

## **EXHIBIT C - FINDINGS**

### **Conditional Use Permit DRC2003-00001 (Tract 2606)**

#### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, found that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Aesthetics Resources, Agricultural Resources, Air Quality, Archaeological Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Public Services and Utilities, Recreation, Transportation and Circulation, Wastewater, and Water Resources. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations are necessary based on significant and unavoidable impacts associated with Agricultural Resources, Air Quality, Hazards and Hazardous Materials, Noise, Public Services and Utilities, and Transportation and Circulation. Exhibit E CEQA Findings for the Final EIR are incorporated herein as though set forth in full in support of these findings to approve this Conditional Use Permit.

#### Conditional Use Permit

- B. As conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) is consistent with the San Luis Obispo County General Plan because:

The project is consistent with the South County Inland Are Plan Primary Goals 4 and 6 because the project continues the pattern of low-density rural residential development that exists to the south, with large areas of open space that promote the rural character of the area. The project will avoid oak woodland, productive vineyard, and Important and Unique Farmland to the maximum extent feasible by clustering development away from sensitive areas and resources while meeting the project's objectives.

The project is consistent with South County Expansion Goal 7 because the project will place 1,787 acres of the 1,910-acre site under open space easements and agricultural preserves, thereby strengthening the long-term continuation of agriculture as part of the economic base of the South County area.

The project is consistent with the Countywide General Plan Distribution of Land Uses Goals 8 and 10, Community Planning Goal 1, and Quality of Life Goal 2 in that it maintains a distinction between the urban and rural developed areas by providing low-density development within predominantly agricultural land use and encourages the protection of agricultural land for the production of food, fiber, and other agricultural commodities by preserving 1,787 acres in permanent open space.

The project is consistent with the County Noise Element policies because new transportation noise sources, including roadway improvement projects, shall be mitigated within the outdoor activity areas and interior spaces of existing noise sensitive land uses. Noise attenuation mitigation includes construction mitigation and erection of a sound wall.

The proposed project, as conditioned, is consistent with the following Agriculture Element Policies: Policy 11: as conditioned, it has been demonstrated through extensive water testing and analysis that the groundwater supply can sustain the reduced Applicant Proposed Alternative 2 (83 residential parcels), and that Well 11 will not be used for domestic water. Policy 17: the project includes agricultural buffers and protections for agricultural uses. Policy 18: the project has located new buildings, access roads and structures to protect agricultural lands and all development is located outside the existing vineyard and Class 1 and 2 soils to the maximum extent feasible. Policy 20: the project has been designed to ensure the long term protection of agricultural resources. Policy 21: the project site is subject to a specific planning area standards that prescribes the density calculation for the agricultural cluster from LUO Chapter 22.22 be utilized; and as found below, the project is consistent with the specific density of the area plan standard. Policy 22 is subject to the specific density for this property for agricultural clustering purposes as found below and does not supercede the planning area standard or specific density calculations under LUO Chapter 22.22. Policy 25: the project is consistent with this policy as found below in protecting unique or sensitive habitat areas, avoiding significant impacts on habitat and agricultural operations and adopting feasible alternatives and designs which avoid environmental damage or significant negative impacts on agriculture.

- C. As conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) satisfies all applicable provisions of Title 22 of the County Code. No development would occur on prime soils. The required findings of Section 22.22.150g can be made as follows:

**Finding 22.22.150g(1)** states “The project will result in the continuation, enhancement, and long-term preservation of agricultural operations consisting of the production of food and fiber on the subject site and in the surrounding area.” This finding can be made for the reduced Applicant Proposed Alternative 2 (83 residential parcels) as parcel location minimizes agricultural conversion to the greatest extent feasible and clustering of residential structures occurs to the maximum extent feasible. The revised project would preserve 95% of the project site in open space parcels to allow agricultural production in perpetuity.

**Finding 22.22.150g(2)a** which states, “The reduced Applicant Proposed Alternative 2 (83 residential parcels) has been designed to...Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties”, can be made because as conditioned, development is located outside of agricultural production areas.

**Finding 22.22.150g(2)b** which states, “Minimize, to the maximum extent feasible, the need for construction of new roads by clustering new development close to existing roads”, can be made because as conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) would cluster new development to near existing roads.

**Finding 22.22.150g(2)c** requires development to avoid the placement of roads or structures on any environmentally sensitive habitat areas. This finding can be made as the reduced Applicant Proposed Alternative 2 (83 residential parcels) locates development so that it minimizes impacts to habitat conversion and migration corridors for special-status and common wildlife species.

**Finding 22.22.150g(2)d** which states, “Minimize impacts of non-agricultural structures and roads on public views from public roads and public recreation areas”, can be made because as conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) would eliminate the residential lots with the greatest visual impact and includes aesthetic resource mitigations such as height limitations and restrictions on night lighting.

**Finding 22.22.150g(2)e** requires residential structures to be clustered to the maximum extent feasible so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area. This finding can be made for the reduced Applicant Proposed Alternative 2 (83 residential parcels) as the lots would be clustered to minimize interference with agricultural operations.

**Finding 22.22.150g(2)f** can be made because, as conditioned, risks to life and property due to geologic, flood and fire hazard and soil erosion have been minimized.

**Finding 22.22.150g(3)** states “the originally proposed project will not result in any significant adverse social impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.” Implementation of the reduced Applicant Proposed Alternative 2 (83 residential parcels) would generate approximately 300 residents. In addition to the residents, transient population associated with supporting the residences (i.e. household staff, guests, maintenance workers, delivery personnel, etc.) would frequent the subdivision. This finding can be made as the residents and associated transient population would be located in clustered areas rather than spread throughout the entire agricultural production area. This would minimize trespassing, vandalism, complaints about agricultural practices, and safety and liability issues.

**Finding 22.22.150g(4)** requires water resources and all necessary services to be adequate to serve the proposed development, including residential uses as well as existing and proposed agricultural operations on the subject site and in the site vicinity. This finding can be made because as conditioned, it has been demonstrated through extensive water testing and analysis that the groundwater supply can sustain the reduced Applicant Proposed Alternative 2 (83 residential parcels), and that Well 11 will not be used for domestic water.

**Finding 22.22.150g(5)** can be made because as conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space.

The project is consistent with Section 22.10.095D - South County Area Plan Design Standards because development has been located away from the ridgetop areas and higher elevations with elimination of Sub Area E, and the project includes conditions that the height of buildings in higher elevations are limited to 25 feet, landscape screening will be provided to screen future development, site grading will be minimized, erosion and sedimentation control plans are required, and the applicant will be required to screen exterior lighting from spilling onto adjacent properties.

- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because as conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns. Conditions of approval related to traffic safety and agricultural operation interface have been applied to the project to address health, safety and welfare concerns. As conditioned, emergency access will be provided to ensure adequate ingress and egress, in perpetuity, for emergency situations, and a 24/7/365 guard station will ensure no non-emergency vehicular access to Highway 101.
- E. The reduced Applicant Proposed Alternative 2 (83 residential parcels) is consistent with the character of the immediate neighborhood or contrary to its orderly development because as conditioned, the project is similar to, and will not conflict with, the surrounding lands and uses. As conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) consists of a 19% reduction in residential density with development clustered that will preserve the rural character of the area and avoid visual impacts.
- F. The originally proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because as conditioned access to the project would from Dana Foothill and Sheehy Road from the Los Berros/Thompson highway interchange, and the project is conditioned to provide improvements or funding for these transportation structures. Further, as conditioned, emergency access will be provided in perpetuity to ensure adequate ingress and egress in emergency situations.