

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

1.1 DISAPPROVAL OF A PROJECT

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act pursuant to Section 15270 of the CEQA Guidelines. Please see Attachment C, Notice of Exemption.

1.2 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 Santa Barbara County Planning Commission, located at 624 West Foster Road, Santa Maria, CA 93455.

2.0 ADMINISTRATIVE FINDINGS

2.1 AMENDMENT TO THE DEVELOPMENT CODE, LCP AND ZONING MAP (REZONE) FINDINGS

Findings required for all Amendments to the County Land Use and Development Code, the Local Coastal Program, and the County Zoning Map. In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

2.1.1 The request is in the interests of the general community welfare.

The proposed Key Site 3 project would result in direct loss of wetland, coastal scrub, oak woodland, oak riparian and non-native grassland. The proposed project would also result in impacts to populations of wildlife through disruption of wildlife corridors as well as permanently alter the area identified for open space in the OCP. Mitigation Measures described in the Subsequent Final EIR would reduce impacts to the extent feasible. However, several impacts to the biological and visual resources would remain significant and unavoidable (Class I). Moreover, the proposed project would develop residential units within the area identified in the OCP for open space resulting in the creation of small, fragmented open-space areas rather than one large contiguous open-space area as required in the OCP Open Space Plan. These fragmented open-space areas are inconsistent with the policies that pertain to the protection of biological and visual resources as well as preserving the semi-rural character of the Orcutt area. Therefore, the requested rezone is not in the interest of the general community welfare.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

As discussed in Section 6.2 of the Planning Commission staff report dated December 2, 2011 (Attachment 5), herein incorporated by reference, the project is inconsistent with the Comprehensive Plan, including the Orcutt Community Plan. The project site is outside of the coastal zone and therefore does not involve a request to amend the Local Coastal Program.

2.1.3 The request is consistent with good zoning and planning practices.

The proposed project would develop residential units within the area identified in the OCP for open space resulting in the dispersal of residential development throughout the site thereby creating a series of small open-space areas rather than one large contiguous open-space area envisioned in the OCP. The small, fragmented areas of open space are: 1) inconsistent with OCP policies that pertain to the protection of biological resources and visual resources; and, 2) less desirable because they do not offer the same opportunities at preserving the semi-rural character of the Orcutt area as would be achieved with one large-contiguous open space. Therefore, the finding that the request is consistent with good zoning and planning practices cannot be made.

2.2 GENERAL PLAN AMENDMENT FINDINGS

Government Code Section 65358(a) requires a general plan amendment to be deemed in the public interest.

The proposed Key Site 3 project would result in direct loss of wetland, coastal scrub, oak woodland, oak riparian and non-native grassland. The proposed project would also result in impacts to populations of wildlife through disruption of wildlife corridors as well as permanently alter the area identified for open space in the OCP. Mitigation Measures described in the Subsequent Final EIR would reduce impacts to the extent feasible. However, several impacts to the biological and visual resources would remain significant and unavoidable (Class I). Moreover, the proposed project would develop residential units within the area identified in the OCP for open space resulting in the creation of small, fragmented open-space areas rather than one large contiguous open-space area as required in the OCP Open Space Plan. These fragmented open-space areas are inconsistent with the policies that pertain to the protection of biological and visual resources as well as preserving the semi-rural character of the Orcutt area. Therefore, the requested general plan amendment is not in the public interest.

2.3 SUBDIVISION MAP ACT FINDINGS

Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall deny the Orcutt Key Site 3 Map, Case No. 06TRM-00000-00004/TM 14,714 if

any of the following Subdivision Map Act Findings cannot be made:

2.3.1 *State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.*

As proposed, development of Key Site 3 would result in direct loss of wetland, coastal scrub, oak woodland, oak riparian, and non-native grassland. The proposed project would also result in the disruption of wildlife corridors as well as permanently alter the area identified for open space in the OCP. Mitigation Measures described in the Subsequent Final EIR, would reduce impacts to the extent feasible. However, several impacts to the biological and visual resources would remain significant and unavoidable. As discussed in Section 6.2 of the Planning Commission staff report dated December 2, 2011 (Attachment 5), herein incorporated by reference, the proposed project would develop residential units within the area identified in the OCP for open space resulting in the creation of small, fragmented open-space areas. The fragmented areas of open space are inconsistent with the policies that pertain to the protection of biological and visual resources as well as preserving the semi-rural character of the Orcutt area. Therefore, the finding that the project is consistent with general plan cannot be made.

2.3.2 *State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:*

a. *The proposed map is not consistent with applicable general and specific plans as specified in §66451.*

Refer to the discussion provided under Finding 2.3.1, above, herein incorporated by reference.

b. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

Refer to the discussion provided under Finding 2.3.1, above, herein incorporated by reference.

2.4 CHAPTER 21, COUNTY SUBDIVISION REGULATIONS

The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:

2.4.1 *Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation.*

Refer to the discussion provided under Finding 2.3.1, above, herein incorporated by reference.

2.5 DEVELOPMENT PLAN FINDINGS

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.

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

Refer to the discussion provided under Finding 2.3.1, above, herein incorporated by reference.

2.6 PLANNED RESIDENTIAL DEVELOPMENT FINDINGS

Additional findings required for sites zoned Planned Residential Development (PRD). In compliance with Subsection 35.82.080.E.5 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 for sites zoned PRD the review authority shall first make all of the following findings:

2.6.1 *The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including any applicable community or area plan policies.*

As discussed in Section 6.2 of the Planning Commission staff report dated December 2, 2011 (Attachment 5), herein incorporated by reference, the proposed project would develop residential units within the area identified in the OCP for open space resulting in the creation of small, fragmented open-space areas. The fragmented areas of open space are inconsistent PRD standards and OCP policies that pertain to the protection of biological and visual resources. Therefore, the finding that the project is consistent with PRD zone and general plan cannot be made.

2.6.2 *The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.*

The proposed project would develop residential units within the area identified in the OCP for open space resulting in the dispersal of residential development throughout the site thereby creating a series of small open-space areas rather than one large contiguous open-space area envisioned in the OCP. The small, fragmented areas of open space are: 1) inconsistent with OCP

policies that pertain to the protection of biological resources and visual resources; and, 2) less desirable because they do not offer the same opportunities at preserving the semi-rural character of the Orcutt area as would be achieved with one large contiguous open space. Therefore, the finding that structures are clustered to the maximum extent feasible cannot be made.

2.7 CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 35.82.060.E, a Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

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

Refer to the discussion provided under Finding 2.3.1, above, herein incorporated by reference.