

**FINDINGS and STATEMENT OF OVERRIDING
CONSIDERATIONS
for the amended
UNIFORM RULES FOR AGRICULTURAL
PRESERVES AND FARMLAND SECURITY ZONES,
December 5, 2006**

I. PROJECT DESCRIPTION

This project comprises adoption by the Santa Barbara County Board of Supervisors of the updated, reformatted and amended *Uniform Rules for Agricultural Preserves and Farmland Security Zones*, December 2006.

The Uniform Rules are a set of rules by which Santa Barbara County administers its Agricultural Preserve Program under the California Land Conservation Act of 1965, also known as the Williamson Act. The Uniform Rules outline the requirements for land participating in the Agricultural Preserve Program, including eligibility requirements, residential allowances, compatible uses, and administrative provisions for terminating or amending contracts. The Uniform Rules Update proposes to change several aspects of the Uniform Rules in order to meet the following objectives: 1) bring the Uniform Rules into conformance with recent legislative amendments to the Williamson Act; 2) address discrepancies in the Uniform Rules that were identified in a 2001 audit by the California Department of Conservation (DOC); 3) ensure the integrity of the Agricultural Preserve Program; and 4) increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program.

II. PROCEDURAL HISTORY

The Board of Supervisors finds that the Uniform Rules was prepared pursuant to the following process:

- A. In April 2003, the Board of Supervisors directed the Comprehensive Planning Division to work with the Agricultural Preserve Advisory Committee (APAC) and members of the agricultural community to update the Uniform Rules to bring them into conformance with the legislative amendments to the Williamson Act, and to consider additional changes requested by local agricultural community representatives that would be beneficial to the

Agricultural Preserve Program and the long-term viability of agriculture in Santa Barbara County.

- B. The APAC held a series of 31 special meetings between May 2003 and August 2004 through which the APAC and interested members of the public discussed and developed the draft Uniform Rules recommended by the APAC for purposes of environmental review.
- C. A Notice of Preparation (NOP) for the Environmental Impact Report (EIR) was issued on August 24, 2004 for a 30-day public scoping period which closed on Thursday, September 23, 2004.
- D. Pursuant to the California Environmental Quality Act Guidelines, Section 15060 (d), a Draft Environmental Impact Report (04EIR-08, SCH#2004081159) was released for public review on August 1, 2005. Noticed public comment hearings on the Draft EIR were held on October 17 and 18, 2005. The public comment period for the Draft EIR closed on October 31, 2005 after a 90-day period.
- E. In response to public comments, revisions were made and the Proposed Final EIR was released on August 25, 2006.
- F. The APAC reviewed and revised the draft Uniform Rules in light of the public comments and proposed mitigation measures from the environmental process in a publicly notified meeting on August 7, 2006.
- G. The APAC conducted a final review and voted on their recommendation to the Board at their regularly scheduled (public) meeting of October 6, 2006.
- H. The Board of Supervisors considered the Uniform Rule amendments and proposed Final EIR during a public hearing on December 5, 2006.
- I. On December 5, 2006 the Board of Supervisors adopted the final amendments to the Uniform Rules. The Board also certified the Final EIR and Revision document dated December 5, 2006 and approved the Mitigation Monitoring and Reporting Plan.

III. PLANNING FINDINGS: GENERAL

The Board of Supervisors finds that:

A. The requested amendments are in the interest of the general community welfare

1. Agriculture is the largest industry in Santa Barbara County accounting for \$997,600,578.00¹ in revenue. Approximately 555,000 acres or 74% of privately owned agriculturally-zoned land in the County are enrolled in the Agricultural Preserve Program. While the extent of acreage under Williamson Act contract is indicative of the strength of the County's Agricultural Preserve Program, the update to the Uniform Rules will serve to bolster agriculture as a viable industry and preserve agriculture and open space into the future by increasing the flexibility and range of uses allowed and the types of lands eligible for enrolment in the County's Agricultural Preserve Program.
2. The Agricultural Preserve Program in Santa Barbara County provides tax benefit to those under contract and helps to preserve the agricultural and open space areas of the County. Bringing the Uniform Rules into conformance with legislative amendments will serve to ensure that contract holders are in compliance with the Williamson Act.
3. Adding the Mountainous Area land use designation and Mountainous zone district to the eligibility criteria expands the opportunities for enrollment into the Program and thus provides an incentive for additional land in the County to be engaged in agriculture. This change will benefit the Agricultural Preserve Program by bringing more agricultural land into the Program and protecting it in the long-term.
4. The 2001 audit of the County's program by the Department of Conservation (DOC) identified discrepancies in the Uniform Rules which have been addressed in the amended Uniform Rules thereby ensuring the integrity of the Program and its compliance with the Act.
5. The amended Uniform Rules propose revised agricultural production and reporting requirements. These changes will help to limit participation in the Agricultural Preserve Program to active farming and ranching operations involved in commercial agriculture in compliance with the Act.

¹County of Santa Barbara, Agricultural Commissioner's Office
<http://www.countyofsb.org/agcomm/cropRpt/2005.pdf>

6. Increased production requirements on superprime parcels between 10 and 20 acres could lead to more land devoted to agriculture south of the Santa Ynez Mountains (primarily in the Carpinteria Valley), thereby helping to ensure the continued viability of coastal agriculture. This increase in acreage provides a higher standard for agricultural productivity on superprime parcels by increasing commercial agricultural activity.
7. The Uniform Rules' allowance for additional opportunities for facilities involved in the preparation of raw agricultural products has the potential to positively affect various sectors of the agricultural economy. The location of facilities closer to the growing areas would reduce the amount of time and fuel for hauling crops from harvesting sites to the packing, cooling facilities, and other support services which would make agriculture more efficient and profitable. Decreasing agricultural costs and increasing economic efficiency would result in the ability of local farms to compete more successfully in the marketplace. Consumers would also benefit from increased freshness of products.
8. The increased opportunities for packing, processing, and cooling facilities available under the Uniform Rules has the potential to result in more jobs in the agricultural sector by expanding employment in agricultural support related areas. Such opportunities may assist in reducing the existing housing / jobs imbalance, particularly in the North County.
9. The inclusion of opportunities for small-scale processing beyond the raw state of products other than wine grapes grown on-site to the level allowed under the amended Uniform Rules will allow growers to include value-added production that will increase viability of individual farming operations and contribute to the regional economy.
10. The Uniform Rules' allowance for expanded development sites for wineries has the potential to reduce the shortage of local wine processing capacity estimated to be approximately 2.85 million cases of wine county-wide. These amendments will contribute to the sustainability and viability of individual agricultural operations by allowing for increased local wine processing of grapes grown within the County on contracted land, as well as strengthening the regional agricultural economy through increased employment opportunities, income stream and capital investment.
11. The allowance for commercial composting facilities as a compatible use will beneficially affect County agricultural resources by: 1) allowing for more convenient receiving locations for the composting of agricultural waste (i.e. feedstock), and 2) providing more affordable agricultural compost tailored to local conditions and enhancing soil productivity.

12. Removal of sanitary landfills and golf courses as compatible uses on contracted land will benefit agriculture by ensuring these uses do not take contracted agricultural land out of production or result in potential conflicts with surrounding land uses or existing development.
13. The amended Uniform Rules seek to facilitate reasonable residential development for multi-generational farm families.
14. The allowance for small-scale guest ranches incidental to the principal agricultural operation on the premises will make the opportunity granted by the State in the 1999 Agricultural Homestay Act available to more agriculturist in the County providing additional income supplemental to agricultural income and increasing understanding and appreciation by the public for where their food comes from. To ensure the small-scale guest ranch use is incidental to the primary agricultural production on the contracted premises, the amended Uniform Rule: 1) limit guest ranches to rural lands zoned AG-II, 2) limit the guest ranch units to existing structures within the residential envelope, and 3) require project review for consistency with the Principles of Compatibility (Gov. Code 51238.1).

B. The request is consistent with the Comprehensive Plan, Coastal Land Use Plan, and the requirements of the State planning and zoning laws.

1. The Update to the Uniform Rules has been determined to be consistent with all applicable policies of the Comprehensive Plan, the Land Use and Agricultural Elements and the Coastal Land Use Plan. For example, there are numerous policies in the Agricultural Element which require the preservation of agriculture lands, the maintenance of prime soils in agricultural uses and the preservation of a rural economy. This program serves to further these policy goals for lands zoned for agriculture and under Williamson Act contract.
2. The small-scale processing beyond the raw state of produce (other than wine grapes) grown onsite is limited to 1% of the parcel or 1 acre, whichever is less, is consistent with the Santa Barbara County Code Chapter 35, Sec. 35.21.030.E and 35.421.030.E – uses, buildings, and structures accessory and customarily incidental to the permitted uses – for both the AG-I and AG-II zones.

IV. CEQA FINDINGS: GENERAL

- A. The Environmental Impact Report for the Update to the Uniform Rules project has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general requirements of the Uniform Rules and the effects that may be expected to follow from the adoption of the amendments to the Uniform Rules. The EIR is not as detailed as an EIR for a specific project that might follow.
- B. The California Environmental Quality Act requires analysis of potential direct impacts, but also of potential indirect impacts or secondary effects which the proposed Project may reasonably result in, even though later in time or farther removed in distance. In light of these principles, the EIR discussed and classified the potential indirect, secondary effects resulting from the proposed amendments and from cumulative and regional development that may subsequently occur during the life of the program.
- C. The Final EIR identified direct and indirect beneficial impacts attributable to the amended Uniform Rules.
- D. The Uniform Rules mitigates the environmental impacts to the maximum extent feasible as discussed in the following findings made herein. Where feasible, changes have been made in the proposed amendments that are intended to either avoid or substantially decrease significant environmental impacts identified in the EIR.
- E. The EIR identified mitigation measures to reduce potentially significant impacts which may occur as a result of development or other activities allowed by the amendments to the Uniform Rules. During the process of incorporating these mitigation measures into the Uniform Rules several types of actions were taken. Each action results in one of the following:
 - 1. The mitigation measure has been directly incorporated into a section of the amended Uniform Rules;
 - 2. The mitigation measure has been subsumed into or is covered by another rule or section within a rule in the amended Uniform Rules;
 - 3. The intent of the mitigation measure is already satisfied by existing policies and practices of the County;

4. The mitigation measure has not been included in the amendments to the Uniform Rules as it is considered infeasible;
5. The mitigation measure has been modified prior to incorporation into the amended Uniform Rules.

These actions have not reduced the effectiveness of the mitigation; rather they have helped to clarify, reduce redundancies, and/or increase the efficacy of the measures.

- F. The Board of Supervisors of Santa Barbara County has examined the Proposed Final EIR (04-EIR-08) including the EIR Revision Document (04-EIR-08 RV1) and finds that these documents have been prepared in compliance with the requirements of CEQA and hereby confirms that these documents taken together constitute a complete, accurate, adequate and good faith effort in full disclosure under CEQA, in addition to reflecting the independent judgment of the Board of Supervisors. Revisions to the proposed project and the Final EIR have not changed conclusions in the EIR requiring recirculation.
- G. The Board also finds that the Final EIR contains analysis of a range of reasonable alternatives to the project description including a no project alternative.
- H. 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, California 93101.
- I. A Mitigation Monitoring and Reporting Plan for the Update to the Uniform Rules for Agricultural Preserves and Farmland Security Zones has been adopted pursuant to the requirements of the Public Resources Code Section 21081.6 to ensure implementation of the adopted mitigation measures to reduce significant impacts on the environment, and is included as an attachment to the EIR Revision Document (04-EIR-08 RV1) dated December 5, 2006.

V. FINDINGS THAT CLASS I SIGNIFICANT UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Environmental Impact Report for this project identified several significant environmental impacts that cannot be fully mitigated and are therefore considered unavoidable. These impacts are related to: 1) Agricultural Resources; 2) Visual Resources; 3) Transportation and Circulation; 4) Air Quality; and 5) Groundwater Resources. To the extent these impacts remain significant and unavoidable; such impacts are acceptable when weighed against the overriding social, economic, legal, technical and other considerations set forth in the Statement of Overriding Considerations, included in Section VIII in this document. The “Class I” impacts identified in the EIR are discussed below, along with the appropriate findings per CEQA Guidelines Section 15091.

A. Agricultural Resources and Land Use

Impacts: The EIR identified significant impacts to conversion of agricultural soils associated with development (Impact AG-1, including cumulative impacts); and land use conflicts where large-scale wineries, large-scale preparation facilities, agricultural support facilities developed within an AIO, commercial composting facilities, and special events are proposed on or adjacent to agricultural lands actively engaged in cultivation or grazing operations (Impact AG-2).

Mitigation Measures: In addition to the goals, policies, actions and development standards of existing county-wide plans, the EIR identified five measures that would partially mitigate the above-described impacts. These measures have been addressed as follows:

Mitigation AG-1 (AIO shall not exceed 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-6.D: Agricultural facilities developed within an Agricultural Industry Overlay (AIO) shall only be approved if the Board of Supervisors finds that the AIO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land.

Mitigation AG-2 (Commercial composting not exceed 35-acre development envelope): The measure as presented in the EIR has been modified and substantially incorporated into the Uniform Rules as follows:

Uniform Rule 2-7.B.6: The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.

Mitigation AG-3 (Preparation/processing 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the following Uniform Rules sections below. Rule 2-2.1 has been reformatted so that subpart A pertains solely to preparation facilities and subpart B pertains solely to wineries.

Uniform Rule 2-2.1.A.1 (Preparation facility): The facility does not exceed 50% of the parcel or 30 acres, whichever is less, except the Board of Supervisors may allow a preparation facility to exceed 50% of the parcel if it finds that a substantial benefit to the agricultural community and the public can be demonstrated. However, in no case shall the facility exceed 30 acres. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production.

Uniform Rules 2-2.1.B.3 (Processing of Wine Grapes): For premises 500 acres or less, that such uses do not occupy land exceeding 10% of the premises or 5 acres, whichever is less. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production.

Mitigation AG-4 (Superprime contract development envelope limitation): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Mitigation AG-5 (Special events limited to 4 events per year and 200 guests per event): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Mitigation AG-6 (Additional principal dwelling envelope limitation): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Mitigation AG-7 (Preparation facility minimum agricultural production requirement): The measure as presented in the EIR has been modified and substantially incorporated into the Uniform Rules as follows:

Uniform Rule 2-2.1.A.4: The parcel with the preparation facility has at least 50% of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to terrain, sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage particular to the premises. Notwithstanding the commercial production eligibility requirements in Rule 1-2.3, the Board of Supervisors may establish different minimum production acreage requirements particular to the parcel and/or premises if the Board finds that a substantial benefit to the agricultural community and public can be demonstrated.

FINDINGS: Regarding *Mitigation AG-1*, the mitigation as presented in the EIR has been modified by deleting the 15-acre development envelope cap for agricultural support facilities within an Agricultural Industry Overlay. Instead, a 30-acre development envelope cap for preparation facilities has been incorporated into Uniform Rule 2-2.1.A.1 (Preparation facilities) since large scale preparation facilities could not be located within an AIO as originally assumed. The agricultural resources impact analysis in the FEIR was revised to incorporate a buildout assumption of two larger preparation facilities of 30 acres each and two medium preparation facilities of 15 acres each, based on new information from the Grower-Shipper Vegetable Association regarding consolidation trends and the likely development of preparation facilities up to 30 acres in size. The FEIR analysis confirmed the original Class I significant impact conclusion identified in the draft EIR (that conversion of 15 acres or more to a preparation and processing facility would be significant) and therefore a facility of 30 acres in size will also result in a Class I significant impact associated with converting agricultural land to non-cultivated uses.

Regarding *Mitigation AG-2*, the mitigation as presented in the EIR has been substantially incorporated in the Uniform Rules.

Regarding *Mitigation AG-3*, the mitigation as presented in the EIR, with respect to winery development envelop cap of 15-acres, has been deleted. Instead, Uniform Rule 2-2.1.B.3 retains the maximum 20 acre winery development envelope identified in the EIR project description. The FEIR analysis confirmed the original Class I significant impact conclusion identified in the draft EIR (that conversion of 15 acres or more to a preparation and processing facility would be significant) and therefore a winery facility of 20 acres in size will also result in a Class I significant impact associated with converting agricultural land to non-cultivated uses. The modifications to the rule better achieve the goal of increasing flexibility for growers consistent with the revised analysis of impacts to agricultural resources in the Final EIR while continuing to protect the maximum amount of agricultural land for crop production. The Board finds that the adopted 20-acre winery development envelope cap is appropriate to provide flexibility for the very limited number of existing contracted premises with sufficient vineyard acreage to take advantage of developing a large-scale winery facility within the additional envelope acreage.

Regarding *Mitigation AG-4*, the measure as presented in the EIR has not been adopted since it may have the unintended consequence of discouraging expanded production if landowners perceived increasing their production as a liability. Existing policies and practices of the County, including the Uniform Rules as amended by this project, are considered adequate to regulate the development envelope on superprime land.

Regarding *Mitigation AG-5*, the measure as presented in the EIR has not been adopted since the intent of the mitigation measure is already covered by existing policies and practices of the County. The existing process for case by case review of proposed activities on contracted land by the APAC and limitations imposed by the provisions for temporary uses in the zoning ordinances were deemed sufficient to cover the intent of this mitigation measure.

Regarding *Mitigation AG-6*, the measure as presented in the EIR has not been adopted since the revised agricultural impact analysis in the FEIR indicates impacts to agricultural resources would be less than significant for both the existing residential development envelope allowed under current Uniform Rules (2 acres or 3% of parcel, whichever is less), and for Proposed Uniform Rule 1-4.1.B.5 which would allow qualifying premises up to a 3-acre cumulative residential envelope per premises. Therefore, the mitigation is unnecessary and has been deleted.

Regarding *Mitigation AG-7*, the mitigation as presented in the EIR has been substantially incorporated in the Uniform Rules.

The Board finds that with incorporation of the aforementioned set of mitigation measures as requirements in the Uniform Rules, in combination with the policies, procedures, actions, development standards and current level of Agricultural Preserve Advisory Committee review, the impacts have been mitigated to the greatest extent feasible. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Uniform Rules discussed in Section VIII of these Findings.

B. Visual Resources

Impacts: The EIR identified significant impacts associated with introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development (Impact VIS-2, including cumulative impacts); and the introduction of new sources of light and/or glare in the rural area (Impact VIS-3).

Mitigation Measures: In addition to the goals, policies, actions and development standards of existing county-wide plans the measures identified in the EIR that would partially mitigated the impacts identified above are:

Mitigation VIS-1 (10-acre development envelope cap if visible from scenic highway): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-2.1.E: Agricultural preparation and processing facilities visible from a State-designated scenic highway should be sited, screened, and designed to be compatible with the scenic and rural character of the area.

Mitigation VIS-2 (AIO shall not be located within scenic highway viewshed): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-6: E: Will facilities within an Agricultural Industry Overlay (AIO) on contracted land be visible from a State-designated scenic highway? If so, facilities should be sited, screened and designed to be compatible with the scenic and rural character of the area, consistent with the intent of Government Code §51220.

Mitigation VIS-3 (Same as AG-1) (AIO shall not exceed 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-6.D: Agricultural facilities developed within an Agricultural Industry Overlay (AIO) shall only be approved if the Board of Supervisors finds that the AIO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land.

Mitigation VIS-4 (Same as AG-2) (Commercial composting not exceed 35-acre development envelope): The measure as presented in the EIR has been modified and substantially incorporated into the Uniform Rules as follows:

Uniform Rule 2-7.B.6: The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.

Mitigation VIS-5 (Same as AG-3) (Preparation/processing 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the following Uniform Rules sections below. Rule 2-2.1 has been reformatted so that subpart A pertains solely to preparation facilities and subpart B pertains solely to wineries.

Uniform Rule 2-2.1.A.1 (Preparation facility): The facility does not exceed 50% of the parcel or 30 acres, whichever is less, except the Board of Supervisors may allow a preparation facility to exceed 50% of the parcel if it finds that a substantial benefit to the agricultural community and the public can be demonstrated. However, in no case shall the facility exceed 30 acres. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production.

Uniform Rules 2-2.1.B.3 (Processing of Wine Grapes): For premises 500 acres or less, that such uses do not occupy land exceeding 10% of the premises or 5 acres, whichever is less. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they

take land out of agricultural production. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production.

Mitigation VIS-6 (Same as AG-5) (Special events limited to 4 events per year and 200 guests per event): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

FINDINGS: Regarding *Mitigation VIS-1*, the mitigation as presented in the EIR has been modified by deleting the 10-acre development envelope cap for agricultural support facilities visible from a state designated scenic highway. As a result, the modified text incorporated in Uniform Rule 2-2.1.E will allow for flexibility in evaluating each application on a case-by-case basis while still satisfying the Williamson Act and minimizing or avoiding potential visual impacts along designated scenic highways. Approval of a future large-scale winery or preparation and processing facility on contracted land (located either within or outside of a scenic highway view corridor) would be contingent upon a decision-maker finding of consistency with County policies addressing visual resources. Applicable design standards addressing size, bulk, scale, orientation and location, as well as the requirement for review by the appropriate Board of Architectural Review, would be applied through the permit process to all proposed facilities regardless of size.

Regarding *Mitigation VIS-2*, the mitigation as presented in the EIR has been modified and incorporated in Uniform Rule 2-6.E to allow for flexibility in evaluating each application on a case-by-case basis while still satisfying the Williamson Act and minimizing or avoiding potential visual impacts along designated scenic highways. Approval of a future agricultural support facility within an Agricultural Overlay on contracted land (located either within or outside of a scenic highway view corridor) would be contingent upon a decision-maker finding of consistency with County policies addressing visual resources. Applicable design standards addressing size, bulk, scale, orientation and location, as well as the requirement for review by the appropriate Board of Architectural Review, would be applied through the permit process to all proposed facilities regardless of size.

Regarding *Mitigation VIS-3*, the mitigation as presented in the EIR has been deleted in the Visual Resources section since Mitigation Measure AG-1 has been modified to delete the 15-acre development envelope cap for agricultural support facilities within an Agricultural Industry Overlay. Instead, a 30-acre development envelope cap for preparation facilities has been incorporated into Uniform Rule 2-2.1.A.1 (Preparation facilities) since large scale preparation facilities could not be located within an AIO as originally assumed. The modified text incorporated in Uniform Rule 2-2.1.E will allow for flexibility in evaluating each application on a case-by-case basis. The FEIR was revised to incorporate a buildout assumption of two larger

preparation facilities of 30 acres each and two medium preparation facilities of 15 acres each, based on new information from the Grower-Shipper Vegetable Association regarding consolidation trends and the likely development of preparation facilities up to 30 acres in size. While the changes could allow for a larger facility on individual premises, the residual impacts would remain Class I, significant and unavoidable, as originally identified in the draft EIR. Approval of a future large-scale preparation or processing facility on contracted land would be contingent upon a decision-maker finding of consistency with County policies addressing visual resources. Applicable design standards addressing size, bulk, scale, orientation and location, as well as the requirement for review by the appropriate Board of Architectural Review, would be applied through the permit process to all proposed facilities regardless of size.

Regarding *Mitigation VIS-4*, the mitigation as presented in the EIR has been substantially incorporated in the Uniform Rules.

Regarding *Mitigation VIS-5*, the mitigation as presented in the EIR, with respect to winery development envelope cap of 15-acres, has been deleted. Instead, Uniform Rule 2-2.1.B.3 retains the maximum 20-acre winery development envelope identified in the EIR project description. While the changes could allow for a larger facility on individual premises, the residual impacts would remain Class I, significant and unavoidable, as originally identified in the draft EIR. Approval of a future large-scale winery on contracted land would be contingent upon a decision-maker finding of consistency with County policies addressing visual resources. Applicable design standards addressing size, bulk, scale, orientation and location, as well as the requirement for review by the appropriate Board of Architectural Review, would be applied through the permit process to all proposed facilities regardless of size. The Board finds that the adopted 20-acre winery development envelope cap is appropriate to provide flexibility for the very limited number of existing contracted premises with sufficient vineyard acreage to take advantage of developing a large-scale winery facility within the additional envelope acreage.

Regarding *Mitigation VIS-6*, the measure as presented in the EIR has not been adopted since the intent of the mitigation measure is already satisfied by existing policies and practices of the County. The existing process for case by case review of proposed activities on contracted land by the APAC and limitations imposed by the provisions for temporary uses in the zoning ordinances were deemed sufficient to cover the intent of this mitigation measure.

The Board finds that with incorporation of the aforementioned set of mitigation measures as requirements in the Uniform Rules, in combination with the policies, procedures, actions, development standards and current level of Agricultural Preserve Advisory Committee review, the impacts have been mitigated to the greatest extent feasible. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Uniform Rules discussed in Section VIII of these Findings.

D. Transportation and Circulation

Impacts: The EIR identified significant impacts to increased traffic on rural roads (Impact CIRC-1, including cumulative impacts); circulation safety hazards (Impact CIRC-2); roadway degradation (Impact CIRC-3); and regional traffic increases (Impact CIRC-4).

Mitigation Measures: In addition to the goals, policies, actions and development standards of existing county-wide plans the measures identified in the EIR that would partially mitigate the impacts identified above are:

Mitigation CIRC-1 (Same as AG-1) (AIO shall not exceed 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-6.D: Agricultural facilities developed within an Agricultural Industry Overlay (AIO) shall only be approved if the Board of Supervisors finds that the AIO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land.

Mitigation CIRC-2 (Same as AG-2) (Commercial composting not exceed 35-acre development envelope): The measure as presented in the EIR has been modified and substantially incorporated into the Uniform Rules as follows:

Uniform Rule 2-7.B.6: The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.

Mitigation CIRC-3 (Same as AG-3) (Preparation/processing 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the following Uniform Rules sections below. Rule 2-2.1 has been reformatted so that subpart A pertains solely to preparation facilities and subpart B pertains solely to wineries.

Uniform Rule 2-2.1.A.1 (Preparation facility): The facility does not exceed 50% of the parcel or 30 acres, whichever is less, except the Board of Supervisors may allow a preparation facility to exceed 50% of the parcel if it finds that a substantial benefit to the agricultural community and the public can be demonstrated. However, in no case shall the facility exceed 30 acres. All such uses shall be confined to a single parcel (excepting

the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production.

Uniform Rules 2-2.1.B.3 (Processing of Wine Grapes): For premises 500 acres or less, that such uses do not occupy land exceeding 10% of the premises or 5 acres, whichever is less. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production.

Mitigation CIRC-4 (Same as VIS-1) (10-acre development envelope cap): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-2.1.E: Agricultural preparation and processing facilities visible from a State-designated scenic highway should be sited, screened, and designed to be compatible with the scenic and rural character of the area.

FINDINGS: Regarding *Mitigation CIRC-1*, the mitigation as presented in the EIR has been deleted in the Transportation and Circulation section since Mitigation Measure AG-1 has been modified to delete the 15-acre development envelope cap for agricultural support facilities within an Agricultural Industry Overlay. Instead, a 30-acre development envelope cap for preparation facilities has been incorporated into Uniform Rule 2-2.1.A.1 (Preparation facilities) since large scale preparation facilities could not be located within an AIO as originally assumed. The modified text incorporated in Uniform Rule 2-2.1.E will allow for flexibility in evaluating each application on a case-by-case basis. The Transportation and Circulation Section of the FEIR analyzed potential impacts associated with the above changes. While the changes could allow for a larger facility on individual premises, the residual traffic and circulation impacts would remain Class I, significant and unavoidable, as originally identified in the draft EIR. The specific requirements for a CUP and plan amendment for an AIO will allow for environmental assessment of project-specific traffic impacts and development of appropriate and focused mitigation measures. Approval of a future large-scale agricultural support facility on contracted land will be

contingent upon a decision-maker finding of consistency with County policies addressing traffic and circulation issues.

Regarding *Mitigation CIRC-2*, the mitigation as presented in the EIR has been substantially incorporated in the Uniform Rules.

Regarding *Mitigation CIRC-3*, the mitigation as presented in the EIR, with respect to preparation and processing development envelop cap of 15-acres, has been deleted. Instead, Uniform Rule 2-2.1.B.3 retains the maximum 20 acre winery development envelope identified in the EIR project description and a 30-acre development envelope cap for preparation facilities has been incorporated into Uniform Rule 2-2.1.A.1 (Preparation facilities). The modifications better achieve the goal of increasing flexibility for growers while furthering the intent of the Williamson Act to promote commercial agricultural production. The Transportation and Circulation Section of the FEIR analyzed potential impacts associated with the above changes. While the changes could allow for a larger facility on individual premises, the residual traffic and circulation impacts would remain Class I, significant and unavoidable, as originally identified in the draft EIR. The specific requirements for a conditional use permit and development plan for large-scale preparation and processing facilities will allow for environmental assessment of project-specific traffic impacts and development of appropriate and focused mitigation measures. Approval of a future large-scale agricultural support facility on contracted land will be contingent upon a decision-maker finding of consistency with County policies addressing traffic and circulation issues.

Regarding *Mitigation CIRC-4*, the mitigation as presented in the EIR has been deleted in the Transportation and Circulation section since Mitigation Measure VIS-1 has been modified to delete the 10-acre development envelope cap for agricultural support facilities visible from a state designated scenic highway. The modified text incorporated in Uniform Rule 2-2.1.E will achieve the goal of increasing flexibility for growers while furthering the intent of the Williamson Act to promote commercial agricultural production. The Transportation and Circulation Section of the FEIR analyzed potential impacts associated with the above changes. While the changes could allow for a larger facility on individual premises, the residual traffic and circulation impacts would remain Class I, significant and unavoidable, as originally identified in the draft EIR. The specific requirements for a conditional use permit and development plan for large-scale agricultural support facilities will allow for environmental assessment of project-specific traffic impacts and development of appropriate and focused mitigation measures. Approval of a future large-scale agricultural support facility on contracted land will be contingent upon a decision-maker finding of consistency with County policies addressing traffic and circulation issues.

The Board finds that with incorporation of the aforementioned set of mitigation measures as requirements in the Uniform Rules, in combination with the policies, procedures, actions, development standards and decision-maker permit review and approval, the impacts have been mitigated to the greatest extent feasible. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Uniform Rules discussed in Section VIII of these Findings.

E. Air Quality

Impacts: The EIR identified a significant impact associated with increased emissions of ozone precursors from large-scale preparation and processing facilities and Agricultural Industry Overlay facilities (Impact AQ-1, including cumulative impacts).

Mitigation Measures: In addition to the goals, policies, actions and development standards of existing county-wide plans the measures identified in the EIR that would partially mitigated the impacts identified above are:

Mitigation AQ-1 (Same as AG-1) (AIO shall not exceed 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-6.D: Agricultural facilities developed within an Agricultural Industry Overlay (AIO) shall only be approved if the Board of Supervisors finds that the AIO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land.

Mitigation AQ-2 (Same as AG-2) (Commercial composting not exceed 35-acre development envelope): The measure as presented in the EIR has been modified and substantially incorporated into the Uniform Rules as follows:

Uniform Rule 2-7.B.6: The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.

Mitigation AQ-3 (Same as AG-3) (Preparation/processing 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the following Uniform Rules sections below. Rule 2-2.1 has been reformatted so that subpart A pertains solely to preparation facilities and subpart B pertains solely to wineries.

Uniform Rule 2-2.1.A.1 (Preparation facility): The facility does not exceed 50% of the parcel or 30 acres, whichever is less, except the Board of Supervisors may allow a preparation facility to exceed 50% of the parcel if it finds that a substantial benefit to the agricultural community and the public can be demonstrated. However, in no case shall the facility exceed 30 acres. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production.

Uniform Rules 2-2.1.B.3 (Processing of Wine Grapes): For premises 500 acres or less, that such uses do not occupy land exceeding 10% of the premises or 5 acres, whichever is less. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production.

FINDINGS: Regarding *Mitigation AQ-1*, the mitigation as presented in the EIR has been deleted in the Air Quality section since Mitigation Measure AG-1 has been modified to delete the 15-acre development envelope cap for agricultural support facilities within an Agricultural Industry Overlay. Instead, a 30-acre development envelope cap for preparation facilities has been incorporated into Uniform Rule 2-2.1.A.1 (Preparation facilities) since large scale preparation facilities could not be located within an AIO as originally assumed. The modified text incorporated in Uniform Rule 2-2.1.E will allow for flexibility in evaluating each application on a case-by-case basis. The Air Quality section of the FEIR analyzed potential impacts associated with the above changes. While the changes could allow for a larger facility and a commensurate increase in vehicle trips and emissions from development on individual premises, the residual air quality impacts would remain Class I, significant and unavoidable, as originally identified in the draft EIR. The specific requirements for a CUP and plan amendment for an AIO will allow for

environmental assessment of project-specific air quality impacts and development of appropriate and focused mitigation measures. Approval of a future large-scale agricultural support facility on contracted land will be contingent upon a decision-maker finding of consistency with County policies addressing air quality issues.

Regarding *Mitigation AQ-2*, the mitigation as presented in the EIR has been substantially incorporated in the Uniform Rules.

Regarding *Mitigation AQ-3*, the mitigation as presented in the EIR, with respect to preparation and processing development envelop cap of 15-acres, has been deleted. Instead, Uniform Rule 2-2.1.B.3 retains the maximum 20 acre winery development envelope identified in the EIR project description and a 30-acre development envelope cap for preparation facilities has been incorporated into Uniform Rule 2-2.1.A.1 (Preparation facilities). The Air Quality section of the FEIR analyzed potential impacts associated with the above changes. While the changes could allow for a larger facility on individual premises, and a commensurate increase in vehicle trips, the residual air quality impacts would remain Class I, significant and unavoidable, as originally identified in the draft EIR. The specific requirements for a conditional use permit and development plan for large-scale preparation and processing facilities will allow for environmental assessment of project-specific air quality impacts and development of appropriate and focused mitigation measures. Approval of a future large-scale agricultural support facility on contracted land will be contingent upon a decision-maker finding of consistency with County policies addressing air quality issues.

The Board of Supervisors finds that with the incorporation of the above referenced amendments into the Uniform Rules along with existing policies, requirements and processes of the County, including but not limited to the Air Pollution Control District, impacts to air quality have been mitigated to the greatest extent feasible and that residual significant impacts are acceptable due to the overriding considerations that support adoption of the amendments for the Update to the Uniform Rules as discussed in Section VIII of these Findings.

F. Water Resources

Impacts: The EIR identified a significant associated with water demand for large-scale agricultural support facilities which could exceed safe yield thresholds for groundwater basins in a state of overdraft (Impact GW-1).

Mitigation Measures: Apart from the existing policies, procedures and requirements of the County, no feasible mitigation has been identified to mitigate the impact.

FINDINGS: The Board of Supervisors finds that existing policies, requirements and processes of the County would reduce potential groundwater impacts at the project level to the greatest extent feasible and that residual significant impacts at the program level are acceptable due to the overriding considerations that support adoption of the amendments for the Update to the Uniform Rules as discussed in Section VIII of these Findings.

V. FINDINGS THAT CLASS II SIGNIFICANT BUT MITIGABLE IMPACTS ARE MITIGATED TO A LEVEL OF INSIGNIFICANCE

CEQA Guidelines Section 15091 (a) requires that where feasible, all significant adverse impacts be reduced to a level of insignificance. The EIR identified potentially significant impacts, which are mitigated to a less-than-significant level through the incorporation of mitigation measures in the areas of: 1) Agricultural Resources; 2) Visual Resources; 3) Noise; and 4) Air Quality. The “Class II” impacts identified in the EIR are discussed below along with the appropriate findings per CEQA Section 15091.

A. Agricultural Resources and Land Use

Impact: The EIR identified potentially significant but mitigable impacts to agricultural resources with respect to growth inducement and population increases. The introduction of uses, such as preparation and process facilities, wineries and special events on contracted land would likely result in increases in both temporary and permanent populations in the County’s rural agricultural areas, in addition to the potential growth inducement associated with greater development on contracted land.

Mitigation Measures: In addition to the goals, policies, actions and development standards of existing county-wide plans, the EIR identified specific measures that would mitigate the above-cited impacts to insignificant levels. These measures have been addressed as follows:

Mitigation AG-1 (AIO shall not exceed 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-6.D: Agricultural facilities developed within an Agricultural Industry Overlay (AIO) shall only be approved if the Board of Supervisors finds that the AIO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land.

Mitigation AG-2 (Commercial composting not exceed 35-acre development envelope): The measure as presented in the EIR has been modified and substantially incorporated into the Uniform Rules as follows:

Uniform Rule 2-7.B.6: The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.

Mitigation AG-3 (Preparation/processing 15-acre development envelope): The measure as presented in the EIR has been modified and partially incorporated into the following Uniform Rules sections below. Rule 2-2.1 has been reformatted so that subpart A pertains solely to preparation facilities and subpart B pertains solely to wineries.

Uniform Rule 2-2.1.A.1 (Preparation facility): The facility does not exceed 50% of the parcel or 30 acres, whichever is less, except the Board of Supervisors may allow a preparation facility to exceed 50% of the parcel if it finds that a substantial benefit to the agricultural community and the public can be demonstrated. However, in no case shall the facility exceed 30 acres. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production.

Uniform Rules 2-2.1.B.3 (Processing of Wine Grapes): For premises 500 acres or less, that such uses do not occupy land exceeding 10% of the premises or 5 acres, whichever is less. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. Included within this site are roads serving these uses, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production.

Mitigation AG-7 (Preparation facility minimum agricultural production requirement): The measure as presented in the EIR has been modified and substantially incorporated into the Uniform Rules as follows:

Uniform Rule 2-2.1.A.4: The parcel with the preparation facility has at least 50% of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to terrain, sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage particular to the premises. Notwithstanding the commercial production eligibility requirements in Rule 1-2.3, the Board of Supervisors may establish different minimum production acreage requirements particular to the parcel and/or premises if the Board finds that a substantial benefit to the agricultural community and public can be demonstrated.

FINDINGS: The Board finds that specific mitigation measures for Agricultural Resources have been adopted and that the above-cited impacts therefore will be reduced to insignificant levels.

B. Visual Resources

Impact: The EIR identified one “Class II” impact to visual resources in reference to the obstruction or degradation of public views and/or the creation of views or conditions that are inconsistent with the rural character of the area. Large-scale agricultural support facilities and winery development located along travel corridors or adjacent to public & private view sheds, especially if located along a State-designated scenic highway have the potential to for significant impacts.

Mitigation Measures: In addition to the goals, policies, actions and development standards of existing county-wide plans, the EIR identified specific measures that would mitigate the above-cited impact to insignificant levels. These measures have been addressed as follows:

Mitigation VIS-1 (10-acre development envelope cap if visible from scenic highway): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-2.1.E: Agricultural preparation and processing facilities visible from a State-designated scenic highway should be sited, screened, and designed to be compatible with the scenic and rural character of the area.

Mitigation VIS-2 (AIO shall not be located within scenic highway viewshed): The measure as presented in the EIR has been modified and partially incorporated into the Uniform Rules as follows:

Uniform Rule 2-6: E: Will facilities within an Agricultural Industry Overlay (AIO) on contracted land be visible from a State-designated scenic highway? If so, facilities should be sited, screened and designed to be compatible with the scenic and rural character of the area, consistent with the intent of Government Code §51220.

FINDINGS: The Board finds that specific mitigation measures for Visual Resources have been adopted and that the above-cited impact, therefore, will be reduced to insignificant levels.

C. Noise

Impacts: The EIR identified two noise impacts:

1. The generation of noise greater than 65 dB or substantial increases in ambient noise levels that affect noise-sensitive receptors. Agricultural support facilities, commercial composting facilities, and special events have the potential to impact noise-sensitive receptors by generating noise in excess of 65dB or substantially increasing ambient noise levels depending on their size and location and nature of their operation; and
2. Short-term noise impacts associated with construction and grading resulting from greater development opportunities under the amended Uniform Rules.

Mitigation Measures: Upon review of Section 3.3 Noise of the Draft EIR, and in particular subsection 3.3.5 Mitigation Measures, it was determined that Mitigation Measures AG-1, AG-2, and AG-5 were unnecessary to address potential noise impacts. Existing policies and standards in the County's Noise Element and adopted Community Plans, and standard conditions are sufficient to mitigate potential noise impacts to acceptable levels that could result from the operation of large-scale agricultural support facilities, composting facilities or from staging special events. These regulatory requirements would be applied on a case by case basis as proposed projects are reviewed during the permit process. No further mitigation measure has been identified.

FINDINGS: The Board finds that the existing policies, procedures, development standards and other regulatory requirements measures will mitigate noise impacts to less than significant.

D. Air Quality

Impacts: The EIR identified one “Class II” impact to air quality which is the generation of short-term dust and PM₁₀ resultant of site preparation activities involving heavy equipment.

Mitigation Measure: Implementation of Air Pollution Control District standard dust control measures will mitigate dust impacts to acceptable levels.

FINDINGS: The Board finds that the implementation of the above-referenced measure will mitigate the impact to less than significant.

VII. FINDING REGARDING PROGRAM ALTERNATIVES

CEQA Guidelines §15126.6 requires that an EIR analyze alternatives which would feasibly obtain most of the objectives of the project, focusing on alternatives capable of avoiding any significant environmental impacts or substantially reducing their level of significance, even if these alternatives would impede to some degree the attainment of the project objectives, and evaluate the comparative merits of the alternatives. The specified objectives of the project are to: 1) bring the Uniform Rules into conformance with recent legislative amendments to the Williamson Act; 2) address discrepancies in the Uniform Rules that were identified by the 2001 audit of the County’s Agricultural Preserve Program; 3) ensure the continued integrity of the Agricultural Preserve Program; 4) increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation on the County’s Agricultural Preserve Program.

The alternatives analyzed in the EIR are:

- ◆ No Project Alternative
- ◆ Alternative 1 - Legislative Updates and Codification of Practice
- ◆ Alternative 2 – Modified Uniform Rules (compared to Proposed Project Description)
- ◆ Alternative 3 - Expanded Facility Development

When the proposed project is the revision of an existing regulatory plan or policy, CEQA guidelines mandate that the "no project" alternative will be the continuation of the existing program into the future. Alternative 1 – Legislative Updates and Codification of Practice included only those changes mandated by legislative amendments to the Williamson Act or in response to issues which arose out of the 2001 Department of Finance and Department of Conservation’s audit of Santa Barbara County’s Uniform Rules. Alternative 2 – Modified Uniform Rules, is the same as the project description except the provisions for residential uses would remain unchanged from the current rules, and it allows more constrained expansion

opportunities for agricultural support facilities and commercial composting. Alternative 3 – Expanded Facility Development is identical to the project description apart from the expanded opportunities for residential, development, agricultural support facilities and commercial composting facilities.

The EIR evaluated the potential effects of the four alternatives relative to the project description for the Update to the Uniform Rules. Alternative 3 resulted in impacts greater than the “Class I” impacts identified under the project description, while the remaining alternatives identified impacts equivalent to or less than the project description analyzed in the EIR.

The following discussion gives the reasons the Board has rejected each of the alternatives.

A. No Project Alternative

The No Project Alternative considers both existing conditions and buildout under the current Uniform Rules and administrative practices. This alternative would therefore not include opportunities for increased residential development, more and larger agricultural support facilities, and compatible uses such as small-scale guest ranches and commercial composting facilities. In addition, compared with the proposed project, this alternative would also mean less land eligible for enrollment into the Agricultural Preserve Program, and no opportunities for increased crop production requirements for prime and superprime land. While the No Project Alternative would have fewer physical impacts as compared to the project description, many of the beneficial impacts and project objectives associated with the proposed Rule amendments would not be realized. Therefore, the Board of Supervisors finds that the project as adopted is preferable to the No Project Alternative.

B. Alternative 1 - Legislative Amendments and Codification of Practice

Alternative 1 includes only those changes mandated by legislative amendments to the Williamson Act or derived from the 2001 audit of Santa Barbara County’s Uniform Rules by the Department of Conservation, and to codify current Uniform Rules administrative practices. Included among the legislative amendments are several procedural changes that would not result in substantive impacts to any of the identified resources, such as changes to the provisions for contract cancellation; the allowance for lot line adjustments on contracted land as a tool for adding smaller parcels to existing contracts; and new provisions regarding public acquisition, annexation, and contract rescission.

Responding to the Department of Conservation’s 2001 Audit of the County’s Agricultural Preserve Program would entail the following amendments:

- ◆ Eliminating sanitary waste landfills as a compatible use under the Uniform Rules;
- ◆ Stating the rationale for allowing superprime contracts to participate in the Agricultural Preserve Program;
- ◆ Clarifying the size eligibility requirements for parcels and preserves.

Of these changes stemming from the 2001 Audit, only the elimination of sanitary waste landfills as a compatible use would have any effect on the level of environmental impact (beneficial impact) of the alternative.

Codifying the County's existing administrative practice in implementing the current Uniform Rules would entail the following amendments:

- ◆ Clarifying that only one principal residence is permitted per contracted premises;
- ◆ Defining premises to include all land under a single contract;
- ◆ Making explicit the requirement for 20 acres of irrigated pasture in order for an animal boarding and breeding operation to qualify for an agricultural preserve contract under the Agricultural Preserve Program.

These changes will not affect impact levels since they merely codify what is already in practice and occurring on the ground.

While Alternative 1 would have fewer physical impacts as compared to the project description, many of the beneficial impacts and project objectives associated with the proposed Rule amendments would not be realized. Therefore, the Board of Supervisors finds that the project as adopted is preferable to Alternative 1.

C. Alternative 2 – Modified Uniform Rules

Alternative 2 is equivalent to the project description except as it relates to opportunities for residential development, expanded agricultural support facilities, and commercial composting facilities. Under this alternative, the allowance for principal dwellings on contracted land would remain at the existing level of one dwelling per premises. In the case of preparation and winery processing facilities, this alternative would be similar to the project description except that the maximum facility acreage cap would be reduced from 20 acres to 12 acres. In addition, this alternative maintains the existing Uniform Rule requirement that at least 51% of the grapes processed at the winery be grown on the premises. At the same time, this alternative would be similar to the project description in that it would require 20% of the grapes to be grown on the parcel with the winery. This alternative would also place a 12 acre cap on the size of facilities developed under an AIO or agricultural processing facility. Lastly, this alternative would place a 20-acre cap on commercial composting facilities.

Alternative 2 would have less significant or similar impacts as compared to the project description; primarily associated with reduced development envelope caps for large-scale preparation and processing facilities on individual premises. This alternative would make less efficient use of some larger premises that could support a reasonable amount of agricultural support facility development with relatively low additional impacts in relation to the overall benefits to the agricultural economy. Agricultural support facilities within a region can have a significant effect upon the viability and long-term sustainability of agriculture by making agricultural more efficient, economic and profitable thereby allowing local farms to compete more successfully in the marketplace. Therefore, the Board of Supervisors finds that the project as adopted is preferable to Alternative 2.

D. Alternative 3 – Expanded Facility Development

Alternative 3 is similar to the project description in all aspects except that the allowance for preparation and winery processing facilities would be more flexible, providing greater opportunities for facility expansion beyond the existing 5-acre cap. Under the project description, for every 100 acres above 500 acres, premises can add one additional acre to their envelope for a preparation or winery processing facility, up to a maximum of 20 acres total. Under this alternative, the expanded allowance would apply to premises greater or equal to 200 acres and would increase at a similar rate up to the same 20-acre cap. Looking at wineries as an example, under this alternative a 500 acre premises could develop up to a 9-acre winery facility, compared to a 5 acre facility under the project description. In addition, the 20-acre facility cap would be reached on premises of 1,600 acres in size under this alternative, as opposed to 2,000 acres under the project description.

Alternative 3 generally would not be preferable to the adopted project because adverse impacts to agricultural resources, visual resources, noise, traffic, and air quality would be more severe under this alternative, while off-setting public benefits associated with this alternative would be no greater than those of the adopted project. For these reasons, the Board of Supervisors finds that the project as adopted is preferable to Alternative 3.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR (04-EIR-08 and Revision Document [December 5, 2006]) for the Uniform Rules Update Project identifies significant and unavoidable programmatic impacts to agricultural resources, visual resources, transportation and circulation, and groundwater resources. The Board of Supervisors has determined that with implementation of the identified mitigation measures, the project is consistent with all policies of the Comprehensive Plan. Having balanced the benefits of the project against its significant and unavoidable effects, the Board of Supervisors hereby determines that the project's unavoidable impacts are acceptable in light of the project's benefits to agriculture and the people of Santa Barbara County. The Board of Supervisors therefore adopts the following Statement of Overriding Considerations, which warrant adoption of the amended Uniform Rules notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Guidelines § 15043, 15092, and 15093, any remaining significant effects on the environment are acceptable due to following individual and collective overriding considerations.

- A. Agriculture is the largest industry in Santa Barbara County accounting for \$997,600,578.00² in revenue. Increasing the flexibility and range of compatible uses allowed and the types of lands eligible for enrolment in the County's Agricultural Preserve Program will serve to bolster agriculture as a viable industry and preserve agriculture into the future.
- B. The Agricultural Preserve Program in Santa Barbara County provides significant tax benefit to those under contract while also benefiting the public at large by helping to preserve the agricultural and open space areas and rural character of the County.
- C. The 2001 audit of the County's program by the Department of Conservation (DOC) identified discrepancies in the Uniform Rules which have been addressed in this Update. This project will help to ensure the integrity of the Program, its administration, compliance with the State Department of Conservation and the Act itself. Bringing the Uniform Rules into conformance with legislative amendments also ensures that contract holders are in compliance with the most recent State law thus avoiding potential land use and other contractual conflicts, violations and fines.
- D. Increases in requirements for planted acreage on superprime parcels will lead to more land devoted to agriculture south of the Santa Ynez Mountains (primarily in the Carpinteria Valley), thereby helping to ensure the continued viability of coastal agriculture.

²County of Santa Barbara, Agricultural Commissioner's Office
<http://www.countyofsb.org/agcomm/cropRpt/2005.pdf>

- E. Additional opportunities for facilities involved in the preparation and processing of agricultural products will positively affect various sectors of the agricultural economy resulting in greater agricultural efficiency and more jobs in the agricultural sector.
- F. Agricultural support facilities within a region can have a significant effect upon the viability and long-term sustainability of agriculture. Locating these facilities on contracted lands closer to the growing areas reduces the amount of time and fuel for hauling crops from harvesting sites to the packing and cooling facilities, and other support services which make agriculture more efficient, economic and profitable thereby allowing local farms to compete more successfully in the marketplace. Increased efficiency in farming reduces overall costs of farming and in turn, the consumer enjoys increased freshness of the products.
- G. Expansion of agricultural support facilities and related operations are expected to increase economic activity in Santa Barbara County through the generation of sales tax revenues associated with increased agricultural preparation and processing capacity to serve agriculture within the region. This increase in economic activity can both support existing services and stimulate growth in other economic sectors.
- H. Increased wine production capacity on contracted land will reduce the unmet processing capacity on contracted land which is estimated at 2.85 million cases³ of wine. In addition to contributing to the sustainability and viability of individual vineyard operations, allowing for increased local wine processing of grapes grown on contracted land will contribute in a broader sense to agricultural sustainability at a regional level through increased employment opportunities, income stream and capital investment.
- I. Allowances for additional housing opportunities will help maintain family farms by providing more flexible housing opportunities for family members on larger premises thereby protecting the viability of the agricultural operation for future generations.
- J. The Program incorporates the proposals of the environmentally superior alternative analyzed in the EIR to the extent feasible. The other alternatives analyzed in the EIR including the “No Project” alternative, would either result in environmental impacts of greater severity than those of the Program or have been found infeasible and incapable of meeting the beneficial objectives of the Program.

³ Uniform Rules FEIR, Table 2-6