

Attachment 1:

Findings

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**ATTACHMENT 1:
FINDINGS FOR THE
ORCUTT COMMUNITY PLAN 2012 AMENDMENTS
KEY SITE 22 WETLANDS DELINEATION REMOVAL AMENDMENT**

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

1.1 *Consideration of the Addendum and Full Disclosure*

The Board of Supervisors have reviewed and considered the Addendum dated May 23, 2013 together with the previously certified Final Supplemental Environmental Impact Report (SEIR) (09EIR-00000-00004) which incorporates the SEIR Revision Document (RV-1) completed for the Orcutt Community Plan (OCP) 2012 Amendments Key Site 22 Wetlands Delineation Removal Amendment (13GPA-00000-00003) in compliance with CEQA. The Addendum, together with the EIR (09EIR-00000-00004), is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment.

1.2 *Mitigation of Project Impacts*

The Santa Barbara County Board of Supervisors finds that in accordance with the environmental impact analysis provided in 09EIR-00000-00004 the OCP 2012 Amendments Key Site 22 Wetlands Delineation Removal Amendment as approved will not result in new significant environmental effects, or a substantial increase in the severity of previously identified significant impacts that require major revisions to the previously certified OCP EIR.

The Board of Supervisors also finds the previously certified OCP FEIR eliminated or substantially mitigated impacts related to the OCP and that the FSEIR analysis has demonstrated that the OCP 2012 Amendments would not result in any new significant effects that require mitigation. Therefore, the previously certified OCP FEIR is consistent with CEQA with the minor additions and changes incorporated by the FSEIR and Addendum dated May 22, 2013. Therefore, additional mitigation measures intended to reduce or avoid significant effects on the environment are not required for this project.

1.3 *Environmental Reporting and Monitoring Program*

The OCP FEIR included a Mitigation Monitoring and Reporting Plan that was certified by the Santa Barbara County Board of Supervisors in July 1997. The Santa Barbara County Board of Supervisors finds that the FSEIR has demonstrated that the proposed project would not result in significant effects on the environment and therefore a new environmental reporting or monitoring program under the CEQA Guidelines Section 15097 for the OCP 2012 Amendments project is not required.

1.4 *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 Planning and Development Department located at 123 E. Anapamu Street, Santa Barbara, CA 93101.

2.0 ADMINISTRATIVE FINDINGS

2.1 Comprehensive Plan Findings

Government Code Section 65358 requires each comprehensive plan amendment to be in the public interest. The County of Santa Barbara Board of Supervisors finds that the OCP 2012 Amendments are in the public interest for the following reasons:

1. The Santa Barbara County Board of Supervisors finds that the OCP 2012 Amendments Key Site 22 Wetlands Delineation Removal Amendment complies with the court's direction in *Adam Brothers Farming v. County of Santa Barbara* (Super Ct. Santa Barbara County, 2004, No. 1007452) that the County strike the document titled *Vernal Wetlands and Orcutt Creek Wetland Delineation* and any conclusions based in whole or in part on said delineation from OCP and FEIR. Removal of the wetland delineation from the OCP and OCP EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal Clean Water Act or federal, state, or local regulations protecting biological resources and special status species.
2. Further, the Board of Supervisors finds future development proposals or grading on Key Site 22 will be required to demonstrate compliance with all applicable federal, state, and county regulatory requirements, including the California Environmental Quality Act (CEQA) and the federal and state Endangered Species Acts (ESA) prior to issuance of any development or grading permit approval. Therefore, the Board of Supervisors finds that the OCP 2012 Amendments are consistent with federal, state, and OCP requirements for species and habitat protection during buildout of OCP land uses and consistent with the purposes and goals of *OCP Chapter IV Resources and Constraints, Section B. Biologic Habitats*.
3. The Santa Barbara County Board of Supervisors finds the OCP 2012 Amendments Key Site 22 Wetland Delineation Removal Amendment is consistent with the applicable policies of the County of Santa Barbara Comprehensive Plan and the OCP as detailed in the Final SEIR Chapter 5.0, Consistency with Plans and Policies dated July 2012 and included in the Planning Commission staff report dated August 8, 2012.