

ATTACHMENT 1

FINDINGS FOR APPROVAL AND STATEMENT OF OVERRIDING CONSIDERATIONS

AGRICULTURAL ENTERPRISE ORDINANCE

Case Nos. 23ORD-00005, 23ORD-00006, 24RZN-00004, 24RZN-00005 and 23EIR-00003

1.0 CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Environmental Impact Report (23EIR-00003) and its appendices, dated February 2024, and the EIR Revision Document RV 02, dated November 2024, were presented to the Board of Supervisors (Board), and all voting members of the Board have reviewed and considered the information contained in the Final EIR, its appendices, and EIR Revision Document RV 02 prior to recommending approval of the project. In addition, all voting members of the Board have reviewed and considered testimony and additional information presented at, or prior to, its public hearings on November 5, 2024 and December 10, 2024. The Final EIR, its appendices, and EIR Revision Document RV 02, reflect the independent judgement and analysis of the Board and is adequate for this proposal. Changes recommended by the Planning Commission have been incorporated into the project. No project change results in significant new information that would require the Final EIR to be recirculated pursuant to CEQA Guidelines Section 15088.5 because the changes would not result in a new significant environmental impact and would not substantially increase the severity of an environmental impact identified in the proposed Final EIR, and no additional project alternatives or mitigation measures were considered.

1.2 FULL DISCLOSURE

The Board finds and certifies that the Final Environmental Impact Report (23EIR-00003) and its appendices, dated February 2024, and the EIR Revision Document RV 02, dated November 2024, constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA. The Board further finds and certifies that the Final EIR, its appendices, and EIR Revision Document RV 02, were completed in compliance with CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Room 407, Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report (23EIR-00003) and its appendices, dated February 2024, and the EIR Revision Document RV 02, dated November 2024, for the Agricultural Enterprise Ordinance identify three environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable. These impacts involve air quality, greenhouse gas emissions, and transportation. To the extent the 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 herein.

Air Quality

Impacts: The Final EIR identified significant project-specific and cumulative impacts related to a net increase of criteria air pollutants for which the region is in nonattainment under applicable Federal or State ambient air quality standards (Impact AQ-2). Based on air emissions modeling for the project, the increase in emissions for nitrogen oxides (NO_x) and reactive organic compounds (ROC) could exceed thresholds for mobile-source emissions. These impacts would result from vehicle trips and vehicle miles traveled (VMT) estimated by the Final EIR in Section 3.13, Transportation, as revised by EIR Revision Document RV 02, which are associated with new visitor-oriented, rural recreational uses and new small-scale event venues that would attract visitors from throughout the region.

Mitigation: No feasible mitigation measures are available to reduce Impact AQ-2 or cumulative impacts to air quality to an insignificant level. Due to the dispersed, rural, visitor-serving nature of the activities that would be enabled under the Agricultural Enterprise Ordinance and the lack of an expansive pedestrian, bicycle, and transit network serving rural agricultural areas of the County, mitigating project impacts to air quality from vehicle trips, VMT, and associated mobile-source emissions would present major challenges. Common mitigation measures, such as improving or increasing access to transit, orienting projects towards transit, bicycle, and pedestrian facilities, encouraging carpooling or vanpooling, and providing car-sharing, bike-sharing, or ride-sharing programs are not technically or economically feasible for the potential uses and development enabled and streamlined by the Agricultural Enterprise Ordinance.

Findings: The Board finds that there are no feasible mitigation measures to reduce the significant environmental impacts identified in the Final EIR. The Board finds the significant environmental effects to air quality are acceptable due to the overriding benefits discussed in the Statement of Overriding Considerations.

Greenhouse Gas (GHG) Emissions

Impacts: The Final EIR identified significant project-specific and cumulative impacts related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Impact GHG-1). Based on GHG emissions modeling, implementation of the

proposed project has the potential to generate new mobile source GHG emissions which would exceed adopted County GHG thresholds of significance. These impacts would result from vehicle trips and VMT estimated by the Final EIR in Section 3.13, Transportation, as revised by EIR Revision Document RV 02, which are associated with new visitor-oriented, rural recreational uses and new small-scale event venues that would attract visitors from throughout the region.

Mitigation: No feasible mitigation measures are available to reduce Impact GHG-1 or cumulative impacts to greenhouse gas emissions to a less than significant level. Due to the dispersed, rural, visitor-serving nature of the activities that would be enabled under the Agricultural Enterprise Ordinance and the lack of an expansive pedestrian, bicycle, and transit network serving rural agricultural areas of the County, mitigating project impact to greenhouse gas emissions from vehicle trips, VMT, and associated mobile-source emissions would present major challenges. Common mitigation measures, such as improving or increasing access to transit, orienting projects towards transit, bicycle, and pedestrian facilities, encouraging carpooling or vanpooling, and providing car-sharing, bike-sharing, or ride-sharing programs are not technically or economically feasible for the potential uses and development enabled and streamlined by the Agricultural Enterprise Ordinance.

Findings: The Board finds that there are no feasible mitigation measures to reduce the significant environmental impacts identified in the Final EIR. The Board finds the significant environmental effects to GHG emissions are acceptable due to the overriding benefits discussed in the Statement of Overriding Considerations.

Transportation

Impacts: The Final EIR identified significant project-specific and cumulative impacts related to the potentially significant increase in total VMT within the County (Impact T-2), as revised by EIR Revision Document RV 02.

Mitigation: No feasible mitigation measures are available to reduce Impact T-2 or cumulative impacts to transportation to a less than significant level. Due to the dispersed, rural, visitor-serving nature of the activities that would be enabled under the Agricultural Enterprise Ordinance and the lack of an expansive pedestrian, bicycle, and transit network serving rural agricultural areas of the County, mitigating Project impact to greenhouse gas emissions from vehicle trips, VMT, and associated mobile-source emissions would present major challenges. Common mitigation measures, such as improving or increasing access to transit, orienting projects towards transit, bicycle, and pedestrian facilities, encouraging carpooling or vanpooling, and providing car-sharing, bike-sharing, or ride-sharing programs are not technically or economically feasible for the Agricultural Enterprise Ordinance or the potential uses and development enabled and streamlined under the Project.

Findings: The Board finds that there are no feasible mitigation measures to reduce the significant environmental impacts identified in the Final EIR. The Board finds the significant

environmental effects to transportation are acceptable due to the overriding benefits discussed in the Statement of Overriding Considerations.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY MITIGATION MEASURES

The Final Environmental Impact Report (23EIR-00003) and its appendices, dated February 2024, and the EIR Revision Document RV 02, dated November 2024, for the Agricultural Enterprise Ordinance identify several subject areas for which the Project is considered to cause or contribute to significant, but mitigable environmental impacts. For each of these impacts identified by the Final EIR (23EIR-00003), feasible changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect, as discussed below.

Agricultural Resources

Impacts: The Final EIR identified potentially significant but mitigable project-specific impacts associated with proposed uses being potentially incompatible with existing zoning for agricultural uses and the County Uniform Rules (Impact AG-2).

Mitigation: The Final EIR identifies two mitigation measures, Recommended MM AG-1 Informational Waiver and MM AG-2 Uniform Rules Amendment – Small-Scale Campgrounds, which will reduce potentially significant impacts to a less-than-significant level.

Recommended MM AG-1 requires that the applicant/owner who is proposing an agritourism-type use allowed or streamlined by the Agricultural Enterprise Ordinance prepare an informational waiver for future agritourism visitors disclosing that the site is an active agricultural operation, and visitors may be subject to minor inconveniences associated with agricultural operations such as noise, dust, and odors from the agricultural operations on the premises and/or adjacent agricultural lands. The waiver will also advise visitors that guests must respect the property, pre-existing agricultural operations, and avoid trespassing beyond designated visitor sites.

MM AG-2 requires that the County amend the Uniform Rules for Agricultural Preserves and Farmland Security Zones prior to the final adoption of the Agricultural Enterprise Ordinance to incorporate several compatibility criteria for small-scale campgrounds.

Findings: The Board finds that MM AG-1 has been incorporated into the Agricultural Enterprise Ordinance as a development standard for agritourism-type agricultural enterprise uses that welcome public visitors to the premises.

Additionally, the Board finds that MM AG-2 has been modified and incorporated into the County Uniform Rules as Uniform Rules 2-4.B.3 and 2-4.B.4 (see Attachment 8 Exhibit 1 of the staff memo to the Board dated November 26, 2024, herein incorporated by reference). Uniform Rule 2-4.B.3 generally retains the compatibility criteria for small-scale campgrounds on lands

qualifying as prime land, as provided in MM AG-2; while Uniform Rule 2-4.B.4 modifies MM AG-2 by providing additional flexibility to site small-scale campgrounds on contracted lands qualifying as non-prime lands. Non-prime contracted lands typically include grazing operations on larger premises, and the modifications would not significantly displace or impair agricultural operations on contracted premises or on adjacent agricultural operations.

The Board finds that implementation of MM AG-1 and MM AG-2, as modified and discussed above and in EIR Revision Document RV 02, will reduce the significant project-specific environmental effects related to agricultural resources (Impact AG-2) to a level of insignificance.

Biological Resources

Impacts: The Final EIR identified the following potentially significant but mitigable project-specific and cumulative impacts from future agricultural enterprise uses: (1) impacts to unique, rare, or threatened plant species and sensitive natural communities (Impact BIO-1); (2) impacts to unique, rare, threatened, or endangered wildlife species and/or habitat that supports these species (Impact BIO-2); (3) impacts to migratory species or patterns as a result of introduction of barriers to movement (Impact BIO-3); (4) potential loss of healthy native specimen trees (Impact BIO-4); and (5) conflicts with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources (Impact BIO-6).

Mitigation: The Final EIR identifies several mitigation measures that will reduce potentially significant impacts to a less-than-significant level.

MM BIO-1 requires that agricultural enterprise uses and development, including grading, be located a minimum of 100 feet from the edge of several sensitive habitats including streams, creeks and riparian habitats, wetlands, vernal pools, native woodlands and forests, native shrub lands, and native grasslands, avoid wildlife movement corridors, depict the habitat and setback on submitted plans, and comply with existing County, State, and Federal policies regarding sensitive habitat.

MM BIO-2 requires that agricultural enterprise uses and development, including grading and ground-disturbing activities, be located at least six feet outside of the canopy dripline of oak trees and other native tree species. Any project that proposes to encroach within this setback is required to submit a tree protection plan.

If agricultural enterprise uses and related development require fencing, then MM BIO-3 requires that the fencing meet specified standards to allow for the safe passage of wildlife.

Findings: The Board finds that MM BIO-1, MM BIO-2, and MM BIO-3 have been incorporated into the Agricultural Enterprise Ordinance. The Board finds that implementation of MM BIO-1, MM BIO-2, and MM BIO-3 will reduce the significant project-specific environmental effects to biological resources (Impact BIO-1, Impact BIO-2, Impact BIO-3, Impact BIO-4, and Impact BIO-6) to a level of insignificance.

In addition, the Board finds that implementation of MM BIO-1, MM BIO-2, and MM BIO-3 will reduce the project's contribution to significant, cumulative impacts to biological resources, such that the Project will not make a cumulatively considerable contribution and, therefore, the Project's contribution to cumulative impacts to biological resources will be insignificant with mitigation.

Cultural and Tribal Cultural Resources

Impacts: The Final EIR identified the following potentially significant but mitigable project-specific and cumulative impacts due to: (1) potential physical demolition, destruction, relocation, or alteration of previously unevaluated historical resources (Impact CTCR-1); (2) potential disruption, alteration, destruction, or adverse effects on significant archaeological resources (Impact CTCR-2); (3) potential disruption of human remains, including those interred outside of formal cemeteries (Impact CTCR-3); and (4) potential disruption, alteration, destruction, or adverse effects on significant tribal cultural resources (Impact CTCR-4).

Mitigation: The Final EIR identifies several mitigation measures that will reduce potentially significant impacts to a less-than-significant level.

MM CTCR-1 requires that applicants for agricultural enterprise uses and related development preserve, restore, and renovate on-site historic structures consistent with the requirements of CEQA and the County Cultural Resources Guidelines, as applicable for the proposed use. Uses and development that involves the alteration to, or demolition of, buildings greater than 50 years of age requires a Phase I survey and, if necessary, a Phase II significance assessment to identify appropriate preservation and restoration guidelines. Projects would additionally be required to adhere to the policies in the County Comprehensive Plan, Coastal Land use Plan, Land Use and Development Code (LUDC), and Article II Coastal Zoning Ordinance (Article II) with regards to cultural, historic, or archaeological resources.

MM CTCR-2 requires that agricultural enterprise uses and related development involving ground disturbance with heavy construction equipment be subject to a Phase I archaeological survey in compliance with the County Cultural Resources Guidelines, and a subsequent Phase II subsurface testing and Phase III proposal as required based upon the results on of the preceding survey.

MM CTCR-3 requires applicants/owners or their representatives for agricultural enterprise uses and related development involving ground disturbance to stop or redirect work immediately in the event archaeological remains are encountered, evaluate the significance of the find in compliance with the County Archaeological Guidelines, and conduct appropriate mitigation.

MM CTCR-4 requires that if human remains are accidentally discovered or recognized during construction activities, no further disturbance shall occur until all necessary findings and actions have been taken in compliance with CEQA, State Health and Safety Code, and State Public Resources Code. These actions shall include identification of the remains, and, if the remains

are determined to be of Native American descent, notification of the Native American Heritage Commission and consultation with the Most Likely Descendent.

Findings: The Board finds that the cultural resources mitigation measures MM CTCR-1 through MM CTCR-4 are, as written, measures typically applied to individual development projects and reflect the standard procedures for assessing development that will (1) demolish or modify historic structures or structures older than 50 years that might be of historic significance or (2) involve ground disturbance in previously undisturbed areas that might harbor undiscovered cultural or tribal cultural resources. These procedures are detailed in the County “Guidelines for Determining the Significance of and Impacts to Cultural Resources, – Archaeological, Historic, and Tribal Cultural Resources.”

The Board further finds that two development standards (one for cultural resources and one for historic resources) have been incorporated into the Agricultural Enterprise Ordinance that direct compliance with the “Guidelines for Determining the Significance of and Impacts to Cultural Resources, – Archaeological, Historic, and Tribal Cultural Resources,” which provides detailed procedures for summarizing, identifying and assessing the cultural resources and potential impacts to cultural resources as reflected in mitigation measures MM CTCR-1 through MM CTCR-4 and provide equivalent mitigation for the potential impacts identified in the Final EIR. Further, the County standard procedures require a Phase 1 archaeological survey for all ground disturbances, not just ground disturbances with heavy construction equipment, which is the requirement of MM CTCR-2. The County standard requirements for a Phase 1 survey provides for better impact assessment and mitigation of potential impacts to archaeological cultural resources. By following the standard requirements and procedures, an applicant for development allowed under the Agricultural Enterprise Ordinance would be complying, in effect, with the mitigation measures CTCR-1 through CTCR-4 of the Final EIR for the project.

The Board finds that implementation of the development standards incorporated into the Agricultural Enterprise Ordinance will reduce the significant project-specific environmental effects to cultural and tribal cultural resources to a level of insignificance. It will also reduce the project’s contribution to significant, cumulative impacts to cultural and tribal cultural resources, such that the project will not make a cumulatively considerable contribution and, therefore, the Project’s contribution to cumulative impacts to cultural and tribal cultural resources will be insignificant with mitigation.

Hazards and Hazardous Materials

Impacts: The Final EIR identified potentially significant but mitigable project-specific and cumulative impacts related to the potential routine transport, use, or disposal of hazardous materials that could create a significant hazard to the public or result in the release of hazardous materials into the environment (Impact HAZ-1).

Mitigation: The Final EIR identifies one mitigation measure that will reduce potentially significant impacts to a less-than-significant level.

MM HAZ-1 requires that if any previously unknown or unidentified soil and/or groundwater contamination is discovered, construction activities shall cease immediately, a qualified environmental specialist shall investigate, and if necessary, a Human Health Risk Management Plan shall be prepared and implemented. The Human Health Risk Management Plan shall identify the contaminant and potential risks and describe measures to be taken to protect workers and the public from exposure to potential site hazards

Findings: The Board finds that MM HAZ-1 has been incorporated into the Agricultural Enterprise Ordinance. The Board finds that implementation of MM HAZ-1 will reduce the significant project-specific environmental effects related to hazards and hazardous materials (Impact HAZ-1) to a level of insignificance.

In addition, the Board finds that implementation of MM HAZ-1 will reduce the Project's contribution to significant, cumulative impacts related to hazards and hazardous materials, such that the project will not make a cumulatively considerable contribution and, therefore, the Project's contribution to cumulative impacts related to hazards and hazardous materials will be insignificant with mitigation.

Noise

Impacts: The Final EIR identified a potentially significant but mitigable project-specific impact related to the operation of small-scale outdoor events that could result in a substantial periodic increase in ambient noise levels (Impact NOI-3).

Mitigation: The Final EIR identifies one mitigation measure that will reduce potentially significant impacts to a less-than-significant level.

MM NOI-1 requires that outdoor amplified sound associated with rural recreational uses enabled and streamlined under the Agricultural Enterprise Ordinance shall not exceed 65 dBA at the exterior boundary of the premises. Additionally, small-scale events proposing amplified sound shall only be allowed from 10:00 a.m. to 11:00 p.m., and the amplified sound shall cease by 10:00 p.m.

Findings: The Board finds that MM NOI-1 has been incorporated into the Agricultural Enterprise Ordinance. The Board finds that implementation of MM NOI-1 will reduce the significant project-specific environmental effects related to noise (Impact NOI-3) to a level of insignificance.

Wildfire

Impacts: The Final EIR identified a potentially significant but mitigable project-specific impact related to future agricultural enterprise uses potentially exposing occupants or visitors to wildfire and post-wildfire related risks and hazards (Impact WF-1).

Mitigation: The Final EIR identifies one mitigation measure that will reduce potentially significant impacts to a less-than-significant level.

MM WF-1 requires that applicants for rural recreational uses develop and submit a Fire Prevention Plan identifying potential ignition sources, measures intended to reduce the potential for wildfire, emergency access infrastructure in the event of a wildfire, and emergency evacuation routes and shelter locations in the event of an emergency. The Fire Prevention Plan shall be updated and resubmitted, as necessary, should there be any changes to the conditions on the site.

Findings: The Board finds that MM WF-1 has been incorporated into the Agricultural Enterprise Ordinance. The Board finds that implementation of MM WF-1 will reduce the significant project-specific environmental effects related to wildfire (Impact WF-1) to a level of insignificance.

1.6 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final Environmental Impact Report (23EIR-00003) and its appendices, dated February 2024, and the EIR Revision Document RV 01, dated October 2024, evaluated a no project alternative and two additional alternatives (Alternative 1 – Reduced VMT Alternative and Alternative 2 – Reduced Project Alternative) as methods of reducing or eliminating significant environmental impacts. The Board finds that the identified alternatives are infeasible for the reasons stated below.

1. No Project Alternative

The No Project Alternative assumes that the Agricultural Enterprise Ordinance is not adopted. Under the No Project Alternative, the County would not amend the LUDC, Article II, or the Uniform Rules, and would not change the current regulatory and permitting mechanisms that govern the uses and related development on unincorporated lands zoned Agricultural II (AG-II) and on parcels with winery tasting rooms on lands zoned Agricultural I (AG-I). Several uses proposed to be allowed by the Agricultural Enterprise Ordinance (e.g., farmstays, horseback riding, and incidental food service, among others), would not be allowed. Permit requirements would not be reduced for more specialized agricultural uses (e.g., agricultural processing) or non-agricultural uses (e.g., campgrounds, commercial and noncharitable special events, and composting), which are currently allowed on agriculturally zoned lands with a Minor Conditional Use Permit (MCUP) or Conditional Use Permit (CUP), regardless of size. MCUPs and CUPs can be burdensome permits to obtain for only small-scale uses. Last, the No Project Alternative would not amend Article II to apply the same, more flexible, Development Plan thresholds that

apply throughout the Inland Area and the Gaviota Coast Coastal Zone, to 6,327 acres of coastal AG-II zoned lands west of the City of Guadalupe.

The No Project Alternative would not result in any similar or greater impacts to resources relative to the project, but would result in substantially less adverse impacts to transportation (VMT), air quality and GHG emissions. The No Project Alternative would result in less adverse impacts to all other resources analyzed in the Final EIR.

The No Project Alternative would not ease permit requirements for small-scale, supplemental uses intended to support the overall economic viability of agricultural operations while also maintaining the primary agricultural function, productivity, and character of agricultural zoning districts. Consequently, the No Project Alternative fails to achieve the primary project objective to promote the orderly development of supplemental agricultural uses and agritourism uses that protect, promote, and support local agricultural operations and the County's agricultural economy. Therefore, the Board finds that the No Project Alternative is infeasible, and that the project (as modified by incorporation of Final EIR mitigation measures) is preferable to the No Project Alternative.

2. Alternative 1: Reduced VMT Alternative

Alternative 1 aims to reduce the level of significant and unavoidable impacts to the maximum extent feasible by eliminating the largest trip generating uses. Alternative 1 would revise the scope of the Agricultural Enterprise Ordinance by removing farmstays as an allowed use and eliminating the streamlined permitting tiers for small-scale campgrounds, small-scale events, and educational experiences and opportunities. Eliminating the streamlined permitting tiers for these uses would still allow the uses but only with discretionary permits (MCUPs and CUPs). As discussed under the No Project Alternative, requiring CUPs for these uses would likely deter applicants from moving forward with small-scale uses due to burdensome costs and long processing timelines. In addition, for small-scale agricultural processing and product preparation, Alternative 1 would require at least 51 percent of the products to be processed originate from the premises (i.e., that no more than 49 percent of the products to be processed on the premises may originate from off the premises). These limits are consistent with current zoning ordinance requirements for agricultural processing on agricultural lands.

Pursuant to State CEQA Guidelines Section 15126.6(e)(2), the Final EIR identifies Alternative 1 as the Environmentally Superior Alternative. By eliminating the farmstay use and permit streamlining for small-scale rural recreational uses, and maintaining agricultural processing sourcing limits, Alternative 1 would somewhat reduce VMT impacts (Impact T-2), while impacts to air quality (Impact AQ-2 – mobile-source criteria air pollutants) and GHG emissions (Impact GHG-1) would be reduced to insignificant levels. However, considering the County's thresholds for VMT impacts, any net increase in countywide VMT associated with Alternative 1 would result in a significant and unavoidable impact. Only the No Project Alternative, described above, would completely avoid impacts to transportation. Alternative 1 would result in impacts similar to the Project, to biological resources, cultural resources, geology and soils, and hazardous

materials, while reducing impacts to aesthetics, agricultural resources, hydrology and water resources, land use and planning, noise, public services, and wildfire, all of which are already insignificant or insignificant with mitigation identified in the Final EIR. However, beneficial impacts that were identified to agricultural resources (Impact AG-3) and Land Use (Impact LU-3) would be somewhat reduced as there would be fewer streamlined permit options available to allow supplemental uses that could support the economic viability of participating farms and ranches.

Alternative 1 would achieve generally the project objectives, but not to the same extent as the proposed Project. By eliminating the farmstay use and the permit streamlining for small-scale campgrounds, small-scale events, and educational experiences and opportunities, applicants might be deterred from pursuing these uses on a small scale, which could otherwise supplement farm and ranch income. Consequently, Alternative 1, although the Environmentally Superior Alternative, would not adequately achieve objectives that promote supplemental agricultural uses and agritourism uses that protect, promote, and support local agricultural operations and the County's agricultural economy, or provide efficiency and clarity in the agricultural enterprise permit process, regulations, and standards.

As Alternative 1 fails to achieve the project objectives to the same degree as the proposed project, it has been found infeasible for social, economic, and other reasons. The Board finds that the Project (as modified by incorporation of Final EIR mitigation measures) is preferable to Alternative 1.

3. Alternative 2: Reduced Project Alternative

Alternative 2 is similar in most respects to the proposed Agricultural Enterprise Ordinance and includes the same uses. The difference is that Alternative 2 would lower the levels of intensity of use for several of the highest VMT-generating uses that could otherwise qualify for an exemption or low-level permit under the proposed Project. Similar to the Reduced VMT Alternative (Alternative 1), this alternative would retain the current zoning ordinance limits related to small-scale agricultural processing and product preparation. Finally, this alternative would reduce the potential for stacking of overnight accommodations on participating parcels by allowing one campground or one farmstay per premises, but not both.

Due to the limited reduction in the scope of agricultural enterprise uses under Alternative 2, it is expected that Alternative 2 would slightly reduce impacts associated with criteria air pollutants (Impact AQ-2), GHG emissions (Impact GHG-1), and transportation (VMT – Impact T-2) but these impacts would remain significant and unavoidable. Alternative 2 would result in similar impacts to biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water resources, land use and planning, and wildfire, while reducing impacts to aesthetics, agricultural resources, noise, and public services, all of which are already insignificant or insignificant with mitigation identified in the Final EIR. Beneficial impacts to agricultural resources (Impact AG-3) and Land Use (Impact LU-3) would be achieved but

reduced slightly as participating farms and ranches could pursue a farmstay or a campground but not both.

Alternative 2 would achieve most of the project objectives but not to the same extent as the proposed Project. By lowering the intensity of use allowed under the permit streamlining, and allowing only one farmstay or campground but not both, fewer supplemental uses might be pursued. Consequently, Alternative 2 would not adequately achieve objectives that promote supplemental agricultural uses and agritourism uses that protect, promote, and support local agricultural operations and the County's agricultural economy. As Alternative 2 fails to achieve the project objectives to the same degree as the proposed Project, it has been found infeasible for social, economic, and other reasons. The Board finds that the Project (as modified by incorporation of Final EIR mitigation measures) is preferable to Alternative 2.

1.7 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final Environmental Impact Report (23EIR-00003) and its appendices, dated February 2024, and the EIR Revision Document RV 02, dated November 2024, for the Agricultural Enterprise Ordinance identifies project impacts related to air quality, greenhouse gas emissions, and transportation as significant environmental effects which are considered unavoidable. The Board therefore makes the following Statement of Overriding Considerations, which warrants approval of the Project (as modified by incorporation of Final EIR mitigation measures) notwithstanding that all identified effects on the environment are not fully mitigated. With respect to each of the environmental effects of the project summarized above, the Board finds that the stated overriding benefits of the Project outweigh the significant effects on the environment and that there is no feasible way to lessen or avoid the significant effects. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092, and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

- A. Agriculture is a major contributor to the local economy, and preservation of agriculture and agricultural lands is a primary goal of the County Comprehensive Plan, addressed in several goals and policies of the Land Use Element and Agricultural Element. The Project (as modified by incorporation of EIR mitigation measures) supports this goal by giving farmers and ranchers opportunities to supplement their agricultural income, which in turn, supports the continuation of agriculture, as the additional income can be returned to the agricultural operation and buffer the economic pressures that may contribute to a decline in agriculture. The Project also offers opportunities for farmers and ranchers to bring visitors to agricultural lands and educate them regarding the need for, and benefits of, agricultural lands and where their food comes from.
- B. The Project (as modified by incorporation of EIR mitigation measures) promotes the orderly development of supplemental agricultural uses and rural recreational and agritourism uses by incorporating development standards that require appropriate

siting, setbacks, buffers, hours of operation, and other standards, thereby protecting public health and safety in addition to the natural environment.

- C. The Project (as modified by incorporation of EIR mitigation measures) promotes continued agricultural production as an integral part of the region's economy by providing farmers and ranchers with opportunities to supplement existing agricultural operations and income. In turn, the additional income from these supplemental uses would provide relief to those farmers and ranchers impacted by competition from foreign markets, rising costs of water supply, and other farm production expenses that could contribute to a decline in agricultural production.
- D. The uses enabled and streamlined by the Project (as modified by incorporation of EIR mitigation measures) provide additional revenue sources for participating farms and ranches, helping sustain long-term agricultural production and incrementally decreasing pressure for conversion of agricultural lands to non-agricultural uses.
- E. County goals and policies require the preservation of agriculture, and support and promote agricultural activities within the County. To the extent that the Project's supplemental rural recreational and agritourism uses benefit ongoing agricultural operations by providing supplemental income to farms and ranches, the significant and unavoidable impacts to air quality (criteria air pollutants NO_x and ROC), GHG emissions, and transportation (VMT) that would result from these uses are acceptable as these uses would further the goals and policies to preserve agriculture.
- F. The Project (as modified by incorporation of EIR mitigation measures) provides an efficient and clear permit process for the uses enabled and streamlined by the Project, which will increase compliance with the regulations and standards included as mitigation measures.
- G. The Project (as modified by incorporation of EIR mitigation measures) establishes land use requirements and development standards for agricultural enterprise uses to minimize potential adverse effects to the natural environmental, natural resources, and wildlife, including riparian corridors, wetlands, sensitive habitats, and water resources.
- H. No feasible mitigation measures were identified to reduce the project impacts related to criteria air pollutants, GHG emissions, and transportation. Two project alternatives were identified to reduce these impacts; however, neither alternative would result in reduction of these impacts to insignificance or achieve all of the identified objectives of the Project.

1.8 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the Project that is has

adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment.

The Agricultural Enterprise Ordinance amends the land use and zoning codes (i.e., the LUDC and Article II) to allow a variety of small-scale supplemental agricultural uses and rural recreational uses on agricultural-zoned lands (AG-II). Therefore, the EIR has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the Final EIR corresponds to the specificity of the general or program level policies of the project and to the effects that may be expected to follow from the adoption of the project. Similarly, the mitigation measures provided in the Final EIR are programmatic in nature and take one of two forms: (1) amendments to land use and zoning codes regulations addressing uses allowed by the Agricultural Enterprise Ordinance, and (2) mitigation measures addressing cultural resources and hazardous materials, which would be applicable to any agricultural enterprise use that would include construction and ground disturbance. Chapter 8 of the Final EIR includes a Mitigation Monitoring and Reporting Program (MMRP) that reflects the purpose and intent of these programmatic mitigation measures to ensure compliance during project implementation.

Mitigation measures identified in the Final EIR (23EIR-00003) have been incorporated directly into the Uniform Rules, as modified by the Board of Supervisors (Attachment 8, Exhibit 1, to the Board Memo dated November 26, 2024), and LUDC and Article II ordinance amendments (Attachment 4 and 5, respectively, to the Board Memo dated November 26, 2024), and together with Chapter 8 of the Final EIR constitute the MMRP. The Board finds that implementation of the mitigation measures by incorporating them into the land use and zoning codes and Uniform Rules reduces the significant environmental effects resulting from implementation of the Project, though three impacts remain significant and unavoidable. Therefore, the Board adopts the MMRP and finds it sufficient for a monitoring and reporting program.

2.0 ADMINISTRATIVE FINDINGS

AMENDMENTS TO THE COUNTY LAND USE AND DEVELOPMENT CODE AND ARTICLE II COASTAL ZONING ORDINANCE AND ZONING MAP AMENDMENTS

Findings required for all amendments to the County Land Use and Development Code and Zoning Map Amendment. In compliance with Section 35.104.060.A of the County Land Use and Development Code (LUDC), prior to approval or conditional approval of an Amendment to the Development Code or Zoning Map Amendment, the review authority shall first make all of the findings below.

Findings required for all amendments to the Article II Coastal Zoning Ordinance. In compliance with Section 35.180.6 of the Article II Coastal Zoning Ordinance (Article II), prior to approval or conditional approval of an Amendment to Article II, the review authority shall first make all of the findings below.

2.1 The request is in the interests of the general community welfare.

As discussed in the Board Agenda Letter and Memo dated November 5 and November 26, 2024, respectively, and Attachment 10 (Policy Consistency Analysis) to the Board Memo dated November 26, 2024, incorporated herein by reference, the Agricultural Enterprise Ordinance is in the interests of the general community welfare. The ordinance amendments define, enable, and streamline agricultural enterprise uses on properties within the AG-II Zone and allow winery tasting rooms to serve food when it is incidental to approved tasting room operations within the AG-I and AG-II zones. These uses will provide supplemental economic opportunities for agricultural operations, helping sustain agriculture as a viable use in the County. The Agricultural Enterprise Ordinance also sets forth development standards for agricultural enterprise uses and development to avoid compromising the general welfare of the surrounding community, which include (among others) setbacks from abutting residential zones and nearby residences, as well as producing farmlands growing food crops, requirements to comply with applicable chapters of the County Code such as Chapter 15 (Fire Prevention) and Chapter 18C (Environmental Health Services), and creation of an overlay zone limiting agricultural enterprise uses in historic productive food crop regions to ensure the safety of the food crops. Therefore, the Board finds that the Project is in the interests of the general community welfare.

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

As discussed in the Board Agenda Letter and Memo dated November 5 and November 26, 2024, respectively, and Attachment 10 (Policy Consistency Analysis) to the Board Memo dated November 26, 2024, incorporated herein by reference, the Agricultural Enterprise Ordinance is consistent with the Comprehensive Plan, including applicable policies of community plans and the Coastal Land Use Plan. The ordinance amendments revise the LUDC and Article II to allow several new agricultural enterprise uses and revise the permitting requirements for certain uses that are currently allowed. The proposed Project also includes a new overlay zone limiting agricultural enterprise uses in historic productive food crop regions to further protect food crops, consistent with the goals and policies of the Agricultural Element of the Comprehensive Plan. In addition, the ordinance amendments are written to ensure consistency with the remaining portions of the LUDC and Article II that are not being revised. Therefore, the Board finds the Agricultural Enterprise Ordinance is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of the State planning and zoning laws, the LUDC, and Article II.

r2.3 The request is consistent with good zoning and planning practices.

As discussed in the Board Agenda Letter and Memo dated November 5 and November 26, 2024, respectively, and Attachment 10 (Policy Consistency Analysis) to the Board Memo dated November 26, 2024, incorporated herein by reference, the Agricultural Enterprise Ordinance is consistent with good zoning and planning practices. The ordinance amendments provide clear

Agricultural Enterprise Ordinance

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permit and processing requirements, include development standards regarding the overall protection of the environment and community values, and include an overlay zone limiting agricultural enterprise uses in historic productive food crop regions, further protecting agriculture. As discussed in Finding 2.2, above, the amendments are also consistent with the Comprehensive Plan, including applicable community plans and the Coastal Land Use Plan. Therefore, the Board finds the Agricultural Enterprise Ordinance is consistent with good zoning and planning practices.