

## **ATTACHMENT 1: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **1. Consideration of the Addendum and Full Disclosure**

The Board of Supervisors has considered the Addendum dated December 4, 2013, together with the previously certified Revised Final EIR (99-EIR-02 RV1), for the Van Wingerden Greenhouses. The Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the Revised Final EIR (99-EIR-02 RV1), is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified Revised Final EIR (99-EIR-02 RV1), and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum are only minor technical changes or additions. Since none of the following have occurred, as discussed in Section 6.1 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 and 15164: there are no substantial changes proposed in the project which will require major revisions to the EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

#### **2. Location of Documents**

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

#### **3. 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. The monitoring program is designed to ensure compliance during project implementation.

#### **4. Findings Addressing Addendum Issue Areas**

The Addendum prepared for the project, dated December 4, 2013, addresses the following issues: Visual Resources, Water Quality and Groundwater, Flooding and Drainage, Land Use and Agriculture, Traffic, Air Quality, Noise, and Biological Resources. The Addendum dated December 4, 2013, herein incorporated by reference, finds that the Revised Final EIR, 99-EIR-02 RV1, as amended, may be used to fulfill the environmental review requirements of the current project. Since none of the following have occurred, as discussed in Section 6.1 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, no subsequent environmental review shall be prepared according to CEQA Guidelines Section 15162 and 15164: there are no substantial changes proposed in the project which will require major revisions to the EIR; no

substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 AMENDMENT TO ARTICLE II, LCP OR ZONING MAP AMENDMENT (REZONE) FINDINGS**

**Findings required for all Amendments to the Article II Zoning Ordinance, the Local Coastal Program, and the County Zoning Map.** In compliance with Section 35-180.6 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for an Amendment to the Article II Zoning Ordinance, the Local Coastal Program or the County Zoning Map the review authority shall first make all of the following findings:

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

The project entails the permitting of greenhouse development constructed without permits. The project includes a Zoning Map Amendment to remove the Carpinteria Agricultural (CA) Overlay view corridor designation from the subject parcel. As a result, it will eliminate the 25% lot coverage restriction, which will allow approval of the 264,500 sq. ft. greenhouse as built. Removal of the CA Overlay view corridor designation does not create any adverse effects on the community, and as discussed in the EIR Addendum dated December 4, 2013, herein incorporated by reference, it does not create new environmental impacts or increase the severity of impacts identified in the Revised Final EIR (99-EIR-02 RV1).

In addition to the discussion under Section 6.3.1 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the subject parcel is the least visible from public viewing areas and removal of the view corridor designation would not impact public views, nor would it fragment this block of open field agriculture. Application of the 25% lot coverage limitation under the view corridor designation would limit total greenhouse development on this parcel to 148,703 sq. ft. Removal of the limitation will allow all the greenhouses on the site to remain, totaling 386,600 sq. ft. However, the CA Overlay also recognizes greenhouse production as a vital component of the County's agricultural base and its important contribution to the local and statewide economies. It promotes infill and clustering of greenhouse development within and adjacent to historic greenhouse clusters while protecting the unique coastal resources and preservation of the semi-rural character of the Carpinteria Valley. The request to remove the 25% lot coverage limitation from this parcel will allow the intensification of agricultural uses on this site, clustering the development adjacent to decades old greenhouses, and maximizing the greenhouse production on the parcel. Consistent with Goal I of the Agricultural Element, which states that Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County, it is in the interest of the general community welfare when expansion and intensification of agricultural uses can be accommodated where conditions allow, taking into account environmental impacts. In this unique instance, the request will not adversely affect the community benefits resulting from the

adoption of the CA Overlay and the CA Overlay map. Therefore, the request can be found in the interest of the general community welfare.

2. *The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of the State planning and zoning laws, and this Article.*

The project entails the permitting of greenhouse development constructed without permits. The project includes a request to amend the CA Overlay map to remove the view corridor designation from the subject parcel. As discussed in Sections 6.2 and 6.3 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the request is consistent with the Comprehensive Plan, including the Coastal Land Use Plan and Toro Canyon Plan, and the requirements of State planning and zoning laws and this Article (Article II).

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

The requested Zoning Map Amendment to remove the CA Overlay view corridor designation from the subject parcel would allow the intensification of greenhouse agricultural on the site, and would cluster it adjacent to decades old greenhouses on the same parcel. The parcel is the least visible of any of the parcels identified as CA Overlay view corridor parcels. Therefore, the request is a logical change to the map and consistent with good zoning and planning practices.

## **2.2 DEVELOPMENT PLAN FINDINGS**

**Findings required for all Preliminary and Final Development Plans.** In compliance with Section 35-174.7.1 of the Article II Zoning Ordinance, 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, as applicable:

1. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.*

The project site is of adequate size (13.655 acres gross and net), shape (rectangular), and physical characteristics (essentially level with less than 1% slope) to accommodate the density and level of development proposed. The project is located near Foothill Road and is accessed via a private driveway across the intervening lot. Although Arroyo Paredon abuts the property on the north, the project as proposed and conditioned is not constrained by it. The Development Plan recognizes and incorporates the existing 122,100 sq. ft. of greenhouses permitted between 1968 and 1971 as well as the 264,500 sq. ft. of unpermitted greenhouse development. Total greenhouse development will be 386,600 sq. ft. or 65% of the gross area of the lot. Therefore, this finding can be made.

2. *That adverse impacts are mitigated to the maximum extent feasible.*

As discussed in detail in the Addendum to the Greenhouse Program Revised Final EIR 99-EIR-02 RV1 (Attachment 8 of the Board Agenda Letter of February 4, 2014), herein incorporated by

reference, the project would not result in new potentially significant impacts or increase the severity of impacts identified in the certified Revised Final EIR. All significant impacts identified in the previous EIR were mitigated to the maximum extent feasible. The Board of Supervisors adopted Findings of Overriding Consideration for significant impacts associated with buildout under the Greenhouse Program (Carpinteria Agricultural Overlay) which could not be reduced to less than significant levels through incorporation of mitigation measures identified in 99-EIR-02 RV1. The proposed project would not increase the buildout approved under the Greenhouse Program. Therefore, this finding can be made.

3. *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The street system surrounding the project site is adequate to accommodate the proposed development. As discussed in the Addendum to the Greenhouse Program Revised Final EIR (Attachment 8 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, according to greenhouse traffic generation factors, the proposed project could generate 72 average daily trips and 16 afternoon peak hour trips. This increase in traffic on the nearby roadway network will not result in a noticeable change in traffic volume, will not exceed County or City of Carpinteria traffic thresholds for roadway segments or intersections, and therefore, will not cause significant environmental impacts. Thus, the existing street network is adequate to carry the type and quantity of traffic generated by the proposed project and this finding can be made.

4. *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

As discussed in Section 6.2 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, adequate public services are available to serve the project. Fire protection is provided by the Carpinteria/Summerland Fire Protection District and the site is located within the five-minute response zone of Station No. 1. Agriculture water is currently supplied by the Carpinteria Valley Water District, which will continue in the future, and supplemental water from a well located on the adjacent parcel to the east, which is under the same ownership as the subject parcel. Sewage disposal is not proposed or required. The greenhouses on the property are owned and operated by Ocean Breeze Nursery, the company owned and operated by the owners of the subject parcel, who own and operate the nursery on several adjoining parcels. Restroom facilities are located on the adjoining parcels. However, if the subject property were to come under separate ownership and operation at some time in the future, there would be no onsite restroom facility available to the employees. Therefore, a condition of approval has been added to the project to modify the Development Plan to develop a new restroom and wastewater disposal system if this should occur (Condition No. 8). Existing police protection by the County Sheriff would be adequate for the proposed project. Therefore, this finding can be made.

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

The project will not be detrimental to the neighborhood. The existing greenhouses are of a similar nature to those in the surrounding area. The older permitted greenhouses are 15 feet in height. The newer greenhouse is 17 feet 7 inches in height, lower than the maximum allowed 30 feet. In addition, the greenhouses as built are not visible to the public; the avocado trees along the northern side of the parcel shall be retained, along with the Arroyo Paredon riparian corridor, to assist in screening the site. Regarding onsite use of pesticides, herbicides and fertilizers only the amounts necessary for application at any one time will be brought to the project site at times of application. Fertilizer will be applied via drip irrigation using a fertilizer injection system. As a result, irrigation with fertilization will not generate runoff that would affect surface water quality, nor will there be significant percolation into the ground. Because the growing area will be covered by a greenhouse, no storm water runoff will carry agricultural chemicals. Storage of these materials will not occur on the property but on an adjacent property under the same ownership and operation (Van Wingerden/Ocean Breeze Nursery). Ocean Breeze currently has a Hazardous Materials Business Plan (HMBP) on file with the Carpinteria-Summerland Fire Protection District. Thus, the project, as conditioned, will not result in any impacts that would adversely affect the health, safety, comfort, convenience or general welfare of the neighborhood. Therefore, this finding can be made.

6. *That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-161.7.*

As discussed in Sections 6.2 and 6.3 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the proposed project, including the Development Plan modification to parking requirements discussed in Section 6.3.3, herein incorporated by reference, will be consistent with all applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan, and will be consistent with the applicable provisions of Article II, including the CA Overlay. Therefore, this finding can be made.

7. *That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.*

The project is located in a designated rural area. As discussed in Sections 6.2 and 6.3 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the proposed use (greenhouse agriculture) is compatible with the agricultural and rural character of the area. The surrounding area includes a mix of agricultural uses, including both greenhouses and orchards, as well as a mix of residential uses on agricultural lots. The older greenhouses (122,100 sq. ft.) are 15 feet high and the newer greenhouse (264,500 sq. ft.) is 17 feet, 7 inches high. Both are subordinate to the distant views of the mountains as seen from the south (U.S. Highway 101/Santa Clause Lane overpass) and are not visible from Foothill Road. The project also retains avocado trees from the preexisting orchard, which will be compatible with adjacent avocado orchards. Therefore, this finding can be made.

8. *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

There are no public access easements through, and no public use of, the property. Therefore, this finding can be made.

## **2.3 COASTAL DEVELOPMENT PERMIT FINDINGS**

***Finding required for all Coastal Development Permits.*** *In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.*

As discussed in Section 6.2 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, adequate services and resources are available to serve the project. Fire protection is provided by the Carpinteria/Summerland Fire Protection District and the site is located within the five-minute response zone of Station No. 1. Agricultural water is currently supplied by the Carpinteria Valley Water District, which will continue in the future, and by supplemental water from a well located on the adjacent parcel to the east, which is under the same ownership as the subject parcel. Sewage disposal is not proposed or required. The greenhouses on the property are owned and operated by Ocean Breeze Nursery, the company owned and operated by the owners of the subject parcel, who own and operate the nursery on several adjoining parcels. Restroom facilities are located on the adjoining parcels. However, if the subject property were to come under separate ownership and operation at some time in the future, there would be no onsite restroom facility available to the employees. Therefore, a condition of approval has been added to the project to modify the Development Plan to develop a new restroom and wastewater disposal system if this should occur (Condition No. 8). Existing police protection by the County Sheriff would be adequate for the proposed project. Therefore, this finding can be made.

**2.3.A *Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission.*** *In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission the review authority shall first make all of the following findings:*

1. *The development conforms:*
  - a. *To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;*

As discussed in Section 6.2 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the development conforms to the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan. Therefore, this finding can be made.

- b. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).*

As discussed in Section 6.3 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the development, including the modification to parking requirements, conforms to all applicable provisions of Article II, including the CA Overlay. Therefore, this finding can be made.

- 2. The development is located on a legally created lot.*

The development is located on a legally created lot by PM 14,440 recorded on August 7, 2000, in Book 54 of Parcel Maps, Pages 81-84. Therefore, this finding can be made.

- 3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).*

As discussed in Section 6.3 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the development, including the modification to parking requirements, complies with all applicable provisions of Article II, including the CA Overlay. Approval of the project will bring the property into full compliance with Article II by permitting the 264,500 sq. ft. greenhouse, which was constructed without permits. Applicable zoning violation enforcement fees and processing fees have been or will be paid. Therefore, this finding can be made.

**2.3.B Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay.**  
*In compliance with Section 35-97.6 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay zone the review authority shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 97.19.*

An ESH Overlay associated with Arroyo Paredon affects the northern boundary of the parcel. As discussed in Section 6.3.2 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the project complies with all applicable standards for sites zoned with an ESH Overlay. Therefore, this finding can be made.

## **2.4 TORO CANYON PLAN OVERLAY FINDING**

*In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 11 – Permit Procedures of Article II, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.*

As discussed in Sections 6.2 and 6.3 of the staff report to the Planning Commission dated November 14, 2013 (Attachment 7 of the Board Agenda Letter of February 4, 2014), herein incorporated by reference, the project complies with all of the applicable policies and development standards included in the Toro Canyon Plan.