

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Board of Supervisors has considered the Mitigated Negative Declaration (08NGD-00000-00025) together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Dianne Black, the Planning Commission Secretary, at 123 E. Anapamu Street, Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

Pursuant to Section 35.82.100.1 of the Countywide Land Use Development Code, a Land Use Permit application shall be approved or conditionally approved only if the Decision-maker first makes all of the following findings:

- 2.1 *The proposed development:*
 - (1) *Will conform to the applicable provisions of the Comprehensive Plan including any applicable community or area plan and this Development Code; or*
 - (2) *Falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).*

The proposed project is consistent with the applicable policies contained in the Comprehensive Plan including the Goleta Community Plan and the provisions of the Countywide Land Use and Development Code (LUDC). The proposal would

meet all applicable LUDC zone district regulations including height, setbacks and parking.

The project site is zoned AG-I-10. Nursery operations such as the existing nursery business are considered agriculture by the definitions contained in the Countywide Land Use Development Code (LUDC). Further, “agricultural processing” is an allowed use in the AG-I-10 zone district.

Each use allowed in the LUDC may include “accessory structures and uses that are customarily incidental to the primary use.” Operation of the nursery business on the subject parcel is considered the primary use as allowed in the AG-I-10 zone district. Specific to this project, the processing (rock cutting and splitting), use and sale of these incidental garden and landscape materials have been found by the Board of Supervisors (BOS) to be customarily incidental to the primary nursery use and therefore allowed pursuant to the LUDC. Additionally, the LUDC authorizes the sale of “incidental garden and landscape materials,” such as garden accessories, interpreted to include the rock materials that would be generated by the proposed use by the BOS.

Finally, the proposed project would meet the purpose and intent of the Agriculture-I (A-I) zone district as defined in the Countywide LUDC:

The AG-I zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, Rural (Coastal Zone only), and Existing Developed Rural Neighborhood areas, as defined on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.

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

The subject parcel was created on February 9, 1983 as Parcel 2 of Parcel Map 12,911 as recorded in Assessor’s Map Book 31 on pages 39 and 40.

2.3 *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 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).*

A zoning violation (Case No. 05ZEV-00000-00179) is currently identified on the subject property for stone cutting without a use permit. The proposed project, if approved, would allow such a use on the property. Therefore, approval of the project would abate the existing violation and return the property to compliance with all applicable provisions of the County Land Use and Development Code.