinteria Valley, the County should conduct a master environmental impacts assessment for the Valley to determine the level of greenhouse development that the Valley's resources can support without experiencing adverse environmental impacts.

While the County has approved a study as the master environmental assessment and adopted a set of "Development Review Procedures and Standards," these standards have never been submitted to the Coastal Commission as a proposed amendment to the County's LCP for inclusion into the County certified Local Coastal Program. The project is measured for appeal purposes against the standards in the certified LCP or public access policies under Coastal Act Section 30603(b). Consequently, nonconformity with standards under Resolution 86-141 does

not provide a basis for finding substantial issue in an appeal before the Commission. Furthermore, as noted above, the findings for CUP and Development Plan permits are substantively identical and do not require a cumulative impact analysis.

The Commission therefore finds that the approval of the project without a cumulative impact analysis as part of a Conditional Use Permit is still in conformance with the standards of the County's certified Local Coastal Program, and the appellant's contention does not raise a substantial issue with respect to the conformity with the standards of the County's certified Local Coastal Program.

3. Water Allocation Requirements

The appellant alleges that the County approved the project in a manner inconsistent with the water allocation requirements of LCP Policy 2-9. Policy 2-9 provides that:

The existing water supply of the Carpinteria Valley Water District (667,541 AFY, See Table 17-1, Carpinteria Valley planning area section) shall be divided between the County and the City of Carpinteria on the basis of historical use; 30 percent (2,262 AFY) shall be allocated for use with the City and 70 percent shall be allocated for use within the County. The uncommitted water surplus of the Carpinteria County Water District may be increased proportionate to the amount of additional documented water such as that provided by reinjection programs and/or water reclamation and facilities which are designed to collect and reclaim wastewater and runoff from swales, creeks or waterways which the district has the legal right to so utilize. The total uncommitted water surplus within the District shall be reevaluated on an annual basis.

The proposed project would be serviced by the Carpinteria Water District which is currently serving the existing avocado orchard on the project site and has issued a letter stating that it will continue to serve the project. The proposed project is expected to result in an increase of 2.3 acre feet of water demand over the existing demand of 17.2 acre feet per year. The Carpinteria Groundwater Basin from which the District pumps water is not a state overdraft. The most recent cumulative analysis of the Carpinteria Groundwater Basin has accounted for the potential future demand on each parcel in the Basin and has determined that over draft of the Basin is unlikely to occur in the foreseeable future.

The Commission therefore finds that the approval of the project is in conformance with the water allocation provisions of the County's certified Local Coastal Program, and the appellant's contention does not raise a substantial issue with respect to conformity with the standards of the County's certified Local Coastal Program.

4. Flood Hazards

The appellant alleges that the County approved the project in a manner inconsistent with the flood hazard protection requirements of LCP Policy 3-11. Policy 3-11 provides that:

All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway

unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.

Almost the entire proposed project site is located within the 100 year flood plain of Franklin and High School Creeks. The proposed greenhouse would be located within the 100 year floodplain of Franklin and High School Creek, while the flood retention basin would be located to the north (upslope) of the greenhouse and outside of the flood zone. The project has been set back over 100 feet from Franklin and High School Creeks, and the finished floor elevations are above the projected 100-year flood elevation as specified in the Santa Barbara County Flood Plain Management Ordinance.

Further, the proposed retention basin would approximately offset the increased drainage expected to be generated from the increase in impervious surfaces, thus reducing or eliminating impact to the amount of runoff entering Franklin Creek. To assure that drainage improvements are correctly engineered, all development is conditioned to require compliance with the Santa Barbara County Flood Control District standards and specific conditions of approval.

The Commission therefore finds that the approval of the project is in conformance with the flood hazard protection provisions of the County's certified Local Coastal Program, and the appellants contention does not raise a substantial issue with respect to conformity with the standards of the County's certified Local Coastal Program.

5. Groundwater Recharge

The appellant alleges that the County approved the project in a manner inconsistent with the water allocation requirements of LCP Policy 3-18. Policy 3-18 provides that:

Provisions shall be made to conduct surface water to storm drains or suitable watercourse to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.

The project would not involve massive amounts of paving and loss of prime soils. The crops grown in the proposed greenhouse would be grown in the ground. This system would allow water recharge into the site soils. Additionally, the project would include a water retention basin with an unlined bottom which would slow down runoff from floods and thereby increase the percolation of runoff into the groundwater.

The Commission therefore finds that the conditional approval of the project is in conformance with the groundwater recharge provisions of the County's certified Local Coastal Program, and the appellants contention does not raise a substantial issue with respect to conformity with the standards of the County's certified Local Coastal Program.

6. Groundwater Quality

The appellant alleges that the County approved the project in a manner inconsistent with the water quality protection requirements of LCP Policy 3-19. Policy 3-19 provides that:

Degradation of the water quality of groundwater basins, nearby streams, or wetland shall not result from development of the site. Pollutants, such as chemical, fuels, lubricants, raw sewage, and other harmful wastes, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

The project would utilize natural predator insects as biological controls, rather than chemicals. Use of the retention basin would approximately offset the drainage expected to be generated from increased impervious surfaces. Additionally, water discharge into the Franklin Creek would contain less sediment than the natural drainage because a portion of the discharge would be roof run-off containing little or no sediments.

The Commission therefore finds that the conditional approval of the project is in conformance with the groundwater protection provisions of the County's certified Local Coastal Program, and the appellants contention does not raise a substantial issue with respect to conformity with the standards of the County's certified Local Coastal Program.

7. Scenic and Visual Resources

The appellant alleges that the County approved the project in a manner inconsistent with the scenic and visual resource protection requirements of LCP Policy 4-3. Policy 4-3 provides that:

In areas designated as rural on the land use maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements, dictate otherwise. Structures shall be subordinate in appearance to natural land forms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

The project is located approximately two miles inland of the coast and is not visible from U.S. 101, or any designated scenic road or highway. Additionally, the types of crops grown do not require night lights, and any exterior light used must be shielded that is not directed offsite. As a result, there would be no adverse lighting impacts to adjoining neighbors. Additionally, screening of the new greenhouse would be provided by the retention of mature avocado trees on the east, west, and southern perimeter of the site. A special condition added to the permit that requires that these or replacement trees be maintained for the life of the project.

The Commission therefore finds that the approval of the project is in conformance with the scenic and visual protection provisions of the County's certified Local Coastal Program, and the appellants contention does not raise a substantial issue with respect to conformity with the standards of the County's certified Local Coastal Program.

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SAN JOSE COUNTY
PLANNING AND DEVELOPMENT

FINAL DEVELOPMENT PLAN 96-DP-022

SUMMARY OF FLOWS			
INLET FLOW	10 CFS	OUTLET FLOW	10 CFS
PEAK FLOW	10 CFS	PEAK FLOW	10 CFS
CAPACITY	10 CFS	CAPACITY	10 CFS
MAX. DEPTH	1.0 FT	MAX. DEPTH	1.0 FT
SIZE OF PARCEL TO BE BUILT			

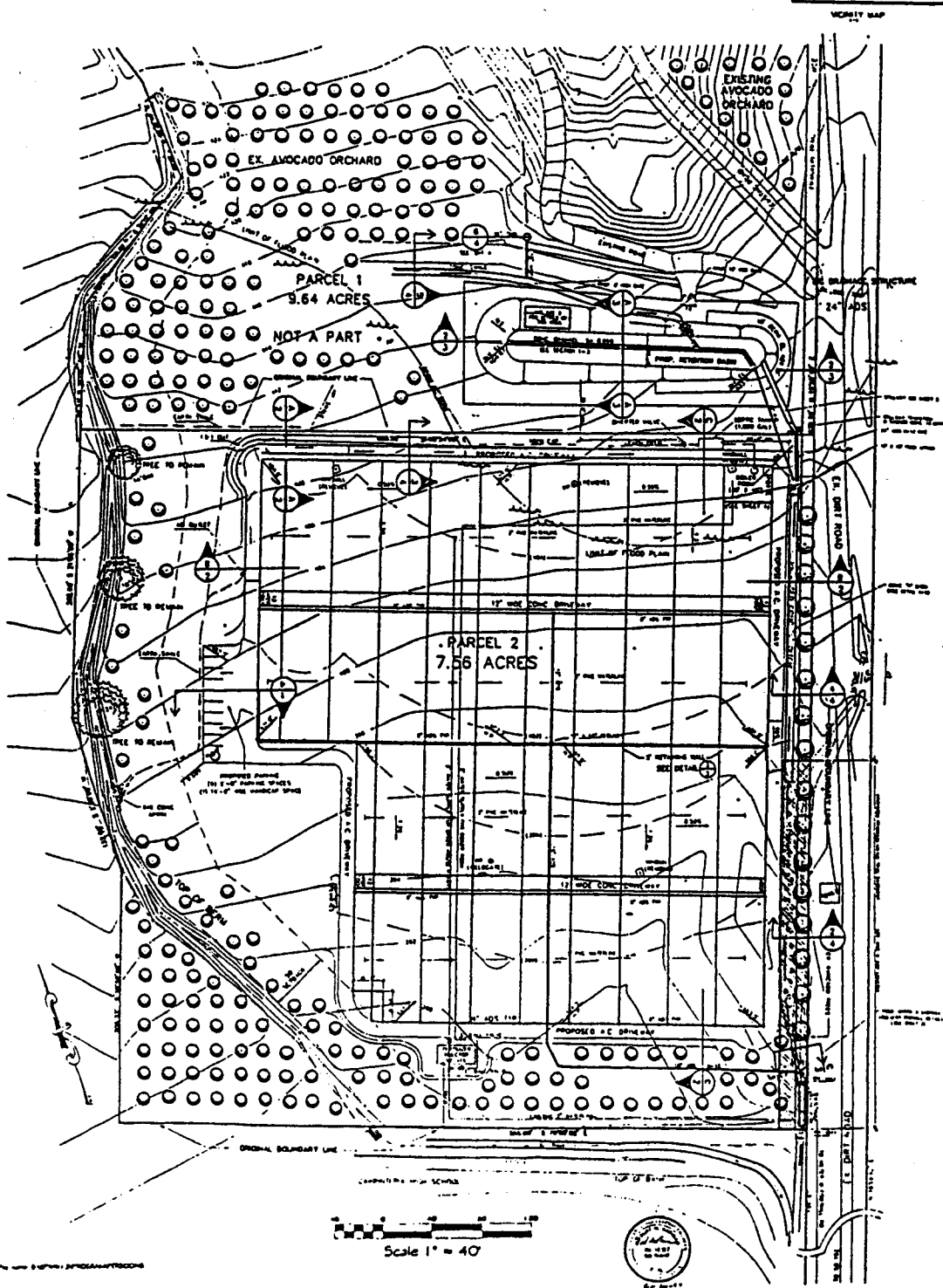
SITE DATA	
EXISTING AVOCADO ORCHARD	1.15 AC
EXISTING AVOCADO ORCHARD	1.15 AC
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EXISTING AVOCADO ORCHARD	1.15 AC
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EXHIBIT NO. 2

APPLICATION NO.

A-4-STB-98-057

Persoon



SHEET NO. 1 OF 1	MOUNTAIN SIDE FLOWERS 4660 FOOTHILL ROAD CARPINTERIA 93013 APN 004-004-10.11 PARCEL 2 OF 95-LLA-007	APP. 1000 LUP CONSULTANTS 1000 S. MAIN ST. SANTA ANA, CA 92701 TEL. 949-260-1000 FAX 949-260-1001	DESIGNED BY R&B ENGINEERING 1111 S. MAIN ST. SANTA ANA, CA 92701 TEL. 949-260-1000 FAX 949-260-1001	CHECKED BY R&B ENGINEERING	REVISIONS	
					REV. NO.	DESCRIPTION
					10-8-96	RETENTION POND DESIGN
					11-7-96	RETENTION POND DESIGN
					1-20-97	BOILER ROOM
					0-20-97	REVISIONS TO BOILER ROOM

EXHIBIT NO. 3

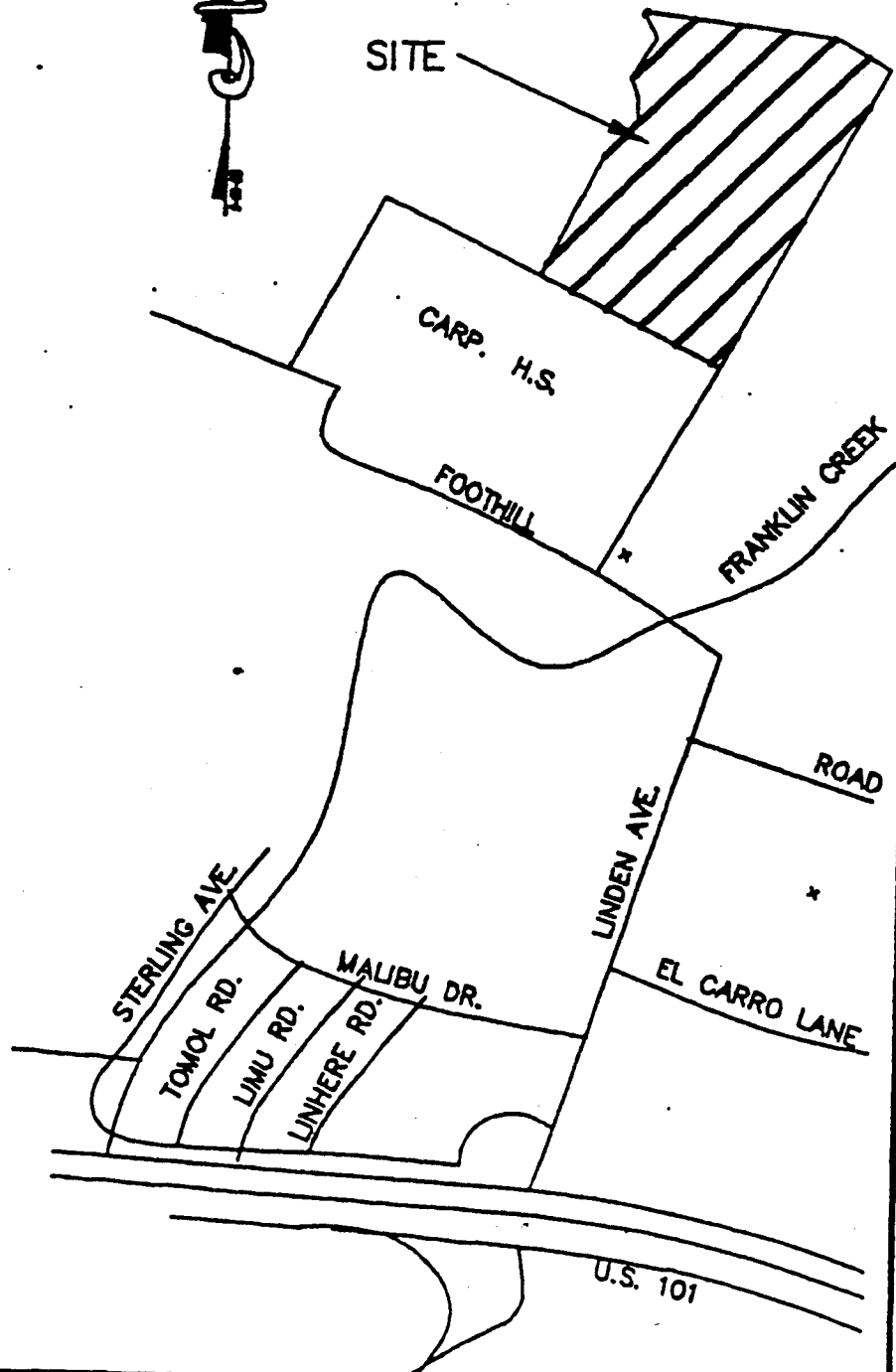
APPLICATION NO.

A-4-STB-98-057

Persoon



SITE



VICINITY MAP
N.T.S

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Philip A. Seymour [Agent for Carpinteria Valley Association]

902 Garden Street, Santa Barbara, CA 93101

(805) 965-5981

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Santa Barbara

2. Brief description of development being appealed: 172,000 sq. ft greenhouse in Carpinteria coastal zone

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4940 and 4950 Foothill Road
Carpinteria, CA

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: Final Development Plan w/ cond.
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT NO.	4
APPLICATION NO.	
A-4-STB-98-057	
Persoon	

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DEC 09 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. Planning Director/Zoning Administrator c. Planning Commission

b. xx City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: November 25, 1997

7. Local government's file number (if any): 96-DP-022

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

SEE ATTACHMENT

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) SEE ATTACHMENT

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

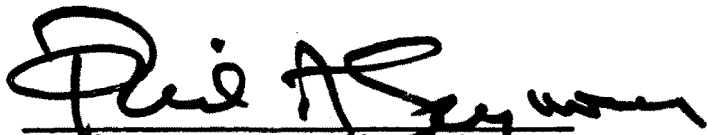
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

see attachment

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or
Authorized Agent

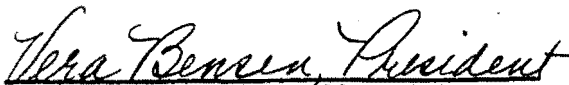
Date

12/9/97

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Philip Seymour to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Carpinteria Valley Association

Date

December 9, 1997

**ATTACHMENT TO APPEAL OF PHILIP SEYMOUR, ATTORNEY FOR
CARPINTERIA VALLEY ASSOCIATION**

PERSOON/MOUNTAIN FLOWERS GREENHOUSE PROJECT

SANTA BARBARA COUNTY No. 96-DP-022

III. INTERESTED PERSONS:

a. Applicant:

Applicant:

Marcel Persoon
4940 Foothill Road
Carpinteria, CA

Agent for Applicant:

Jim M. Staples
827 State Street, Suite 19
Santa Barbara, CA 93101

Attorney for Applicant:

Richard Monk, Esq.
Hollister & Brace
1126 Santa Barbara Street
Santa Barbara, CA 93101

b. Other Interested Persons:

All other persons appearing at the hearing testified on behalf of or in support of appellant Carpinteria Valley Association.

IV. STATEMENT OF REASONS

1. The project was approved without a Conditional Use Permit as required by Policy 8-5 of the Santa Barbara County LCP. The County is out of compliance with this policy in that it has not required CUPs for this or other major greenhouse projects in the coastal zone, and has not performed an adequate assessment of cumulative impacts and limitations on greenhouse development in the Carpinteria Valley as recommended by Policy 8-5.

2. The project was not reviewed for consistency with cumulative impact standards adopted by the County in Resolution 86-141 as an implementing measure for Policy 8-5. The project will contribute to adverse cumulative visual impacts, impacts on local groundwater and socio-economic impacts, among others.

3. The project is inconsistent with the following specific LCP policies:

Policy 2-9, action 1 (distribution of water in Carpinteria Valley)

Policy 3-11. According to the Mitigated Negative Declaration, the entire project is located within a 100 year floodplain.

Policy 3-18. Runoff water will not be retained in a manner to facilitate groundwater recharge.

Policy 3-19. The project has the potential to contribute to contamination of groundwater and surface waters. The conditions of approval and County enforcement program are insufficient to prevent impacts.

Policy 4-3. The project will directly result in excessive visual impacts and will also contribute to cumulative visual impacts and change of character of the Carpinteria Valley area resulting from excessive greenhouse development.

**NOTICE OF PENDING DECISION/
INTENT TO ISSUE A
COASTAL DEVELOPMENT PERMIT (CDP)**

Case No.: ~~97-CDP-209~~ Planner: Kuizenga Initials *YH*
Project Name: ~~Mountain Side Flowers Greenhouses~~ 96-DP-022
Project Address: 4950 Foothill Road, Carpinteria
A.P.N.: 004-004-010



EXHIBIT NO. 5

APPLICATION NO.

A-4-STB-98-057

Persoon

Page 1 of 2

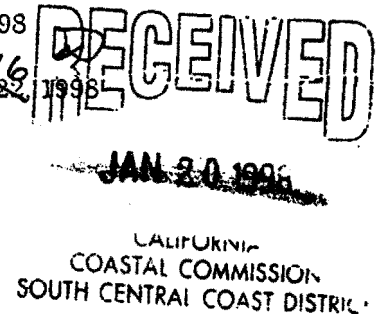
Planning & Development (P&D) intends to grant final approval and issue this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

START OF PUBLIC COMMENT PERIOD/POSTING DATE: January 15, 1998

FINAL APPROVAL DATE/COUNTY APPEAL PERIOD STARTS: January 22, 1998

COUNTY APPEAL PERIOD ENDS: January 26, 1998

DATE OF PERMIT ISSUANCE: (if no appeal filed) February 2, 1998



PUBLIC COMMENTS: Written or oral public comments on this pending decision may be submitted to the project planner, prior to the Final Approval Date. Comments submitted on or after the Final Approval Date will not be accepted. If you have questions regarding this project please contact the project planner at 568-2057.

APPEALS: The final approval of this project may be appealed to the Planning Commission by the applicant, owner, or any aggrieved person. The written appeal must be filed with P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 by 5:00 p.m. on or before the date the County Appeal Period Ends as identified above (Art. II Sec. 35-182.) Note: This Permit cannot be appealed to the California Coastal Commission.

PROJECT DESCRIPTION SUMMARY: Commercial Addition

171,743 sf greenhouse, 450 sf fertilizer injection structure. Grading: 12,560 cy cut and fill; 2,000 cy cut for offsite retention basin

PROJECT SPECIFIC CONDITIONS:

See Attachment A

TERMS OF FINAL APPROVAL:

1. **Posting Notice.** A weather-proofed copy of this Notice, with Attachments, shall be posted in three (3) conspicuous places along the perimeter of the subject property. At least one (1) notice shall be visible from the nearest public street. Each copy of this Notice shall remain posted continuously until the Date of Permit Issuance. (Art. II Sec. 35-181.3)
2. **Mailed Notice.** A copy of this Notice, with Attachments, shall be mailed to all property owners and residents within 100 feet of the subject property, the Coastal Commission, and all persons who have filed a written request and supplied P&D with self-addressed stamped envelopes. (Sec. 35-181.3.)

3. **Amendment/Extension.** P&D reserves the right to change, amend or extend this pending decision prior to the Final Approval Date, based upon comments received from the public or other interested parties. In such event, an amended notice shall be posted for the full ten (10) calendar day Appeal Period.

4. **Date of Final Approval.** If no changes to the project are made pursuant to public comment, this approval shall become final on the date indicated above, provided that all terms and conditions have been met.

TERMS OF PERMIT ISSUANCE:

1. **Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**

2. **Date of Permit Issuance.** This Permit shall be deemed effective and issued on the Date of Permit Issuance as identified above, provided:

- a. All terms and conditions including the requirement to post notice have been met and this Notice/Permit has been signed,
- b. The Affidavit of Posting Notice was returned to P&D prior to the expiration of the Appeal Period (Failure to submit the affidavit by such date shall render the approval null and void), and
- c. No appeal is filed.

3. **Time Limit.** Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Coastal Development Permit null and void. A Coastal Development Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Coastal Development Permits issuance.

NOTE: This Notice of Pending Decision/Intent to Issue a Coastal Development Permit serves as the Coastal Development Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

Marcel Peterson _____
 Print Name Signature

11-15-98
 Date

Planning & Development Issuance by:

 Planner Date



County of Santa Barbara Planning and Development

John Patton, Director

RECEIVED

MAR 11 1998

January 14, 1998

Jim M. Staples
827 State Street, Suite 19
Santa Barbara, CA 93101

BOARD OF SUPERVISORS
COASTAL COMMISSION
HEARING OF NOVEMBER 25, 1997

RE: Persoon/Mountain Side Flowers project, Case No. 96-DP-022

Consideration of Carpinteria Valley Association's appeal of the Planning Commission's September 17, 1997 decision to approve with conditions the Persoon/Mountain Side Flowers project, Case No. 96-DP-022, for a Final Development Plan under the provisions of Article II of the AG-1-10 Zone District, to develop a 171,743 square foot plant shelter and a 450 square foot fertilizer injector structure and to approve Negative Declaration, 97-ND-19, pursuant to State Guidelines for Implementation of CEQA. The reasons for the appeal state that cumulative impacts are not considered and the Coastal Act requires a study of the cumulative impact of greenhouses; and that the County does not have funding to ensure compliance with mitigation measures and other County requirements. The application involves AP Nos. 004-004-010, 004-004-011, located approximately 1500 feet north of Foothill Road, known as 4940 and 4950 Foothill Road, Carpinteria area, First Supervisorial District.

Dear Mr. Staples:

At the Santa Barbara County Board of Supervisors' hearing of November 25, 1997, the Board of Supervisors took the following actions:

Supervisor Schwartz moved, seconded by Supervisor Staffel and carried by a vote of 4 to 0 (Graffy - absent) to deny the appeal, approve the Final Development Plan 96-DP-022 AP01 and approve the Negative Declaration, 97-ND-19.

Supervisor Schwartz moved, seconded by Supervisor Marshall and carried by a vote of 4 to 0 (Graffy - absent) to direct staff to return to the Board on January 20, 1998 with a range of policy options including but not limited to potential amendments to the Local Coastal Plan, development of an ordinance or creation of an overlay zone or district designed to address issues related to greenhouse development in the Carpinteria Valley.

The time within which judicial review of this decision must be sought is governed by Section 65009 (c) of the California Government Code and/or Section 1094.6 of the California Code of Civil Procedure. You are advised to consult an attorney immediately if you intend to seek judicial review of this decision.

Sincerely,

Albert J. McCurdy
Deputy Director
Development Review Division

EXHIBIT NO. 6
APPLICATION NO.
A-4-STB-98-057
Persoon

xc: Case File: 96-DP-022
BOS Permanent File/PC Hearing Support
Richard Corral, Planning Technician
Address File: 4940 and 4950 Foothill Road
Owner: Johannes Persoon; 4998 Foothill Rd; Carpinteria, CA 93013
Applicant: Marcel Persoon; 4998 Foothill Rd; Carpinteria, CA 93013
Engineer: Bob Karman, RMK Engineering; 3210 Calle Pinon; Santa Barbara, CA 93105
County Chief Appraiser
Air Pollution Control District, Paula Iorio
Environmental Health Services, Rick Merrifield
Carpinteria-Summerland Fire Protection District, William Green, 911 Walnut Avenue, Carpinteria, CA 93013
Carpinteria County Water District, Norman L. Cota, 1301 Santa Ynez Avenue, Carpinteria, CA 93013
Flood Control, Dale Weber
Park Department, Claude Garciacelay
Deputy County Counsel
County Surveyor
Commissioner Relis, First District
Supervisor Schwartz, First District
Planner: C. Kuizenga

Attachments: A. Findings
B. Conditions of Approval
C. Board of Supervisors Minute Order

AJM:dcx

F:\GROUP\DEV_REV\WP\DP\6DP022\BOSLTR.N25

**BOARD OF SUPERVISORS FINDINGS FOR
Persoon/Mountain Side Flowers project, Case No. 96-DP-022 AP01**

1.0 CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT) FINDINGS

- 1.1 The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The negative declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Mr. Albert J. McCurdy, Planning and Development, located at 123 E. Anapamu St. Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 DEVELOPMENT PLAN FINDINGS

Pursuant to Section 35-174.7.1, a Development Plan shall only be approved if all of the following findings are made:

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

Greenhouse Parcel: This finding can be made since the site is adequate in size and shape to accommodate the proposed project, is of a gentle grade (4 to 5%), is within an agricultural area of similar uses, is directly contiguous to an access road, and is already served by the necessary utilities or has received proof of intent to serve.

Retention Basin Parcel: The retention basin would be located in the portion of this parcel that has a gradient of approximately 5%, is immediately adjacent to the greenhouse parcel, and is located outside of the 100-year flood plain, allowing the basin to function properly in periods of high rainfall or localized heavy flows. The installation of the retention basin would not preclude future orchards or the construction of a permitted single family dwelling on the site.

2.1.2 *That adverse impacts are mitigated to the maximum extent feasible*

As discussed in Section 6.1 of the staff report (Environmental Review), project impacts would be reduced to less than significant levels through incorporation of the mitigation measures proposed in the Final Negative Declaration for the project (Attachment C); thus, this finding can be made. The project would not require massive paving and loss of prime soils, since the greenhouse crops would be grown in-ground. Use of the retention basin would approximately offset the drainage expected to be generated from increased impervious surfaces, thus reducing or eliminating impacts to the amount of runoff entering the Franklin Channel. Water discharged into the Channel would contain less sediment than the natural drainage, since part of the water would be roof runoff only, and part would be drainage from the retention basin, whose bleeder line limits the amount of silt/sediment discharged. The soil would be sterilized by steam rather than a reliance upon fungicides. Supplemental horticultural chemicals would be brought on site as needed and would not be stored on site. The type of crop grown does not require night lighting, and any exterior lighting used must be shielded so that it is not directed offsite. There would be no adverse lighting impacts to surrounding neighbors. Screening of the new greenhouse would be provided by the retention of mature avocado trees on the east, west, and southern perimeter of the site. Additionally, the owner/applicant has a lease agreement with Southern California Edison to use their parcel. The additional orchard trees planted upon this land provide an additional visual buffer to the east.

2.1.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

Foothill Road and Linden Road are the two major streets in the project vicinity, and are adequate and properly designed to incorporate the projected maximum of 15 average daily trips from the project. The Foothill/Linden intersection is nearly free-flowing with few delays, and the project would not significantly degrade the operation of this intersection. Because of these factors, this finding can be made.

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

This finding can be made since all services are adequate for the proposed project. Water supply, police and fire protection are in place, utilities are adequate and available. Percolation tests have demonstrated soil capability for the leach field, and the Regional Water Quality Control Board and Environmental Health Services have approved a reduced setback between the retention basin and the leachfield based upon the requirement that the basin be made impervious by lining it with bentonite clay.

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

This finding can be made by adherence to the project description, mitigations from the Negative Declaration, and required Conditions of Approval. The project would continue an agricultural use consistent with the existing greenhouses and orchards in the area. Any agricultural chemicals, if used, would be applied within an enclosed environment and would not disperse to adjacent properties. Drainage would be largely silt-free, and would be designed to release no more runoff into the existing channel on the High School property that leads to Franklin Creek than natural drainage patterns. No night lighting would be used to force growing cycles, and the project would be screened on three sides by mature avocado trees. An easement for access along part of the route of the historic Franklin Trail is reserved on the project parcels, and would be maintained for this use. Only 2 to 6 additional workers are anticipated to be

needed for the greenhouse operation; (the number of existing workers is currently 6 to 8). Traffic generated from the additional workers and increased truck trips would not trigger CEQA thresholds of significance or inconsistency with Circulation Element policies.

2.1.6 *That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.*

This finding can be made as discussed in Sections 6.2 and 6.3 of this staff report. The proposed development plan would be in conformance with all applicable requirements of the Article II, AG-I-10 zone district, and is consistent with all applicable policies of the Comprehensive Plan and Coastal Plan.

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

This finding can be made since the greenhouse building would be 10' lower than the zoning ordinance height limit, would be stepped into the natural grade of the site, and would be screened on three sides by orchard trees.

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

This finding can be made since the 10' trail easement existing along the eastern boundary of the project parcels would be retained. Along the southeast portion of the site, the easement would be enlarged to 25' for 40' northward to assure adequate area for drainage structures and the trail transition from the High School property.

ATTACHMENT B
CONDITIONS OF APPROVAL
MOUNTAIN SIDE FLOWERS 96-DP-022

Page 6 of 11

PROJECT DESCRIPTION

1. This Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked 1-4, dated July 30, 1997, 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 applicant requests approval of a Development Plan under the provisions of Article II in the AG-I Zone District to develop a 171,743 square feet (sf) plant shelter, a 450 sf fertilizer injection structure and 10-space parking lot on Assessor Parcel Number 004-004-011. Approximately 1.5 acres of existing avocado orchards would be retained in production. The greenhouse would be one structure, made up of two main sections of 96,600 sf and 77,230 sf on two levels. A maximum of 12 workers would be utilized for orchard and greenhouse operations on the greenhouse parcel.

Drainage: Drainage from the structures would be captured by a roof gutter system directed to a storm drain and an existing concrete-lined drainage channel to the south. The increased drainage from the project would be offset by construction of a retention basin located offsite immediately to the north on Assessor Parcel Number 004-004-010. The retention basin, collection swale, bleeder line, and spillway are the only elements of the project located on this parcel. A recorded easement would assure that the retention basin on the adjacent northerly parcel would remain functional throughout the life of the proposed plant shelter operation.

Grading: Grading is proposed to level the greenhouse building pads and to excavate the retention basin. Each of the two segments of the main structure would have its own graded pad sloping 1.3% from north to south, separated midway by a five-foot high retaining wall. Grading would total 4,600 cubic yards (cy) of cut and leveling for the greenhouse site, 2,000 cy excavation for the retention basin, with the 6,600 cy of cut balanced on site as fill. Native vegetation persisting along the drainage to the west of the parcels would be retained in its natural state. Native vegetation persisting along the periphery of the parcels, especially that associated with the drainage to the west, of the parcels would be retained in its natural state.

Access/Parking/Circulation: Access to both parcels would be by means of an existing easement over the parcel adjacent to the east. A 14' wide driveway is designed around the perimeter of the plant shelter and would connect to ten permanent parking spaces (one handicap) located west of the building. The perimeter driveway would also connect with the shelter interior driveway on both levels. Packing facilities would be provided at the existing packing house on the adjacent parcel to the east. Due to the proximity of these two operations, produce would be moved to the packing facility on internal private accessways only, and would not affect public streets. Products grown on the greenhouse parcel would be integrated into that from the packing house site, and could be accommodated into the two truck delivery trips per week already occurring from the packing house parcel. No increase of truck delivery trips as a direct result of the project is estimated.

Aesthetics: No night lighting of the greenhouse crops is needed nor would it occur. Perimeter lighting of the facility, if used, must be shielded and not direct light offsite. Required screening would be provided by the retention of mature avocado trees along the southern, western, and eastern perimeters of the property. Should screening trees fail or need to be replaced, the applicant would return to the County Board of Architectural Review for direction as to suitable trees be used to fulfill the screening requirement.

Utilities: Both parcels are served by the Carpinteria Water District; sanitary services would be provided by an individual septic system; the property is within the jurisdiction of the Carpinteria-Summerland Fire Protection District.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of 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 hereto. 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.

MITIGATION MEASURES FROM NEGATIVE DECLARATION

GEOLOGIC PROCESSES:

2. Grading and monitoring of grading operations shall be accomplished in compliance with the Air Pollution Control District's standard dust control requirements as stated in their letter of December 20, 1996.

3. Graded slopes of the retention basin shall be stabilized within one week of grading completion. Stabilization may be accomplished by means of seeding, planting, topical cover, or geotextile fabrics, or any combination thereof. **Plan Requirements and Timing:** This requirement shall be noted on all grading and/or drainage plans submitted for County review prior to issuance of a Coastal Development Permit.

Monitoring: Permit Compliance shall check in the field.

WATER RESOURCES/FLOODING:

4. To assure that drainage improvements are correctly engineered to protect water quality, as well as life and property in the event of flooding, all development shall be accomplished in compliance with the Santa Barbara County Flood Control District (FCD) standard and specific conditions of approval. **Plan Requirements and Timing:** Prior to issuance of a Coastal Development Permit, the applicant shall submit drainage plans incorporating all elements of the FCD's letter of June 30, 1997 (attached) for review and approval.

Monitoring: Permit Compliance and Building Inspectors shall ensure project is constructed in conformance to approved plans.

5. A retention basin shall be located on APN 004-004-011 to capture and offset drainage generated by the greenhouse on APN 004-004-010. An agreement which assures that the retention basin functions and is maintained in its approved capacity throughout the life of the greenhouse project shall be recorded for parcels APN 004-004-010 and APN 004-004-011. **Plan Requirements and Timing:** Prior to approval of a Coastal Development for the greenhouse, the agreement shall be submitted to County Counsel, Planning and Development, and Flood Control for review and approval. The

approved agreement or reservation of easement shall be recorded prior to approval of a Coastal Development Permit.

Monitoring: Planning and Development shall verify the approved agreement is recorded prior to approval of a Coastal Development Permit.

TRANSPORTATION/CIRCULATION

6. To assure that parking for the greenhouse operation does not impact offsite roads, residences, or facilities, all employee parking shall be accommodated on site at all times. **Plan Requirements:** Building and construction plans shall show parking places consistent with Zoning Ordinance requirements.

Monitoring: Permit Compliance shall respond to complaints.

BIOLOGICAL RESOURCES:

7. An oil trap shall be installed at the parking lot to capture pollutants prior to their discharge into the western perimeter drainage course. The trap shall be maintained and cleaned regularly to ensure proper functioning. **Timing:** The trap shall be installed during construction of the parking area and shall be cleaned every six (6) months.

Monitoring: Permit Compliance shall site inspect periodically throughout the construction phase and to ensure periodic cleanout.

8. Native vegetation persisting on the perimeters of the project parcels, especially that associated with the drainage channels, shall be preserved to the maximum extent feasible to assist in the preservation of native plants and to provide habitat for native animal species. **Plan Requirements and Timing:** Prior to issuance of a Coastal Development Permit, areas of native vegetation to be retained shall be identified on all site and grading plans.

Monitoring: Permit Compliance shall spot check during grading and construction to assure development is proceeding in accordance with approved plans.

ARCHAEOLOGICAL RESOURCES:

9. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a Planning & Development-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 the County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

Monitoring: Planning and Development shall check plans prior to issuance of the Coastal Development Permit and Permit Compliance shall spot check in the field.

NOISE:

10. Construction activity for site preparation shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. 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:** A sign stating these restrictions shall be provided by the applicant and posted on

site. **Timing:** Signs shall be in place prior to issuance of a Coastal Development Permit and throughout grading and construction activities.

Monitoring: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

Recreation:

11. The project shall be completed in compliance with the Park Department condition letter of June 13, 1997, as revised July 22, 1997. **Plan requirements and timing:** Prior to issuance of a Coastal Development Permit, the applicant shall submit revised site and drainage plans to Planning & Development, the Flood Control District, and the Park Department, demonstrating the feasibility of providing adequate drainage and the required trail easement width. When a feasible plan is approved by all three departments, the applicant shall record the requested addition to the trail easement prior to land use clearance.

Monitoring: Permit Compliance and Building Inspectors shall spot check to assure the project is constructed per the approved plans.

AESTHETICS/VISUAL RESOURCES:

12. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel, to prevent spill-over onto the adjacent parcels. **Plan Requirements:** The location of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture shall be depicted on the final site plans.

Monitoring: Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final site plans.

13. Screening trees depicted on the landscape plan shall be maintained for the life of the project. Any screening trees damaged or destroyed by the project's construction must be replaced. If the existing avocado trees prove unsuitable for any reason, or if the Franklin Trail segment on the project parcel becomes operational, the applicant shall return to the Board of Architectural Review (BAR) for a recommendation of a different variety of tree for use as screening. BAR recommendations should be limited to types of trees which are capable of attaining a height sufficient to screen the proposed structures within five years of plantings and may include commercial orchard trees. With respect to screening trees or shrubs to be used at the southeast corner of the site if the Franklin Trail becomes useable, care shall be taken to choose varieties whose growth habits would not pose a hazard to hikers, bikers, or equestrians. Advisory input from the Park Department as to suitable plants for use adjacent to trails shall be requested prior to a final BAR decision. **Plan Requirements and timing:** This condition shall be printed on the final approved site plan and landscape plan. Prior to land use clearance, the applicant shall submit a landscape plan showing all landscape material required for screening.

Monitoring: Permit Compliance shall respond to complaints and assist with directing the applicant for further BAR review if such becomes a necessity.

With incorporation of the mitigation measures listed above, residual impacts to Aesthetics/Visual resources would be less than significant.

PROJECT SPECIFIC CONDITIONS

14. Prior to issuance of a Coastal Development Permit, the Lot Line Adjustment (95-LA-007) shall be recorded. **Plan Requirements and Timing:** Planning and Development shall receive proof of the recordation of 95-LA-007 prior to the issuance of permits for any aspect of this Development Plan, 96-DP-022.

15. Perimeter landscaping, whether orchard trees or ornamental plants, which reasonably screen the greenhouse from public roads, shall be maintained for the life of the project.

DEVELOPMENT PLAN CONDITIONS

16. Approval of the Final Development Plan shall expire five (5) years after approval by the, the Planning Commission, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

17. No permits for development, including grading, shall be issued except in conformance location with an approved Final Development Plan. The size, shape, arrangement, use, and of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibits 1-4 dated July 30, 1997. Substantial conformity shall be determined by the Director of Planning and Development

18. 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.

19. If the applicant requests a time extention for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Coastal Development Permit clearance.

COUNTY RULES AND REGULATIONS

20. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development and Building Permit 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 in Planning and Development

21. **Signed Agreement to Comply Required:** Prior to issuance of a Coastal Development Permit for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.

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

- a. Air Pollution Control District dated December 20, 1996
- b. Environmental Health Services dated June 24, 1997
- c. Fire Department dated February 2, 1997
- d. Flood Control dated June 30, 1997
- e. Park Department revision dated July 22, 1997.

23. **Print & illustrate conditions on plans:** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

24. 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 Planning & Development (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 issuance of 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.

25. Fees Required: Prior to issuance of a Coastal Development Permit, the applicant shall pay all applicable Planning and Development permit processing fees in full.

26. 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.

27. 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.

28. 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.

29. If, within five years of the date of issuance of a Coastal Development Permit, the County, State Department of Fish and Game, Regional Water Quality Control Board or any other responsible agency, should determine that monitoring of runoff from or groundwater underlying the project site is necessary, the applicant shall be required, upon notification from the County, to contribute to such a monitoring program an amount not to exceed \$2,000.



EXHIBIT NO. 7
APPLICATION NO.
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Persoon

Page 1 of 4

SANTA BARBARA COUNTY COASTAL PLAN

JANUARY 1982

(Contains text amendments through October 1994
and updated pages done June 1995)

Approved by the Board of Supervisors

January 1980

Partially Certified by the State Coastal Commission

March 1981

This plan was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972.

Planning and Development Department
Comprehensive Planning Division
123 East Anapamu Street
Santa Barbara, California 93101-2058
(805) 568-2000

- a. The agricultural use of the land is severely impaired because of physical factors (e.g. high water table), topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and
- c. There are no alternative areas appropriate for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted.

Policy 8-4: As a requirement for approval of any proposed land division of agricultural land designated as Agriculture I or II in the land use plan, the County shall make a finding that the long-term agricultural productivity of the property will not be diminished by the proposed division.

Policy 8-5: All greenhouse projects of 20,000 or more square feet and all additions to existing greenhouse development, i.e., greenhouse expansion, packing sheds, or other development for a total of existing and additions of 20,000 or more square feet, shall be subject to County discretionary approval and, therefore, subject to environmental review under County CEQA guidelines.

Prior to issuance of a development permit, the County shall make the finding based on information provided by environmental documents, staff analysis, and the applicant that all significant adverse impacts of the development as addressed in paragraphs "a" through "e" below have been identified and mitigated.

Action

The County Resource Management Department shall develop procedures and standards for the environmental impact analysis of greenhouse developments. This action is necessary to ensure that all significant adverse impacts on coastal resources are identified and that mitigation measures are attached to projects as a condition of approval to mitigate individual and cumulative impacts. Such guidelines shall include an evaluation of the following factors for each project:

- a. An assessment of the individual and cumulative increases in the amount and rate of runoff that would be caused by the proposed project and the potential impact on downstream water courses. Mitigating measures shall be required to prevent runoff waters from entering overburdened water courses by directing runoff to water courses capable of handling the increased flow, or to collect the runoff and provide for drainage systems adequate to handle the increased flow.

- b. If the project is located in a groundwater recharge area, a determination of the amount and rate of recharge that would occur if the site were uncovered and the net loss of recharge that will result from the project. Projects will be required to provide for the net potential loss of recharge that will result from the project through the use of impoundment basins where feasible or other means of collecting, storing, and percolating water for the purpose of recharging the groundwater basin.
- c. Assessment of the impact of materials used for coverage and amount of coverage on the long-term productivity of soils.
- d. Assessment of the potential adverse impacts of the project on the water quality of affected water bodies and groundwater basins.

To this end, the following information shall be required for each greenhouse project:

- 1. the volume of water runoff or discharge during normal operating conditions and during the rainy season of the year.
- 2. the types and amounts of pesticides and fertilizers contained in the runoff or discharge.
- 3. the method for disposing of the runoff or discharge, i.e., a drainage plan, irrigation plan, or other means of determining how the runoff will be managed.

The County shall request the Regional Water Quality Control Board to review each greenhouse project for conformance with applicable State statutes and policies and to recommend mitigating measures where necessary. No discharge shall be permitted into enclosed bays and estuaries unless it can be shown that such discharge will not degrade the quality of the receiving waters. In addition, no detectable level of pesticide shall be discharged into surface waters. Mitigation means may include suspension of the runoff and redirection away from the affected waters, treatment of the runoff to remove toxicants and nutrients present, and/or monitoring of discharge from individual greenhouse projects.

To implement this policy in the Carpinteria Valley, a program for regular monitoring of the water quality of the Carpinteria Marsh and streams affected by greenhouse development shall be established (see also Recommendation 8, paragraph b(1), Section 3.9).

- e. Assessment of the potential adverse impacts of the climate control aspects of the project on air quality.

In addition to the mitigating measures listed above, other measures necessary to mitigate any adverse impacts identified as a result of the evaluation of these and other factors shall be required as a condition of project approval. In order to adequately assess the potential individual and cumulative impacts of greenhouse development on the coastal resources of the Carpinteria Valley, the County should conduct a master environmental impact assessment for the Valley to determine the level of greenhouse development that the Valley's resources can support without experiencing adverse environmental impacts. The County shall seek funding for the preparation of the master environmental impact assessment during the implementation phase of the Local Coastal Program. If the master environmental impact assessment is not completed within three years of the certification of the County's land use plan, greenhouse development (as regulated by Policy 8-5) shall automatically become a conditional use on Agriculture I designated lands in the Carpinteria Valley. If, however, the County and Coastal Commission agree on land use designation or policy changes based on the County's assessment of adverse environmental impacts of greenhouses gathered through the permit process, conditional use permits shall not be required for greenhouse development.

Policy 8-6: No greenhouse, hothouse, or accessory structure shall be located closer than 50 feet from the boundary line of a lot zoned residential. In addition, setback and maximum lot coverage requirements shall be as follows:

<u>Parcel Size</u>	<u>Setbacks</u>	<u>Maximum Lot Coverage for All Structures</u>
Less than 5 acres	30 feet from the right-of-way of any street and 20 feet from the lot lines of the parcel on which the greenhouse is located	75 percent
5 to 9.99 acres	30 feet from the right-of-way of any street and from the lot lines of the parcel on which the greenhouse is located	70 percent
10 acres or more	30 feet from the right-of-way of any street and from the lot lines of the parcel on which the greenhouse is located	65 percent

EXHIBIT NO. 8

APPLICATION NO.

A-4-STB-98-057

Persoon

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RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA

RESOLUTION CONCERNING COMMERCIAL

Resolution No. 86-141

GREENHOUSE DEVELOPMENT IN THE COASTAL ZONE

WHEREAS, The County of Santa Barbara has prepared a study
entitled Greenhouse Development in the Carpinteria Valley - A
Compilation and Assessment of Existing Information 1977 - 1985
(hereinafter referred to as Greenhouse Assessment), and

WHEREAS, this Greenhouse Assessment contains priorities and
conclusions which address identified issues including water
quality, water use, flood control review, lot coverage, visual
impacts, landscaping, disposal of run-off from the interiors of
the greenhouses, impacts on sensitive habitats, and housing, and

WHEREAS, these conclusions and priorities can be directly
translated into recommendations for Development Review
Procedures and Development Standards, and

WHEREAS, such Development Review Procedures and Standards
would constitute an implementation program to enhance the
quality of County review of commercial greenhouse projects, and

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

1 Resolution/Greenhouse
2 February 27, 1986
3 Page 2

4 WHEREAS, it is now deemed in the interest of orderly development of
5 the County and important to the preservation of the health, safety,
6 and general welfare of the residents of said County to adopt such
7 Development Review Procedures and Standards,

8
9 WHEREAS, said proposed implementation Development Review Procedures
10 and Standards would supplement the applicable existing provisions of
11 the Santa Barbara County Coastal Land Use Plan and Coastal Zoning
12 Ordinance, and

13
14 WHEREAS, public officials and agencies, civic organizations, and
15 citizens have been consulted on and have advised the Planning
16 Commission and Board of Supervisors of the said proposed Development
17 Review procedures and Standards, and

18
19 WHEREAS, the Board of Supervisors has held duly noticed public
20 hearings on the proposed Development Review Procedures and Standards,
21 at which hearing the amendments were explained and comments invited
22 from the persons in attendance,

23
24 WHEREAS, Policy 8-5e. of the Santa Barbara County Coastal Land Use
25 Plan required the County to process a Conditional Use Permit for all
26 commercial greenhouse developments in the Carpinteria Valley until
27 such time that a master environmental assessment for greenhouses was
28 prepared;

Resolution/Greenhouse
February 27, 1986
Page 3

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Santa Barbara does hereby approve the study entitled Greenhouse Development in the Carpinteria Valley - A Compilation and Assessment of Existing Information 1977 - 1985 (with a change to Conclusion 7 on page 26 as noted in Susan Petrovich's letter of February 14, 1986), as the master environmental assessment, and endorses the Development Review Procedures and Development Standards for commercial greenhouse development in the Coastal Zone as follows:

Proposed Development Review Procedural Guidelines
for Commercial Greenhouse Development in the Coastal Zone

1. Prior to determining a Greenhouse application complete, the Coastal Planner and the Environmental Planner shall determine that sufficient information has been provided to address potential cumulative impacts during project review.
2. Prior to determination of application completeness, there shall be a joint review of the proposed Greenhouse Project by Resource Management Department and Flood Control District staff to determine whether any additional important information is necessary. Any questions or concerns raised by Flood Control in the areas of drainage, grading, retention, etc. shall be incorporated into the Complete/Incomplete Determination.

1 Resolution/Greenhouse
2 February 27, 1986
3 Page 4

- 4 3. The Resource Management Department shall continue to require
5 detailed information pertaining to water quality through the
6 application submittal requirements for Greenhouse projects, e.g.
7 height of groundwater on the site, types and amounts of
8 pesticides and fertilizers proposed to be used in the operation,
9 and analysis of existing chemical concentrations in the
10 groundwater, e.g. Total Dissolved Solids (TDS), nutrients such
11 as nitrates, and pesticides. This information is critical to
12 determining appropriate drainage/catchment systems, and
13 potential for groundwater contamination resulting from a
14 particular project.
- 15 4. The County of Santa Barbara (hereinafter referred to as
16 "County") shall require review of the water quality related
17 information submittals by qualified water quality analysts where
18 necessary. The purpose of this review shall be to determine
19 water quality problem areas and to recommend mitigation measures
20 where appropriate.
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1 Resolution/Greenhouse
2 February 27, 1986
3 Page 5

4 Proposed Development Standards
5 for Commercial Greenhouse Development in the Coastal Zone

6 The following issue areas shall be assessed on both project specific
7 and cumulative bases to ensure that adequate review of commercial
8 greenhouse projects is achieved.

- 9
- 10 1. The impact of incremental changes in water use. In order to
11 identify such impacts, the County shall compile historical and
12 on-going water use data for greenhouse projects that are
13 approved, which may require the periodic submittal of water use
14 information for a length of time to be specified at the time of
15 project approval. For projects located in the Carpinteria
16 Valley, water use shall be consistent with Policy 2-9 of the
17 Coastal Plan and implementation programs adopted by the County
18 to carry out that policy.
 - 19 2. Greenhouses shall be designed and engineered such that
20 preservation of prime agricultural soils is maximized.
21 Exceptions shall be made where exceptionally high groundwater or
22 other circumstances, including without limitation, the need for
23 driveways, parking areas, and foundations for packing and
24 storage facilities make such maximization infeasible.
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1 Resolution/Greenhouse
2 February 27, 1986
3 Page 6

- 4 3. Where run-off from the interior of the greenhouse is expected:
5 No contaminated run-off from the interior of a greenhouse shall
6 be permitted to exit the property upon which the greenhouse is
7 located or to enter any creek or waterway, located on or
8 adjacent to said property. All such contaminated run-off shall
9 be confined and used or evaporated on said property or deposited
10 appropriately offsite (e.g., into a sewer system).
- 11 4. Brines from water softeners (and boiler residues where water
12 softeners are utilized) shall be contained on-site in a lined
13 evaporation pond, storage tank or other containment device
14 approved by the County.
- 15 5. Density standards for greenhouse projects shall include related
16 structures (e.g., packing sheds), but not including dwelling
17 units, for the purposes of comparison with lot area coverage
18 maximums as outlined in the Coastal Land Use Plan and Coastal
19 Zoning Ordinance.
- 20 6. Failing landscape plantings must be replaced with healthy,
21 disease resistant landscaping so that screening is maintained
22 throughout the life of the project.
- 23 7. Methods which reduce the impact of night lighting on surrounding
24 residents and conserve energy shall be required, e.g., the
25 installation of rolldown plastic or other opaque materials.
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1 Resolution/Greenhouse
2 February 27, 1986
3 Page 7

- 4 8. The County shall evaluate alternative structural orientation,
5 design, or materials that could reduce the visual impacts of
6 greenhouse operations. Where such alternatives are determined
7 to be feasible, they shall be encouraged in new greenhouse
8 development.
- 9 9. The County shall evaluate the potential need for new housing as
10 a result of commercial greenhouse development.
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1 Resolution/Greenhouse
2 February 27, 1986
3 Page 8

4 PASSED/ADOPTED; DATE: March 10, 1986

5
6 AYES: David M. Yager, Michael B. Stoker, William
7 B. Wallace, DeWayne Holmdahl, Toru Miyoshi

8 NOES: None


9 ABSENT: None

10
11 ATTEST:

12
13 Howard C.

14 Menzel

15 County Clerk-Recorder


Toru Miyoshi, Chairman

Board of Supervisors

County of Santa Barbara

16
17
18 By 
19 Deputy Clerk-Recorder

20 APPROVED AS TO FORM:

21
22 KENNETH L. NELSON

23 COUNTY COUNSEL

24
25 By 
26 Jed Quinn Beebe

27 Deputy County Counsel

28

CALIFORNIA COASTAL COMMISSION

631 HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8555
TDD ONLY (415) 896-1825

EXHIBIT NO. 9

APPLICATION NO.

A-4-STB-98-057

Persoon

November 26, 1986

Page 1 of 3

Mr. Jed Quinn Bebee, Deputy County Counsel
Santa Barbara County Office
301 E. Cook Street, Suite 1-C
Santa Maria, CA 93454

Subject: Santa Barbara Greenhouse Ordinance (Number 86-141)

Dear Mr. Bebee:

This letter will follow up on our several telephone conversations over the past months concerning the County's March 10, 1986, resolution (Number 86-141) on standards and guidelines for greenhouse development in the coastal zone.

This resolution establishes greenhouse review and development standards which supplement related provisions of the Santa Barbara Local Coastal Program (LCP). Although the resolution does not clearly say so, it appears to serve as purported authority for the County to delete from its LCP the conditional use permit (CUP) requirement for greenhouse development. In our conversations, you have confirmed that this was the intended effect of this resolution.

I have examined the relevant County LCP provisions and related materials and reviewed this matter carefully with district staff. The purpose of this letter is to explain why we believe the County's actions in this matter are legally unsupportable under the Coastal Act and vulnerable to challenge, and to urge County Counsel to take the steps necessary to assure that this change to the LCP is accomplished consistent with Coastal Act requirements.

Greenhouse development has been a controversial matter during LCP review and certification for several coastal county's, including Santa Barbara. (See, Delucci v. County of Santa Cruz, et al., 179 Cal.App.3d 814 (1986).) In the Santa Barbara LCP review, because of unresolved greenhouse issues including water quality, ground water recharge, and visual impacts, the Coastal Commission found that it could not certify the LCP without provisions for resolving these issues. Thus, as a condition of certification, the Commission required some policy changes (to Policy 8-5e) which provide that, unless the County prepared a master environmental assessment by March 1984,

greenhouse development would automatically become a conditional use on Agriculture I designated lands in the Carpinteria Valley. The policy further provides that:

If, however, the County and the Coastal Commission agree on land use designation or policy changes based on the County's assessment of adverse environmental impacts of greenhouses gathered through the permit process, conditional use permit shall not be required for greenhouse development. (Emphasis added.)

As you know, the County did not meet the 1984 deadline for the environmental assessment, and the CUP process has gone into effect, making all County approvals of Carpinteria Valley greenhouse permits appealable to the Coastal Commission. In November 1985 the County completed the draft environmental assessment and began a series of hearings on this matter, publically noticed and treated by the County as proposed changes to LCP policies on the greenhouse issue. However, on March 10, 1986, after urging by the greenhouse growers not to subject the issue to further hearing before the Coastal Commission, the Board of Supervisors adopted Resolution 86-141 and dropped the CUP requirement for greenhouse development in Carpinteria Valley. My understanding, based on review of the resolution as well as conversations with you and members of our Santa Barbara district staff, is that the County intends to review applications for greenhouses in the coastal zone based upon existing certified LCP provisions supplemented by the development standards of Resolution 86-141.

In these decisions, we believe the County has embarked on a course that is legally untenable, both upon its own facts and upon applicable Coastal Act provisions. Policy 8-5e allows the conditional use permit requirement to be dropped only if "the County and the Coastal Commission agree" on LCP land use designation or policy changes. (This Policy 8-5e requirement is misstated in Resolution 86-141 as requiring that the CUP process continue only "until such time that a master environmental assessment for greenhouses was prepared.") Neither "land use designation changes" nor "policy changes" in a certified LCP can be changed in any manner other than through amendment. (See Coastal Act Section 30514, especially subsection (d), providing that any local government action authorizing a change in land use constitutes an "amendment" of a certified LCP.) Thus the language of Policy 8-5e clearly contemplates and requires amendment of the LCP as a predicate to deletion of the CUP requirement. There is no other way for the CUP requirement to be terminated or modified.

The County also errs in relying upon extra-LCP provisions as the basis for reviewing coastal development permits issued under the authority of the LCP. We believe there is no question but what a county, under its general planning and zoning powers, can adopt and enforce certain regulations supplementary to the LCP, provided they do not conflict with the LCP. (See Section 30005 of the Coastal Act, expressly preserving the authority of local government to adopt and enforce such additional regulations which further restrict activities and uses which may adversely affect coastal resources; see also informal opinion of the Office of the Attorney General, dated February 17, 1977, enclosed.) Thus, the County can adopt certain greenhouse ordinances

Jed Quinn Bebee
November 26, 1986
Page 3

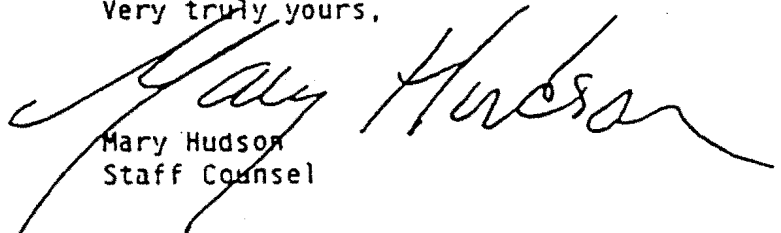
separate from the LCP, provided they do not conflict with the LCP. However, until those ordinances are approved by the Commission as an amendment to the LCP, they cannot serve as a basis for issuing permits under the LCP. Neither can they serve to satisfy requirements which the Commission found necessary to certification of the LCP.

At the present time the requirements of Policy 8-5e have not been satisfied. Issuance of coastal permits for greenhouse development in Carpenteria Valley remain subject, under the certified Santa Barbara County LCP, to the conditional use permit process, including all applicable notice, hearing, and appeal requirements. This office would so advise in response to an inquiry from any interested person, including an applicant or potential appellant. It should further be noted that any permit for a greenhouse development in Carpenteria Valley would be reviewed by the Commission on appeal, pursuant to Coastal Act sections 30603(a)(4) and 30604(b), for conformity with the certified LCP - not including the supplemental provisions of Resolution 86-141.

In addition to the obvious legal problems that could attend such an appeal, the County's purported dropping of the CUP requirement for greenhouse development creates further legal uncertainty. As indicated in the findings supporting certification (see page 22 of the adopted findings dated December 10, 1980), the Commission was able to certify this LUP despite lack of adequate information on the greenhouse issue only because of the additional protection provided through the CUP process. Thus, this underpinning of the LCP certification is jeopardized and the LCP made vulnerable to legal challenge if the County fails to process greenhouse development applications through the CUP process, with the appropriate notice, hearing, and opportunity for appeal to the Commission.

Santa Barbara district staff advises me, based on their preliminary review, that the greenhouse development standards and guidelines generally appear to meet the intent of Policy 8-5e. We urge County staff to contact district staff to discuss with them submission of the greenhouse standards and guidelines in the County's next LCP amendment package. If the Commission finds that these provisions satisfy the requirements of Policy 8-5e, it will put an end to the legal uncertainty and potential problems that pertain under the County's current proposed handling of the matter.

Very truly yours,



Mary Hudson
Staff Counsel

cc: Toru Miyoshi, Chairman
Diane Guzman, Director Resource Management
Gary Thornhill, Coast Section Chief

State of California, George Deukmejian, Governor

California Coastal Commission
SOUTH CENTRAL COAST AREA
925 De La Vina Street
Santa Barbara, CA 93101
(805) 963-6871

EXHIBIT NO. 10
APPLICATION NO.
A-4-STB-98-057
Persoon

March 10, 1986

Page 1 of 3

The Honorable Toru Miyoshi
Chairman, Board of Supervisors
County of Santa Barbara
105 East Anapamu Street 93101

Dear Chairman Miyoshi:

Re: Draft Carpinteria Valley Greenhouse Assessment and Proposed Development
Review Procedural Guidelines and Development Standards.

The purpose of this letter is two-fold. First, I am requesting that the Board of Supervisors postpone action on the above matter to a later hearing date. My second request is that the Board reconsider its plan to adopt the Greenhouse Review Procedures and Development Standards as guidelines rather than as an amendment to the County's Local Coastal Program (LCP). While I apologize for this late request, the severity of the matter only came to my attention on Thursday of last week. The reasons for these requests and some more specific details, based on a preliminary review of the procedures and standards, are set forth below.

As you are aware, the Draft assessment and proposed resolution is an outgrowth of a policy contained in the County's certified Local Coastal Program land use plan regarding the regulation of greenhouse development in the County's Coastal Zone. Specifically, Policy 8-5(e) provides that in addition to the mitigation measures contained in Policy sections 8-5(a)-(d), "other measures necessary to mitigate any adverse impacts identified" through the County's review process shall be required as a condition of an approval.

Policy 8-5(e) established a process by which individual and cumulative impacts associated with greenhouse development could be addressed and incorporated into the existing development standards of Policy 8-5. Specifically, this policy provides that the County should "assess the potential individual and cumulative impacts of greenhouse development on the coastal resources of the Carpinteria Valley", and prepare a master environmental assessment "to determine the level of development that the Valley's resources can support without experiencing adverse environmental impacts". The policy provides further that this assessment should be completed within three years of certification (March, 1981) of the County's LCP land Use plan. If not completed within the specified three years, Policy 8-5(e) stipulates that "greenhouse development (as regulated by Policy 8-5) shall automatically become a conditional use permit on Agriculture I designated lands in the Carpinteria Valley."



Finally, Policy 8-5(e) provides that conditional use permits shall not be required for greenhouse developments if "the County and Coastal Commission agree on land use designation or policy changes" in the County's certified LCP land use plan, based on the County's assessment of adverse environmental impacts of greenhouse development gathered through the conditional use permit process.

This interim approach to regulating greenhouse development was chosen because at the time of certification of the County's LCP land use plan, the information necessary to make required findings regarding the cumulative impacts of such development was not available, and could not reasonably be made available in a timely manner. Under the County's LCP zoning ordinance, conditional use permits are automatically subject to appeals to the Coastal Commission. The provision for the issuance of conditional use permits if after three years no environmental assessment was completed was intended to provide a mechanism by which the Commission could review, if necessary, the cumulative impacts of greenhouse developments.

Because of the lack of outside funding, and the complexity of the issues raised by greenhouse development in the Carpinteria Valley, the County was unable to prepare a master environmental assessment in the specified three years from the date of certification of the County's LCP land use plan. As a result, greenhouse development became subject to conditional use permits in March, 1984.

The recently completed Greenhouse Assessment is intended to meet the requirements of Policy 8-5(e) and to form the basis of additional procedures and development standards which would ensure that individual and cumulative impacts of greenhouse development on coastal resources are consistent with Coastal Act policies. While we have not had an opportunity to review in detail the substantive findings and recommendations of the Greenhouse Assessment, it appears that the addition of the proposed review procedures and development standards to the existing LCP requirements would satisfy the requirements of Policy 8-5(e), and the underlying Coastal Act policies.

We are concerned, however, by the procedure under which the County is proposing to implement the recommendations of the Greenhouse Assessment. As we understand it, the County is proposing to adopt the recommended procedures and development standards as guidelines only, and that these guidelines will not be incorporated into the County's LCP land use plan as additions to the existing policy governing greenhouse development. As noted above, Policy 8-5(e) requires that any additional procedures and development standards necessary to adequately regulate greenhouse development in the Carpinteria Valley be incorporated into the County's LCP land use plan before the requirement for a conditional use permit can be dropped. Any changes to the County's LCP land use plan policies or land use designations must be accomplished through the amendment process as set forth in PRC Section 30514 and Administrative Regulation Sections 13551-55.

A review of the administrative record for the Santa Barbara County LCP bears out the original intent of the Commission and the County to formally amend the

County's LCP to incorporate additional mitigation measures identified in the County's master environmental impact assessment. In the final conditions and findings certified by the Commission in December, 1980, the Commission noted that "As an alternative to the CUP, the County could assess the information gathered through the permit process over the three years and propose changes to the land use designations or policies to address concerns raised by that assessment." (emphasis added)

The Commission staff has followed the progress of the County's preparation of the Greenhouse Assessment and has been under the impression throughout that the County assessment would result in a LCP amendment submittal pursuant to Policy 8-5(e). Our records indicate that the item has been consistently identified on Planning Commission and Board of Supervisor agendas as an LCP amendment. We were, therefore taken by surprise when it was recently learned that the CUP requirement would be dropped upon the adoption of greenhouse procedures and development standards as guidelines, outside of the LCP framework.

Aside from any conflict with the requirements of Policy 8-5(e), we believe that the proposal to review greenhouse developments in the coastal zone under two sets of independent standards may create confusion for greenhouse growers, as well as other interested parties.

Because of the significant procedural and substantive issues raised by the County's proposal to adopt procedures and standards as guidelines outside of the framework of the County's LCP, we would respectfully request that the Board postpone action on this matter at least two weeks to allow our staffs, an opportunity to discuss the matter further.

We appreciate the opportunity to comment on the County's greenhouse assessment and regulations and look forward to resolving our concerns in a mutually acceptable manner.

Sincerely,



EDWARD Y. BROWN,
District Director

EYB/MHC
1401A

cc: Diane Guzman
Jed Beebe
Bob Lagle
Roy Gorman