



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning & Development  
Department No.: 053  
For Agenda Of: 6/4/13  
Placement: Departmental  
Estimated Time: 15 minutes  
Continued Item: Yes  
If Yes, date from: 5/14/13  
Vote Required: Majority

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TO: Board of Supervisors  
FROM: Department Glenn S. Russell, Ph.D, Director of Planning and Development  
Director(s)  
Contact Info: Jeffrey S. Hunt, AICP, Deputy Director, Long Range Planning,  
568-2072  
SUBJECT: Orcutt Community Plan Key Site 22 Wetlands Delineation Removal Amendment  
(Continued from 5/14/2013): 13GPA-00000-00003, Fourth Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Recommended Actions:**

On June 4, 2013, your Board should consider final recommendations and related resolutions for adoption of the Orcutt Community Plan Key Site 22 Wetlands Delineation Removal Amendment, as follows:

- 1) Make the required findings, including CEQA findings for adoption of the Orcutt Community Plan (OCP) Key Site 22 Wetlands Delineation Removal Amendment (Attachment 1);
- 2) After considering the Addendum of May 22, 2013 (Attachment 2) and the previously certified Final Supplemental Environmental Impact Report (EIR) for the Orcutt Community Plan 2012 Amendments (09EIR-00000-00004) including the Revision document (RV-1), determine pursuant to 14 CCR section 15162 that no subsequent EIR is required for this project because of the following: 1) No substantial changes are proposed in the project which require major revisions to the previously certified EIR due to new significant environmental effects; 2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions to the EIR; and 3) No new information of substantial importance concerning the project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified on December 11, 2012, has been received.
- 3) Adopt a resolution approving specific text and map amendments to the Land Use Element (Attachment C) of the Santa Barbara County Comprehensive Plan by adoption of the OCP Key Site 22 Wetlands Delineation Removal Amendment; and,
- 4) Strike that portion of the appendices to the OCP EIR (95-EIR-1) titled *Vernal Wetlands and Orcutt Creek Wetland Delineation* prepared by Katherine Rindlaub Biological Consulting and bearing the date of

September 1, 1995 and any conclusions based in whole or in part on said delineation, in compliance with a court order issued in *Adam Bros. Farming Inc. v. County of Santa Barbara* (Super. Ct. Santa Barbara County, 2004, No. 1007452).

### **Summary**

During the December 11, 2012 hearing, the Board of Supervisors, in consideration of the Orcutt Community Plan 2012 Amendments, continued the Key Site 22 Wetlands Delineation Removal Amendment to February 5, 2013 to provide staff additional time to complete property owner coordination and further revise the amendment. The item was subsequently continued to May 14, 2013 and then continued to June 4, 2013.

### **Background**

Staff met with the Key Site 22 property owner representatives on January 17, 2013 and on April 16, 2013 and subsequently agreed that the revisions to the OCP EIR and FSEIR detailed in the Addendum to the SEIR in Attachment B and revisions to the OCP in Attachment C comply with the court order issued in *Adam Bros. Farming Inc. v. County of Santa Barbara* (Super. Ct. Santa Barbara County, 2004, No. 1007452).

### **Environmental Review**

State CEQA Guidelines Section 15164 allows an addendum to be included in a Final EIR when minor technical changes, but none of the conditions calling for preparation of a subsequent EIR or Negative Declaration have occurred. A Final Supplemental Environmental Impact Report (SEIR) (09EIR-00000-00004) to the previously certified OCP EIR (95-EIR-1) was prepared for the OCP 2012 Amendments and certified by the Board of Supervisors at their January 11, 2013 hearing. The Final SEIR in Attachment B consists of the Addendum to the SEIR and the Final SEIR. The Addendum to the OCP 2012 Amendments Final SEIR makes the minor technical changes to the Key Site 22 Wetlands Delineation Removal Amendment. The additions support the findings in Attachment A that the OCP 2012 Amendments would not result in a substantial change described in the State CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR.

### **Special Instructions:**

The Clerk of the Board shall fulfill noticing requirements of Government Code Section 65094. A minute order of the hearing, signed Board Resolutions and two copies of the notice and proof of publication shall be returned to the Planning and Development Department, attention: Bret McNulty and David Villalobos.

### **Attachments:**

1. Findings
2. Addendum to the Orcutt Community Plan 2012 Amendments FSEIR
  - A. Orcutt Community Plan Text and Map Revisions (Revised)
    1. Table 1: Orcutt Community Plan Summary of Key Site 22 Wetlands Delineation Removal Text and Map Revisions
    2. OCP Introduction, Page 15
    3. OCP Chapter 11, Parks, Recreation, Trails, and Open Space, Pgs 87 and 96
    4. OCP Chapter 19, Biology, Page 192
      - 4.a: OCP Figure 24, Page 188: Revised Map of Orcutt Significant Vegetation (4/25/2013)  
(Same as OCP FEIR Figure 5.2-1)
      - 4.b: OCP Figure 25, Page 189: Revised OCP Biological Habitat Map West (5/7/2013)
    5. Key Site #22 Section
      - 5.a: OCP Figure KS22-2, Page KS22.12, Revised Site #22 (1/28/2013),  
(Same figure as OCP FEIR Figure 22-3, Site #22)
  - B. Orcutt Community Plan Final EIR (95-EIR-01) Text and Map Revisions
    1. Table 2: Summary of OCP FEIR Revisions

2. OCP FEIR Key Site 22: Site Specific Impacts Analysis
3. OCP FEIR Section 4.0 Environmental Setting, Page 4-1
4. OCP FEIR Section 5.2 Biological Resources
5. OCP FEIR Chapter 6 Alternatives, Pages 6-11, 6-27 and 6-39
6. OCP FEIR Chapter 11 References, Pages 11-2 and 11-3
7. OCP FEIR Appendix C: Revised Biological Resources Assessment for Selected Key Sites Within the Orcutt Planning Area. (4/22/2013)
8. To be removed from OCP FEIR Appendix D: Vernal Wetlands and Orcutt Creek Wetlands Delineation, K. Rindlaub Biological Consulting, September 1, 1995. With Appendix D: Replacement Page
- C. Orcutt Community Plan 2012 Amendments Final SEIR Revisions (Revised)
  1. Table 3: Summary of OCP 2012 Amendments Final SEIR Revisions
  2. FSEIR Revision Document (RV 1)  
(same as OCP FSEIR Section 4.3 Biology in C4 below)
  3. FSEIR Chapter 2.0 Project Description, Page 2-13
  4. FSEIR Section 4.3 Biology
3. Orcutt Community Plan 2012 Amendments: FSEIR – Certified by the Board of Supervisors, December 11, 2012.
4. Resolution – Comprehensive Plan Land Use Element Amendment
  - A. Exhibit A: Amended Map of Orcutt Significant Vegetation Map (Revised)  
Amends OCP Figure 24, Page 188  
*Figure to be revised shown in the FSEIR in Attachment 3, page 2-15*
  - B. Exhibit B: Amended Biological Habitat Map – West Half (Revised)  
Amends OCP Figure 25, Page 189  
*Figure to be revised shown in the FSEIR in Attachment 3, page 2-19*
  - C. Exhibit C: Amended Key Site 22 Map (Revised)  
Amends OCP Figure KS22-2, page KS22.12  
*Figure to be revised shown in the FSEIR in Attachment 3, page 2-23*
  - D. Exhibit D: Key Site #22 OCP Text Amendments (Revised)
    - D1: Table 1: Orcutt Community Plan Summary of Key Site 22 Wetlands Delineation Removal Text and Map Revisions (Revised)
    - D2: OCP Introduction, Page 15
    - D3: OCP Chapter 11, Parks, Recreation, Trails, and Open Space, Pages 87 and 96
    - D4: OCP Chapter 19, Biology, Page 192
    - D5: OCP Key Site #22 Section
5. Planning Commission Action Letter Dated

**Authored by:**

Bret McNulty, Planner, 884-8060