

## **ATTACHMENT 1: FINDINGS**

### **1.0 CEQA FINDINGS**

The County Board of Supervisors finds that the denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270 [Projects Which are Disapproved]. CEQA Section 15270 confirms that CEQA does not apply to projects which a public agency rejects or disapproves. Please see Attachment B, Notice of Exemption.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 LOT LINE ADJUSTMENT FINDINGS FOR 05LLA-00000-00005 (COUNTY CODE CHAPTER 21 AND ARTICLE II)**

Pursuant to Chapter 21 and Article II, Lot Line Adjustments shall only be approved if all of the required findings for approval can be made. The following findings, which apply to the Lot Line Adjustment application in between the railroad and Pacific Ocean (Case No. 05LLA-00000-00005), and which apply equally to both the originally proposed project and the recommended hybrid alternative project, cannot be made.

**A. Finding required for all Lot Line Adjustments.** In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations) and Section 35-134 of Article II, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

**1. The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.**

The Lot Line Adjustment is not in conformity with the County General Plan as it would facilitate development that would be inconsistent with local and state policies which require the preservation of agricultural resources, and the protection of significant biological and visual resources. There are numerous policies regarding the preservation and protection of agricultural land, such as Coastal Act Policy 30241, and Coastal Land Use Plan Policies 8-2 and 8-4, adopted to prevent the conversion of agricultural land to non-agricultural uses and to maintain the maximum amount of prime agricultural land in agricultural production. Associated future residential development within the lots that are subject to the Lot Line Adjustment would result in potential conflicts with these policies, more so than under the existing parcel configuration. This would occur from future conversion and fragmentation of agricultural lands and introduction of significant land use conflicts by situating large residential estates across and amongst existing productive cattle grazing operations. The residential development envelope proposed on proposed Parcel 1 is located atop the one area of the bluff-top parcels that contains prime soils, thereby removing these prime soils from productive agricultural use. Residential development of the existing 8-acre parcel absent the Lot Line Adjustment would avoid these prime soils and

preserve them for agricultural use. Future residential development associated with the Lot Line Adjustment would substantially increase the potential for the existing communal grazing operation (which currently encompasses the entire ranch since it is under single ownership) to be discontinued, since there would be greater potential for conflicts between the cattle and residential uses, especially for the parcel that is reduced in size from approximately 94 acres to 58 acres. Fencing would likely be installed around the perimeter of each residential development envelope, which would remove these areas from agricultural use. Noncommercial agriculture that could occur outside of the designated development envelopes in unlimited amounts, such as private horse stables and riding arenas, would compete with ongoing commercial agricultural operations and result in existing commercial agricultural productivity being diminished, which is inconsistent with Coastal Act Policy 30241. This is especially true given that the Lot Line Adjustment would increase the intensity of residential development and associated uses by considerably increasing the size of one of the existing parcels from 8 acres with several site constraints to 55 acres. This larger parcel would provide more area for both residential and agricultural accessory structures to be constructed and uses to exist in conflict with continued agriculture than would otherwise be accommodated on the smaller, more heavily constrained, parcel.

Several state and local policies call for the protection of and avoidance of impacts to sensitive biological resources, including but not limited to Coastal Act Policy 30240 and Coastal Land Use Plan Policies 2-11, 9-18, and 9-36. Introduced pets, along with equestrian and off-road vehicle use by future residents and guests could degrade habitat and disrupt normal wildlife activity, resulting in a potentially significant effect on the continued use of the remaining open space outside of development envelopes for roosting, nesting, and/or foraging habitat for bird and other wildlife species. By increasing the size of one of the parcels from 8 acres to 55 acres, the Lot Line Adjustment would facilitate greater development on the sensitive coastal bluffs than what could otherwise occur. This is due to the constrained nature of the existing 8-acre parcel that has limited development opportunities and would not likely accommodate a large 2-acre residential envelope in addition to agricultural accessory structures outside of the envelope, as compared to the proposed 55-acre parcel which would more easily accommodate such development due to its larger size. Further, the residential development envelope on proposed Parcel 1 is located in closer proximity to sensitive native vegetation, including native grassland habitat, as compared to where residential development could occur with the existing 8-acre parcel. Non-commercial agriculture, such as private horse stables and riding arenas that are commonly developed with large rural estates and can occur outside of the residential development envelopes, will also potentially convert and degrade habitat and adversely affect species abundance and diversity by further fragmenting foraging areas and wildlife movement routes. Significant amounts of native vegetation are present within the project site. The large residential development envelopes and accessory non-commercial agriculture that could occur outside of the development

envelopes would potentially result in significant amounts of native vegetation being degraded or disturbed, inconsistent with Policy 9-36 of the Coastal Land Use Plan.

Coastal Act Policy 30251 calls for the scenic and visual qualities of coastal areas to be protected as a resource of public importance and for new development to be subordinate to the character of its setting. Similarly, Policy 4-3 of the Coastal Land Use Plan requires that structures be subordinate in appearance to natural landforms and be sited so as not to intrude into the skyline as seen from public viewing places. The Lot Line Adjustment involves a portion of the coastline that is of significant scenic value and importance to the public. The Lot Line Adjustment has the potential to increase the intensity of residential development and associated uses by considerably increasing the size of one of the existing parcels from 8 acres with several site constraints to 55 acres. This larger parcel would provide more area for both residential and agricultural accessory structures to be constructed than would otherwise be accommodated on the smaller, more heavily constrained, parcel. Future residential development on these lots would have the potential to degrade the visual qualities of this significant visual resource. This could also occur from the introduction of agricultural development outside of the residential development envelopes that are accessory to the residential use and commonly associated with large residential estates, such as private horse stables and riding arenas and agricultural employee dwellings. Furthermore, the Lot Line Adjustment has the effect of shifting the area of future residential development on the western parcel (Parcel 1) to a portion of the bluffs that is more visible to passing rail passengers, thus increasing the potential for development to degrade the scenic and visual qualities of the coast as seen from the railroad. Specifically, the railroad tracks adjacent to the proposed residential development envelope on Parcel 1 are at the same grade where the existing ranch road crosses the tracks at that location and thus rail passengers have a clearer line of sight to future development as compared to the area of the existing 8-acre parcel where the adjacent railroad tracks are as much as approximately 15 feet below grade and lined with a row of existing evergreen trees and thus future development would be less visible to passing rail passengers and less likely to obstruct ocean views. Figure 4.1-10 of the Revised Final EIR provides a visual simulation of future residential development in the location of the proposed residential development envelope on Parcel 1 as seen from the railroad tracks. The visual simulation demonstrates that future development in this location would potentially obstruct or degrade an existing unobstructed ocean view and significantly degrade the scenic quality of this public vista. Due to its greater visibility to passing rail passengers as compared to future development under the existing parcel configuration, a large residential estate in this location would stand in stark contrast with the existing visual character of its setting and would become a dominant feature of the viewshed that would not be subordinate to the rural, undeveloped character of this coastal bluff. Thus, the Lot Line Adjustment would result in greater potential for policy inconsistencies associated with future development than what would occur absent the Lot Line Adjustment.

Due to the policy inconsistencies discussed above, this finding cannot be made.

## **2.2 LOT LINE ADJUSTMENT FINDINGS FOR 05LLA-00000-00006 (COUNTY CODE CHAPTER 21 AND COUNTY LUDC)**

Pursuant to Chapter 21 and the County LUDC, Lot Line Adjustments shall only be approved if all of the required findings for approval can be made. The following findings, which apply to the Lot Line Adjustment application north of the highway (Case No. 05LLA-00000-00006), and which apply equally to both the originally proposed project and the recommended hybrid alternative project, cannot be made.

- A. Finding required for all Lot Line Adjustments.** In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations) and Section 35.30.110 of the County LUDC, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

**1. The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.**

The Lot Line Adjustment is not in conformity with the County General Plan as it would facilitate development that would be inconsistent with local policies which require the preservation of agricultural resources and the protection of significant visual resources. The County Agricultural Element contains several policies regarding the preservation and protection of agricultural land, including Policy II.D and III.A, adopted to prevent the conversion of agricultural land to non-agricultural uses and to retain highly productive agricultural lands. Associated future residential development within the lots that are subject to the Lot Line Adjustment would result in potential conflicts with these policies. This would occur from future conversion and fragmentation of agricultural lands and introduction of significant land use conflicts by situating large residential estates across and amongst existing productive cattle grazing and orchard operations. This conflict is exacerbated by the fact that the Lot Line Adjustment would reduce the size of one of the parcels from 242 acres to 150 acres, thus reducing its viability as a standalone agricultural parcel and its ability to accommodate residential development without compromising its continued agricultural productivity. Future residential development associated with the Lot Line Adjustment would substantially increase the potential for grazing operations to be discontinued. Fencing would likely be installed around the perimeter of each residential development envelope, which would remove these areas from agricultural use. Noncommercial agriculture that could occur outside of the designated development envelopes in unlimited amounts, such as private horse stables and riding arenas, would compete with ongoing commercial agricultural operations and result in existing commercial agricultural productivity being diminished, which is inconsistent with Agricultural Element Policy II.D. Lastly, given that the legal status of the 1.27-acre lot is unknown (i.e. no Certificate of Compliance or Conditional Certificate of Compliance has been obtained), the proposed Lot Line Adjustment potentially increases the subdivision potential of the property since the existing parcel

configuration could be theoretically divided into 11, 100-acre minimum parcels and the proposed parcel configuration could be theoretically divided into 12, 100-acre minimum parcels.

Land Use Element Visual Resources Policy 2 calls for the height, scale, and design of structures to be compatible with the character of the surrounding natural environment and subordinate in appearance to natural landforms. Future residential development within the designated 2-acre residential development envelopes, along with an untold amount of agricultural development outside of the residential development envelopes that are accessory to the residential use and commonly associated with large residential estates, such as private horse stables and riding arenas and agricultural employee dwellings, would potentially be incompatible with the character of the surrounding natural environment and rural agricultural character of the scenic Gaviota Coast. The Lot Line Adjustment limits the possible areas of development of these accessory uses on the westernmost parcel by reducing its size by approximately 90 acres and removing the more level and less visible canyon bottom from consideration, thereby forcing future development of agricultural accessory structures on to either highly visible slopes facing the highway or exposed ridges. Thus, the future development facilitated by the Lot Line Adjustment would likely degrade the visual character of the site in conflict with this policy.

Due to the policy inconsistencies discussed above, this finding cannot be made.

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

Pursuant to Chapter 21, Tentative Parcel Maps shall only be approved if all of the required findings for approval can be made. The following findings for approval, which apply to Case No. 05TPM-00000-00002 (including the project as originally proposed and the recommended hybrid alternative project), cannot be made.

**A. 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:**

**1. 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;**

Policy 8-4 of the Coastal Land Use Plan requires the County, as a requirement for approval of any proposed land division of agricultural land, to make a finding that the long-term agricultural productivity of the property will not be diminished by the proposed division. Coastal Act Policy 30241 requires that the maximum amount of prime agricultural land shall be maintained in agricultural production and that conflicts between agricultural land and urban uses be minimized to assure the protection of the area's agricultural economy. The Tentative Parcel Map (TPM)

would intensify residential development on existing productive agricultural land by creating one new lot in between the highway and railroad that would support a large residential compound on prime agricultural land right in the middle of productive orchards and active cattle grazing. Future residential development on this lot, in conjunction with the other two lots reconfigured through the TPM, would diminish the long-term agricultural productivity of the property and would result in land use conflicts between residential uses and ongoing productive agricultural activities. Fencing would likely be installed around the perimeter of each residential development envelope, which would remove these areas from agricultural use. Approximately six acres of agricultural land would be removed from the existing commercial grazing operation to accommodate future residential development on the three lots, and residential uses, including the introduction of private non-commercial agricultural activities such as private horse stables and riding arenas that are commonly associated with large rural estates, would result in additional productive agricultural land being removed from commercial production. Specifically, the newly created lot and proposed residential development envelopes would result in approximately two acres of prime agricultural soils being removed from agricultural use to accommodate residential development, along with an untold amount of additional land to support private hobby interests, all of which would diminish the long-term agricultural productivity of the property in contravention with these agricultural protection policies. Moreover, further fragmentation of the ranch with additional ownership interests by the creation of a new parcel would increase the likelihood of conflicts with the existing communal ranching operation.

Several state and local policies call for the protection of and avoidance of impacts to sensitive biological resources, including but not limited to Coastal Act Policy 30240 and Coastal Land Use Plan Policies 2-11, 9-18, and 9-36. The creation of one new lot south of the highway would introduce additional residential development, along with associated residential uses (e.g. pets, equestrian and off-road vehicle use by future residents and guests) that could degrade habitat and disrupt normal wildlife activity, resulting in a potentially significant effect on the continued use of the remaining open space outside of development envelopes for roosting, nesting, and/or foraging habitat for bird and other wildlife species. Evidence submitted in a public comment letter on the EIR (Surfrider letter dated January 17, 2012 included in Section 11.0 of the Revised Final EIR, herein incorporated by reference) indicates that predation from domestic cats, for example, is a significant threat to bird populations and small mammals even at low densities and that habitat fragmentation associated with introducing development into undeveloped areas provides cats and other predators easier access to wildlife. Non-commercial agriculture, such as private horse stables and riding arenas that are commonly developed with large rural estates, will also potentially convert and degrade habitat and adversely affect species abundance and diversity by further fragmenting foraging areas and wildlife movement routes. Significant amounts of native vegetation are present within the project site. The large residential development envelopes and accessory non-commercial agriculture that could occur outside of the development envelopes would potentially result in

significant amounts of native vegetation being degraded or disturbed, inconsistent with Policy 9-36 of the Coastal Land Use Plan.

Coastal Act Policy 30251 calls for the scenic and visual qualities of coastal areas to be protected as a resource of public importance and for new development to be subordinate to the character of its setting. Similarly, Policy 4-3 of the Coastal Land Use Plan requires that structures be subordinate in appearance to natural landforms and be sited so as not to intrude into the skyline as seen from public viewing places. Creation of a new lot south of the highway would introduce additional development within a view corridor overlay area and within a portion of the coastline that is of significant value and importance to the public and has received local, regional, and national recognition for its scenic beauty. Future residential development on this newly created lot would have the potential to degrade the visual qualities of this significant visual resource, especially if the orchards, which currently provide some level of screening of the residential development envelope from public viewing places, were converted to grazing land in the future. Figure 4.1-9 of the Revised Final EIR provides a visual simulation of future residential development on the newly proposed parcel (Parcel 3) as seen from the railroad tracks. The visual simulation demonstrates that future development in this location would be highly visible to passing rail passengers and would potentially degrade the scenic quality of this public vista and not be subordinate to the existing rural character of the ranch, in conflict with these visual resource protection policies. While the design review of future development would help to reduce potential visual impacts, such mitigation is not a substitute for avoidance (in the case of project denial), and the qualities of the existing visual setting would nonetheless be adversely affected by the creation of a new parcel and the proposed location of future associated residential development. Figures 4.1-7 and 4.1-8 of the Revised Final EIR provide visual simulations of additional residential development on proposed Parcel 4 and proposed residential development envelope as seen from the highway and railroad. These simulations similarly demonstrate that the location of future residential development on this parcel would be highly visible from both vantage points and would degrade the visual qualities of this important scenic vista characterized by the rural historic landscape and the associated historic structures. Model views depicting the potential visual impacts of alternative development envelope locations (contained in Appendix H of the Revised Final EIR, herein incorporated by reference) demonstrate that relocation of the residential development envelope as evaluated in Alternative 3C of the EIR and supported by the applicant would not prevent the potential degradation of this important scenic coastal viewshed nor would it prevent possible obstruction of ocean views from the highway. Such visual degradation could also occur from the introduction of agricultural development outside of the residential development envelopes that is accessory to the residential use, such as private horse stables and riding arenas and agricultural employee dwellings. This potential would be exacerbated by creation of a new lot. As shown in the model views of alternative envelope locations on proposed Parcels 3 and 4 contained in Appendix H of the Revised Final EIR, such development outside of the residential development envelope would likely be highly visible from the highway and railroad corridor, further degrading the important scenic qualities of the

site. Further, Policy 4-9 of the Coastal Land Use Plan calls for the siting of structures to preserve unobstructed views of the ocean from the highway and to cluster development to the maximum extent feasible. Future residential development on the newly created lot, along with any further development on the other two lots (including the potential for non-commercial agricultural development outside of the residential development envelopes such as horse barns and agricultural employee dwellings), would preclude the potential to cluster development in order to preserve unobstructed broad views of the ocean given the configuration of the lots. The unrestricted development outside of the residential development envelopes would have the potential to obstruct public views of the ocean from the highway given the highly visible nature of the two westernmost lots and the expansive views of the ocean that are currently enjoyed from the highway.

Coastal Land Use Plan Policies 10-1 and 10-2 call for the avoidance of development on significant historic and archaeological sites where possible. The subject parcels qualify as a significant historic resource as a Rural Historic Landscape and there is a significant archaeological resource, CA-SBA-80, located within the site that would be impacted by development of the newly created lot. The creation of one new lot under the TPM would increase the amount of residential development that could occur within, and result in degradation to, the significant Rural Historic Landscape, inconsistent with these policies. The character-defining landscape features that contribute to the site's historical significance as a Rural Historic Landscape include the presence of land uses such as cattle grazing and orchard production, vegetation that evokes a feeling of historical agricultural land uses, buildings that reflect their historical era and original spatial organization, and historic views and vistas. Fragmentation of ownership and future development of the newly created lot, along with further development within the other two lots, would degrade these important character-defining features of the site. Further, creation of the lot results in future development adversely affecting a significant archaeological resource in conflict with these policies, which would otherwise be avoided and protected absent the newly created lot. This includes indirect impacts associated with looting and vandalism of cultural artifacts from an increase in the residential population (and associated population increase from support staff typical of a residential estate) within close proximity to recorded archaeological resources. Lastly, the presence of this archaeological resource on the newly created lot would, in order to completely avoid development within the archaeological site consistent with these policies, necessitate the siting of future residential and non-commercial agricultural development in highly visible areas of the parcel and/or require the conversion of existing commercial orchards to accommodate such development or uses. The significant visual impacts that would be created by such development are demonstrated in the model views of proposed Parcel 3 contained in Appendix H of the Revised Final EIR, herein incorporated by reference. This would be contrary to the policies protecting significant agricultural resources and/or visual resources.

Therefore, the TPM is not in conformance with the County's Comprehensive Plan policies requiring the protection of agriculture, biological resources, important visual

resources, and significant cultural resources, both as it applies to the original proposed project and the hybrid alternative project.

- B. 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.**

As discussed in Finding 2.3.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan. Therefore, this finding cannot be made.

## **2.4 SUBDIVISION MAP ACT FINDINGS**

- A. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the Tentative Parcel Map (Case No. 05TPM-00000-00002) shall only be approved if all of the required findings for approval can be made. The following findings of the Subdivision Map Act cannot be made:**

- 1. 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 discussed in Finding 2.3.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan, both as it applies to the original proposed project and the hybrid alternative project. Therefore, this finding cannot be made.

- 2. State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:**

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

As discussed in Finding 2.3.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan, both as it applies to the original proposed project and the hybrid alternative project. 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 discussed in Finding 2.3.A.1 above, the TPM is inconsistent with the County's Comprehensive Plan, both as it applies to the original proposed project and the hybrid alternative project. Therefore, this finding cannot be made.

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

The land to be subdivided totals approximately 400 acres and is proposed to be divided into three lots totaling 100 acres, 147 acres, and 157 acres, respectively, with the lot lines following existing north-south trending drainages. Creation of the lots would break up an existing agricultural operation and result in future residential development of a portion of the site that is currently devoted to agricultural activities and is devoid of any development (proposed Parcel 3). Siting estate-style residential development on proposed Parcel 3 on prime soils immediately adjacent to two highly productive avocado orchards, with active grazing encompassing the unplanted portions of the site, would significantly impair the continued viability of the agricultural operation. Fencing would likely be installed around the perimeter of the residential development envelope, which would remove this area from agricultural use. Introducing additional estate-style residential development would degrade the important visual and scenic qualities of the site, which qualifies as a significant Rural Historic Landscape. The character-defining landscape features that contribute to the site's historical significance include the presence of land uses such as cattle grazing and orchard production, vegetation that evokes a feeling of historical agricultural land uses, buildings that reflect their historical era and original spatial organization, and historic views and vistas. Future development of the newly created lot would degrade these important character-defining features of the site, which would otherwise be preserved absent creation of the new lot under the TPM.

Additionally, the subject parcels have significant scenic value and provide high quality views of the coast. They are located within a view corridor overlay designation and Coastal Land Use Plan Policy 4-9 requires that structures be sited to preserve unobstructed views of the ocean from the highway and be clustered to the maximum extent feasible. The lot split would preclude the clustering of development on adjacent parcels because of the parcel configuration and the intervening drainages that would separate each parcel, and would contribute to the potential for future development to obstruct views of the ocean. Moreover, development of the newly created lot (Parcel 3) would impact a significant recorded archaeological site in conflict with adopted County policies, which would otherwise be avoided absent the TPM. This would be the case for both the originally proposed project and the hybrid project alternative. In order to completely avoid development within the archaeological site in accordance with Policies 10-1 and 10-2 of the Coastal Land Use Plan, future residential development and non-commercial agricultural development on the newly created lot would need to be sited in highly visible areas of the parcel and/or require the conversion of existing commercial orchards to accommodate such development or uses. The significant visual impacts that would be created by such development are demonstrated in the model views of proposed Parcel 3 contained in Appendix H of the Revised Final EIR, herein incorporated by reference. This would be contrary to the policies protecting significant agricultural resources and/or visual resources and is evidence of the constrained nature of the subject property. As such, the inability to avoid significant resources provides evidence that creation of a new lot in this location

creates a site that is not physically suitable for the type and density of development proposed. Therefore, this finding cannot be made.

## 2.5 CUP FINDINGS

Pursuant to Article II (the Coastal Zoning Ordinance) and the County Land Use & Development Code, a Conditional Use Permit shall not be approved unless all of the required findings for approval can be made. The following required findings, which apply to the proposed private shared water system that would serve all seven proposed lots located within the coastal zone boundaries and inland portions of the County (Case No. 07CUP-00000-00057), cannot be made.

**A. Findings required for all Conditional Use Permits - Coastal.** In compliance with Section 35-172.8 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit the review authority shall first make all of the following findings:

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

The shared water system that would provide water service for up to two connections on each lot would facilitate greater development on the lots than would otherwise potentially be available with individual well systems and is therefore growth inducing. Considering the abundant resources present on the property, and its location in a rural area of the County surrounded by agricultural land uses and low intensity residential development, the location and physical characteristics of the project site are not suited for the level of development that would be facilitated by the shared water system as compared to individual well systems on each lot. Moreover, the shared water system has the capacity to be expanded to serve additional connections beyond what is currently planned for through a modification to the permit and a potentially larger treatment system, further facilitating a level of development that is inappropriate for the site. Such expansion, once the initial infrastructure is in place, would potentially be easier to undertake than individual well development on each lot. Therefore, this finding cannot be made.

**2. 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 shared water system that would provide water service for up to two connections on each lot would facilitate greater development on the lots than would otherwise potentially be available with individual well systems and is therefore growth inducing. Further, since the portion of Las Varas Ranch within the coastal zone is located within the Goleta Water District boundaries and the Goleta Water District will

not support additional water meter connections for potable water, absent the proposed CUP, future residential development would be reliant on individual wells for adequate water service. The establishment of a shared water system to serve all of the lots through a combination of water diversion from Gato Creek and a single well north of the highway would remove a barrier to growth of each lot and potentially facilitate greater development than would otherwise be available if water service were required to be developed on a lot by lot basis. Considering the abundant resources present on the property, and its location in a rural area of the County surrounded by agricultural land uses and low intensity residential development, the growth-inducing effects of the shared water system would be detrimental to the general welfare of the neighborhood and incompatible with the surrounding area. Moreover, the shared water system has the capacity to be expanded to serve additional connections beyond what is currently planned for through a modification to the permit and a potentially larger treatment system, further facilitating a level of development that is incompatible with the rural agricultural character of the area and detrimental to the general welfare of the neighborhood and the importance placed on an appropriate level and density of development for the area. Such expansion, once the initial infrastructure is in place, would potentially be easier to undertake than individual well development on each lot. Therefore, this finding cannot be made.

**3. That the project is in conformance with the applicable provisions and policies of Article II and the Coastal Land Use Plan.**

As discussed in Findings 2.1.A.1 and 2.3.A.1 above, the project, inclusive of the private shared water system that is necessary to facilitate future residential development, is inconsistent with policies of the County's Comprehensive Plan, including the Coastal Land Use Plan. Additionally, the shared water system relies on a complex system of approximately 7,000 linear feet of water lines (both inland and coastal) to distribute water from the treatment facility to the individual lots, requiring trenching along and across riparian corridors and areas containing native vegetation such as oak trees, as well as through areas documented as being culturally sensitive due to the number of archaeological resources recorded in the vicinity. This water distribution system would therefore result in potentially greater impacts to biological and cultural resources as compared to well development on individual parcels, which would be in conflict with policies protecting such resources. Therefore, this finding cannot be made.

**B. Findings required for all Conditional Use Permits - Inland.** In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings:

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

The shared water system that would provide water service for up to two connections

on each lot would facilitate greater development on the lots than would otherwise potentially be available with individual well systems and is therefore growth inducing. Considering the abundant resources present on the property, and its location in a rural area of the County surrounded by agricultural land uses and low intensity residential development, the location and physical characteristics of the project site is not suited for the level of development that would be facilitated by the shared water system as compared to individual well systems on each lot. Moreover, the shared water system has the capacity to be expanded to serve additional connections beyond what is currently planned for through a modification to the permit and a potentially larger treatment system, further facilitating a level of development that is inappropriate for the site. Such expansion, once the initial infrastructure is in place, would potentially be easier to undertake than individual well development on each lot. Therefore, this finding cannot be made.

**2. 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 shared water system that would provide water service for up to two connections on each lot would facilitate greater development on the lots than would otherwise potentially be available with individual well systems and is therefore growth inducing. Further, since a portion of Las Varas Ranch within the inland area is located within the Goleta Water District boundaries and the Goleta Water District will not support additional water meter connections for potable water, future residential development would be reliant on wells for adequate water service. The establishment of a shared water system to serve all of the lots through a combination of water diversion from Gato Creek and a single well north of the highway would remove a barrier to growth of each lot and potentially facilitate greater development than would otherwise be available if water service were developed on a lot by lot basis. Considering the abundant resources present on the property, and its location in a rural area of the County surrounded by agricultural land uses and low intensity residential development, the growth-inducing effects of the shared water system would be detrimental to the general welfare of the neighborhood and incompatible with the surrounding area. Moreover, the shared water system has the capacity to be expanded to serve additional connections beyond what is currently planned for through a modification to the permit and a potentially larger treatment system, further facilitating a level of development that is incompatible with the rural agricultural character of the area and detrimental to the general welfare of the neighborhood and the importance placed on an appropriate level and density of development for the area. Such expansion, once the initial infrastructure is in place, would potentially be easier to undertake than individual well development on each lot. Therefore, this finding cannot be made.

**3. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

As discussed in Findings 2.1.A.1 and 2.3.A.1 above, the project, inclusive of the private shared water system that is necessary to facilitate future residential development, is inconsistent with policies of the County's Comprehensive Plan. Additionally, the shared water system relies on a complex system of approximately 7,000 linear feet of water lines (both inland and coastal) to distribute water from the treatment facility to the individual lots, requiring trenching along and across riparian corridors and areas containing native vegetation such as oak trees, as well as through areas documented as being culturally sensitive due to the number of archaeological resources recorded in the vicinity. This water distribution system would therefore result in potentially greater impacts to biological and cultural resources as compared to well development on individual parcels, which would be in conflict with policies protecting such resources. Therefore, this finding cannot be made.

## **2.6 COASTAL DEVELOPMENT PERMIT FINDINGS**

The following findings apply to the portion of the private shared water system located in the coastal zone under Case No. 11CDP-00000-00078, as well as the CDPs that accompany the Lot Line Adjustment (15CDP-00000-00027), and Tentative Parcel Map (15CDP-00000-00026). Pursuant to Section 35-169 of Article II [Coastal Zoning Ordinance], a Coastal Development Permit shall only be approved if all of the required findings for approval can be made. The following finding cannot be made:

### **2.6.1 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may 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 Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:**

#### **1. The proposed development conforms:**

- a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- 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 Findings 2.1.A.1, 2.2.A.1, 2.3.A.1, 2.5.A.3, and 2.5.B.3 above, the project, inclusive of the private shared water system that is necessary to facilitate future residential development, is inconsistent with policies of the County's Comprehensive Plan, including the Coastal Land Use Plan. Therefore, this finding cannot be made.