

## **ATTACHMENT 1: FINDINGS OF APPROVAL**

### **1.0 CEQA FINDINGS**

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (l) ) [Existing Facilities] and 15303(e) [New Construction or Conversion of Small Structures]. Please see Attachment 3, CEQA - Notice of Exemption.

### **2.0 FINDINGS REQUIRED FOR ALL LAND USE PERMITS**

**In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.**

As discussed in Section 6.3 of the 15APL-00000-00014 staff report to the Planning Commission, dated December 17, 2015 (Attachment 7 to this Board Agenda letter dated July 19, 2016) and herein incorporated by reference, adequate public services exist to serve the existing development and proposed horse barn and hay barn. The existing development on the parcel is currently, and would continue to be, served by a private, onsite well, a private onsite septic system, and the Santa Barbara County Fire Department. Access would continue to be provided from Meadowlark Road. The proposed development includes a horse barn and a hay barn. The proposed structures would not require sanitary services or potable water services. The proposed horse barn would include a water trough, which the onsite well would serve. According to Environmental Health Services, private water wells are allowed to be used for agricultural uses, such as the proposed water trough. The proposed barns would contribute to clustered development on the site, allowing Fire to have access to the structures in case of an emergency. The proposed project would not generate new traffic and surrounding roads are adequate to serve the existing and proposed development.

**2.1 In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:**

**2.1.1 The proposed development conforms:**

- a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**

**b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

As discussed in Sections 6.3 and 6.4 of the 15APL-00000-00014 staff report to the Planning Commission, dated December 17, 2015 (Attachment 7 to this Board Agenda letter dated July 19, 2016) and herein incorporated by reference, as well as Section D of this Board letter, dated July 19, 2016 and herein incorporated by reference, the proposed development complies with the applicable policies of the Santa Barbara Comprehensive Plan, and no non-conforming structures are involved in the proposed development. Therefore, this finding can be made.

**2.1.2 The proposed development is located on a legally created lot.**

The lot has been extensively developed, with eleven different structures. The first building permit for the lot was issued on April 14, 1967 for the construction of the single family dwelling (Permit # 36834). Development continued on the property, including, but not limited to, a barbeque area being permitted in 1994 (Permit No. 250996), accessory structures being permitted from 2002 to 2003 (Permit Nos. 02BDP-00000-02111 and 03BDP-00000-02084) and a conversion of a barn to a detached residential second unit being permitted in 2007 (Permit No. 07BDP-00000-00141). Therefore, the lot has been recognized by the County of Santa Barbara as a legal lot, and this finding can be made.

**2.1.3 The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

As discussed in Sections 6.3 and 6.4 of the 15APL-00000-00014 staff report to the Planning Commission, dated December 17, 2015 (Attachment 7 to this Board Agenda letter dated July 19, 2016) and herein incorporated by reference, as well as Section D of this Board letter, dated July 19, 2016 and herein incorporated by reference, the proposed development complies with the applicable development standards of the Santa Barbara County Land Use and Development Code, including uses, subdivisions, and setbacks. There are two unpermitted structures on the property. One, the unpermitted barn located within the flood plain, is proposed for demolition as part of the proposed project. There is currently an active building and zoning enforcement case

against the property related to the unpermitted horse barn located within the Flood Zone (15BDV-00000-00071 and 15ZEV-00000-00232). The other unpermitted structure on the property is an agricultural accessory structure that was constructed in approximately 2005 along with the construction of the detached residential second unit. The structure was under construction without permits at the time of construction of the detached residential second unit, but not explicitly listed in the project description for approved permits. It was included in the approved site plan for the approval of the detached residential second unit. To clarify the permit history and ensure compliance of all existing and proposed development on the site, the validation of the agricultural accessory structure has been added project description of the subject permit.

During the course of the appeal to the Planning Commission (15APL-00000-00014), the applicant confirmed that the existing accessory structures, permitted as tack rooms with restrooms, are currently being used as guest houses, and that they each have unpermitted bathing facilities. These facilities constitute zoning and building violations. The conditions of approval for the subject Land Use Permit have been expanded to require the conversion of the accessory structures back to tack rooms with restrooms, without bathing facilities, prior to the issuance of the subject Land Use Permit to ensure compliance with the County Land Use and Development Code and the California Building Code. As conditioned, the proposed development will provide for the demolition of the unpermitted barn, conversion of the guest houses to tack rooms, and construction of a new horse and hay barn, thereby abating all building and zoning violations. Additionally, the revised project description validates an existing unpermitted agricultural accessory structure. Therefore, this finding can be made.