

## **ATTACHMENT 1: FINDINGS FOR APPROVAL**

### **1.0 CEQA FINDINGS**

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

The Board of Supervisors has considered the 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 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 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 Clerk of the Board of Supervisors, located at 105 East Anapamu 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. The monitoring program is designed to ensure compliance during project implementation.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 REZONE**

A. 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 Board of Supervisors finds that the project is in the interests of the general community welfare. The project will update the subject parcel's zoning from Residential, 2-E-1 (two-acre minimum parcel size) to Residential, 1-E-1 (one-acre minimum parcel size) under the County's Land Use and Development Plan, a change in density that was envisioned in the Orcutt Community Plan (OCP) (incorporated herein by reference). The OCP recommended that the subject parcel be rezoned to allow a higher density of infill development to better accommodate the residential housing needs of the community, if access to the site were taken from OCP Key Site 7, to the south. The project takes access from an extension of Claret Lane, which is accessed from Black Oak Drive, located to the south on Key Site 7.

**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.**

The Board of Supervisors finds that the request is consistent with the Comprehensive Plan (including the Orcutt Community Plan), the requirements of the State planning and zoning laws, and the Development Code. Pursuant to the discussion in Sections 6.2 and 6.3 of the staff report dated September 21, 2017, herein incorporated by reference, the rezone is consistent with the Comprehensive Plan and with the requirements of the Zoning Ordinance (Land Use and Development Code) and with State land use law requiring vertical consistency between an agency's Comprehensive Plan and its Zoning Ordinance. The rezone does not involve an amendment to the Local Coastal Program.

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

The Board of Supervisors finds that the request is consistent with good zoning and planning practices. The proposed project will result in residential development of the same general density as the surrounding residentially zoned parcels, which range from approximately 0.2 to 5.0 acres in size. The rezone is consistent with good zoning and planning practice because it allows for infill development on the subject lot at a density that is consistent with direction provided for this parcel in the Orcutt Community Plan. The OCP directed the County to rezone the parcel from 2-E-1 to 1-E-1 as long as access could feasibly be taken from the south through Key Site 7. The lots are designed and conditioned to take access from the south through Key Site 7.

## **2.2 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)**

**A. Findings for all Tentative Maps.** In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Halsell Vesting Tentative Tract map, Case No. 15TRM-00000-00004 / TRM 14,819:

**2.2.1. State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The Board of Supervisors finds that the design of the subdivision provides for future passive or natural heating or cooling opportunities. Given the one-acre minimum parcel size of the lots, there will be sufficient area and exposure for future residential development on the site to be sited and designed to take advantage of solar exposure for natural heat and light and prevailing winds for natural cooling effects. There is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site.

**2.2.2. 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.**

The Board of Supervisors finds that the proposed subdivision and provisions for its design are consistent with the general plan. As indicated in sections 6.2 and 6.3 of the staff report dated September 21, 2017, incorporated herein by reference, with the implementation of the recommended conditions of approval, the proposed project is consistent with the applicable policies of the Comprehensive Plan and the Orcutt Community Plan. Adequate ingress/egress, infrastructure and services are available to serve the proposed lots. The sizes of the residential lots are consistent with that of the surrounding neighborhood and any future development will be required to undergo design review and to be compatible with neighboring land uses.

**2.2.3. 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.**

The Board of Supervisors finds that the proposed map is consistent with applicable general and specific plans as specified in §66451, and therefore, this finding cannot be made. As discussed in Sections 6.2 and 6.3 of the staff report dated September 21, 2017, incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment B, the project will be consistent with all applicable policies of the County's Comprehensive Plan, the Orcutt Community Plan, the Santa Barbara County Land Use and Development Code, and Chapter 21, the County Subdivision Ordinance.

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

The Board of Supervisors finds that the design and improvement of the proposed subdivision is consistent with applicable general and specific plans, and therefore, this finding cannot be made. As discussed in Sections 6.2 and 6.3 of the staff report dated September 21, 2017, incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment B, future residential improvements of the subdivision will be consistent with the County's Comprehensive Plan, and the Orcutt Community Plan.

**c. The site is not physically suitable for the type of development proposed.**

The Board of Supervisors finds that the site is physically suitable for the type of development proposed, and therefore, this finding cannot be made. As discussed in Sections 6.1, 6.2, and 6.3 of the Planning Commission staff report dated September 21, 2017, incorporated herein by reference, the proposed project is consistent with the zoning and density of development specified for Key Site B in the Orcutt Community Plan. The site is level to gently sloping, and does not contain any archaeological resources, large areas of native vegetation, or other constraints to the development of the five one-acre lots. According to the Mitigated Negative Declaration (17NGD-00000-00009, incorporated herein by reference), potential impacts that could result from proposed grading operations such as permanent changes to the topography will not be significant. Other grading-related impacts, such as increased erosion, impacts to biological resources, and views of graded areas, will be addressed through the conditions that require the implementation of an approved erosion control plan and the protection and replacement, if necessary, of native and non-native specimen trees, and any rare plants that are present at the time of development. Future single family residences will be required to receive BAR approval prior to Zoning Clearance and Building Permit issuance. As stated in Sections 6.2 and 6.3 of the Planning Commission staff report dated September 21, 2017 and incorporated herein by reference, adequate services are available to serve the newly created lots and associated development, and any potentially significant environmental

impacts have been mitigated to the maximum extent feasible. As such, the site can be found physically suitable for the proposed subdivision and future development.

**d. The site is not physically suited for the proposed density of development.**

The Board of Supervisors finds that the site is physically suited for the proposed density of development, and therefore, this finding cannot be made. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated September 21, 2017, incorporated herein by reference, Orcutt Community Plan Policy KSB-1 directed the County to “*consider redesignating/rezoning parcel 103-200-65 to Res. 1/E/1 if access to all new development on this parcel is provided from the south (on Key Site 7).*” The project will result in five, one-acre residentially zoned parcels that do not have major constraints to development and each have adequate area for a single family dwelling and associated accessory development. As determined by Finding 2.1.3.c above, adequate services are available to serve the newly created lots and associated development, and any potentially significant environmental impacts have been mitigated to the maximum extent feasible.

**e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The Board of Supervisors finds that the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and therefore, this finding cannot be made. As discussed in the Final Mitigated Negative Declaration dated September 21, 2017 (Attachment C), and Section 6.1 (Environmental Review) of the Planning Commission staff report dated September 21, 2017, incorporated herein by reference, any potentially significant environmental impacts resulting from the project are mitigated to less than significant levels. As a result, the design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**f. The design of the subdivision or type of improvements is likely to cause serious public health problems.**

The Board of Supervisors finds that the subdivision and proposed improvements are not likely to cause serious public health problems, and therefore, this finding cannot be made. As discussed in Sections 6.2 and 6.3 of the staff report dated September 21, 2017, incorporated herein by reference, the residential uses that will be developed on the site will not result in the use of hazardous materials or processes that will have the potential to result in significant public health impacts. Adequate water, utilities, and access are available to serve the proposed parcels. The project is not located within an area of historic flood hazards and has been reviewed by the County Fire Department, Flood Control District, Environmental Health Services, and Air Pollution Control District. The project's use of public sewers will reduce the potential for impacts to public water supplies to a less than significant level. Proposed conditions of approval will minimize construction-related air emissions, and project-related traffic will not result in impacts associated with localized increases in carbon monoxide concentrations. There are no identified or likely public health problems or hazards associated with the project. With the implementation of proposed conditions of approval, the project will not result in serious public health problems.

**g. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision**

The Board of Supervisors finds that the subdivision and proposed improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision, and therefore, this finding cannot be made. The project has onsite easements for access, utilities, and drainage. There are no easements acquired by the public at large on or through the project site. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the subdivision.

**2.2.4. State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:**

- (a) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5),**

**including an easement entered into pursuant to Section 51256.**

The Board of Supervisors finds that the subject parcels are not subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or any easements entered into pursuant to Section 51256.

**(b) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).**

The Board of Supervisors finds that the project is not subject to an open-space easement.

**(c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.**

The Board of Supervisors finds that the subject parcel is not subject to an agricultural conservation easement.

**(d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.**

The Board of Supervisors finds that the subject parcel is not subject to a conservation easement.

**2.2.5. State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The Board of Supervisors finds that discharge of waste from the proposed subdivision into an existing public sewer system will not result in violation of existing requirements prescribed by a California Regional Water Quality Control Board. The proposed project will be served by the Laguna County Sanitation District (LCSD) and is required to obtain a final Can and Will Serve Letter from LCSD prior to Zoning Clearance Issuance. Adherence to the requirements outlined in the LCSD's condition letter dated November 10, 2015, contained in Attachment B of this Planning Commission staff report dated September 21, 2017, and incorporated herein by reference, will ensure that the project's wastewater will not cause the LCSD to be unable to meet the RWQCB limits. The project will not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems.

### **2.3. TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)**

**A. The following findings shall be cause for disapproval of a tentative map but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant.**

**2.3.1. Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.**

The Board of Supervisors finds that the project does not include any easements or rights-of-way across proposed County streets.

**2.3.2. Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street.**

The Board of Supervisors finds that there is adequate width or improvement of access roads to the property, and that the project will not create a landlocked lot. The proposed subdivision has been designed so that lots resulting from the tentative map will not become landlocked. The five single family lots will be accessed from a new 36-foot-wide extension of a private drive (Claret Lane) that will connect to Black Oak Drive via a private access easement across APN 101-400-007 to the south (Vintage Ranch, Key Site 7). Roads are adequately designed for ingress and egress, and have been reviewed by the County Fire Department and Public Works Transportation Division.

**2.3.3. Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view.**

The Board of Supervisors finds that the project will not result in cuts or fills with steep slopes or great heights as to be unsafe or unattractive to view. The

proposed parcels are generally level or gently sloping. As a result, the subdivision and associated infrastructure improvements will not create steep slopes or heights that will be unsafe under the circumstances or unattractive to view.

**2.3.4. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors.**

The Board of Supervisors finds that grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board. The project is conditioned (Condition No. 26 of Attachment B.1 to the Planning Commission staff report dated September 21, 2017, and incorporated herein by reference) to not allow grading or construction work to be permitted prior to recordation of the tentative map.

**2.3.5. Potential creation of hazard to life or property from floods, fire, or other catastrophe.**

The Board of Supervisors finds that the Tentative Tract Map will not create any hazards to life or property from floods, fire, or other catastrophes. Future development will be required to meet County Fire Department standards for defensible space and water supply for fire suppression purposes. Additionally, the County Flood Control and Fire Departments have reviewed the project and have submitted conditions included in Attachment B. Further, the areas identified for development are not located within any identified flood zones and setbacks from adjacent creeks and drainages will ensure that life and property are protected from flood hazards.

**2.3.6. Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation.**

The Board of Supervisors finds that the project will not result in a nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation. As discussed in Sections 6.2, and 6.3 of the staff report dated September 21, 2017, incorporated herein by reference, compliance with the project description and required conditions of approval will ensure that the design and improvements of the subdivision and future development are consistent with the County's Comprehensive Plan, Orcutt Community Plan, and the Land Use Development Code. The Tentative Tract Map will not affect the alignment of a state highway.

**2.3.7. Creation of a lot or lots which have a ratio depth to width in excess of 3 to 1.**

The Board of Supervisors finds that the the project will not result in lots that have a ratio depth to width in excess of 3 to 1.

**2.3.8. Subdivision designs with lots backing up to watercourses.**

The Board of Supervisors finds that the proposed subdivision will not result in lots backing up to watercourses because there are no watercourses on the subject property.

- B. Pursuant to Chapter 21-8 of the Santa Barbara County Code, a tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.**

The Board of Supervisors finds that the map design and improvement of the proposed subdivision are consistent with the LUDC, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan (including the Orcutt Community Plan), the applicable zoning ordinance, and other applicable County regulations. The tentative map was evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2 and 6.3 of the staff report dated September 21, 2017, herein incorporated by reference. As discussed in these sections, the subdivision and associated infrastructure improvements are consistent with the County's Comprehensive Plan, Orcutt Community Plan, Santa Barbara County Land Use and Development Code, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. Finding 2.1 above, herein incorporated by reference, discusses the tentative map's consistency with applicable provisions of the State Subdivision Map Act.