

EXHIBIT A - FINDINGS

Vesting Tentative Tract Map SUB2003-00001 (Tract 2606)

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found that there was evidence that the project may have a significant effect on the environment, and therefore a Draft Environmental Impact Report and Final Environmental Impact Report (collectively, the "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 were determined 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 Vesting Tentative Tract Map.

Tentative Map

- B. The proposed subdivision is consistent with applicable county general and specific plans. The application for the Vesting Tentative Tract Map was accepted as complete by the Department of Planning and Building on February 5, 2004, and is consistent with the plans and policies of the County in effect on that date.

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 1,7871,822 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 1,7871,822 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

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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 agricultural cluster 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~~ ~~supersede~~ 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. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.

The project site is within the Agriculture and Rural Lands land use categories in which an agricultural cluster subdivision is an allowed use. Pursuant to the Framework for Planning, new subdivisions are consistent with the Land Use Element if the proposed division is allowed in the land use category in which the site for the proposed use is located (page 8-1).

The project density is consistent with the density calculations in LUO Chapter 22.22 and Table N in the Framework for Planning as set forth in the Revised Project Description. The Framework provides (p. 1-5) "parcel size ranges, density, and building intensity criteria for Chapter 6 are used within Chapter 22.22 of the Land Use Ordinance to establish parcel size standards and review proposed land divisions for general plan consistency." The proposed project is consistent with these provisions.

The project is consistent with LUO Section 22.22.150 A through E in that the Vesting Tentative Tract meets the size, location, and eligibility requirements of an agricultural cluster subdivision.

The proposed project is consistent with LUO Section 22.22.150F, in that after the project application was accepted in compliance with LUO Section 22.60.050, an Environmental Impact Report was prepared in compliance with the California Environmental Quality Act (CEQA) and the Environmental Review Process Guidelines, and said Final EIR is certified concurrently pursuant to the findings in Exhibit A (Resolution Certifying the Final

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Environmental Impact Report) and Exhibit B (CEQA Findings and Statement of Overriding Considerations), which are incorporated herein by this reference.

The proposed project (reduced Applicant Proposed Alternative 2 (83 residential parcels) is consistent with the requirements of LUO Section 22.22.150G as parcel location minimizes agricultural conversion to the greatest extent feasible and clustering of residential structures occurs to the maximum extent feasible. The revised agricultural cluster project would preserve 95% of the site in the Agriculture land use category and 90% of the area in the Rural Lands land use category project site in open space parcels to allow agricultural production in perpetuity. As conditioned, risks to life and property due to geologic, flood and fire hazard and soil erosion have been minimized. 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.~~

The proposed project is consistent with LUO Section 22.22.150H through K in that the project will have access to an existing paved, county or state maintained road and secondary access; ~~1,8221,787~~ acres of the proposed Vesting Tentative Tract will be preserved in perpetuity through the recordation of Agricultural Open Space Easements and in favor of the County with a guarantee of open-space areas for as long as the clustered lots exist through recorded open space easements and agricultural open space easements in favor of a third party such as the County; and all areas in agricultural production do not include any portion of the residential clustered parcels.

The proposed project is consistent with the requirements of LUO Section 22.22.150K (d), in that driveway access intersections with off-site roads has been minimized. The private driveways for the residential parcels will not intersect with off-site roads, and will intersect only with on-site internal roads.

- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels for a reduced agricultural cluster project of 83 residential parcels contain adequate area for development of single-family residences. In addition, the parcels for a homeowner's association facility, recreation center and community center (ranch headquarters) and a wastewater treatment plant contain adequate area for development of these uses.
- F. The design of the subdivision and type of improvements is not likely to cause serious public health problems, because as conditioned, the reduced Applicant Proposed Alternative 2 (83 residential parcels) does not generate activity that presents a potential threat to the surrounding areas. 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, the project includes conditions to address any air quality impacts associated with the project. 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.

~~The site is physically suitable for the proposed density of development because the site can adequately support one primary single-family residence on each parcel in addition to the homeowner's association facility, recreation center and community center (ranch headquarters) and a wastewater treatment plant.~~

- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage ~~and or~~ substantially and avoidably injure fish or wildlife or their habitat because the reduced Applicant Proposed Alternative 2 (83 residential parcels) locates development so that impacts to biological resources are minimized to the greatest extent feasible, including minimizing oak woodland removal and mitigation measures to address riparian area impacts, and special-status plants and animals.
- H. 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 proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- J. Any mitigation measures from the Final Environmental Impact Report that have been altered by the Planning Commission and attached as conditions of approval to the project are equally or more effective than those identified in the FEIR.
- K. The Housing Accountability Act (Government Code §65589.5) does not apply to this project because this project is not limited to residential units only, is not a mixed use project where nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings, and is not a transitional housing or supportive housing project. Alternatively, in the event the Housing Accountability Act is determined to apply to this approval, the County finds that the project would have a specific, adverse impact upon the public health or safety which requires the reduction of approved residential lots from 102 to 83. Specifically, the applicant has not supplied adequate evidence of water availability for the full build-out of the project, including all proposed and required agricultural uses. Existing general plan and land use ordinance policies require maintenance of agricultural uses onsite and the reduction in housing units is necessary to assure adequate water supply for those agricultural uses.
- L. The project complies with Section 66474.02 of the California Subdivision Map Act, which requires that a finding be made that to the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance. The project complies with the Emergency Access and Egress requirements adopted by the California Department of Forestry and Fire by providing emergency access to Highway 101 and has been conditioned to assure this access in perpetuity.