



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning and  
Development  
**Department No.:** 053  
**For Agenda Of:** Set Hearing on 2/13/18  
for 3/13/18  
**Placement:** Departmental  
**Estimated Time:** 30 minutes on 3/13/18  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Glenn Russell, Ph.D. Director, Planning and Development  
Director(s) (805) 568-2085  
Contact Info: Jeff Wilson, Deputy Director, Development Review  
(805) 568-2518

**SUBJECT:** Oak Hills Estate Request for Hearing of Case Nos. 15RZN-00000-00002, 15TRM-00000-00001/TM 14,180, 15DVP-00000-00001, and 17RDN-00000-00006. Third Supervisorial District.

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrences: NA**

**Recommended Actions:**

On February 13, 2018, set a hearing for March 13, 2018 to consider a request for hearing filed by David Swenk agent for Oak Hills Estate LLC, owner, of the proposed Oak Hills Estate project (Case Nos. 15RZN-00000-00002, 15TRM-00000-00001/TM 14,180, 15DVP-00000-00001, and 17RDN-00000-00006).

On March 13, 2018, staff recommends that your Board take the following actions:

- a) Make the required findings for approval of the project specified in Attachment 1, including CEQA findings;
- b) Certify the Final Environmental Impact Report (17EIR-00000-00001, Attachment 6) and adopt the mitigation monitoring program contained in the conditions of approval (Attachment 3);
- c) Adopt an ordinance for Case No. 15RZN-00000-00002, (Attachment 2), rezoning the project parcel from Residential Ranchette, 1 unit per 10 acres (RR-10) to Design Residential, 1.8 units per acre (DR-1.8);

- d) Approve the Vesting Tentative Tract Map (15TRM-00000-00001/TRM 14,180) subject to the conditions of approval specified in Attachment B.1 of the Planning Commission staff report dated November 15, 2017 (Attachment 3).
- e) Approve a Development Plan (15DVP-00000-00001) for the future development of 29 single family residences within the DR-1.8 zone district subject to the conditions of approval included as Attachment B.2 of the Planning Commission staff report dated November 15, 2017 (Attachment 3);
- f) Approve case No. 17RDN-00000-00006 subject to the conditions of approval included as Attachment B.3 of the Planning Commission staff report dated November 15, 2017 (Attachment 3).

Alternatively, refer back to staff if your Board takes other than the recommended action for appropriate findings and conditions.

### **Summary Text: A. Project Description**

The Oak Hills Estate project proposes to subdivide a 16.88-acre parcel into 30 lots consisting of 29 lots for single-family homes and one open space lot. The open space lot would include an ephemeral drainage in the central portion of the project site and would also be located along the northern and western perimeters of the site adjacent to the Burton Mesa Ecological Reserve. The perimeter open space areas would serve as a buffer for the Reserve and would also be used as a fuel management zone for wildfire hazard risk reduction.

The proposed project consists of the following entitlements:

**Rezone.** The project proposes rezoning the site from Residential Ranchette (RR-10) to Design Residential (DR-1.8).

**Vesting Tentative Tract Map.** The 29 proposed residential lots would range in size from 9,269 square feet to 14,837 square feet. The proposed open space lot would be managed by a Homeowners Association and would be approximately 9.45 acres, of which approximately 7.23 acres would remain as natural open space. The developed portions of the open space lot would include project-related infrastructure such as roadways and drainage features.

**Development Plan.** The project applicant has proposed to construct project-related infrastructure and common area improvements, including roadways, parkways, sidewalks, drainage facilities, utilities, common area landscaping, and to conduct associated grading. The development of residences on the project site is not proposed at this time. Guidance for the design of future residences would be provided by the proposed Oak Hills Estates Design Guidelines. The Design Guidelines would be recorded with the project's Conditions, Covenants and Restrictions.

**Road Naming.** A Road Naming application (17RDN-00000-00006) proposes to name the two new on-site private access roads Monardella Court and Sedge Circle.

Each of the project components listed above is described in greater detail in the Planning Commission Staff Report dated November 15, 2017 (Attachment 3) and the December 13, 2017 Action Letter (Attachment 5).

**B. Background:**

The Oak Hills Estate project was considered by the Planning Commission at their December 13, 2017 hearing. After deliberation, the Planning Commission was unable to reach a consensus, or a majority decision, regarding their actions on either recommending that the Board of Supervisors approve or deny the proposed project. After further deliberation the Planning Commission voted 4-0 to adopt a resolution recommending denial of the proposed zone change to the Board of Supervisors based on the inability to make the required findings for approval due to a tie vote which is deemed a denial pursuant to the Planning Commission procedures (Attachment 4). The resolution is the method in which the Planning Commission communicates their written recommendations on zone changes to the Board of Supervisors pursuant to Government Code Section 65855. This action was made with the understanding that if the proposed project and associated zone change was heard by the Board, the project and zone change would be heard “de novo” by the Board of Supervisors. A motion to recommend to the Board of Supervisors was made to make the required finding for approval of the project, certify the Final EIR, adopt an ordinance for the proposed rezone, and to approve the tentative tract map, development plan, and road naming application. This motion failed on a 2-2 vote, which is deemed a denial according to the Santa Barbara County Planning Commission Procedures Manual. Because of the failed motion and deemed denial the proposed project and ordinance change would not automatically proceed to the Board of Supervisors unless a request for hearing is filed with the Clerk of the Board within 5 days pursuant to Government Code Section 65856. On December 14, 2017, Urban Planning Concepts, agent for the applicant, filed a timely request for a hearing with the Clerk of the Board (Attachment 7). Additional information regarding the Commission’s action is included in their December 13, 2017 Action Letter, (Attachment 5).

The Commissioners that voted to deny the project stated that a smaller development footprint and fewer residences would be more appropriate for the project site. Specifically, a smaller development area would provide a larger buffer between the proposed development and the Burton Mesa Ecological Reserve, and would reduce project-related impacts to oak trees, and sensitive plants and animals. Concerns were also expressed regarding the long-term success of the proposed on- and off-site mitigation measures for the project’s impacts to biological resources. The Commissioners also expressed concerns that although the project would implement state and local vegetation management requirements, it would result in additional development in a high fire hazard area. Finally, the Commissioners indicated that although the Statement of Overriding Considerations (Attachment 1) for the project’s significant and unavoidable visual resource impacts identifies benefits such as providing additional housing and the payment of in lieu affordable housing fees, the overriding considerations that were identified are generally items that would be provided by all proposed housing projects. Therefore, the Statement of Overriding Considerations did not warrant approval of the project.

Commissioners that voted in favor of the project expressed satisfaction with the project’s proposed mitigation program for biological resource impacts, and noted that bonding requirements would ensure the successful completion of proposed restoration efforts. The Commissioners also stated that the sidewalk to be provided adjacent to the project site along Oak Hills Drive would enhance pedestrian safety in the project neighborhood. Also, the presence of proposed homes on the project site, rather than

the appearance of a vacant lot, would likely result in reduced vehicle speeds on Oak Hills Drive, which would address a concern raised by the public during the Planning Commission hearing.

Tentative Tract Map condition of approval No. 18 (Attachment B.1 of the Planning Commission staff report dated November 15, 2017 and included as Attachment 3 to this Board Agenda Letter) states that the tentative tract maps shall be recorded prior to issuance of any permits for development, including grading. However, Tentative Map Finding 2.3.4 (Attachment 1) allows the Board of Supervisors to approve grading prior to map recordation subject to conditions approved by the Board. During the Planning Commission hearing the project applicant stated that they would request that the Board of Supervisors modify Condition No. 18 to allow grading to occur on the project site prior to recordation of the tract map. The applicant indicated that grading prior to map recordation would accelerate the project's construction schedule to offset some of the time that was required to complete the proposed project's environmental review and permit processing.

### **C. Project Environmental Review**

A Draft EIR was prepared for the Oak Hills Estate project and was circulated for a 45-day public comment period between February 2 and March 20, 2017. The Draft EIR determined that the proposed project would result in significant and unavoidable (Class I) environmental impacts related to project-specific and cumulative changes to existing visual conditions (Aesthetics) at the project site. Potentially significant but mitigable (Class II) impacts were identified in the issue areas of Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Public Services and Utilities, Transportation and Circulation, and Fire Protection. Comments on the Draft EIR submitted by the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) identified project-related impacts to federally listed plant and animal species that were not fully evaluated by the Draft EIR. These potential impacts were in regard to project-related "take" of El Segundo blue butterfly (federal endangered), California red-legged frog (federal threatened), vernal pool fairy shrimp (federal threatened), and Vandenberg monkeyflower (federal endangered). In response to the comments additional impact analysis and mitigation measures were added to a Revised Draft EIR that was circulated for public review between July 11 and August 25, 2017. Responses to public comments on the original Draft EIR and Revised Draft are included in Section 11.0, Responses to Comments, of the Final EIR (Attachment 6).

### **Fiscal and Facilities Impacts:**

Budgeted: Yes

The costs for processing this project are funded in the Planning and Development Permitting Budget Program, as shown on page D-289 of the adopted 2017-2018 FY budget.

### **Special Instructions:**

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on March 13, 2018. The notice shall appear in the Santa Maria Times. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the notice are included with this Board Letter. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention: David Villalobos.

## **Attachments**

1. Findings
2. Rezone Ordinance Exhibit
3. County Planning Commission Staff Report and Attachments A-J dated November 15, 2017
4. Planning Commission Resolution for Rezone
5. County Planning Commission Action Letter dated December 13, 2017
6. Oak Hills Estate Project Final EIR. Printed copies to Supervisors only. Copies of the EIR are available at: <http://www.sbcountyplanning.org/projects/15RZN-00002OakHills/FEIR.cfm>
7. Request for Hearing Letter

## **Authored by:**

Steve Rodriguez, Planning & Development, Development Review Division, (805) 682-3413

## **ATTACHMENT 1: FINDINGS**

### **Oak Hills Estate Tentative Tract Map, Rezone, Development Plan, and Road Naming**

**County EIR #17EIR-00000-00001  
SCH #2015111069**

#### **1.0 CEQA FINDINGS**

##### **1.1 ENVIRONMENTAL IMPACT REPORTS**

Findings pursuant to Public Resources Code Section 21081 and the California Environmental Quality Act Guidelines Sections 15090 and 15091:

###### **1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT**

The Final Environmental Impact Report (Final EIR; 17EIR-00000-00001) was presented to the Board of Supervisors, and all voting members of the Board have reviewed and considered the information contained in the Final EIR and its appendices 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 public hearing on March 13, 2018. The Final EIR reflects the independent judgment and analysis of the Board of Supervisors and is adequate for this proposal.

###### **1.1.2 FULL DISCLOSURE**

The Board of Supervisors finds and certifies that the Final EIR (17EIR-00000-00001) constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and certifies that the Final EIR has been completed in compliance with CEQA.

###### **1.1.3 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 located at 123 East Anapamu Street, Santa Barbara, California 93101.

###### **1.1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE**

The Final EIR (17EIR-00000-00001) for the Oak Hills Estate project identifies environmental impacts that cannot be fully mitigated and are therefore considered unavoidable (Class I). To the extent that an impact remains significant and unavoidable, this impact is acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. For each of the Class I impacts identified by the Final EIR (17EIR-00000-00001), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to the maximum extent feasible, as discussed below.

The Final EIR identifies Class I impacts for aesthetics as discussed below.

- a. Impact AES-1: Visual Aesthetic Character: Grading, Vegetation Removal, and Construction.
- b. Impact AES-3: Scenic Quality to the Burton Mesa Ecological Reserve and Other Off-Site Locations.
- c. Aesthetics: Cumulative Impacts

**Impact AES-1: Grading, Vegetation Removal, and Construction:** The proposed project would remove vegetation and native oak trees as a result of grading on approximately 57 percent of the site for installation of roads, infrastructure, drainage facilities, and construction of 29 single-family homes. The project site is located in a high fire hazard area, therefore, additional on-site vegetation management will be required by the Santa Barbara County Fire Department. The removal of native trees and vegetation and the future construction of single-family residences, would substantially change the site's visual character from an open space area to a developed residential neighborhood. Vegetation modifications and proposed residences would be most visible from homes near the project site; the Vandenberg Country Club golf course; and from areas on Burton Mesa Ecological Reserve. Existing site topography adjacent to Oak Hill Drive would partially screen views of the project site from the roadway.

The project includes a proposed Home Owners Association (HOA) Managed Landscape/Habitat Plan (Attachment F.6 of the Planning Commission staff report dated November 15, 2017); an Open Space Management Plan (Attachment F.4 of the Planning Commission Staff Report dated November 15, 2017); and Oak Hills Estate Design Guidelines (Attachment F.3 of the Planning Commission staff report dated November 15, 2017). Attachments F.6, F.4 and F.3 are hereby incorporated by reference and identify strategies related to: minimizing impacts resulting from the removal of native vegetation and trees; to ensure future construction is compatible with surrounding neighborhoods; long-term fuel management, project site landscaping, and the long-term occupancy of the proposed homes.

Mitigation to reduce this impact requires revisions to the Oak Hills Estate Design Guidelines and Open Space Management Plan, which will minimize impacts on native vegetation by requiring measures such as: tree protection during grading; separate on-site and off-site restoration/management and landscape plans with native plant palettes; invasive plant species control; the location/design of the proposed fuel management zones; and overall site design and appearance. The revised Open Space Management Plan and Design Guidelines would reduce the impacts of proposed construction activities on native vegetation to the maximum extent feasible.

With the implementation of feasible mitigation, however, proposed grading, construction, and vegetation removal would still result in a permanent change to the project site's visual character resulting from the change from native vegetation and open space appearance to a residential urban appearance. Therefore, the Board of Supervisors finds that the significant and unavoidable impacts to the visual character of the site has been reduced to the maximum extent feasible.

**Impact AES-3: Scenic Quality of Views From the Burton Mesa Ecological Reserve and Other Off-Site Location.** The project site is currently undeveloped and has scenic qualities similar to the adjacent natural open space of the Burton Mesa Ecological Reserve, which borders the site to the north and west. Important vistas, particularly of maritime chaparral and oak woodland communities, are experienced from publicly accessible trails in the Reserve and from the adjacent neighborhoods. The project would cause a significant change to the existing on-site visual resources and alter the overall visual character of the site when viewed from the Reserve and adjacent areas.

The project includes an open space buffer between the proposed residential lots and the Reserve, however, the project would remove native vegetation from approximately 57 percent of the project site, and regular vegetation management within the proposed buffer area would further reduce the amount of on-site native vegetation. The removal of native trees and vegetation would reduce the visual screening of future residential development as it would be seen from the trails on the Reserve and from other nearby locations. Mitigation to reduce these impacts includes the on- and off-site restoration of habitat and the planting of replacement trees at a 10:1 ratio. These measures would partially mitigate potential visual impacts resulting from impacts to native vegetation and oak trees by reducing the potential for loss during construction and occupancy of the proposed homes. On-site planting of oak trees could partially offset visual impacts from tree canopy reduction in the long term, but the beneficial effects of tree replacement mitigation would not occur for many years and the change to existing views of the project site from the Reserve and nearby areas would persist. Development of the project with feasibly implementable mitigation incorporated would still result in substantial changes in the natural open space character of the project site due to the development of roads, infrastructure, and homes especially as viewed from public access areas on the Reserve. Therefore, the Board of Supervisors finds that the significant and unavoidable impacts to views from off-site locations have been reduced to the maximum extent feasible.

**Aesthetics: Cumulative Impacts.** The proposed project would result in direct impacts (removal) to 27 coast live oaks, and future residential development on the project site would have the potential to result in long-term impacts to an additional 53 oak trees. In total the project would have the potential to impact between 74 and 127 coast live oak trees on the project site (between 21 percent and 35 percent of the existing 360 on-site oaks). The project would also result in the removal of 9.10 acres of native habitat, including 6.92 acres of maritime chaparral and 2.18 acres of coyote brush scrub. The removal of oaks and maritime chaparral would result in a significant impact and would be mitigated by the proposal to replace impact oak trees on the project site and at an off-site location at a 10:1 ratio, and to restore maritime chaparral on a portion of an off-site location (APN 097-371-067).

Mitigation to reduce the project's impacts requires the implementation of a landscape plan for the project site that would partially replace removed vegetation, native tree protection, the implementation of a tree protection plan and a tree replacement plan, and the restoration of maritime chaparral on- and off-site locations. However, changes to the existing visual conditions at the site resulting from tree and habitat removal would result in the project contributing to a cumulatively considerable impact to the area's visual character by conversion of habitat to urban residential use. Therefore, the Board of Supervisors finds that the project's



significant and unavoidable cumulative impact to visual resources has been reduced to the maximum extent feasible.

### **1.1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL**

The Final EIR (17EIR-00000-00001) identifies the following subject areas for which the project is considered to cause or contribute to significant but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the Final EIR, feasible changes or alterations have been required of, or incorporated into, the project that avoid or substantially lessen the significant environmental effect, as discussed below and in the Environmental Impact Report (17EIR-00000-00001).

**Aesthetics.** The project has the potential to result in impacts to visual conditions associated with: on-site surface waters (Impact AES-1); potential views of proposed on-site storm water detention basins (Impact AES-1); and visual compatibility of future residences with adjacent open space and neighborhoods (Impacts AES-1 and AES-2). The following conditions would avoid and/or minimize impacts to aesthetics resources and when implemented would reduce these impacts to less than significant levels.

Native trees and vegetation growing along and within the banks of the two ephemeral streams located on the project site contribute to the open space visual character of the site. Ground surface alterations from proposed grading and construction adjacent to the drainages would have the potential to result in significant impacts to nearby native trees and vegetation, which would result in significant impacts to the site's visual character. Mitigation to reduce this impact requires the protection of native trees within and adjacent to the ephemeral drainages during construction, and if necessary that impacted native trees be replaced at a 10:1 ratio (MM AES-1 and MM BIO-3.2). In addition, the preparation and implementation of a project site landscape plan that uses drought-tolerant, locally native plant species is also required (MM BIO-2.3). The Board of Supervisors find that these mitigation measures are adequate to reduce the project's visual impacts to surface waters and potential impacts to scenic trees and vegetation to an insignificant level.

The project would have the potential to result in visual character impacts from the proposed storm water detention basins located near Oak Hill Drive (Impact AES-1). Mitigation to reduce this impact requires that detention basin designs and landscaping plans undergo County review and obtain North County Board of Architectural Review (NBAR) approval (MM AES-2). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

The project would have the potential to result in visual character impacts from potential design incompatibility impacts between individual homes developed on the project site and adjacent residential neighborhoods (Impacts AES-1 and AES-2). Mitigation to reduce this impact requires the design of future homes developed on the project site obtain NBAR approval, and that project site residences, infrastructure, and open space areas be visually compatible with surrounding development and open space (MM AES-1 and MM AES-2). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

**Biological Resources.** The project has the potential to result in significant permanent impacts to nine special status plant species (Impact BIO-1); 15 potentially occurring special status wildlife species (Impact BIO-1); sensitive natural communities (including moderate-quality maritime chaparral; coyote brush scrub; and spikerush emergent wetland) (Impact BIO-2); oak trees (Impact BIO-3); nesting birds (Impact BIO-5); and cumulative biological impacts. The following conditions would avoid and/or minimize impacts to these biological resources and, when implemented, would reduce these impacts to less than significant levels.

Mitigation to reduce impacts to the nine special status plant species (La Purisima manzanita; sand mesa manzanita; mesa horkelia; curly-leaved dune mint; Lompoc ceanothus; paniculate tarplant; Lompoc wallflower; California spineflower; and Blochman's ragwort) require plant protection and the replacement of impacted plants at ratios consistent with County standards (MM BIO-1.2); and that appropriate on- and off-site restoration mitigation areas be identified and approved restoration plans be implemented (MM BIO-2.1 and MM BIO-2.2). In addition, mitigation includes requirements that construction and landscaping plans for the project do not result in the introduction of invasive species or species incompatible with the adjacent habitat and Burton Mesa Ecological Reserve (MM BIO-2.3 and MM BIO- 2.4); that specified requirements for special status plant species surveys, flagging, habitat restoration be implemented (MMs BIO-1.1, 1.4, 2.1 and 2.2); and a worker awareness program be implemented (MM BIO-1.5). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

Mitigation for impacts to special status animal species identified as having the potential to occur on the project site (American badger; silvery legless lizard; Blainville's horned lizard, western red bat, western spadefoot toad, and coast patch-nosed snake) requires species-specific surveys to be conducted prior to construction, and the implementation of measures in the event that the sensitive species are detected during the required surveys (MMs BIO-1.6 through 1.14). The Board of Supervisors find that the mitigation is adequate to reduce this impact to a less than significant level.

The project would result in the loss of between 21 percent and 35 percent of the oak trees present on the project site, which exceeds the County's 10 percent tree removal threshold. Mitigation for this impact requires the preparation and implementation of a native tree protection plan (MM BIO-3.1); an on- and off-site tree replacement plan (MM BIO-3.2 and MM BIO-3.3); and monitoring by a certified arborist (MM BIO-3.4). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

Proposed development on the project site and vegetation management for wildfire risk reduction may result in direct or indirect impacts to nesting birds if present within and/or in the vicinity of disturbance areas (Impact BIO-5). Mitigation for this impact requires focused surveys and if necessary avoidance measures for nesting birds and raptors, including the federally threatened white-tailed kite (MM BIO-5.1). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

Cumulative projects in the vicinity of the proposed project would remove coast live oaks, remove maritime chaparral habitat, and have the potential to impact sensitive plant and animal

species. Therefore, implementation of the project in conjunction with other cumulative projects may result in significant cumulative impacts to biological resources. Project-specific mitigation for this impact would reduce project-related impacts such that, the proposed project's impacts would not be cumulatively considerable and the project's contribution to cumulative biological resource impacts would be less than significant. The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

**Cultural Resources.** Potentially significant impacts to cultural resources could result from encountering previously unidentified subsurface archaeological resources that may be unearthed during development of the project (Impact CR-1). Mitigation to reduce this impact requires a pre-construction/pre-restoration meeting between the applicant, archaeologist, local Chumash representative(s), construction supervisors, and heavy equipment operators to ensure that all parties understand the cultural resources monitoring program and their respective roles and responsibilities (MM CR-1). Additional mitigation requires that the applicant and/or their agents, representatives, or contractors stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping, or other construction-related activity (MM CR-2); and that a Planning and Development-approved archaeologist and Native American representative evaluate the significance of the find in compliance with County Cultural Resource Guidelines Provisions for Phase 2 and Phase 3 investigations (MM CR-3). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

**Geology and Soils.** The project has the potential to result in impacts related to shallow slope instability that could occur on the south side of the site near Oak Hill Drive, and along the central drainage channel if oversaturated conditions occur (Impact GEO-1). Mitigation to reduce this impact requires compliance with standard County erosion control and drainage requirements during and after construction of the project, and adherence to the recommendations contained in the on-site geotechnical investigation (MM GEO-1). In addition, the preparation/approval of an Erosion and Sediment Control Plans are also required (MM GEO-2). The Board of Supervisors find that the mitigation is adequate to reduce these impacts to an insignificant level.

**Hydrology and Water Quality.** Grading activities and vegetation removal associated with construction could result in short-term water quality impacts associated with increased erosion and the potential transport of pollutants into drainage swales (Impact WQ-2). If construction grading on the proposed project site occurs during the rainy season or in the event of heavy storms, soils from the site could be entrained, eroded, and transported to drainages within and adjacent to the site. Uncontrolled discharges of sediment are considered a significant impact to water quality.

Mitigation to reduce this impact includes the preparation and implementation of a Storm Water Pollution Prevention Plan, which would minimize water quality degradation through storm water monitoring and establishment of best management practices (BMPs), erosion control and spill prevention measures, and containment measures (MM WQ-1). In addition, mitigation requiring a final drainage study and plan would further minimize water quality impacts (MM WQ-2). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

The proposed project would introduce new residential development to an open space area and would have the potential to result in significant water quality impacts. Operation of the project would increase the quantity of storm water runoff due to an increase in impervious surfaces. The project-related use of urban pollutants would have the potential to impact runoff water quality (Impacts WQ-3 and WQ-4). Runoff from proposed residential lots and roadways would be directed to vegetated roadside swales, which discharge to adjoining storm water basins for each of the three drainage subareas on the project site. In addition, mitigation to reduce this impact requires that a SWQMP be prepared and implemented in accordance with County standards (MM WQ-3). The SWQMP would reduce the long-term operational water quality impact of the project to the maximum extent practical through proper placement of structural and non-structural BMPs and implementation of an inspection and maintenance program. The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

**Noise.** On-site project construction would include the use of common construction equipment such as graders, dozers, excavators, etc., which have the potential to result in significant short-term noise impacts to nearby residential areas (Impact N-4). There are residential uses within 100 feet of the eastern and southern edge of the project disturbance area (i.e., where grading and construction will occur). Mitigation to reduce this impact requires the project to limit construction and restoration hours of operation to reduce noise impacts on sensitive receptors (MM N-1). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

**Public Services and Utilities.** The project would generate an estimated 522 to 696 tons of construction-related waste. This exceeds the County's significance threshold of 350 tons of construction and demolition waste (Impact PSU-4). Mitigation to reduce this impact requires the implementation of a construction waste recycling/diversion plan that is capable of reducing construction waste disposal by at least 50 percent (MM PSU-1 and MM PSU-2). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

**Transportation and Circulation.** Access to the project site is proposed via three driveway connections to Oak Hill Drive, and three residential units (Lots 27-29) would have direct access from Oak Hill Drive. The stopping and corner sight distance requirements were determined to be satisfactory for proposed project driveway connections, with the exception of the center driveway connection to Oak Hill Drive, which is located on a sag curve that may restrict sight distance to the east depending on roadway shoulder slope and vegetation height (Impact T-4). Mitigation to reduce this impact requires that a sight distance study be prepared that, if necessary, would provide design recommendation to address potential traffic hazards at this driveway connection (MM TRAF-1). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

**Fire Protection.** The project site is located within a High Fire Hazard Severity Zone, characterized by dense vegetation and steep slopes. Construction would result in the potential for accidental ignition of a wildfire due to sparks or heat from heavy equipment interacting with vegetation on-site, which would be exacerbated during the dry season and/or high winds. The risk of fire ignition from construction activities in a high fire hazard zone results in a potentially significant impact (Impact FP-1). Mitigation for this impact requires that standard fire protection

and avoidance procedures be implemented during construction for each phase of development and each individual lot (MM FP-1). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

Future development of new residences and accessory structures on the project site would expose people and structures to a significant risk of loss, injury, or death resulting from wildland fires. Occupancy of homes would also introduce additional sources of wildland fire ignition due to the increase in human activities (Impact FP-2). The proposed project's Open Space Management Plan and Design Guidelines include landscaping and fire safety design measures; propose fuel management zones and procedures that are to be implemented; and identify defensible space areas to be managed by the project's HOA. However, inadequate maintenance of the 30-foot defensible space by property owners could potentially result in an increased risk of structural or exterior fires that could lead to a wildfire and is a potentially significant impact of this project. Mitigation to reduce this impact requires future development to adhere to the requirements of a stand-alone fuel management plan and coordination with Santa Barbara County Fire Department pertaining to the adequacy of HOA maintenance, management, and implementation of fuel management strategies (MM FP-2 and MM FP-3). The Board of Supervisors find that the mitigation is adequate to reduce this impact to an insignificant level.

#### **1.1.6 FINDINGS THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

The Board of Supervisors find that changes or alterations to the project which could avoid or substantially lessen the following significant environmental impacts are within the responsibility and jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and not the County. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Construction activities on the project site have the potential to result in "take" of four species that are listed by the Federal Endangered Species Act, including: vernal pool fairy shrimp (threatened), El Segundo blue butterfly (endangered), California red-legged frog (threatened), and Vandenberg monkey flower (endangered).

Mitigation to reduce these impacts requires that the project applicant obtain prior to issuance of any grading permit all necessary approvals and concurrence from the USFWS for potential project-related impacts to vernal pool fairy shrimp, El Segundo blue butterfly, California red-legged frog, and Vandenberg monkey flower. USFWS approvals include obtaining an Incidental Take Permit and Habitat Conservation Plan pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act. USFWS concurrence is required to demonstrate that project-related impacts to vernal pool fairy shrimp have been avoided.

#### **1.1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES OR MITIGATIONS ARE INFEASIBLE**

**1.1.7.1 No Project Alternative.** The No Project Alternative allows decision-makers to compare the impacts of approving a project with the impacts of not approving the project, and is required to

be analyzed and considered pursuant to CEQA Guidelines Section 15126.6(e)(3)(B). The No Project Alternative (FEIR Alternative 1) examines the potential impacts of developing the project site consistent with its current RR-10 zoning, which would allow one single-family residence on the 16.88-acre project site. The No Project Alternative would avoid or substantially reduce the proposed project's significant impacts. However, this alternative would not implement the project objective (Project Objective 2) of providing desirable housing types and densities consistent with the surrounding neighborhoods, which are developed with single-family and multi-family residences. In addition, the alternative would result in the development of substantially fewer residences on the project site than allowed by the Comprehensive Plan land use designation, and would not be consistent with the project objective (Project Objective 1) of developing the site in a manner that is consistent with the Comprehensive Plan. Therefore, the No Project Alternative is considered infeasible.

**1.1.7.2 Reduced Unit Alternative.** The Reduced Unit Alternative (FEIR Alternative 2) would reduce the overall on-site development footprint and reduce the number of residences to 20, which would be nine (9) fewer units than under the proposed project (a 31 percent reduction). This alternative would generally implement the objectives of the proposed project, including the objective to provide housing types and densities consistent with surrounding neighborhoods.

The FEIR determined that the Reduced Unit Alternative would retain more natural, undeveloped land on the project site than the proposed project, however, it would still convert a majority of the project site from open space to urban development. Similar to the proposed project, this Alternative would result in significant and unavoidable aesthetic impacts due to a loss of on-site open space (see FEIR Section 7.4, Environmentally Superior Alternative). The Reduced Unit Alternative would reduce impacts to air quality, biological resources, cultural resources, geology, hydrology and water quality, noise, public services and utilities, transportation, and fire protection when compared to the impacts of the proposed project. However, these project-related impacts can be reduced to a less than significant level with the implementation of mitigation measures identified by the FEIR and that are included as conditions of approval for the project. Therefore, the Reduced Unit Alternative would not avoid the significant aesthetic impacts that would result from the implementation of the proposed project and is not considered to be a feasible alternative to the project.

**1.1.7.3 Clustered Unit Alternative.** The Clustered Unit Alternative (FEIR Alternative 3) would reduce the project's overall development footprint and scale, and provide 29 condominiums or townhomes clustered onto two areas of the project site. The number of residential units provided by this alternative would be the same as the number of residences provided by the proposed project. This alternative would generally implement the objectives of the proposed project, including the primary objective to provide housing types and densities consistent with surrounding neighborhoods.

The FEIR determined that the Clustered Unit Alternative would retain more natural, undeveloped land on the project site than the proposed project, however, it would still convert a majority of the project site from open space to urban development. Similar to the proposed project, this Alternative would result in significant and unavoidable aesthetic impacts due to a loss of on-site open space (see FEIR Section 7.4, Environmentally Superior Alternative). The Clustered Unit Alternative would reduce impacts to biological resources, cultural resources,

geology, hydrology and water quality, and fire protection when compared to the impacts of the proposed project. However, implementation of the Clustered Unit Alternative is not required to reduce these impacts to a less than significant level as they can be reduced to a less than significant level with the implementation of mitigation measures identified by the FEIR and that are included as conditions of approval for the project. Therefore, the Clustered Unit Alternative would not avoid the significant aesthetic impacts that would result from the implementation of the proposed project and is not considered to be a feasible alternative to the project.

### **1.1.8 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Final EIR (17EIR-00000-00001) for the Oak Hills Estate project identifies three (3) environmental impacts that cannot be fully mitigated and are therefore considered unavoidable (Class I). The significant and unavoidable impacts are associated with the project's effects on visual resources. 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. For each of the Class I impacts identified by the Final EIR (17EIR-00000-00001), 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:

Significant and unavoidable aesthetic impacts would result from adverse changes to the visual character of the project site resulting from grading, vegetation removal and construction; scenic quality impacts to views from the Burton Mesa Ecological Reserve and other off-site locations; and cumulative aesthetic impacts. Mitigation to reduce these impacts include requirements for the implementation of approved project-specific design guidelines and an approved open space management plan, and NBAR review of future residential development on the project site. No other measures are known that would further reduce the identified aesthetic impacts of the project.

The County of Santa Barbara therefore makes the following Statement of Overriding Considerations that warrants approval of the project notwithstanding that all identified effects on the environment are not fully mitigated. With respect to each of the environmental effects of the project listed above, the County of Santa Barbara 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. The project will provide 29 new single-family residences that will increase housing opportunities in the County. In addition, the project will be required to pay in-lieu housing fees that will assist in the development of affordable housing in the County, and the project will not affect the ability of the County to meet its current Regional Housing Need Allocation.
- b. The project will provide new infill development on a parcel designated for residential development by the Comprehensive Plan. The proposed infill development provides housing

that is near commercial and transit services, which reduce project-related vehicle miles travelled and associated emissions of criteria pollutants and greenhouse gases.

- c. The project will implement the goals, policies and guidelines of the Comprehensive Plan that require adequate urban services be available to serve new projects; that projects minimize grading-related impacts; that new development minimize potential wildland interface fire risk impacts; and that new development be compatible with land uses adjacent to the project site.
- d. The project includes design guidelines that prescribe architectural and landscape standards that will promote compatibility with the residential neighborhoods adjacent to the project site.
- e. The project has been designed to provide open area buffers adjacent to the Burton Mesa Ecological Reserve, which will minimize the potential for future direct and indirect conflicts with the Reserve.
- f. Roadways that would be developed on the project site would be private roads maintained by the project's Homeowners Association. The maintenance of the roadways will not be dependent upon public funds.
- g. The project would correct drainage and erosion impacts that are occurring on the project site, which has resulted in the creation of a deeply eroded channel on the project site and resulting in off-site sedimentation impacts.

### **1.1.9 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 it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements are hereby adopted as the reporting and monitoring program for this project and are fully enforceable through permit conditions, agreements, or other measures. The monitoring program is designed to ensure compliance during project implementation.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 REZONE FINDINGS**

**Findings Required for Approval of Amendments (§35.104.060).** An application for an Amendment to the Comprehensive Plan, Development Code or Zoning Map may be approved only if the review authority first makes all of the following findings, as applicable to the type of Amendment.



**2.1.1. Findings for Comprehensive Plan, Development Code and Zoning Map Amendments.**

**a. The request is in the interests of the general community welfare.**

The request is in the interests of the general community welfare because the project site presently has a Residential (R-12.3) land use designation, and the proposed DR-1.8 zoning would be consistent with the existing land use designation and would facilitate future residential development on the project site at a unit density that is lower than the maximum density allowed by the site's land use designation. The proposed rezone to DR-1.8 would be compatible with the existing 20-R-1 zoning of the single-family residential area to the east of the project site, and the existing DR-6 zoning of the multi-family residential area that is south of the project site. The proposed zoning would be compatible with adjacent residential zoning because it would facilitate residential unit densities that are similar to or less than the existing residential unit densities that have been established near the project site. The proposed rezone would facilitate the development of 29 single-family residences on the project site, thereby increasing housing opportunities in the project region. The proposed design of on-site residential development that would be facilitated by the rezone complies with the open space requirements of the DR zone, which requires that at least 40 of the project site be retained as open space. Approximately 43 percent of the project site would be retained as natural open space, and most this open area would provide a buffer between future residential development and the sensitive habitat located to the north and west of the project site on the Burton Mesa Ecological Reserve. Other environmental impacts that may result from future development facilitated by the rezone have been mitigated to the maximum extent feasible, as described in the CEQA Findings presented above. Therefore, this finding can be made.

**b. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.**

The request is consistent with the County's Comprehensive Plan and Lompoc Area Goals Interpretive Guidelines, State planning and zoning laws, and the LUDC as discussed in these Findings and in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference.

**c. The request is consistent with good zoning and planning practices.**

The rezone request is consistent with good zoning and planning practices because proposed residential unit densities are compatible with existing residential zoning on properties adjacent to the project site to the south and east. The proposed design of on-site residential development that would be facilitated by the rezone complies with the open space requirements of the DR zone, and much of the required on-site open space would provide a buffer between future residential development and the sensitive habitat located on Burton Mesa Ecological Reserve. Potential environmental impacts that may result from future development facilitated by the rezone have been mitigated to the maximum extent feasible as described in the CEQA Findings presented above. In addition, future development facilitated by the rezone would be consistent

with local and state planning regulations as identified in Finding 2.1.1b. Therefore, this finding can be made.

- 2.1.2. Rezone Requirements for Specific Zones (§35.104.080).** The approval of a rezoning to apply one of the zones listed in this Section shall require compliance with the requirements of this Section applicable to the specific zone.

**An application for a rezoning to the DR, MHP, OT-R, C-V, SC, PI, M-RP, M-1, M-2, MU, and PU zones shall include a Preliminary Development Plan or Final Development Plan in compliance with Section 35.82.080 (Development Plans) unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.**

The proposed rezone would change the zoning of the project site from Residential Ranchette, 1 unit per 10 acres (RR-10) to Design Residential, 1.8 units per acre (DR-1.8). The proposed project includes an application for a Development Plan (15DVP-00000-00001), in compliance with Section 35.82.080. Therefore, this finding can be made.

## **2.2 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)**

**Findings for all Tentative Maps.** In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Oak Hills Estate Vesting Tentative Tract Map, 15TRM-00000-00001/TM 14,180.

- 2.2.1 State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The required setbacks for structures as described in Section 5.3 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, would allow for sufficient area for future residential development on the site to be sited and designed to take advantage of solar exposure for natural heat and light, and prevailing winds for cooling effects. There would be sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided at each of the proposed residential lots. Therefore, this finding can be made.

- 2.2.2 State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.**

As indicated in Section 6.2 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, with the implementation of the recommended conditions of approval included in Attachment B.1 of the November 15, 2017 Planning Commission staff report, the proposed project is consistent with the applicable policies of the Comprehensive Plan. Adequate ingress/egress, infrastructure and public and private services are available to serve the proposed lots. Therefore, this finding can be made.

**2.2.3 State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:**

**a. The proposed map is not consistent with applicable general and specific plans as specified in §66451.**

As indicated in Sections 6.2, 6.3 and 6.4 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, with the implementation of the conditions of approval set forth in Attachment B.1 of the November 15, 2017 Planning Commission staff report, the project is consistent with all applicable policies of the County's Comprehensive Plan; the Lompoc Area Goals Interpretive Guidelines; the Santa Barbara County Land Use and Development Code; and Chapter 21, the County Subdivision Ordinance. Therefore, this finding cannot be made.

**b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

As indicated in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, compliance with the project description and conditions of approval identified in Attachment B.1 of the November 15, 2017 Planning Commission staff report, future residential improvements on the subdivision site will be consistent with the County's Comprehensive Plan and the Lompoc Area Goals Interpretive Guidelines. Therefore, this finding cannot be made.

**c. The site is not physically suitable for the type of development proposed.**

The proposed project will subdivide the 16.88-acre project site into 30 legal lots, which would facilitate the future development of 29 single-family dwellings and associated accessory structures. As indicated in Sections 6.1 and 6.2 of the Planning Commission staff report dated November 15, 2017, and incorporated herein by reference, adequate public and private services will be available to serve the newly created lots and associated development.

The proposed project site access roads and residential lots would avoid areas of the project site that have slopes with a gradient of more than 20 percent. Only minimal grading is proposed on open space lots with a gradient in excess of 20 percent to construct a storm water detention basin and to correct existing erosion and safety conditions associated with the ephemeral drainage located on the central portion of the project site. The proposed grading would not make

substantial changes to topography of the project site, and all short- and long-term project-related grading impacts will be reduced to a less than significant level through the implementation of conditions that require the implementation of approved erosion control measures.

The proposed project design would preserve the ephemeral drainage channel located in the central portion of the project site, and potential impacts to a small wetland area would be avoided by the project's design and conditions of approval that require the wetland area be fenced and that only minimal vegetation management for wildfire hazard risk reduction occur in areas adjacent to the wetland. The project site is located within a high fire hazard area, however, potential fire safety impacts would be reduced to a less than significant level as future residences would be located at least 100 feet from flammable native vegetation that is adjacent to the project site on the Burton Mesa Ecological Reserve, and by conditions of approval that require the implementation of approved fuel management and other fire hazard risk reduction measures. Therefore, the project site is physically suitable for the type of development proposed and this finding cannot be made.

**d. The site is not physically suited for the proposed density of development.**

The DR-1.8 zoning that has been requested for the project site would allow up to 30 residential units to be developed on the 16.88-acre project site. The proposed project would facilitate the future development of 29 residences on the project site and would be consistent with unit density requirements of the DR-1.8 zone district. Portions of the project site that would be used to develop proposed residences would avoid the steeply sloping areas adjacent to the ephemeral drainage located near the center of the project site, and the sloping areas adjacent to Oak Hills Drive. In addition, portions of the project site that would be used to develop future residences and roadways are relatively level or have gentle slopes that on average have gradients of less than 10 percent. Therefore, this finding cannot be made.

**e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

As discussed in the EIR prepared for the project (17-EIR-01), herein incorporated by reference, and Section 6.1 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, significant project-related environmental impacts to wildlife and their habitat are reduced to a less than significant level by conditions of approval identified in Attachment B.1 of the November 15, 2017 Planning Commission staff report. Impacts to the federally listed El Segundo blue butterfly, California red-legged frog, and Vandenberg monkeyflower would be reduced to a less than significant level by implementing conditions of approval that specify measures for impact avoidance and restoration of impacted habitat. The conditions of approval also require that the applicant obtain and implement a U.S. Fish and Wildlife Service-approved Incidental Take Permit and Habitat Conservation Plan for these species. Potential impacts to vernal pool fairy shrimp, also a federally listed species, would be avoided by the proposed project's design and conditions of approval that specify fencing,

signage, and fuel management requirements in the vicinity of an on-site wetland that is presumed to provide fairy shrimp habitat.

Other project-related impacts to sensitive habitat, plants, and wildlife species that are located on the project site, or that have the potential to occur on the site, would also be reduced to a less than significant level with the implementation of conditions of approval in Attachment B.1 of the November 15, 2017 Planning Commission staff report. These conditions of approval require the avoidance of sensitive plants and habitats; the replacement of impacted sensitive plants and habitats at specified ratios; the protection of on-site oak trees and the replacement of impacted trees at a 10:1 ratio; and other specified sensitive animal species avoidance and protection measures.

The proposed subdivision has been designed to minimize the potential for off-site impacts to sensitive habitat located on the adjacent Burton Mesa Ecological Reserve by retaining on-site open space adjacent to the Reserve, and by conducting all required fuel management for wildfire hazard risk reduction on the project site.

With the implementation of conditions of approval in Attachment B.1 of the November 15, 2017 Planning Commission staff report, the design of the subdivision and proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Therefore, this finding cannot be made.

f. **The design of the subdivision or type of improvements is likely to cause serious public health problems.**

The proposed subdivision has been designed to minimize the potential to cause serious public health problems. As discussed in Section 6.2 of the Planning Commission staff report dated November 15, 2017, and incorporated herein by reference, adequate water, utilities, and access are available to serve the proposed parcels. The project site is located within a high fire hazard area, however, potential fire safety impacts would be reduced to a less than significant level as future residences would be located at least 100 feet from flammable native vegetation that is adjacent to the project site on the Burton Mesa Ecological Reserve, and by conditions of approval that require the implementation of approved fuel management and other fire hazard risk reduction measures. The project site is not located within a flooding hazard area of historic flood hazards and has been reviewed by the County Fire Department, Flood Control District, Environmental Health Services, and Air Pollution Control District. In addition, there are no other identified or likely public health problems or hazards associated with the project. Therefore, this finding cannot be made.

g. **The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

Existing easements on the project site are for the drainage and utility purposes. There are no easements acquired by the public at large on or through the project site. Therefore, the design of

the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the subdivision. Therefore, this finding cannot be made.

**2.2.4 State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:**

- a. A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.**

The project site is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), or any easement entered into pursuant to Section 51256.

- b. An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).**

The project is not subject to an open-space easement.

- c. An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.**

Division 10.2 of the Public Resources Code implements the Agricultural Lands Stewardship Program of 1995; Chapter 4 of this Division specifies the provisions of the Agricultural Conservation Easement. The project site is not subject to an agricultural conservation easement. Therefore these provisions do not apply.

- d. A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.**

Chapter 4 of Part 2 of Division 2 of the Civil Code includes provisions for conservation easements. The project site is not subject to a conservation easement. Therefore, these provisions do not apply.

**2.2.5 State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

Wastewater generated by the future development of single-family residences on each of the proposed lots would be collected by the Vandenberg Village Community Services District and treated at the City of Lompoc Regional Wastewater Reclamation Plant. The subdivision will not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems. Therefore, this finding can be made.

### **2.3 TENTATIVE MAP FINDINGS (COUNTY CODE, CHAPTER 21)**

The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:

**2.3.1 Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.**

The project does not propose any easements or rights-of-way across county streets. Therefore, this finding can be made.

**2.3.2 Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street.**

Access to proposed Lots 1-26 will be from proposed private streets. Access to proposed Lots 27, 28 and 29 will be from Oak Hill Drive, an existing street. The proposed subdivision has been designed so that the new lots will not become landlocked. Roads will be adequately designed for ingress and egress, and have been reviewed by the County Fire Department and Public Works Transportation Division. Therefore, this finding can be made.

**2.3.3 Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view.**

Areas on the project site identified for future residential uses are relatively level. Slopes on the project site that are between 20-30 percent gradient are located along the drainage in the central

portion of the site, and along portions of the Oak Hill Drive frontage. Grading on slopes along the central drainage would be conducted to correct existing drainage and erosion problems, increase safety, and minimize future erosion. The graded slopes would not result in substantial changes from existing conditions, would be re-vegetated, and would not result in topographic modifications that would adversely affect scenic quality when viewed from on- or off-site locations. Grading on slopes adjacent to Oak Hill Drive would be for the construction of a proposed storm water detention basin, which would not be visible from off-site locations. Proposed grading on areas with steep slopes would be primarily for safety, to reduce future erosion, provide adequate site drainage and storm water management, and would not result in significant impacts to scenic values. Therefore, this finding can be made.

**2.3.4 Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors.**

The project is conditioned (Condition No. 18 of Attachment B.1 of the November 15, 2017 Planning Commission staff report) to not allow grading or construction work to be permitted prior to recordation of the tentative map. Therefore, this finding can be made.

**2.3.5 Potential creation of hazard to life or property from floods, fire, or other catastrophe.**

The project site is located within a high fire hazard area, however, potential fire safety impacts would be reduced to a less than significant level as future residences would be located at least 100 feet from flammable native vegetation that is adjacent to the project site on the Burton Mesa Ecological Reserve, and by conditions of approval that require the implementation of approved fuel management and other fire hazard risk reduction measures.

The County Flood Control and Fire Departments have reviewed the project and have submitted conditions included in Attachment B.1 of the November 15, 2017 Planning Commission staff report. Further, the areas identified for development are not located within any identified flood zones and required setbacks from drainage along the central portion of the project site will ensure that life and property are protected from flood hazards.

**2.3.6 Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state Department of Transportation.**

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, compliance with the project description and required conditions of approval will ensure that the design and improvements of the subdivision and future development are consistent with the County's Comprehensive Plan, Lompoc Area Goals Interpretive Guidelines, and the Land Use Development Code. The Tentative Tract Map would not affect the alignment of a state highway.



**2.3.7 Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1.**

The project will not result in lots that have a ratio depth to width in excess of 3 to 1.

**2.3.8 Subdivision designs with lots backing up to watercourses.**

A small ephemeral drainage is located along the central portion of the project site. The rear lot lines of proposed lots 10-14 and 22-24 would be a minimum of approximately 40 feet from the existing top of bank of the drainage. The ephemeral drainage is located on a proposed open space lot that would be maintained by the project's Homeowners Association, therefore, maintenance of the drainage would not be the responsibility of the adjacent lots. With the proposed setbacks between adjacent lots and the drainage top of bank, the project would not result in lots that "back up" to the drainage and this finding can be made.

**2.3.9 Pursuant to Chapter 21-8(d) of the Santa Barbara County Code, a tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.**

The tentative map was evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2, 6.3 and 6.4 of the Planning Commission staff report dated November 15, 2017, herein incorporated by reference. As discussed in those sections, the subdivision and associated infrastructure improvements (as modified by the conditions of approval) are consistent with the County's Comprehensive Plan, Lompoc Area Goals Interpretive Guidelines, Santa Barbara County Land Use and Development Code, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. Findings in Section 2.2 above, herein incorporated by reference, discusses the tentative map's consistency with applicable provisions of the State Subdivision Map Act.

**2.4 DEVELOPMENT PLAN FINDINGS**

**2.4.1. Findings required as applicable for all Preliminary and Final Development Plans.**

**In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:**

- a. The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.**

The proposed project will subdivide the 16.88-acre project site into 30 legal lots, which would facilitate the future development of 29 single-family dwellings and associated accessory

structures. As indicated in Sections 6.1 (Environmental Review), and 6.2 (Comprehensive Plan Consistency) of the Planning Commission staff report dated November 15, 2017, and incorporated herein by reference, adequate public and private services will be available to serve the newly created lots and associated development. Therefore, the project is adequate in terms of its location and the ability to accommodate the number of proposed new residences.

The proposed residential development would occur in the DR-1.8 zone, which requires that 40 percent of the project site be retained as open space. As proposed, approximately 43 percent the project site would be retained as natural open space that would be located along the existing ephemeral drainage in the central portion of the site and would provide a buffer between future development and the sensitive habitat located to the north and west on the Burton Mesa Ecological Reserve. The proposed project site access roads and residential lots would avoid areas of the project site that have slopes with a gradient of more than 20 percent. Only minimal grading is proposed on lots with a gradient in excess of 20 percent to construct a storm water detention basin and to correct existing erosion and safety conditions associated with the ephemeral drainage located on the central portion of the project site. The proposed grading would not make substantial changes to topography of the project site, and all short- and long-term project-related grading impacts will be reduced to a less than significant level through the implementation of conditions that require the implementation of approved erosion control measures. Therefore, the project is adequate in terms of its physical characteristics, shape and size to accommodate the proposed development, and this finding can be made.

**b. Adverse impacts will be mitigated to the maximum extent feasible.**

As discussed in the Final EIR (17EIR-00000-00001), incorporated herein by reference, and the CEQA findings above, all adverse environmental impacts will be mitigated to the maximum extent feasible. The mitigation measures have been incorporated into the project conditions of approval (Attachment B.2 of the Planning Commission staff report dated November 15, 2017) with monitoring requirements to ensure implementation and compliance. Therefore, this finding can be made.

**c. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The existing road network is adequate to serve the proposed project and the traffic it will generate. As discussed in the Final EIR (17EIR-00000-00001), herein incorporated by reference, the proposed project is expected to generate approximately 276 average daily vehicle trips, 22 morning peak hour trips and 29 afternoon peak hour trips. This additional traffic will not cause a significant impact to the nearby roadways or intersections, or result in a cumulatively considerable contribution to cumulative traffic impacts. The EIR analyzed the traffic impacts of the project considering County thresholds of significance and concluded that project-generated traffic will not cause a significant impact. In addition, project generated traffic was analyzed for consistency with applicable County traffic-related policies and found to be consistent (Section 6.2 of the Planning Commission staff report dated November 15, 2017, herein incorporated by reference). The streets and highways in the project area are adequate and can carry the type and

quantity of traffic generated by the project, and no improvements to streets and highways in the area are required to accommodate project-related traffic. Therefore, this finding can be made.

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

As discussed in Section 5.1 and 6.2 of the Planning Commission staff report dated November 15, 2017 project will be provided by the Vandenberg Village Community Service District, which has adequate capacity to the serve the project. Fire and Police services will be available to serve the project site, and other utilities such as electricity currently serve the project area. Therefore, this finding can be made.

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

Future residential development on the project site will be required to comply with the Oak Hills Estates Design Guidelines, which provide direction related to the design of homes on the project site, including building height, site and building design, and landscaping. Conditions of approval in Attachment B.2 of the November 15, 2017 Planning Commission staff report require that the North County Board of Architectural Review (NBAR) review and approve the Guidelines, that the approved Guidelines be recorded as part of the projects CCR's, and that future residential development on the project site be reviewed by NBAR. With the implementation of the approved Guidelines, future residential development on the project site will conform to the character and scale of the surrounding urban development. The proposed project would result in additional development within a high fire hazard area. Potential fire safety impacts would be reduced to a less than significant level as future residences would be located at least 100 feet from flammable native vegetation that is adjacent to the project site on the Burton Mesa Ecological Reserve, and by conditions of approval that require the implementation of approved fuel management and other fire hazard risk reduction measures. As discussed in Section 6.3 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, the project complies with the requirements of the Land Use and Development Code, including height limits and required open space area. In addition, the project's environmental impacts will be mitigated to the maximum extent feasible. Therefore 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 and this finding can be made.

**f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.**

As discussed in Section 6.3 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, the project complies with the requirements of the Land Use and Development Code, including height limits and setbacks. As discussed in Section 6.2 of the Planning Commission staff report dated November 15, 2017, incorporated herein by reference, the project, as conditioned, is consistent with the applicable policies and development standards

of the Comprehensive Plan, including the Lompoc Area Goals Interpretive Guidelines. Therefore this finding can be made.

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

The project is not located within a Rural area. Therefore, this finding does not apply.

- h. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.**

There are no easements required for public access through the project site, or that allow the public to use a portion of the project site. Therefore, this finding can be made.

#### **2.4.2. Additional finding required for Final Development Plans.**

**In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.**

No preliminary Development Plan has ever been processed or approved for the proposed project. Therefore, no finding of substantial conformity with a previously approved Preliminary Development Plan is necessary.

## **2.5 ROAD NAMING FINDINGS**

### **Findings for Naming Roads (LUDC 35.76.050.D.2)**

The objective of regulated road naming is to ensure that proposed road names are pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to the pride of home and community. In order to meet that objective, the following criteria were adopted and must be met in order to approve the naming of a road.

- 2.5.1 A road name shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.**

The proposed road names Sedge Circle and Monardella Court have been reviewed and cleared for use by the Santa Barbara County Fire Department, Sheriff's Dispatch, Elections Division and the County Surveyor because the proposed street names are not used elsewhere in the County. Therefore, the proposed road names are consistent with this criterion.

**2.5.2 A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.**

The proposed road names do not reference a surname of a living person. The name “Sedge” refers to a family of plants commonly associated with wetland habitats. The name “Monardella” is a genus of annual and perennial plants.

**2.5.3 A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).**

The proposed road names contain less than 24 letters, including punctuation, spacing and the road classification.

**2.5.4 A road name shall be easy to pronounce and spell.**

The proposed road names are easy to pronounce and spell.

**2.5.5 A road name shall be grammatically correct whether in English or a foreign language.**

The proposed road names are grammatically correct.

**2.5.6 A road name shall include the appropriate road classification (e.g., lane, street, way).**

The proposed road names include the appropriate road classification.

