

ATTACHMENT 1: FINDINGS

CEQA FINDINGS

4.1. CONSIDERATION OF THE MITIGATED 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 Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

4.2. FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the Mitigated 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.

4.3. 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 E. Anapamu Street, Room 407, Santa Barbara CA, 93101.

4.4. 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. 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:

2.1.1 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 subject parcel is located within the rural area of the County and contains approximately 1,000 sq. ft. of existing development consisting of the Alma Rosa tasting room building (converted to agricultural storage), and an agricultural storage building. At 101.66 gross acres, the subject parcel is adequately sized and shaped to accommodate the 13,960 sq. ft. winery. The winery will be located in a pre-disturbed area of the parcel adjacent to the existing Alma Rosa Tasting Room Building (converted to agricultural storage).

The subject parcel is constrained topographically as the majority of the parcel contains slopes exceeding 20%. The project site location was selected as it contains slopes of less than 10%, and building in this location will minimize grading activities associated with the project to the maximum extent feasible. This area of the parcel is not visible from Santa Rosa Road, and adequate access, water, and sanitary services will be available to accommodate the density and intensity of the proposed winery uses.

In addition, the physical characteristics of the project site are adequate to accommodate the density and intensity (i.e. the production of 9,500 cases of wine, six annual special events, and 24 organized gatherings) as described in the Revised Final Mitigated Negative Declaration, dated March 15, 2016. The Final Mitigated Negative Declaration concludes that with the incorporation of identified mitigation measures, the project will result in less than significant impacts on the environment. Please also refer to the March 15, 2016 Board Agenda Letter, incorporated herein by reference, for discussion in support of this finding. Therefore, this finding can be made.

2.1.2. Adverse impacts will be mitigated to the maximum extent feasible.

The Final Mitigated Negative Declaration prepared for the project, 14NGD-00000-00018 (Attachment-3 of the March 15, 2016 Board Letter, incorporated herein by reference), identified potentially significant, but mitigable impacts to Aesthetics/Visual Resources, Biological Resources, Geologic Processes, Noise, Public Facilities, Transportation/Circulation, and Water Resources/Flooding. Adherence to required mitigation measures will ensure that adverse impacts are reduced to less than significant levels and mitigated to the maximum extent feasible. Therefore, the project is consistent with this finding.

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

As detailed in Section 4.15 of the Revised Final Mitigated Declaration dated March 15, 2016, and incorporated herein by reference, and in the Revised Traffic Study Addendum for the Santa Rosa Winery, Stantec, February 1, 2016 (peer reviewed and accepted by Santa Barbara County Public Works-Transportation staff) streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. Specifically, Santa Rosa Road will continue to operate at Level of Service (LOS) A following implementation of the proposed project, sight distance at the project entry is sufficient, collisions on Santa Rosa Road are below the statewide average, and the roadway would operate consistent with sound standards for quality of life.

The results of the traffic report conclude that the project will generate a net increase of 21 Average Daily Trips (ADTs) and 5 PM Peak Hour Trip (PHT) on weekdays, and 124 ADTs and 33 Midday PHTs on weekends. Winery Special Events are expected to generate up to 150 trips per event, and private organized gatherings will generate up to 50 trips per gathering. Based on the Stantec traffic analysis and County Environmental Thresholds, the additional traffic generated by the winery will not change the existing LOS A on Santa Rosa Road.

The available corner sight distance from the project driveway to the east is 660' and to the west, 770'. At the posted speed limit of 55 miles per hour, these distances are adequate for exiting vehicles to safely enter the roadway. In addition, sufficient

stopping distance is provided for vehicles traveling westbound on Santa Rosa Road to decelerate and stop for a vehicle waiting to turn left into the project driveway.

The Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 1, 2016) found that, with 30 accidents over the most recent 5 year period (SWITRS 2010-2014), *"The collisions rate for Santa Rosa Road is 1.65 collisions per million vehicle miles traveled (MVM), which is slightly lower than the expected collision rate of 1.71 collisions per MVM contained in the Highway Safety Improvement Program (HSIP) Guidelines 1 for the roadway type"* In addition, based upon detailed review of the SWITRS data, Public Works-Transportation staff did not find any demonstrable pattern in the collisions that could be corrected through a capital improvement (i.e. road widening, additional signage, etc.). Furthermore, Public Works staff reviewed existing roadway signage in the area and found that the existing signage meets national MUTCD (Manual of Uniform Traffic Control Devices) standards and therefore no additional signage is recommended.

In addition to traffic thresholds, which the project would not exceed, the Santa Barbara County Environmental Thresholds and Guidelines Manual contains Quality of Life Guidelines. The Environmental Thresholds and Guidelines Manual states *" . . . on a case by case basis, the elements comprising "quality of life" shall be considered. Where a substantial physical impact to the quality of the human environment is demonstrated, the project's effect on 'quality of life' shall be considered significant.* For guidance in determining quality of life impacts, it is useful to refer to the policy capacity set by the Circulation Element. Per the Circulation Element, *"policy capacity is limited not by the physical capacity of the roadway, but rather by the desirability of maintaining an acceptable traffic level which will not adversely affect residential neighborhood qualities."* Therefore, the policy capacity is set lower than the physical "design capacity" of the roadway in order to avoid adverse effects to residential areas. The Santa Barbara County Circulation Element (CE) sets a policy capacity of 5,000 ADT for roadways which are designed to provide principal access to residential areas. Residential areas are the most sensitive to quality of life impacts, and therefore applicability of the 5,000 ADT policy capacity to the rural agricultural area where Santa Rosa Winery is located, is a particularly conservative measure for assessing quality of life impacts. The Traffic Study Addendum found that Santa Rosa Road (with 666 ADT on weekdays and 617 ADT on weekends) would continue to operate at Level of Service (LOS) A during regular operations. Special events (6 per year) and organized gatherings (24 per year) are expected to generate up to another 150ADT and 50 ADT, respectively. During regular operations and during special events/organized gatherings, the ADT on Santa Rosa Road would be well below both the policy capacity of 5,000 ADT and the design capacity of 6,250 ADT. Therefore, pursuant to the criteria established by the County Thresholds and Guidelines Manual and the Circulation Element, following implementation of the project and reasonably foreseeable projects, Santa Rosa Road would operate at an acceptable level that would not adversely affect residential neighborhood qualities.

As discussed above, and according Traffic Study Addendum, and the Santa Barbara County Transportation Division of Public Works, Santa Rosa Road is adequately and properly designed to carry the type (cars and trucks), and quantity of traffic generated by the proposed winery. Please also refer to the March 15, 2016 Board Agenda Letter, incorporated herein by reference, for discussion in support of this finding. Therefore, this finding can be made.

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

Water for the winery, including fire suppression, will be provided by an existing water well (Well #2) located on the north side of Santa Rosa Road. A separate well (Well #1), also located on the north side of Santa Rosa Road provides the vineyard irrigation water. Santa Barbara County Environmental Health Services reviewed the existing water well #2, and determined that it is adequate to support the project's projected water demand of 1.95 Acre Feet per Year (AFY). The water wells obtain water from the Santa Ynez River Alluvial Basin. According to the County of Santa Barbara Groundwater Basins Status Report (Public Works Department Water Resources Division, October 14, 2014), the Santa Ynez River Alluvial Basin is not in a state of overdraft. Therefore, adequate water is available for the proposed project.

The proposed wastewater treatment system will consist of two (2) independent septic systems and will utilize reuse and dry wells for disposal. Production wastewater from the winery will be directed to a proposed California Regional Water Quality Control Board (RWQCB) approved waste discharge system. The wine process wastewater from the winery production building will be treated and disposed of in a system consisting of a screen filter, 1200 gallon septic tank, and landscape irrigation field. Domestic wastewater will be directed to a proposed septic system in conformance with Environmental Health Services (EHS) requirements. Domestic wastewater from the wine production building, tasting building, and future main residence will be treated and disposed of with a 4500 gallon septic tank, approximately 1600 foot sewer line, and a series of dry wells. Solid waste from wine production (leaves, stems, skins) will be composted and distributed in the vineyard as fertilizer in accordance with an EHS approved Solid Waste Management Plan.

Access to the winery will be provided by an existing 24 foot wide private driveway of approximately 2,750 feet in length accessed from Santa Rosa Road. Fire Protection will be provided by the Santa Barbara County Fire Department Station #31 located at 168 W. Hwy 246 in Buellton. Police protection will be provided by the Santa Barbara County Sheriff's Department. All necessary services are adequate or available to serve the proposed project. Therefore, 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 not be incompatible with the surrounding area.

The project site is located in an agricultural zone district (AG-II-100) that allows wineries subject to the discretionary approval of a Final Development Plan. The project conforms to County policies to promote agricultural uses and support agricultural expansion and intensification in appropriate locations. The winery development is located adjacent to agriculturally zoned parcels containing agricultural uses (vineyards, grazing, equestrian uses), and low intensity residential uses.

The applicant has requested a setback reduction pursuant to LUDC Section 35.42.280.C. This provision allows the Review Authority to grant reduced setbacks if findings are made to the effect that potentially significant environmental impacts or significant topography or native vegetation would be avoided.

The subject parcel is constrained topographically as the majority of the parcel contains slopes exceeding 20%. The proposed project would be constructed in a pre-disturbed area of the parcel adjacent to the existing Alma Rosa tasting room building (converted to agricultural storage). This area of the parcel is not visible from Santa Rosa Road. The site has historically been used as a dairy and more recently for wine tasting activities associated with the Alma Rosa tasting room.

Building the winery in this location would minimize grading activities to the maximum extent feasible, and would allow the project to be setback from the adjacent blue line creek and outside of the existing 40 foot wide ingress and egress easement which is located along the existing access road to the west of the project site. Other areas on the parcel where the winery could be constructed would require excessive grading, would be highly visible from Santa Rosa Road and/or would require the removal of existing vineyards planted on the parcel.

In order to minimize potential impacts to neighboring properties, no amplified music would be allowed in conjunction with winery special events and private organized gatherings, and no outdoor amplified music would be allowed in conjunction with public wine tasting. Proposed winery special events and gatherings would be primarily conducted on the wine tasting building outdoor patio, which is located approximately 320 ft. from the nearest offsite residence. The patio area is visually and largely acoustically shielded from the nearest offsite residence by the production and tasting buildings.

The Revised Final Mitigated Negative declaration dated March 15, 2016 concludes that with identified mitigation measures and implementation of the required mitigation monitoring program, project impacts on the environment are less than significant. Structural designs, project siting, and appropriate conditions of approval have been incorporated into the project in order to avoid any detrimental effect to the neighborhood, and incompatibility with the surrounding areas. Please also refer to the March 15, 2016 Board Agenda Letter, incorporated herein by reference, for discussion in support of this finding. Therefore, 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.

As discussed in Section 6.4 of the Planning Commission staff report dated September 21, 2015, incorporated herein by reference, with the approval of the request for a modification allowing for a reduction in the winery setback requirements, the project complies with the requirements of the Land Use and Development Code (LUDC), including height limits and setbacks. As discussed in Section 6.3 of the Planning Commission staff report dated September 21, 2015, incorporated herein by reference, the project, as conditioned, is consistent with the applicable policies and development standards of the Comprehensive Plan. Please also refer to the March 15, 2016 Board Agenda Letter, incorporated herein by reference, for discussion in support of this finding. Therefore this finding can be made.

2.1.7. 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 located within the rural area as designated on the Comprehensive Plan maps. Adjacent parcels are located within the rural area, and are zoned AG-II-

100. These parcels contain land uses consisting of vineyards, agriculture, and low intensity rural residential development.

The winery will be located within a 0.5 acre pre-disturbed area of the 101.66 gross acre parcel. This area is located outside of the view-shed of Santa Rosa Road. The winery is designed with a maximum height of 29.5 feet and is designed with rural/agrarian architectural elements including low roof lines, wooden and stone siding, wooden barn doors, and a corrugated metal roof. The project is conditioned (condition no. 4) to require that any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. No amplified music is allowed in conjunction with winery special events and gatherings, and no outdoor amplified music is allowed in conjunction with the wine tasting use.

In order to intensify and support the existing vineyard operation on the subject parcel, the winery is proposing to produce up to 9,500 cases of wine annually within the proposed 10,540 sq. ft. wine production facility. The wine produced at the facility would come from grapes grown on the property (30 acres of existing vineyard plus an additional 55 acres planned for installation in the future), as well as other agricultural lands in Santa Barbara and San Luis Obispo Counties. The area of the winery proposed for wine production (10,540 sq. ft.) is equivalent to 75.5% of the total winery structural development proposed (13,960 sq. ft.). In addition, the construction of the proposed project would not hinder or diminish the agricultural capabilities or potential of the project site or take any land out of agricultural production. Please also refer to the March 15, 2016 Board Agenda Letter, incorporated herein by reference, for discussion in support of this finding. Therefore, as conditioned, the proposed project will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural area, and this finding can be made.

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

No public easements are located on the subject parcel. A private 40 foot ingress and egress easement in favor of APN's 083-170-014, and 083-170-017 is located on the existing 24 foot wide access road to the winery. The project is designed so as to not conflict with this easement, and it will remain available for private access through the property.

A. 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.

The project consists of a Final Development Plan, and does not involve a previously approved Preliminary Development Plan; therefore, this finding is not applicable.

B. Additional finding required for a modification to the winery setback requirements per LUDC Section 35.42.280.D.2.c which states: The setbacks

may be reduced by the review authority provided any of the following findings are made. However, the setbacks shall not be reduced to below that which is normally required by the applicable zones or Article 35.2 (Zones and Allowable Land Uses).

- (1) There is not a feasible way to meet the required setbacks without creating a significant environmental impact or impacting prime agricultural land (i.e., Soil Conservation Service Class I and II).
- (2) The setback distances are not practical or feasible due to existing topographic conditions or onsite vegetation.
- (3) The setback reduction is proposed for a legally constructed existing structure, and as indicated below.
 - (a) It can be clearly demonstrated that the structure was intended to be used for a legitimate agricultural or residential use, and
 - (b) The use of the structure as part of a winery operation shall not adversely affect neighboring properties.
- (4) The setback reduction is proposed for a structure that is part of an existing nonconforming winery operation and proposed additions to the structure are located no closer to the closest property line than the existing structure is located.

The applicant is requesting modifications to the winery setback requirements as follows: 1) Reduction of the 200 foot setback from the adjacent property line to 70 feet at the closest outdoor use area associated with the winery (winery parking lot); 2) Reduction of the 400 foot setback from the nearest offsite residence under separate ownership to 200 feet at the closest outdoor use area (winery parking lot) associated with the winery.

The subject parcel is constrained topographically as the majority of the parcel contains slopes exceeding 20%. The project will be constructed in a pre-disturbed area of the parcel adjacent to the existing Alma Rosa tasting room building (converted to agricultural storage). This area of the parcel is not visible from Santa Rosa Road and has historically been used as a dairy and more recently for wine tasting activities. Building the winery in this location will minimize grading activities to the maximum extent feasible, and will allow the project to be setback from the adjacent blue line creek and outside of the existing 40 foot wide ingress and egress easement which is located along the existing access road to the west of the project site. Other areas on the parcel where the winery could be constructed would be highly visible from Santa Rosa Road, would require the removal of existing vineyards planted on the parcel which could impact prime agricultural land, and/or would require extensive grading activities which has the potential to create a significant environmental impact.

One residential unit is located within the required 400' setback. The next closest offsite residences are located at a distance of approximately 580 ft. and 2,100 ft., which is in conformance with the winery setback requirements. Proposed special events and gatherings would be primarily conducted on the wine tasting building outdoor patio, which is located approximately 320 ft. from the nearest offsite residence. The patio area is visually and largely acoustically shielded

from the nearest offsite residence by the production and tasting buildings. In order to minimize potential impacts to neighboring properties, no amplified music is allowed in conjunction with winery special events and private organized gatherings, and no outdoor amplified music is allowed in conjunction with public wine tasting.

The AG-II-100 zone district requires that new development and uses conform to the following setback requirements: Front - 50 feet from the road centerline and 20 feet from the edge of right-of-way; Side - 20 feet; Rear - 20 feet. The winery complies with the AG-II-100 setback requirements as it will be setback 70 feet from the adjacent property line to the west (side), 1,200 feet from the existing property lines to the south and east (rear, side), and 2,000 feet south of the edge of the Santa Rosa Road right-of-way (front). Therefore, this finding can be made.