

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Environmental Impact Report (07EIR-00000-00001), including the FEIR Revision letter (RV1) dated ~~April 8~~ May 26, 2010, was presented to the Board of Supervisors and all voting members of the Board of Supervisors have reviewed and considered the information contained in the Final EIR and EIR Revision Letter (07EIR-00000-00001 RV1) and its appendices prior to approving the project. In addition, all voting members of the Board of Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on May 4, 2010, May 18, 2010, and June 1, 2010. The Final EIR, including the EIR Revision letter, reflects the independent judgment and analysis of the Board of Supervisors and is adequate for this proposal.

1.2 FULL DISCLOSURE

The Board of Supervisors finds and certifies that the Final EIR (07EIR-00000-00001), including the EIR Revision letter dated ~~April 8~~ May 26, 2010, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and certifies that the Final EIR 07EIR-00000-00001 RV1 has been completed in compliance with CEQA (15090(a)(1)).

1.3 LOCATION OF RECORD OF PROCEEDINGS

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

1.4 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR (07EIR-00000-00001), as revised by the EIR Revision letter dated ~~April 8~~ May 26, 2010, identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the Final EIR (07EIR-00000-00001), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

1. Biological Resources: The project would result in significant but mitigable impacts to special status plants, including Santa Barbara honeysuckle, Hoffman's sanicle, and Fish's milkwort, which are present along portions of the proposed alignment of the Cavalli path. Construction of the path would directly impact some individuals of these species, though much of this area burned in the 2009 Jesusita fire and it is unknown how the sensitive plant species were affected. In addition, Santa Barbara honeysuckle and possibly Hoffman's

sanicle would potentially be impacted through installation of the perimeter fence. Mitigations to reduce these impacts to a less than significant level include narrowing of the Cavalli path, monitoring by a qualified botanical consultant during construction of the path and fencing, and realignment of the fence and/or path as necessary in order to avoid direct impacts to special-status plants.

The project would result in significant but mitigable direct and indirect impacts to oak woodlands, resulting from realignment of the roadway and installation of a detention basin at the southern end of the Hansen Site, construction of a new parking area on Mission Canyon Road, and installation of the Cavalli path and fencing. Mitigation to reduce these impacts includes replacement of removed trees at a 3 to 1 ratio, contribution of funds to the Oak Woodlands Conservation Fund, hand installation of fencing that traverses through oak woodlands, narrowing and realignment of the Cavalli path, as necessary, and implementation of erosion control measures. Additionally, the size of the detention basin will be reduced with elimination of the new residential units on the Hansen site, further reducing impacts in that area.

The project would result in significant but mitigable impacts to wetlands and riparian corridors through the construction of the two footbridges over Mission Creek and Las Canoas Creek, respectively. While both bridges would span the creek banks and not involve footings or abutments within the channel, there is the potential for construction-related impacts, including the removal of riparian vegetation and water quality impacts. In addition, the proposed fence would be located adjacent to Las Canoas Creek on the east side of the Hansen site. Installation of the fencing in this location would have the potential to result in the temporary removal of riparian vegetation and disturbance of riparian habitat if not sited and installed properly. Mitigation to reduce these impacts to less than significant levels includes coordination with Army Corps of Engineers and California Department of Fish and Game, restoration of any riparian vegetation removed or impacted during construction activities, and prohibiting construction vehicles from crossing through the stream channel at Las Canoas Creek. In addition, all fencing along Las Canoas Creek shall be sited so as to avoid removal of or disturbance to riparian vegetation or habitat.

The project would also potentially impact special-status bird species that are nesting at locations close to or within construction areas. Impacts could include disturbance of nesting activity and/or destruction of nests. Removal of on-site trees and/or construction in close proximity to these trees would result in the potential for direct impacts (destruction of nests) and indirect impacts (e.g., noise, light, visual disturbance) to nesting birds. Mitigation to reduce this impact to a less than significant level includes a survey by a qualified biologist of the immediate construction site to determine the status of nesting birds thereon, or within 200 feet, if demolition or construction is proposed to take place during the normal nesting season for birds, between February 1 and August 30. The proposed project also has the potential to significantly impact sensitive aquatic species associated with water quality impacts and construction-related impacts to riparian habitat. This impact would be mitigated through water quality protection measures, including construction and post-construction erosion control and best management practices.

The Board of Supervisors finds that implementation of the mitigation measures discussed above would reduce impacts to biological resources to less than significant levels. The Board of Supervisors further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative biological impacts is not cumulatively considerable.

2. **Cultural Resources:** The project would result in significant but mitigable direct and indirect impacts to archaeological resources within the site. Specifically, development proposed in the Hansen site in and around a known archaeological resource (CA-SBA-22) has the potential to disturb low density archaeological deposits within the site. In addition, the introduction of new residential units in this area increases the possibility for indirect impacts from vandalism, disturbance, or collection of archaeological deposits by residents. The project has been revised to eliminate the new residences proposed within CA-SBA-22, thereby avoiding impacts to this resource from new residential development. Impacts associated with extending utilities to serve the existing residential development in this area and improving the existing road to meet County Fire Department standards would remain. Mitigation measures to reduce the remaining impacts to less than significant levels include Phase 3 data recovery where further redesign is infeasible, and monitoring by a County-qualified archaeologist and Native American during all construction and ground disturbance in this area. Additionally, Garden residents and staff will be educated annually on the sensitivity of archaeological resources in order to prevent vandalism or collection of artifacts. Other ground disturbing activities associated with the proposed project outside of CA-SBA-22 have the potential to result in significant but mitigable impacts to archaeological resources by disturbing unknown deposits since the entire Garden is considered sensitive for archaeological resources based on multiple known sites in the Mission Canyon area, despite surface investigations failing to find evidence of other archaeological sites within the areas of project disturbance. Mitigation to reduce this impact to a less than significant level includes monitoring of all ground disturbing activities within the project site by a County-qualified archaeological monitor and Native American monitor. If archaeological deposits are encountered during grading or construction, work shall be stopped immediately or redirected until the site is evaluated pursuant to County Archaeological Guidelines.

The project would also result in significant but mitigable impacts to several historic resources on the site. Installation of the pavers on existing earthen trails and installation of the Meadow Terrace next to the Meadow area would compromise the naturalistic design of the Historic Garden, which has been historically characterized by the subtle variations found in nature. Paving of the trails would result in a significant loss of naturalistic landscape features and would formalize and make uniform what was originally designed as an informal and unaffected landscape. Installation of the Meadow Terrace would introduce a more architectural and fabricated element into an otherwise informal landscape, interrupting the naturalistic meadow to canyon transition. Mitigation to reduce the impact of the pavers includes limiting the extent of additional paving to only that which is required to provide Fire Department and ADA access to and around new and existing buildings; paving would not extend on to existing dirt trails, no more than 10% beyond existing paving, excluding paved access necessary for ADA and County Fire Department purposes to and around proposed new buildings, and restricting it to the area of existing paving in and around the

~~Administration/Education area, Horticulture/Support area, the currently paved central areas surrounding the Meadow, and selected adjacent areas for accessibility. The Meadow Terrace element of the project has been eliminated in order to avoid impacts of the Meadow Terrace on the historic designed landscape. Mitigation to reduce the impact of the Meadow Terrace to a less than significant level includes a project redesign so that hardscape is minimized, a dead and previously removed tree is replaced, and the terrace reflects the naturalistic and informal design historically associated with the area through irregularly berming soil against the walls.~~

Remodeling of the historic Library and Caretaker's Cottage has the potential to significantly impact these historic structures without measures to assure that character-defining features of these buildings would not be compromised during renovation and remodeling. Impacts to these buildings would be reduced to less than significant levels through documentation by a P&D approved architectural historian and compliance with the County and Secretary of the Interior's *Standards for the Treatment of Historic Properties* to insure maintenance of their historic integrity.

The project also has the potential to significantly impact other historic features within the site by inadvertent damage during construction activities adjacent to or in the vicinity of these resources. This impact would be reduced to a less than significant level through the education of construction personnel on the site's historic resources, and construction flagging to identify historic features during construction activities.

In order to reduce the collective impacts of the new project on the historic designed landscape, additional mitigation measures include preparation of a Cultural Landscape Master Plan that will guide project implementation and long-term management of the Garden in order to protect the historic resources and features on the site. Additionally, the Garden will educate staff regarding the maintenance of historic buildings, structures, objects, and furnishings, as well as the importance and sensitivity of archaeological resources within the site. Together with the mitigations identified above, these will help to ensure impacts to historic resources are reduced to less than significant levels.

The Board of Supervisors finds that the mitigation measures discussed above would reduce impacts to cultural resources to less than significant levels. The Board of Supervisors further finds that implementation of the proposed mitigation measures to reduce the significant project-specific impacts discussed above would ensure that the project's contribution to cumulative cultural resources impacts is not cumulatively considerable.

- 3. Fire Protection:** The project results in potentially significant but mitigable impacts with respect to defensibility from wildfire risks, emergency access and evacuation, water supply and fire flows, and increased activity on-site. Many of these impacts result from the increases in use at the Garden and are balanced by the various improvements proposed as part of the project, as identified in the Garden's Fire Protection Plan, that would improve fire fighting capabilities in and around the Garden. Mitigation to reduce these impacts to less than significant levels includes implementation of the Fire Protection Plan; closure of the Garden to the public, including special events, on all Red Flag Alert days; restrictions on special events uses during High Fire Season Preparedness levels, defined for the purposes of

this CUP as between May 1 and November 30, including: 1) maximum attendance at the Garden at any one time of 200 people, inclusive of staff, visitors, and event guests~~of 180 guests for any single event~~, and 2) the use of shuttle buses to transport guests for any event exceeding 80 guests, with a requirement that the shuttle buses remain on-site for the duration of the event to facilitate rapid evacuation of the guests in a single trip. In addition, construction activities would be prohibited on Red Flag days and the applicant would be required to prepare and implement a Fire Awareness and Avoidance Plan to regulate construction activities throughout the year, including the use of water trucks when necessary. Lastly, construction activities within the road right-of-way would necessitate traffic flag crews to ensure that at least one traffic lane is left open with limited exceptions. Implementation of the proposed mitigation measures to reduce the significant project-specific impacts discussed above would ensure that the project's contribution to cumulative fire protection impacts is not cumulatively considerable. The Board of Supervisors finds that the mitigation measures discussed above would reduce impacts to fire hazards to less than significant levels and would ensure that the project's contribution to cumulative fire hazard impacts would not be cumulatively considerable.

4. **Geologic Processes:** Grading associated with the proposed project to prepare the site for construction and proposed development in areas of moderately steep slopes would increase the potential for construction-related and long-term erosion and slope instability, resulting in significant but mitigable geologic impacts. There is also the potential for liquefaction and development on expansive soils given the site's geology. Mitigation to reduce these impacts includes compliance with the California Building Code and County Grading Ordinance; development of an erosion control plan for grading during the rainy season; incorporating the geotechnical recommendations of past geotechnical and soils reports and refining where necessary based on the final site design; and implementation of long-term measures to prevent significant erosion and sedimentation in on-site and off-site areas. There is also the potential for development in areas where radon gas may be present given the possible presence of the Rincon formation under a portion of the project site. This is considered a significant but mitigable impact. Mitigation to reduce this impact to a less than significant level includes radon testing prior to the issuance of building permits and the implementation of proper venting and other measures for habitable structures in the event radon gas is detected. The Board of Supervisors finds that the mitigation measures discussed above would reduce geologic impacts to less than significant levels.
5. **Noise:** The project has the potential to result in construction-related noise impacts given the proximity of the project site to sensitive noise receptors. Mitigation to reduce these impacts to less than significant levels includes restricting noise-generating construction activities to between 8am and 5pm on weekdays, locating construction staging areas away from existing residences to the extent feasible, using properly operating mufflers on construction equipment, shielding stationary construction equipment and locating it as far away from surrounding residents as possible, and utilizing electric power instead of diesel generators to run air compressors and other power tools.¹ The Board of Supervisors finds that the

¹ Additionally, the project has been conditioned to limit operational noise from onsite events to 65 dB at the property lines and prohibit the use of amplified music. The nexus for this condition was policy consistency and

mitigation measures discussed above would reduce noise impacts to less than significant levels.

- 6. Public Facilities:** The proposed project would result in a significant impact to solid waste associated with waste generated from construction and demolition activities. Mitigation to reduce this impact to a less than significant level includes preparation and implementation of a Solid Waste Management Plan (SWMP) to reduce waste generated by construction and demolition activities by a minimum of 75%.

The project also results in a significant impact to the local water supply, as extension of lines to provide domestic service to the site and meet County Fire Department standards for minimum fire flows and water pressure would potentially result in a deficiency in the water supplies to residents elsewhere in the system. Mitigation to reduce this impact to a less than significant level and ensure that the project site meets County Fire Department standards for minimum fire hydrant flows and pressure (1,250 gallons per minute at 20 psi) without negatively impacting the rest of the water system includes applicant-funded upgrades to the existing water main that would serve the site. This shall include, at a minimum, the construction of a 12-inch water main that will extend from the existing 12-inch gravity fed water main on Tunnel Road to the existing fire hydrant at the intersection of Las Canoas Road and Mission Canyon Road, unless other means of upgrading the system are approved by the City of Santa Barbara Public Works.

Development of the proposed residence and office/garage on the Cavalli site would have a potentially significant impact associated with providing sewage disposal service to these buildings. A private septic system in this location would not meet County Environmental Health Services standards for private systems due to presence of an ephemeral drainage and steep slopes adjacent to these structures. Thus, impacts would be potentially significant due to the inability of such a system to meet EHS requirements and the potential for effluent contamination to occur. Mitigation to reduce this impact to a less than significant level includes servicing these structures by a municipal sewer service connection. The Board of Supervisors finds that the mitigation measures discussed above would reduce impacts to public facilities to less than significant levels.

- 7. Transportation/Circulation:** The proposed project would result in a significant but mitigable cumulative impact to one intersection (Mission Canyon Road and Foothill Road (west)) in the project vicinity as a result of project-generated traffic in addition to traffic from ambient growth and related projects. The intersection is expected to continue to operate at LOS D in the future. The payment of development impact mitigation fees as part of the proposed project would fund its fair share of intersection improvements, thereby reducing its contribution to this cumulative impact to a less than significant level.

The proposed project would also result in significant but mitigable parking impacts associated with the increases in use of the site. Mitigation to reduce these impacts to less

neighborhood compatibility as opposed to mitigation of a significant environmental effect. Nonetheless, it further reduces the noise-related impacts of the project.

than significant levels and ensure adequate on-site parking at all times includes requiring Botanic Garden class participants and Garden employees to park on the East of Mission Site on Saturdays between 11:00 AM to 3:00 PM; and revising the Garden's Transportation and Parking Management Plan for ~~special-community~~ events to require traffic monitors for community events that generate a parking demand in excess of 70 spaces and off-site parking provisions for events that generate a parking demand in excess of 107 spaces. Additionally, special events greater than 80 guests must utilize off-site parking and shuttling. The Board of Supervisors finds that the mitigation measures discussed above would reduce impacts to transportation/circulation to less than significant levels and would ensure that the project's contribution to cumulative impacts would not be cumulatively considerable.

- 8. Water Resources/Flooding:** Development of the proposed project would necessitate on-site storm water detention in order to ensure that the project does not increase peak flows off-site. To this end, the project includes two on-site detention basins and a bio-swale to detain runoff before it exits the site. Prior to detailed review to assure that these facilities would be of sufficient volume, the potential for increased storm water runoff exiting the project site would be considered a significant impact to drainage and flooding. Feasible mitigation to reduce this impact to a less than significant level includes confirmation of the adequacy of the proposed drainage system conveyance elements and detention basin designs, locations, and characteristics to satisfy both drainage (flood) control and water quality treatment by County Flood Control and Project Clean Water. Detention basin(s) shall be maintained for the life of the project by the landowner/operator. In addition, storm water exiting the site must be conveyed in pipes either directly to a suitable drainage or to the appropriate drop inlet structure and not to surface flow paths along existing streets. In the case of the new development on the Cavalli site (residence and office/garage), mitigation requires that a specific drainage analysis be performed to establish final finished floor elevations for these structures to ensure they meet Flood Control requirements and to identify design elements (if any) that would be required to prevent flood damage to these structures.

Construction activities associated with the proposed project would result in temporary water quality impacts resulting from grading, vegetation removal, and other ground disturbance. Mitigation measures to reduce these impacts to less than significant levels include implementation of an erosion and sediment control plan to reduce erosion and sedimentation associated with storm water runoff during construction, restrictions on construction vehicle and equipment washing, documented compliance with the National Pollutant Discharge Elimination System, prohibiting the application of concrete, asphalt, and seal coat during wet weather, and regulations on the proper storage and disposal of construction materials and waste.

Long-term water quality impacts associated with project development, considered significant but mitigable, are associated with the increase in impervious surfaces (and resultant increase in surface runoff and transport of common pollutants into area drainages and/or storm drains) and development in close proximity to Mission Creek and Las Canoas Creek. Mitigation to reduce these impacts to less than significant levels includes the development of a Storm Water Quality Management Plan and incorporation of structural and non-structural best management practices into the project design to treat surface runoff; installation of a roof

runoff collection system where feasible to allow for infiltration and/or connection to the site's irrigation system; labeling of storm drains to prevent illegal discharges; installation of permanent erosion control measures for all construction allowed within 50-feet of the top-of-bank of Mission Creek and Las Canoas Creek; implementation of a parking lot cleaning program; and the proper location and design for trash container areas to prevent transport of waste.

The Board of Supervisors finds that the mitigation measures discussed above would reduce impacts to water resources/flooding to less than significant levels. The Board of Supervisors further finds that implementation of the proposed mitigation measures to reduce the significant project-specific impacts discussed above would also ensure that the project's contributions to cumulative water quality and drainage impacts are not cumulatively considerable.

1.5 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES OR MITIGATION MEASURES ARE NOT FEASIBLE

The Final EIR (07EIR-00000-00001 RV1), prepared for the project evaluated a no project alternative, an off-site alternative, a reduced project alternative, and a redesigned project alternative as methods of reducing or eliminating potentially significant environmental impacts. The Board of Supervisors finds that the following alternatives are infeasible or were not selected for the reasons stated:

- 1. No Project Alternative:** This alternative would not meet the basic project objectives identified by the applicant, specifically as they relate to developing and updating Garden facilities to improve its operation and address its space needs, providing a quality work environment for Garden employees and state-of-the-art botanic collections storage and protection, increasing access opportunities for all visitors to Garden facilities and programs, and providing on-site employee housing opportunities for critical Garden support staff.² For these various reasons, this alternative is infeasible and was not selected.
- 2. Off-Site Alternative:** This alternative does not meet the objectives of the project, specifically, consolidating Garden functions and uses within existing and proposed facilities. The alternative would significantly disrupt daily operations at the Garden which are characterized by collaboration between researchers, educators, and administrative staff, necessitating regular travel back and forth between the Garden and the off-site offices. In addition, with the exception of a remote parcel in Toro Canyon, there are no properties or offices outside of Mission Canyon that are under the control of the Garden, making it practically and financially difficult to relocate its administrative functions off-site. Separating out the administrative functions from the Garden itself would make it very difficult for the Garden to manage daily operations and continue to function in furtherance of its mission, as many of the administrative personnel support

² The Board of Supervisors has revised the project by eliminating the new residential units on the Hansen site in order to ensure compliance with residential density zoning requirements.

and facilitate the Garden's daily research, educational and horticultural programs. Daily operational and support services are integral functions that maintain the Garden as an institution of research, education, conservation, and display. Administrators fill roles of researchers, educators, and supervisors of essential on-site staff (volunteers, gardeners, teachers, etc.), and separating them from the Garden would significantly hinder the ability for the Garden to conduct its daily operations, something it has been doing since its inception in 1926. Relocation of the existing rare book collection off-site would hinder the ability of researchers and educators to utilize this resource in conjunction with the Garden's onsite collections. Additionally, this alternative does not meet the project objective of providing on-site affordable housing opportunities for critical Garden staff. For these various reasons, this alternative is considered infeasible and was not selected.

3. Reduced Development Alternative: This alternative, as a whole, does not meet the objectives of the project. By eliminating the proposed staff housing on the Hansen and Cavalli sites, this alternative does not meet the project objective of providing additional on-site affordable housing opportunities for critical Garden staff.³ Elimination of the Cavalli path under this alternative would prevent over 20 acres of the site from being used for visitor programs. Capping classes, special events, private parties, and other fundraising activities at current use levels would limit the ability of the Garden to fundraise on site. Elimination of the proposed Children's Laboratory and instead utilizing the existing Caretaker's Cottage for that function would not meet the Garden's objective of developing and updating Garden facilities and providing a quality work environment for Garden employees as this building would be undersized for the purposes envisioned under the proposed project. Collectively, this alternative is considered infeasible and was not selected. However, elements of this alternative have been incorporated into the project, including elimination of new staff housing on the Hansen site and capping of visitation, events, and classes at current levels.

4. Project Redesign Alternative: Consistent with the allowances under CEQA, this alternative would meet most but not all of the objectives of the project. Specifically, establishing the Cavalli path as an unpaved pathway would not meet the objective of increasing universal access opportunities for visitors to Garden pathways, since it would not be accessible to mobility-impaired visitors⁴. Replacement of the existing cyclone fencing in high use areas with 3 ½-foot post and smooth wire fencing is achieved through the Garden's redesign of the project, except in those areas where existing cyclone fencing occurs. In addition, locating two additional staff residences next to the Director's residence (the Caretaker's Cottage and a new single family dwelling) would be feasible, but would not be necessary in order to reduce impacts to less than significant levels.

³ The Board of Supervisors has revised the project by eliminating the new residential units on the Hansen site in order to ensure compliance with residential density zoning requirements and further reduce potential impacts to archaeological resources.

⁴ The ~~Planning Commission~~ Board of Supervisors approved the Cavalli path consistent with this alternative, narrower and unpaved, to ensure policy consistency in respect to minimization of grading and reduced impacts to biological resources. Of note herein is that there is no requirement for full ADA access to the entire garden and additionally, access to the mobility impaired to other areas within the Garden offering comparable views could be provided.

While this alternative is considered feasible, it was not selected since it was not necessary in order to mitigate or avoid significant impacts. However, many elements of this alternative have been incorporated into the project, including the establishment of the Cavalli path as an unpaved pathway and replacement of the existing cyclone fencing with 3 ½-foot post and smooth wire fencing.

1.6 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

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

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit the review authority shall first make all of the following findings:

2.1.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The Botanic Garden site is approximately 78 acres in size. Buildout of the proposed project would result in total building coverage of approximately 1.1 acres. Approximately 91% of the site would remain undeveloped or contain cultivated Garden exhibits. Therefore, the level and intensity of development proposed remains low relative to the size of the Garden property. Development on the site would meet all setback requirements and height restrictions. The project as revised is consistent with residential density allowances of the REC zone. While the project site is constrained due to steep slopes, dense vegetation, creek corridors, and other important biological and cultural resources, proposed development is clustered around existing development in areas where impacts to these resources are minimized. The Garden has been operating at this site since 1926; therefore, the property is adequate for accommodating its continued use as a botanic garden open to the public. By capping Garden activities and use levels, including capping annual visitation and annual special event and class attendance at current levels (110,000, 1,983, and 1,778 people respectively) and establishing an *any-one-time* cap of 200 persons during the high fire season and 250 persons during the low fire season, hazards associated with the location of the site in an area that is confronted by significant public safety concerns related to wildfires and evacuation, are substantially abated. The site is therefore adequate to accommodate the type of use and level of development proposed and this finding can be made.

2.1.2 *Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.*

The proposed project would not result in any significant and unavoidable impacts. Implementation of mitigation measures identified for the project would reduce impacts of the project to less than significant levels. One of the most significant elements of the project is its impacts related to fire hazards and emergency evacuation, primarily associated with large groups visiting the Garden and potentially inhibiting evacuation of surrounding residents in a wildfire event. In order to mitigate this impact to the maximum extent feasible, proposed uses at the Garden related to special programs and events would be ~~appreciated~~ restricted, including limiting special events to no more than one per month between May 1 and November 30. This would still allow the Garden to hold special events and programs in order to provide a necessary fundraising element of their operation. With these use restrictions, coupled with ~~and~~ the proposed fire protection improvements proposed as part of the project and required closure to the public and prohibition of construction on red flag days, fire hazard impacts would be reduced to the maximum extent feasible. Significant impacts of the project on historic resources would also be mitigated to the maximum extent feasible, primarily through ~~restrictions and design specifications applied to the~~ elimination of the Meadow Terrace project and prohibiting the paving of dirt trails and limiting new paving to only those areas to and around buildings as required for accessibility and Fire Department emergency vehicle access and paving elements of the project, as well as preparation and implementation of a Cultural Landscape Master Plan guiding project buildout and long-term maintenance of the Garden. Revisions to the project and the application of applicable conditions of approval would also mitigate or avoid impacts on archaeological resources to the maximum extent feasible by minimizing the extent of disturbance within the recorded archaeological resource and mitigating any impacts to less than significant levels in accordance with CEQA requirements. In addition to implementation of the mitigation measures required to reduce the impacts of the project to less than significant levels, most of the recommended mitigation measures of the EIR have been incorporated into the project as conditions of approval to ensure impacts are reduced to the maximum extent feasible. Therefore, impacts of the project have been reduced to the maximum extent feasible and this finding can be made.

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

Streets and highways used to access the site are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. Access to the site is provided by Mission Canyon Road, a public roadway, which the Garden has been relying on for access to the site since it was constructed. Construction and operational traffic generated by the proposed project would not result in any project-specific impacts to area roadways or intersections, as concluded Section 4.11 of the EIR, hereby incorporated by reference. Local roadways and intersections would continue to operate at acceptable levels of service with buildout of the proposed project. Under the cumulative scenario, ambient population growth in addition to project-generated traffic would result in a significant impact to the Mission Canyon Road (west)/Foothill Road intersection in the

year 2026. The payment of development impact mitigation fees as part of project approval would ensure the project funds its fair share of roadway and intersection improvements. The project has been conditioned to prohibit the use of large buses (i.e. ~~greater than 2-axes or 45-passengers~~ 31 feet in length) for any Garden-related events, which would help to reduce the potential for over-sized vehicles clogging Mission Canyon Road. The project has also been conditioned to require the implementation of a Traffic Demand Management (TDM) program during ~~special~~ community events generating traffic in excess of the parking supply and off-site shuttling for special events in excess of 80 guests, which would involve the use of shuttle buses to transport visitors and/or guests to and from the site in order to avoid significant traffic quantities on the area roadways serving the site.

These measures are especially important as they relate to evacuation of the canyon during a wildfire event. Mission Canyon Road serves as the primary access in and out of the canyon. In an evacuation during a wildfire event, fire and other emergency first responders would use the same road to gain access to the fire that the canyon residents and Garden visitors would use to evacuate and exit the canyon. An increase in population intensity at the Garden, primarily associated with public visitation and special events, would exacerbate this evacuation problem. By limiting the population at the Garden to no more than 200 people at any one time during the high fire season (May 1 through November 30) and no more than 250 people at any one time during the low fire season (May 1 through November 30), and capping overall annual attendance at 110,000 visitors and annual special event attendance at 1,983 guests, the number of vehicles traveling to and from the Garden is controlled in order to ensure that Garden activities do not overburden the roadways or exacerbate evacuation during a wildfire event. In addition, special events would be limited to no more than one per month between May 1 and November 30 and no more than two per month between December 1 and April 30, with a maximum of 17 special events per year. Therefore, With these limitations in place, this finding can be made.

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

Adequate public services are available to serve the proposed project. The project proposes to extend municipal sewer lines to serve the project, which would be managed by the Laguna Sanitation District and treated at El Estero Wastewater Treatment Facility. Sufficient capacity exists to serve the project. The Garden plans to extend water lines to provide domestic services to all existing and proposed development. The project has been conditioned to require that the Garden be responsible for upgrading the water supply to meet County Fire Department standards for water pressure and flow and ensuring that the City of Santa Barbara's system has the capacity to serve the project without creating deficiencies elsewhere in the system. These improvements would be in place and tested to ensure adequate services can be met (i.e. hydrants flowing at 1,250 gallons per minute at 20psi residual pressure) before any future development is completed/commenced. The project would be served by the County Fire Department; it has been designed to be accessible by County Fire and to meet all of the department's development standards in terms of hydrants, sprinklers, and access. The Fire Protection Plan developed for the

project includes a number of measures at the site that would improve fire protection and defensibility, including: 1) all new and remodeled buildings would be fitted with interior sprinkler systems, 2) enhanced vegetation management around all buildings, 3) annual fire drills, and 4) improved internal circulation to ensure adequate emergency access to all habitable structures within the project site. The project site is less than one mile from Fire Station #15, well within the 5 minute response time. While Mission Canyon Road, which provides access to the Garden, is narrower than what is preferred for emergency access (between 20 and 22 feet of pavement versus the 24-foot standard for private roads), the County Fire Department maintains that they are able to continue to serve the proposed development and uses, as they do currently, and the project is well within acceptable response times. In addition, the Garden would be closed to the public upon declaration of red flag warnings as well as on Fire Weather Watch days issued by the National Weather Service (unless the Garden retains a Fire Watch safety officer to monitor on-site conditions while remaining open) and days in which the Garden's Remote Access Weather Station (RAWS) records weather conditions that correspond to red flag conditions. These measures will help to ensure that adequate fire protection is provided to the site. Police protection would be provided by the County Sheriff's Department, as it is currently. The proposed project would not increase the need for additional police protection. The project has been conditioned to restrict levels of use at the Garden, especially during high fire hazard conditions, which would help to ensure that the level of use at the Garden does not overburden applicable public services. ~~Therefore~~For these reasons, this finding can be made.

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

The Santa Barbara Botanic Garden has been operating at its current location since 1926, gradually expanding its operation and land area over time. The Garden, with its eclectic mix of structures, has comprised an element of the neighborhood for over 80 years. During that time, the canyon surrounding the Garden has experienced significant growth in residential development. The Botanic Garden has been a centerpiece of Mission Canyon since its inception. Extensive vegetation on and surrounding the Garden have historically assisted with the visual integration of the site within the surrounding neighborhood and the level of development and intensity of use have been compatible with the semi-rural residential character of Mission Canyon. Upon buildout of the project, the site would remain predominantly open and developed with nothing more than Garden exhibits (approximately 91% of the site would be left undeveloped), thereby retaining its historic park-like visual character. The scale and design of the proposed buildings are compatible with the residential character of the neighborhood and the eclectic style of existing development on the site, as most buildings are single story and are designed to be subordinate to the landscape. Construction associated with buildout of the project has been conditioned to effectively reduce impacts to the neighborhood in regards to noise, traffic, parking, fire hazards, aesthetics, and air quality emissions. Proposed development is not expected to be detrimental to the comfort, convenience, health, safety, or general welfare of the surrounding neighborhood. By implementing various improvements on the site such as improved circulation, increased water supply,

increased fuel management, and a remote area weather station, fire protection and fire safety in and around the Garden are expected to improve.

Based on the evidence in the record at this time, the Board of Supervisors finds that the operation at the Botanic Garden has reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood. To this end, the Board of Supervisors has applied restrictions on use levels and activities at the Garden consistent with current use at the site and not allowed further growth in intensity of use in order to support this finding. This includes limiting attendance at the Garden at any one time to 200 people (including all staff, visitors, class attendees, and guests) during the high fire season, defined for the purposes of this permit as May 1 through November 30, and 250 people during the low fire season of December 1 through April 30. These numbers were selected as acceptable levels of use at the Garden and associated vehicle traffic on Mission Canyon Road, in terms of not contributing any further to existing evacuation constraints on Mission Canyon Road. Since the low fire season between December 1 and April 30 presents a lower risk period in terms of wildfire events necessitating evacuation, an additional 50 persons are permitted on the site at any one time.

In addition to the any-one-time caps imposed at the Garden, an annual visitation cap of 110,000 people, and annual attendance caps associated with special events and classes of 1,983 and 1,778, respectively, are consistent with current use levels at the Garden. In addition, special events would be limited to no more than one per month between May 1 and November 30 and no more than two per month between December 1 and April 30. These caps are necessary to support the finding that the operation and site development at the Botanic Garden are consistent with the health, welfare, safety, and convenience of the neighborhood.

~~In addition, Therefore,~~ by capping use levels at the Garden, ~~associated with its special programs and events,~~ the proposed project would not exacerbate the existing fire hazards related to evacuation of the canyon in the event of a wildfire. Capping use levels and associated these events and activities would also reduce potential nuisances to surrounding neighbors associated with noise and traffic resulting from large groups visiting the Garden and events utilizing outdoor amplified music. The project has been conditioned to ~~ensure prohibit the use of amplified music during events that events utilizing amplified~~ and ensure that amplification used for speaking purposes ~~does sound do~~ not result in noise levels exceeding County thresholds at the property lines ~~closest to adjacent neighbors~~. In addition, the project has been conditioned to require all events and associated non-amplified music to conclude by sunset and all guests and staff off-site within one hour. This condition is consistent with a recognition that noise associated with events and traffic is more of a nuisance at night due to the otherwise quiet ambient noise levels and nature of nighttime activities. Additionally, due to the dark sky conditions in Mission Canyon and the nature of the canyon roadways, travel on the roadways after dark presents a greater risk to public safety than during daylight hours.

Conditions of approval placed on the proposed project provide clear regulations on the Garden's development and operations where none currently exist under the existing 1972

CUP. For these reasons discussed above, this finding can be made.

2.1.6 *The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.*

As conditioned, the proposed project is consistent with all applicable provisions of the Land Use Development Code and Comprehensive Plan, including the Mission Canyon Area Specific Plan. As discussed in Section 6.2 of the staff report dated July 22, 2009 for the August 5, 2009 PC hearing, hereby incorporated by reference, the project, as conditioned, is consistent with applicable policies of the Comprehensive Plan and 1984 Mission Canyon Area Specific Plan. The project has been conditioned to require minor project modifications and/or revised in order to ensure consistency with County policies. Elimination of the three new residential units on the Hansen site would ensure compliance with the LUDC requirement for caretaker unit density in the REC zone. Therefore, this finding can be made.

2.1.7 *Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.*

The project site is not located within a Rural area as designated on the Comprehensive Plan maps. Therefore, this finding does not apply.

2.2 DEVELOPMENT PLAN FINDINGS

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

2.2.1 *The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.*

The Botanic Garden site is approximately 78 acres in size. Buildout of the proposed project would result in total building coverage of approximately 1.1 acres. Approximately 91% of the site would remain undeveloped or contain cultivated Garden exhibits. Therefore, the level and intensity of development proposed remains low relative to the size of the Garden property. Development on the site would meet all setback requirements and height restrictions. The project as revised is consistent with residential density allowances of the REC zone. While the project site is constrained due to steep slopes, dense vegetation, creek corridors, and other important biological and cultural resources, proposed development is clustered around existing development in areas where impacts to these resources are minimized. The Garden has been operating at this site since 1926; therefore, the property is adequate for accommodating its continued use as a botanic garden open to the public. By capping Garden activities and use levels, including capping annual visitation and annual special event and class attendance at current levels (110,000, 1,983, and 1,778 people respectively) and establishing an *any-one-time* cap of 200 persons during the high fire season and 250 persons during the low fire season, hazards associated with the location of the site in an area that is confronted

by significant public safety concerns related to wildfires and evacuation, are substantially abated. The site is therefore adequate to accommodate the type of use and level of development proposed and this finding can be made.

2.2.2 *Adverse impacts will be mitigated to the maximum extent feasible.*

The proposed project would not result in any significant and unavoidable impacts. Implementation of mitigation measures identified for the project would reduce impacts of the project to less than significant levels. One of the most significant elements of the project is its impacts related to fire hazards and emergency evacuation, primarily associated with large groups visiting the Garden and potentially inhibiting evacuation of surrounding residents in a wildfire event. In order to mitigate this impact to the maximum extent feasible, proposed uses at the Garden related to special programs and events would be ~~capped~~ restricted, including limiting special events to no more than one per month between May 1 and November 30. This would still allow the Garden to hold special events and programs in order to provide a necessary fundraising element of their operation. With these use restrictions, coupled with ~~and~~ the proposed fire protection improvements proposed as part of the project and required closure to the public and prohibition of construction on red flag days, fire hazard impacts would be reduced to the maximum extent feasible. Significant impacts of the project on historic resources would also be mitigated to the maximum extent feasible, primarily through ~~restrictions and design specifications applied to the~~ elimination of the Meadow Terrace project and prohibiting the paving of dirt trails and limiting new paving to only those areas to and around buildings as required for accessibility and Fire Department emergency vehicle access ~~and paving elements of the project,~~ as well as preparation and implementation of a Cultural Landscape Master Plan guiding project buildout and long-term maintenance of the Garden. Revisions to the project and the application of applicable conditions of approval would also mitigate or avoid impacts on archaeological resources to the maximum extent feasible by minimizing the extent of disturbance within the recorded archaeological resource and mitigating any impacts to less than significant levels in accordance with CEQA requirements. In addition to implementation of the mitigation measures required to reduce the impacts of the project to less than significant levels, most of the recommended mitigation measures of the EIR have been incorporated into the project as conditions of approval to ensure impacts are reduced to the maximum extent feasible. Therefore, impacts of the project have been reduced to the maximum extent feasible and this finding can be made.

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

Streets and highways used to access the site are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. Access to the site is provided by Mission Canyon Road, a public roadway, which the Garden has been relying on for access to the site since it was constructed. Construction and operational traffic generated by the proposed project would not result in any project-specific impacts to area roadways or intersections, as concluded Section 4.11 of the EIR, hereby incorporated by reference. Local roadways and intersections would continue to operate at acceptable levels of service with buildout of the proposed project. Under the cumulative scenario,

ambient population growth in addition to project-generated traffic would result in a significant impact to the Mission Canyon Road (west)/Foothill Road intersection in the year 2026. The payment of development impact mitigation fees as part of project approval would ensure the project funds its fair share of roadway and intersection improvements. The project has been conditioned to prohibit the use of large buses (i.e. greater than 2-axles or 45-passengers 31 feet in length) for any Garden-related events, which would help to reduce the potential for over-sized vehicles clogging Mission Canyon Road. The project has also been conditioned to require the implementation of a Traffic Demand Management (TDM) program during special-community events generating traffic in excess of the parking supply and off-site shuttling for special events in excess of 80 guests, which would involve the use of shuttle buses to transport visitors and/or guests to and from the site in order to avoid significant traffic quantities on the area roadways serving the site.

These measures are especially important as they relate to evacuation of the canyon during a wildfire event. Mission Canyon Road serves as the primary access in and out of the canyon. In an evacuation during a wildfire event, fire and other emergency first responders would use the same road to gain access to the fire that the canyon residents and Garden visitors would use to evacuate and exit the canyon. An increase in population intensity at the Garden, primarily associated with public visitation and special events, would exacerbate this evacuation problem. By limiting the population at the Garden to no more than 200 people at any one time during the high fire season (May 1 through November 30) and no more than 250 people at any one time during the low fire season (May 1 through November 30), and capping overall annual attendance at 110,000 visitors and annual special event attendance at 1,983 guests, the number of vehicles traveling to and from the Garden is controlled in order to ensure that Garden activities do not overburden the roadways or exacerbate evacuation during a wildfire event. In addition, special events would be limited to no more than one per month between May 1 and November 30 and no more than two per month between December 1 and April 30, with a maximum of 17 special events per year. Therefore With these limitations in place, this finding can be made.

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

Adequate public services are available to serve the proposed project. The project proposes to extend municipal sewer lines to serve the project, which would be managed by the Laguna Sanitation District and treated at El Estero Wastewater Treatment Facility. Sufficient capacity exists to serve the project. The Garden plans to extend water lines to provide domestic services to all existing and proposed development. The project has been conditioned to require that the Garden be responsible for upgrading the water supply to meet County Fire Department standards for water pressure and flow and ensuring that the City of Santa Barbara's system has the capacity to serve the project without creating deficiencies elsewhere in the system. These improvements would be in place and tested to ensure adequate services can be met (i.e. hydrants flowing at 1,250 gallons per minute at 20psi residual pressure) before any future development is completed/commenced. The project would be served by the County Fire Department; it has been designed to be

accessible by County Fire and to meet all of the department's development standards in terms of hydrants, sprinklers, and access. The Fire Protection Plan developed for the project includes a number of measures at the site that would improve fire protection and defensibility, including: 1) all new and remodeled buildings would be fitted with interior sprinkler systems, 2) enhanced vegetation management around all buildings, 3) annual fire drills, and 4) improved internal circulation to ensure adequate emergency access to all habitable structures within the project site. The project site is less than one mile from Fire Station #15, well within the 5 minute response time. While Mission Canyon Road, which provides access to the Garden, is narrower than what is preferred for emergency access (between 20 and 22 feet of pavement versus the 24-foot standard for private roads), the County Fire Department maintains that they are able to continue to serve the proposed development and uses, as they do currently, and the project is well within acceptable response times. In addition, the Garden would be closed to the public upon declaration of red flag warnings as well as on Fire Weather Watch days issued by the National Weather Service (unless the Garden retains a Fire Watch safety officer to monitor on-site conditions while remaining open) and days in which the Garden's Remote Access Weather Station (RAWS) records weather conditions that correspond to red flag conditions. These measures will help to ensure that adequate fire protection is provided to the site. Police protection would be provided by the County Sheriff's Department, as it is currently. The proposed project would not increase the need for additional police protection. The project has been conditioned to restrict levels of use at the Garden, especially during high fire hazard conditions, which would help to ensure that the level of use at the Garden does not overburden applicable public services. ThereforeFor these reasons, this finding can be made.

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

The Santa Barbara Botanic Garden has been operating at its current location since 1926, gradually expanding its operation and land area over time. The Garden, with its eclectic mix of structures, has comprised an element of the neighborhood for over 80 years. During that time, the canyon surrounding the Garden has experienced significant growth in residential development. The Botanic Garden has been a centerpiece of Mission Canyon since its inception. Extensive vegetation on and surrounding the Garden have historically assisted with the visual integration of the site within the surrounding neighborhood and the level of development and intensity of use have been compatible with the semi-rural residential character of Mission Canyon. Upon buildout of the project, the site would remain predominantly open and developed with nothing more than Garden exhibits (approximately 91% of the site would be left undeveloped), thereby retaining its historic park-like visual character. The scale and design of the proposed buildings are compatible with the residential character of the neighborhood and the eclectic style of existing development on the site, as most buildings are single story and are designed to be subordinate to the landscape. Construction associated with buildout of the project has been conditioned to effectively reduce impacts to the neighborhood in regards to noise, traffic, parking, fire hazards, aesthetics, and air quality emissions. Proposed development is not expected to be detrimental to the comfort, convenience,

health, safety, or general welfare of the surrounding neighborhood. By implementing various improvements on the site such as improved circulation, increased water supply, increased fuel management, and a remote area weather station, fire protection and fire safety in and around the Garden are expected to improve.

Based on the evidence in the record at this time, the Board of Supervisors finds that the operation at the Botanic Garden has reached a maximum level able to be found consistent with the health, welfare, safety, and convenience of the neighborhood. To this end, the Board of Supervisors has applied restrictions on use levels and activities at the Garden consistent with current use at the site and not allowed further growth in intensity of use in order to support this finding. This includes limiting attendance at the Garden at any one time to 200 people (including all staff, visitors, class attendees, and guests) during the high fire season, defined for the purposes of this permit as May 1 through November 30, and 250 people during the low fire season of December 1 through April 30. These numbers were selected as acceptable levels of use at the Garden and associated vehicle traffic on Mission Canyon Road, in terms of not contributing any further to existing evacuation constraints on Mission Canyon Road. Since the low fire season between December 1 and April 30 presents a lower risk period in terms of wildfire events necessitating evacuation, an additional 50 persons are permitted on the site at any one time.

In addition to the any-one-time caps imposed at the Garden, an annual visitation cap of 110,000 people, and annual attendance caps associated with special events and classes of 1,983 and 1,778, respectively, are consistent with current use levels at the Garden. In addition, special events would be limited to no more than one per month between May 1 and November 30 and no more than two per month between December 1 and April 30. These caps are necessary to support the finding that the operation and site development at the Botanic Garden are consistent with the health, welfare, safety, and convenience of the neighborhood.

~~In addition, Therefore,~~ by capping use levels at the Garden, ~~associated with its special programs and events,~~ the proposed project would not exacerbate the existing fire hazards related to evacuation of the canyon in the event of a wildfire. Capping use levels and associated these events and activities would also reduce potential nuisances to surrounding neighbors associated with noise and traffic resulting from large groups visiting the Garden and events utilizing outdoor amplified music. The project has been conditioned to ensure prohibit the use of amplified music during events that events utilizing amplified and ensure that amplification used for speaking purposes does sound do not result in noise levels exceeding County thresholds at the property lines closest to adjacent neighbors. In addition, the project has been conditioned to require all events and associated non-amplified music to conclude by sunset and all guests and staff off-site within one hour. This condition is consistent with a recognition that noise associated with events and traffic is more of a nuisance at night due to the otherwise quiet ambient noise levels and nature of nighttime activities. Additionally, due to the dark sky conditions in Mission Canyon and the nature of the canyon roadways, travel on the roadways after dark presents a greater risk to public safety than during daylight hours.

Conditions of approval placed on the proposed project provide clear regulations on the Garden's development and operations where none currently exist under the existing 1972 CUP. For these reasons discussed above, this finding can be made.

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

As conditioned, the proposed project is consistent with all applicable provisions of the Land Use Development Code and Comprehensive Plan, including the Mission Canyon Area Specific Plan. As discussed in Section 6.2 of the staff report dated July 22, 2009 for the August 5, 2009 PC hearing, hereby incorporated by reference, the project, as conditioned, is consistent with applicable policies of the Comprehensive Plan and 1984 Mission Canyon Area Specific Plan. The project has been conditioned to require minor project modifications and/or revised in order to ensure consistency with County policies. Elimination of the three new residential units on the Hansen site would ensure compliance with the LUDC requirement for caretaker unit density in the REC zone. Therefore, this finding can be made.

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

The project site is not located within a Rural area as designated on the Comprehensive Plan maps. Therefore, this finding does not apply.

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

There are no existing easements in place on the property that provide public access through or public use of a portion of the property. Therefore, this finding can be made.

B. *Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.*

There is no previously approved Preliminary Development Plan associated with this project. The Development Plan considered as part of the proposed project serves as both the Preliminary and Final Development Plan. Therefore, this finding can be made.