ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

CEQA EXEMPTION

The Board of Supervisors finds that denial of the proposed Project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see the Notice of Exemption, included as Attachment 2 of this Board Agenda Letter dated October 10, 2023.

2.0 ADMINISTRATIVE FINDINGS

2.1 Conditional Use Permits Findings

In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable. However, as a result of the recommendation for project denial, only those findings which cannot be made are discussed below.

2.1.1 ***The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.***

The Board of Supervisors finds that the site is not adequate for the type of use and level of development proposed due to the critical groundwater overdraft conditions that have been documented in the Cuyama Groundwater Basin, and recent declines in groundwater levels in the vicinity of the project site. As described in the Board Agenda Letter dated October 10, 2023, and the Planning Commission staff report, dated March 15, 2023, which are incorporated herein by reference, the project site is located within the Cuyama Valley Groundwater Basin, which is listed as a "high" priority and "critically overdrafted" basin by the California Department of Water Resources (DWR). In addition, monitoring of groundwater levels in the vicinity of the project site show that water levels have dropped 40 feet on average since increased groundwater pumping began in 2016 after the project site vineyard was planted. Due to the size of the proposed Project and its use of groundwater resources to provide frost protection for the project site vineyard, and the location of the project site within the Cuyama Valley Groundwater Basin, the Board of Supervisors finds that the project site is not adequate in terms of accommodating the type and level of development proposed.

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

The Board of Supervisors finds that the proposed Project's significant adverse environmental impacts will not be mitigated to the maximum extent feasible. The Final

Environmental Impact Report (21EIR-00000-00002, Attachment 3 to the Board Agenda Letter dated October 10, 2023, and incorporated by reference) identifies significant environmental impacts to Biological Resources, Cultural and Tribal Resources, Geologic Processes, Groundwater Use, Flooding, and Water Quality. These impacts can be reduced to a less than significant level with the implementation of identified mitigation measures. However, the proposed mitigation measures would not reduce the Project's significant environmental impacts to the maximum extent feasible, particularly in regard to impacts related to groundwater use and disturbance of native grasslands. As described in the Board Agenda Letter dated October 10, 2023, and the Planning Commission staff report, dated March 15, 2023, which are incorporated herein by reference, a redesigned project that is smaller in size (e.g., would result in the construction of fewer reservoirs) and/or that incorporates the use of alternative frost protection measures would at least partially meet the Project objective of providing frost protection, would result in less disturbance of the project site and avoidance of impacts to native grassland resources, and would result in additional reductions in evaporation-related losses of groundwater. The Final EIR prepared for the Project identified Alternative 1 (Construct Only Two Reservoirs) as the environmentally superior alternative to the proposed Project that would be most closely aligned with the Project objectives to construct water storage reservoirs for frost protection purposes and to protect sensitive environmental resources adjacent to and on the reservoir sites. Implementation of Alternative 1 would further reduce Project-related losses of groundwater due to evaporation and avoid impacts to native grasslands.

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

The Board of Supervisors finds that the Project will not be adequately served by public and private services, specifically the production and use of groundwater from existing private agricultural wells. The Project proposes the creation of three reservoirs, with a storage capacity of approximately 44-acre-feet each and occupying a total area of approximately 15.6 acres. Water stored in the proposed reservoirs would be from the Cuyama Groundwater Basin, which is in a critical state of overdraft. Although the Project's annual evaporative losses could potentially be reduced to below the adopted significance threshold of 31-acre-feet per year with the adoption of mitigation measures, due to the critical groundwater overdraft conditions affecting the Basin, the Board of Supervisors finds that the Project's loss of up to 31-acre-feet per year to evaporation and use of up to 103-acre-feet per year for frost protection is a long-term water supply impact that will adversely affect the Basin. Therefore, as described in the Board Agenda Letter dated October 10, 2023, and the Planning Commission staff report, dated March 15, 2023, which are incorporated herein by reference, adequate water supply resources are not available to serve the proposed Project.

2.1.4 ***The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.***

The Board of Supervisors finds that the proposed Project is not compatible with the surrounding area, and the Project would be detrimental to the health, safety, comfort, convenience, and general welfare of the area. As described in the Board Agenda Letter dated October 10, 2023, and the Planning Commission staff report, dated March 15, 2023, which are incorporated herein by reference, the Project's groundwater use will contribute to declining groundwater levels in the vicinity of the project site, which have declined substantially since a vineyard was planted on the project property. The Planning Commission finds that Project-related groundwater loss due to evaporation of up to 31-acre-feet per year is a long-term water supply impact that will detrimentally affect the general welfare of the Project area and the Cuyama Valley Groundwater Basin.

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

The Board of Supervisors finds that the proposed Project will not comply with all applicable requirements of the Comprehensive Plan, specifically Land Use Development Policy 4, which requires that "*adequate public or private services and resources (i.e., water, sewer, roads, etc) are available to serve the proposed development.*" As described in the Board Agenda Letter dated October 10, 2023, and the Planning Commission staff report dated March 15, 2023, and incorporated herein by reference, the Project is located within the Cuyama Valley Groundwater Basin, which is listed as a "high" priority and "critically overdrafted" basin by DWR. Due to the critical groundwater overdraft conditions affecting the Basin, and recent declines in groundwater levels in the vicinity of the project site, the Board of Supervisors finds that Project-related groundwater losses of 31-acre-feet per year is a long-term water supply impact that will adversely affect the Project area and the Cuyama Valley Groundwater Basin.

The Board of Supervisors finds that due to the size of the proposed Project and its related use of groundwater, it does not comply with Conservation Element Policies 3.5 and 3.6, which prevent land use decisions that would result in basins becoming seriously overdrafted on a prolonged basis. Similarly, the scale of the Project and declining water levels in the project area could potentially impact the long-term viability of existing and future agriculture throughout the basin and within the project area. As a result, the proposed Project is not consistent with Agricultural Element Policy 1.B, which requires the use of "*sound agricultural practices that promote the long-term viability of agriculture…*" Therefore, adequate water supply resources are not available to serve the proposed Project and the Project would not comply with all applicable requirements of the Comprehensive Plan.

2.1.6 ***Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.***

The Board of Supervisors finds that the proposed Project is not compatible and subordinate to the agricultural character of the project area due to the size and number of reservoirs proposed. Each reservoir would have a water storage capacity of approximately 44-acre-feet, a maximum depth of 27-28 feet, and in total the three reservoirs would occupy an area of approximately 15.6 acres. Additionally, the Project would require a total of approximately 257,945 cubic yards grading. As described in the Board Agenda Letter dated October 10, 2023, and the Planning Commission staff report, dated March 15, 2023, which are incorporated herein by reference, the Project's groundwater use that is subject to discretionary review will contribute to declining groundwater levels in the project area, which have declined substantially since a vineyard was planted on the project property. The Board of Supervisors finds that Project-related groundwater losses of 31-acre-feet per year is a long-term water supply impact that will detrimentally affect the general welfare and future agricultural character of the project area.