

ATTACHMENT 1: REVISED FINDINGS

Pollyrich Farms Appeal of the Sierra Grande Rural Recreation Project Case No. 16APL-00000-00015

1.0 CEQA FINDINGS

1.1 CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION AND FULL DISCLOSURE

The Board of Supervisors has considered the Mitigated Negative Declaration (15NGD-00000-00002) together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the Mitigated Negative Declaration (15NGD-00000-00002) and any comments received, the Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board located at 105 Anacapa Street, Santa Barbara, CA 93101.

1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(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 and are fully enforceable through permit conditions, agreements, or other measures. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required as applicable 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 or Minor Conditional Use Permit the review authority shall first make all of the following findings as applicable:

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 proposed zipline and ropes course project would be developed on approximately 40 acres in the northwest corner of three contiguous ranch properties, including the 1,083-acre High Lonesome Ranch (APNs 137-270-031 and 137-280-017) and the 102-acre Sierra Grande Ranch (APN 137-270-033). The ranch properties are located approximately 0.75 of a mile east of Highway U.S. 101, one mile south of SR 246, and approximately 1,000 feet southwest of the City of Solvang city limit line and less than one mile from the City of Buellton city limits. Therefore, the project is adequately served by the regional circulation system and is located between two urban areas that provide commercial uses (e.g., food and vehicle services) that may be used by visitors to the project. The project would not substantially increase traffic on project area roads or the driveway that provides access to the site. In addition, the project would be close to public safety services, as County Fire Station No. 31 is approximately two miles west of the project site in the City of Buellton. Existing uses on the project properties include grazing, irrigated farming, and dry farming. The recreational facilities would not displace or otherwise impact the site's agricultural operations or resources, and the Agricultural Preserve Committee found the proposed project consistent with the Agricultural Preserve Uniform Rules. The proposed project would minimize the need for new structural development by using an existing building as an orientation center, and the proposed zip lines and ropes course would not result in a substantial increase in the amount of development on the project properties. Also, the proposed zip line facilities would be accessed using existing on-site ranch roads. Land uses surrounding the project properties include mining operations to the north and west, residential ranchette development to the north, cultivated agriculture to the east, and pastures to the south and west. The proposed project, including the use of an existing private driveway for ingress and egress, would not result in significant environmental impacts or land use conflicts with the surrounding uses. Adequate area exists on the project properties to accommodate the proposed ziplines and ropes course, and to provide project-related parking and utility (i.e., water and wastewater disposal) services.

Additional information regarding the adequacy of the project site for the proposed project is provided in Section 6.2 (Comprehensive Plan Consistency) and Section 6.3 (Zoning: Land Use and Development Code Compliance) of the Planning Commission staff report dated October 15, 2015; and in the Planning Commission Memo dated December 17, 2015. Planning Commission staff report sections 6.2 and 6.3, the Planning Commission Memo, and the Board Agenda Letter dated May 3, 2016 and the Board Memos dated June 21, 2016 and July 7, 2016 are hereby incorporated into this finding by reference. Therefore, the project is consistent with this finding.

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

The Final Mitigated Negative Declaration dated June 27, 2016 (15NGD-00000-00002) prepared for the project identified potentially significant, but mitigable impacts to Biological Resources and Geologic Processes. Potential impacts to biological resources that could result from the project include impacts to oak trees, nesting birds, and silvery legless lizard. The identified impacts to biological resources would be reduced to a less than significant level with the implementation of proposed mitigation measures and conditions of approval, which include requirement to: implement an approved Tree Protection and Replacement Plan (condition of approval No. 3); conduct nesting bird surveys and if necessary implement specified nest protection measures (conditions of approval Nos. 4 and 5); implement the recommendations included in the project-specific Oak Tree Assessment Report and a required annual Oak Tree Assessment Compliance Report (condition of approval No. 6); and conduct pre-construction surveys for silvery legless lizard (condition of approval No. 7). Impacts to two oak trees that would result from the construction of a proposed driveway “flare” that would facilitate right turns from State Route 246 onto the driveway that extends to the south to the project site. Those impacts would be reduced to a less than significant level by a requirement to replace the removed and impacts coast live oak trees at a 10:1 ratio (condition of approval 3j). Implementation of this condition of approval would require that the project applicant plant and nurture 20 coast live oaks trees. Construction of the required acceleration driveway flare that would facilitate safe right turns from the project site access driveway onto State Route 246 would impact approximately two non-native landscape trees and a small (less than a six-inch trunk diameter at a height of 4.5 feet above the ground) coast live oak tree. These trees, however, are not protected trees and impacts to the trees would not result in a significant impact and mitigation is not required. The construction of the proposed driveway flares and associated impacts to trees adjacent to the driveway would have the potential to result in a short-term impact to nesting birds if present. This potentially significant impact would be reduced to a less than significant level with the implementation of condition of approval No. 4 (Pre-Construction Surveys for Nesting Birds).

Potential impacts related to Geologic Processes could result from ground disturbances and subsequent erosion that may result from the installation of zipline and ropes course poles. Potential erosion- and sedimentation-related impacts would be reduced to a less than significant level by limiting excavation and grading to the dry season unless a Building & Safety approved erosion control plan is in place and all specified measures are in effect (condition of approval No. 8). The proposed conditions of approval will ensure that significant impacts of the project are reduced to less than significant levels, and mitigated to the maximum extent feasible. Therefore, the project is consistent with this finding.

Access to the project site would be provided using an existing private driveway that crosses the Santa Ynez River via an "Arizona" crossing. A Streambed Alteration Agreement for the crossing was approved by the California Department of Fish and Game in 2007. Subsequent amendments and renewals to the original Agreement were made in 2010 and 2012. The river crossing Streambed Alteration Agreement must be renewed by the California Department of Fish and Wildlife (CDFW) every five years. The Project would increase vehicle use of the river crossing by a maximum of 84 vehicles per day. The proposed increase in traffic would not substantially increase traffic noise, lighting or dust impacts along the driveway, or substantially alter the environmental conditions that were evaluated by CDFW when the Streambed Alteration Agreements were approved. Therefore, the Project would not result in significant impacts to sensitive species in the Santa Ynez River, including steelhead trout.

The Project site is located in an agricultural area and a review of the potential for project site visitors to be affected by pesticide drift impacts has been conducted. The review provided in the Planning Commission Memo dated December 17, 2015 is hereby incorporated by reference and determined that the potential pesticide exposure impacts would be less than significant due to the separation distance between the proposed project facilities and the closest agricultural field likely to use pesticides, as well as other factors including the proposed daytime hours of project operation, which avoids times when pesticides are typically applied; physical barriers (trees and buildings) between the project site and the closest agricultural field, and elevation differences between the project site and nearby agricultural fields.

The Mitigated Negative Declaration also concluded that other potential impacts of the project would not be significant. For example, project-generated traffic would not result in significant impacts to the operation of regional or local roadways in the project area, and the project would not affect the agricultural resources or viability of the ranch operation. Therefore, the project is consistent with this finding.

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

Access to the Sierra Grande project would be provided by a 20-foot wide private driveway that extends southward from State Route 246. As discussed in the Board Agenda Letter dated May 17, 2016, incorporated by reference, this access is adequate for the proposed project. The driveway crosses the Santa Ynez River via an “Arizona” crossing, and as a result access to the project site may be restricted during periods of high water flow. To address this issue, the project would not operate when water in the Santa Ynez River is flowing over the driveway river crossing.

State Route 246 near the project site includes two traffic lanes and a two-way left turn lane. The center left turn lane can be used as a refuge to allow acceleration and merging into the westbound travel lane for project guests making a left turn movement from the access driveway/SR 246 intersection. In response to requests by Caltrans, the project also includes the construction of paved driveway “flares” that would allow eastbound traffic to make right turn movements into and out of the project driveway without affecting traffic flow on SR 246. These improvements ensure adequate design to carry the type and quantity of traffic generated.

The project would add a maximum of approximately 84 vehicle trips per day to SR 246 and the project site access driveway. This would be a minor increase in traffic volumes on SR 246 as the highway currently carries 18,900 average daily trips in the vicinity of the project site. Most of the project-generated traffic that would use SR 246 and the project site access driveway would be distributed throughout the day as visitors would have a reservation to use the zipline and ropes course facilities and would arrive at the project site at a specified time. Distributing project-generated traffic that would use the access driveway throughout the day would minimize the potential for traffic-related impacts such as increased congestion and noise. Peak hour traffic on SR 246 and the access driveway generated by the project would add approximately 16 trips during the morning and afternoon peak periods. The project-related increase in peak hour traffic would not be substantial and would not adversely affect the operation of SR 246; the operation of the U.S. 101/SR 246 interchange, which currently operates at LOS A; or the project site access driveway. Therefore, the project is consistent with this finding.

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 project. Water for domestic purposes will be provided by existing on-site private water wells, and wastewater disposal would be provided by removing and replacing an existing on-site system that has been approved by Environmental Health Services. Fire protection will be provided by Santa Barbara County Fire Station 31 located at 168 West Highway

246 in Buellton, approximately two miles west of the project site. Police protection will continue to be provided by the Santa Barbara County Sheriff's Department. In addition to adequate utilities and public services, the project site is approximately 1,000 feet southwest of the City of Solvang city limit line and less than one mile from the City of Buellton city limits. Access to the Sierra Grande project would be provided by a 20-foot wide private driveway that extends southward from State Route 246 and is adequate as discussed in the Board Agenda Letter dated May 17, 2016, incorporated by reference. Therefore, the project site is located between two urban areas that provide commercial uses (e.g., food and vehicle services) that may be used by visitors to the project. Therefore, the project is consistent with this finding.

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.

Land uses surrounding the project property include mining operations to the north and west, residential ranchette development to the north, cultivated agriculture to the east, and pasture land to the south and west. The project site is located approximately 0.75 of a mile east of Highway U.S. 101 and one mile south of SR 246. The nearest residence to the project site is approximately 2,300 feet to the northeast. Daily attendance at the project site would be limited to a maximum of 80 visitors per day. Traffic generated by the project would not be substantial (approximately 84 average daily trips during peak project operations) and would not adversely affect the operation of nearby highways or existing public or private roads that provide access to the project site. Adequate parking would be provided adjacent to the proposed zipline and ropes course facility, therefore, no project-related parking would occur in adjacent neighborhoods. The proposed project would not be a substantial source of noise due to the separation distance between the project site and sensitive noise receptors (residential uses) and the low amount of traffic that the project would generate. Therefore, the project would not result in significant noise-related impacts. Structural development required to implement the project would be limited to the installation of poles and associated wires and ropes, which would not substantially change the visual character of the project site or be prominently visible from surrounding properties. In addition, the project is not located in a designated scenic area and the MND prepared for the project concluded that it would result in less than significant aesthetic impacts. Due to the low intensity characteristics of the proposed recreation facility (i.e., low daily and peak hour traffic generation, minimal new structural development, and low number of visitors at the site at any particular time during peak operations), it will not adversely affect agriculture, residential uses or mining in the surrounding area. Additional information regarding the compatibility of the project is provided in Section 6.2 (Comprehensive Plan Consistency) and Section 6.3 (Zoning: Land Use and Development Code Compliance) of the Planning Commission staff report dated October 15, 2015; and in the Planning Commission

Memo dated December 17, 2015. Staff report sections 6.2 and 6.3, the Planning Commission Memo and the Board Agenda Letter dated May 3, 2016 and the Board Memos dated June 21, 2016 and July 7, 2016 are hereby incorporated into this finding by reference. Therefore, the project is consistent with this finding.

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 documented in Sections 6.2 and 6.3 of this Planning Commission staff report dated October 15, 2015, the proposed project is consistent with the applicable requirements of the AG-II zone district, the Comprehensive Plan, the Santa Ynez Valley Community Plan, and the LUDC. Rural recreation facilities are allowed in the AG-II zone district with the approval of a Conditional Use Permit (LUDC Section 35.21.030, Table 2-1), and must comply with specified development standards (LUDC Section 35.42.240). As documented in Sections 6.2 and 6.3 of the staff report dated October 15, 2015, the proposed project would be consistent with the land use and resource protection policies of the Comprehensive Plan and the Santa Ynez Valley Community Plan, and would also be consistent with the “low intensity” recreation use standards specified by LUDC Section 35.42.240. Additional information regarding the consistency of the project with the Development Code and Comprehensive Plan is provided in Section 6.2 (Comprehensive Plan Consistency) and Section 6.3 (Zoning: Land Use and Development Code Compliance) of the staff report dated October 15, 2015; and in the Planning Commission Memo dated December 17, 2015. Staff report sections 6.2 and 6.3, the Planning Commission Memo and the Board Agenda Letter/Memos dated May 3, 2016, June 21, 2016 and July 7, 2016 respectively, are hereby incorporated into this finding by reference. Therefore, the project is consistent with this finding.

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 Sierra Grande Rural Recreation project would result in a minimal amount of development and grading, no new buildings would be constructed on the project site, peak daily attendance at the project site for the zip line and ropes courses would be 80 visitors per day, and the requirement to implement a facility reservation system would distribute the number of people located on or traveling to the project site throughout the day. Due to the minimal amount of new development that is proposed and the low-intensity characteristics of the proposed recreation facility (i.e., low daily and peak hour traffic generation, minimal new structural development, and low number of visitors at the site at any particular time) the project would not substantially change the rural character of the project site.

The project would integrate into the project site's rural setting by making very minor physical changes to the site; would not require the removal of any active agriculture; and would not preclude the introduction of future agriculture operations on the project site. In addition, the maximum daily attendance limit of 80 participants per day and the facility reservation requirement would limit the number and concentration of people that would be on the project site and in the project area at any particular time. Regional access to the project site would be provided by U.S. Highway 101 and State Route 246, and local access would be from an existing private driveway. With the use of highways and a private driveway for site access, the Project would not increase traffic on rural roadways near the project site. Although the Project would be located in a rural setting, urban services that may be required by the Project and its participants, such as fire and law enforcement services would be provided by the County, and visitor-serving uses such as food and fuel, are available nearby in the cities of Solvang and Buellton.

The project would result in the installation of poles, wires and other related equipment. The proposed equipment would not be seen from off-site public viewing locations as protruding into the skyline, and due to the distance between the project site and nearby public roads (i.e., approximately 0.75 of a mile east of U.S. 101 and one mile south of SR 246) only the top portion of the support poles and guy wires would be partially visible from Highway 246 and the dark color of the support poles and guy wires would be subordinate in appearance to the surrounding geography. The proposed ropes course poles and structures would be located in and around an oak woodland, and as such would not be visible from off-site locations generally accessible to the public. Additional information regarding the compatibility of the project is provided in Section 6.2 (Comprehensive Plan Consistency) and Section 6.3 (Zoning: Land Use and Development Code Compliance) of the staff report dated October 15, 2015; and in the Planning Commission Memo dated December 17, 2015. Staff report sections 6.2 and 6.3, the Planning Commission Memo and the Board Agenda Letter/Memos dated May 3, 2016, June 21, 2016 and July 7, 2016 respectively, are hereby incorporated into this finding by reference. Therefore, the proposed poles, ropes, wires and other facilities would be subordinate to the scenic character of the area and the project is consistent with this finding.