

## **ATTACHMENT 1: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE**

The Board of Supervisors has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The 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 negative declaration and any comments received, the Board of Supervisors finds that through feasible conditions placed upon the Proposed Project, the significant impacts on the environment have been eliminated or substantially mitigated. 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 Planning and Development Department located at 624 W. Foster Road, Santa Maria, CA, 93455 and online at the following link: <https://cosantabarbara.box.com/s/uff5bzcs5bfp3fjx5zj41r541yqoq471>

#### **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 Proposed 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 and Development Plan Findings**

**A. Findings required for all Conditional Use Permits, and Preliminary and Final Development Plans.** In compliance with Subsection 35-82.060.F and 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, Minor Conditional Use Permit, Preliminary Development Plan, or Final Development Plan the review authority shall first make all of the following findings, as applicable:

**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 Board of Supervisors finds that 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. This finding can be made based on the historical use of the site, proposed site design, and environmental analysis completed for the Proposed Project. The subject property is a 0.82-acre parcel zoned Neighborhood Commercial and is located on the southeast corner of the Lakeview Orcutt Road intersection. The property was previously developed with a service station until 1999 when the operations ceased and the station was dismantled. The Proposed Project site continues to provide an adequate location for a service station, because the site configuration and size are adequate to accommodate the proposed structures while providing sufficient access and meeting the required setbacks of the zone district.

The Proposed Project complies with all applicable County policies and development standards including setbacks, site coverage, height, parking, and landscaping regulations as described in Sections 6.3 and 6.4 of the Staff Report dated July 20, 2021, and incorporated herein by reference. The proposal meets the intent of the zone, which allows a local service retail use such as a service station to be provided near residential uses. The location allows access from both Orcutt Road and Lakeview Road. The County Department of Public Works reviewed and approved the proposed driveway access and circulation for the site. Previous development on the property has left the site relatively flat, which minimizes the amount of required earthwork and allows for a balance of cut and fill operations during construction. The proposed structures will only occupy 22% of the total site. The site design will also allow stormwater runoff to be retained onsite pursuant to County requirements.

The Conditions of Approval included as Attachment 2 to the Board Letter dated March 8, 2022, incorporated herein by reference, ensure compatibility of the Proposed Project with neighboring residential and commercial development with regard to design review requirements, limitations on exterior lighting, and limitations on noise generation.

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

The Board of Supervisors finds that environmental impacts resulting from the proposed use will be mitigated to the maximum extent feasible. A Mitigated Negative Declaration (MND), Case No. 19NGD-00001, was prepared for the Proposed Project. The MND acknowledges that the Proposed Project will potentially impact Aesthetics/Visual Resources, Air Quality, Geologic Processes, Hazardous Materials/Risk of Upset, Noise, Transportation/Circulation, and Water Resources/Flooding. Mitigation measures proposed in the MND, and accepted by the Applicant, are expected to mitigate environmental impacts to less than significant levels and to the maximum extent feasible. These mitigation measures are incorporated in the conditions of approval for the Proposed Project.

The Board letter dated March 8, 2022, and incorporated herein by reference, contains the proposed final MND included as Attachment 3, as well as the mitigation measures incorporated into the Conditions of Approval included as Attachment 2.

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

The Board of Supervisors finds that adjacent streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. The intersections and roads affected by traffic generated by the Proposed Project include the following: 1) Orcutt Road, 2) Lakeview Road, 3) State Route 135 4) Orcutt Road / Lakeview Road intersection, and 5) State Route 135 / Lakeview Road – Skyway Drive intersection. The Proposed Project will generate an estimated total 1,656 average daily trips. Impacts to these roads and intersections will be mitigated to the extent feasible by the implementations of Condition of Approval No. 17 and the conditions recommended by the County Department of Public Works. Implementation of these measures will allow the intersections and roadways affected by the Proposed Project to continue to operate at an acceptable or improved level of service. Pinnacle Traffic Engineers prepared five transportation and circulation analyses (PTE 2017, 2018, 2019, May 2020, & August 2020) for the Proposed Project throughout the County’s review process included as Attachments 6, 7, 8, 9, and 13 to the proposed final MND (Attachment 3 to the Board Letter dated March 8, 2022, incorporated herein by reference). The County Planning and Development Department, County Public Works Department, CalTrans, and City of Santa Maria reviewed the 2019 and 2020 studies and the recommended mitigations and found that the mitigation measures adequately mitigate traffic impacts from the Proposed Project. The County Department of Public Works further determined traffic operations on Lakeview Road will not be affected by the 254 project-generated ADT specifically added to this roadway.

The Staff Report, dated July 20, 2021, and incorporated herein by reference, provides a comprehensive discussion of the Project’s consistency with applicable Traffic and Circulation policies with supporting documents included as Attachments 6, 7, 8, 9, and

13 to the proposed final MND (Attachment 3 to the Board Letter dated March 8, 2022, incorporated herein by reference).

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

The Board of Supervisors finds that there are adequate public services to serve the proposed development. Water for the Proposed Project will be provided by the Golden State Water Company. The Golden State Water Company issued a Can and Will Serve Letter for the Proposed Project on December 12, 2019. Sewage disposal will be provided by the Laguna County Sanitation District. The Laguna County Sanitation District provided an availability letter for the Proposed Project dated January 11, 2018. The Proposed Project will be served by the County Fire Department. The Proposed Project was reviewed and approved by the County Fire Department subject to conditions of approval listed in their letter dated November 27, 2019. The County Sheriff's Department and the California Highway Patrol will continue to serve the Proposed Project and surrounding area.

The Planning Commission Staff Report dated July 20, 2021 (Attachment 7 to the Board Letter dated March 8, 2022, incorporated herein by reference) includes the correspondence from the Golden State Water Company, Laguna County Sanitation District, and County Fire Department as Attachments K, L, and B, accordingly.

**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 Board of Supervisors finds that the Proposed Project will not be detrimental to the surrounding neighborhood and will be compatible with the surrounding area. The Proposed Project will be required to comply with all applicable regulations of the County Land Use Code and Orcutt Community Plan including lighting and noise requirements, which will reduce impacts to the surrounding uses. The Proposed Project is designed to be consistent with the Old Orcutt Design Guidelines and will be required to receive final approval from the North Board of Architectural review prior to issuance of any subsequent zoning clearances. Finally, the proposed final MND prepared for the Proposed Project analyzes impacts to the surrounding uses. Mitigations proposed in the MND are incorporated into the Conditions of Approval recommended for the Proposed Project. The Proposed Project will conform to all applicable County requirements to ensure that detrimental effects will not occur to the health, safety, comfort, convenience, and general welfare of the neighborhood.

The Planning Commission Staff Report, dated July 20, 2021 (Attachment 7 to the Board Letter dated March 8, 2022, incorporated herein by reference) provides a comprehensive discussion of the Proposed Project's consistency with applicable Land Use policies with anticipated impacts fully discussed in the MND, included as Attachment 3 to the Board Letter dated March 8, 2022, incorporated herein by reference.

**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.**

The Board of Supervisors finds that the Proposed Project complies with the requirements of the Land Use and Development Code and is consistent with all applicable policies and development standards of the Comprehensive Plan, and the Orcutt Community Plan as described in Sections 6.3 and 6.2 of the Planning Commission Staff Report dated July 20, 2021 (Attachment 7 to the Board Letter dated March 8, 2022, incorporated herein by reference). The Proposed Project site is located in the Orcutt Community Plan area within the Neighborhood Commercial (CN) zone. The proposal meets the intent of the zone by proposing a local serving retail use, such as a gas station, located near residential uses. The CN zone allows the proposed service station development, subject to the approval of a Minor Conditional Use Permit. As discussed in the Planning Commission Staff Report dated July 20, 2021 (Attachment 7 to the Board Letter dated March 8, 2022, incorporated herein by reference), the Proposed Project is consistent with all applicable policies of the Comprehensive Plan, Orcutt Community Plan, and County Land Use and Development Code.

The Planning Commission Staff Report dated July 20, 2021 (Attachment 7 to the Board Letter dated March 8, 2022, incorporated herein by reference) provides a comprehensive discussion of the Project's consistency with applicable policies of the Comprehensive Plan, Orcutt Community Plan, and Land Use and Development Code.

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

The Board of Supervisors finds that the Proposed Project will not conflict with any known public easements or public use of the property. Two sewer easements exist on the property. The Laguna Sanitation District has informed the applicants of possible future changes to sewer lines on the property. However, the Proposed Project as proposed will not interfere with these improvement plans. The Proposed Project will not conflict with rights-of-way provided for the purpose of pedestrian or vehicular access. No additional easements are known to exist on the property.