

Attachment 3:

Orcutt Community Plan 2012 Amendments FSEIR

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Document available for viewing and download at:

<http://longrange.sbcountyplanning.org/planareas/orcutt/orcutt.php>

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*Final Supplemental
Environmental Impact Report
for the*

Orcutt Community Plan 2012 Amendments

SCH #2009121057

Certified by the Board of Supervisors
December 11, 2012

PREPARED BY

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July 2012



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Orcutt Community Plan ~~2012~~ ~~2011~~ Amendments
Final Supplemental Environmental Impact Report

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ORCUTT COMMUNITY PLAN 2012 AMENDMENTS

DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
REVISION DOCUMENT (RV 01)
09EIR-04

SCH#2009121057

APRIL 11, 2012

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DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
REVISION DOCUMENT (RV 01)
(09EIR-04, SCH#2009121057)

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Attachment 1: Section 4.3 Biological Resources (revised)

Attachment 2: Chapter 8.0 References and Persons Contacted (revised)

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I. BACKGROUND AND PURPOSE

The draft Supplemental Environmental Impact Report (SEIR) for the *Orcutt Community Plan (OCP) 2011 Amendments* was released for a 45-day public comment period on February 25, 2011. A publically noticed environmental comment hearing was held on Monday, March 21, 2011 at the Betteravia Government Center in Santa Maria. Public and agency comments were received until the end of the comment period on April 11, 2011.

The County of Santa Barbara received a letter from the United States Fish and Wildlife Service (USFWS) Ventura Office providing references to special status species studies in the OCP area (April 19, 2011, USFWS Letter).

The Planning and Development Department (P&D) reviewed the citations in the USFWS letter which document occurrences of several species and habitat designated by the USFWS as threatened or endangered adjacent to, and on properties identified as Key Site 22 in the Orcutt Community Plan. P&D determined the studies contain new environmental setting information not previously available during the scoping and public review period and that the information should be cited in the SEIR.

The new environmental setting information and references are incorporated in this revised draft SEIR Revision Document (RV 01) which will be recirculated for a second 45-day public review to enable the public and agencies an opportunity to consider the new environmental setting information. The revisions will be incorporated into a Final Supplemental EIR for consideration by the Santa Barbara County Board of Supervisors.

CEQA Guidelines Section 15088.5 requires that an EIR be recirculated for additional public review when inclusion of new information will constitute significant changes to the SEIR and in order to provide the public with a meaningful opportunity to comment. CEQA Guidelines Section 15088.5(c) states that if such revisions are limited to a few chapters or portions of the EIR, the lead agency need only recirculate portions that have been modified.

This Revision Document (RV 01) includes only the revised portions of the draft Supplemental EIR. Text additions are depicted using underline text, and text deletions are depicted using ~~strike-through~~ text. Readers are encouraged to consult the *Orcutt Community Plan 2011 Amendments Draft SEIR* (February 2011) for additional analysis and information.

<http://longrange.sbcountyplanning.org/planareas/orcutt/ocp2011amendments.php>

II. PROJECT DESCRIPTION

The *Orcutt Community Plan (OCP) 2011 Amendments*¹ address three minor, but important changes to the text, maps, policies, and implementing programs in the OCP. The amendments will: 1) remove the existing regional basins flood control policy and update flood control and drainage policies to reflect current standards, 2) comply with a court order to remove reference to

¹ Now referred to as *Orcutt Community Plan 2012 Amendments*.

a wetlands delineation for properties known as Key Site 22 from the OCP and EIR, and 3) change the traffic level of service for Clark Avenue through Old Town Orcutt from LOS “C” to “D” to encourage reduced traffic speeds consistent with the policies in the OCP.

III. REVISIONS TO THE DRAFT SEIR

The following sections of the previously circulated *OCP 2011 Amendments* draft SEIR have been revised based on the information referenced in the USFWS April 19, 2011 letter.

A. Section 4.3: Biological Resources

Attachment 1 includes these text revisions.

Page 4.3-1, *Section 4.3.1, Biological Resources, Setting*, has been revised to include references to the special status species surveys cited in the USFWS April 19, 2011 letter.

Pages 4.3-7, *Section 4.3.3, Biological Resources, OCP Amendments Impacts Analysis*, has been revised to reference SFWS April 19, 2011 letter recommended protocol surveys available at their website.

B. Chapter 8.0: References and Persons Contacted

Chapter 8.0 References and Persons Contacted (Attachment 2) has been revised to include references to the documents that were not previously available in the draft SEIR. This list now includes the following documents:

1. Bulger, J.B., N.J. Scott, and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs (*Rana aurora draytonii*) in coastal forests and grasslands. *Biological Conservation* 110 (2003): 85-95.
2. California Natural Diversity Database (CNDDDB). 2010. Biogeographic Data Branch, California Department of Fish and Game. Version dated April 2, 2011.
3. Orloff, S. 2007. Migratory Movement of California tiger salamander in upland habitat, a five-year study. Pittsburg, California. Prepared for Bailey Estates LLC. 47+ pp.
4. Sadinski, W.J. November 29, 1999. Survey Report: Adam Family Property, Orcutt, CA. prepared by Walter J. Sadinski, Supervisory Biologist, U. S. Fish and Wildlife Service.
5. U.S. Fish and Wildlife Service. November, 2009. California tiger salamander (*Ambystoma californiense*) Santa Barbara County Distinct Population Segment 5-Year Review: summary and evaluation. Ventura Fish and Wildlife Office. Ventura, CA.
6. Final Rule 56978. Federal Register: November 3, 2009 (Volume 74, Number 211). Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for *Cirsium loncholepis* (La Graciosa Thistle).
7. U.S. Fish and Wildlife Service, Ventura Office. April 19, 2011. Letter from Jeff Phillips, Deputy Assistant Field Supervisor.

These studies are incorporated into the draft SEIR environmental setting by reference and are available for review along with all documents referenced in the EIR at the Planning & Development offices located at 123 E. Anapamu Street, Santa Barbara or 624 Foster Road, Suite

C, Santa Maria. Draft documents are also available for review at the Orcutt Branch Library located at 1157 East Clark Avenue, Orcutt, CA 93455. Documents are also available for review on the Planning & Development website at:

<http://longrange.sbcountyplanning.org/planareas/orcutt/orcutt.php>

IV. CHANGES IN ENVIRONMENTAL EFFECTS

The special status species studies referenced in the USFWS April 19, 2011 letter provide important information regarding special status species useful for future surveys, consultations, and permit determinations in the OCP area. Santa Barbara County requires habitat surveys for development permits and grading proposals in the OCP area and that applicants demonstrate compliance with all federal and state regulations protecting special status species, including the federal and state Endangered Species Acts (ESA), the California Environmental Quality Act (CEQA), the federal and state Clean Water Acts, and all state and federal agency consultation and permit requirements.

The revisions discussed herein, provide new information about the project area, but represent no physical change in the project or impacts determinations in the draft SEIR. The revised draft SEIR analysis substantiates findings that the OCP 2012 Amendments will not result in new significant environmental effects requiring additional mitigation measures, or cause a substantial increase in the severity of previously identified significant impacts.

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Attachment 1

OCP 2012 Amendments SEIR

Section 4.3 Biological Resources (revised)

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4.3 Biological Resources

This section discusses the potential for the project to create new impacts to biological resources, important species, or habitat, or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.3.1 Setting

The OCP FEIR Section **5.2 Biological Resources** and **Volume II (Key Sites)** evaluate biological resources, describe in detail the biological setting of the plan area, and are incorporated herein by reference.

Biological information from the following surveys and assessments conducted in the project area supplement the biological setting.

The U.S. Fish and Wildlife Service (USFWS) Ventura Office has documented occurrences of special status species and supporting habitat on land around Key Site 22, including the federally designated endangered California Tiger Salamander (*Ambystoma californiense*) (USFWS, 2009). USFWS has documented occurrences on Key Site 22 of the federally designated threatened California red-legged frog (*Rana draytoni*) (Sadinsky, 2009).

The California Natural Diversity Database (CNDDB) documents the presence of the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) in a pond near Key Site 22. USFWS points to a likelihood that, due to its proximity in the pond, the species also occurs in the vernal pool complex located on the north portion of Key Site 22 (CNDDB, 2010, and USFWS, 2011).

Southern and eastern portions of Key Site 22 lie within designated critical habitat for the La Graciosa thistle (*Cirsium loncholepis*) (Federal Register, Vol. 74, Page 56978). Orcutt Creek, which flows through Key Site 22, and its tributaries provide suitable habitat for two other federally designated plant species, the Gambel's watercress (*Rorippa gambelii*) and the marsh sandwort (*Arinaria paludicola*) (USFWS, 2011).

The federally designated endangered least Bell's vireo (*Vireo bellii pusillus*), is recovering in the region and nests and forages almost exclusively in riparian woodland habitats. USFWS has identified the Orcutt Creek riparian corridor in Key Site 22 as potentially suitable habitat for the least Bell's vireo (USFWS, 2011).

Regulatory Setting

Federal and State Requirements for Protection of Biological Resources.

Environmental impact analysis and mitigation needs to take into account Federal and State biological resource regulations. The Federal Endangered Species Act and California Endangered Species Act formally list plant and animal species determined to be rare, threatened or endangered, or candidate species, and establish regulations for protecting these species and their habitats.

Other federal statutes include the National Environmental Policy Act (NEPA), the Clean Water Act Section 404 (for protection of wetlands), Bald Eagle Protection Act, Migratory Bird Treaty Act, Executive Order 11990 (wetlands protection), Rivers and Harbors Act Section 10, Marine Protection, Sanctuary and Research Act, Marine Mammal Protection Act, and Section 1601 and 1603 Stream Alteration Agreements.

Agencies with the responsibility for protection of biological resources within the project site include:

- U.S. Army Corps of Engineers (wetlands and other waters of the United States);
- Regional Water Quality Control Board (waters of the State);
- U.S. Fish and Wildlife Service (federally listed species and migratory birds);
- California Department Fish and Game (riparian areas and other waters of the State, state-listed species);
- County of Santa Barbara (Orcutt Community Plan consistency and land use planning/permitting, locally sensitive species and habitats)

U.S. Army Corps of Engineers. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) has authority to regulate activities that could discharge fill of material or otherwise adversely modify wetlands or other “waters of the United States.” Perennial and intermittent creeks are considered waters of the United States if they are hydrologically connected to other jurisdictional waters. The USACE also implements the federal policy embodied in Executive Order 11990, which is intended to result in no net loss of wetland value or acres. In achieving the goals of the Clean Water Act, the USACE seeks to avoid adverse impacts and offset unavoidable adverse impacts on existing aquatic resources.

Any fill or adverse modification of wetlands that are hydrologically connected to jurisdictional waters would require a permit from the USACE prior to the start of work. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetland acres or values is met through compensatory mitigation involving the creation or enhancement of similar habitats.

United States Fish and Wildlife Service. The USFWS implements the Migratory Bird Treaty Act (16 United States Code [USC] Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668). The USFWS and National Marine Fisheries Service (NMFS) share responsibility for implementing the Federal Endangered Species Act (FESA) (16 USC § 153 *et seq.*). The USFWS generally implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadromous species. Projects that would result in “take” of any federally listed threatened or endangered species are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. “Take” under federal definition means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of FESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at anytime.

California Department of Fish and Game. The CDFG derives its authority from the Fish and Game Code of California. The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 *et. seq.*) prohibits take of state listed threatened, endangered, or fully protected species. Take under CESA is restricted to direct mortality of a listed species and does not prohibit indirect harm by way of habitat modification. The CDFG also prohibits take for species designated as Fully Protected under Fish and Game Code. California Fish and Game Code

sections 3503, 3503.5, and 3511 describe unlawful take, possession, or destruction of birds, nests, and eggs. Fully protected birds (Section 3511) may not be taken or possessed except under specific permit. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs.

Species of Special Concern (SSC) is a category used by the CDFG for those species which are considered indicators of regional habitat changes or are considered to be potential future protected species. Species of Special Concern do not have any special legal status except that which may be afforded by the Fish and Game Code as noted above. The SSC category is intended by the CDFG for use as a management tool to include these species into special consideration when decisions are made concerning the development of natural lands. The CDFG also has authority to administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 *et seq.*). The NPPA requires the CDFG to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under Section 1913(c) of the NPPA, the owner of land where a rare or endangered native plant is growing is required to notify the department at least 10 days in advance of changing the land use to allow for salvage of plant. Perennial and intermittent streams and associated riparian vegetation, when present, also fall under the jurisdiction of the CDFG. Section 1600 *et seq.* of the Fish and Game Code (Lake and Streambed Alteration Agreements) gives the CDFG regulatory authority over work within the stream zone (which could extend to the 100-year flood plain) consisting of, but not limited to, the diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream or lake.

County Biological Resources Policies

Requirements for the protection of biological resources in the unincorporated area of Santa Barbara County are provided by the Comprehensive Plan Conservation Element, Environmental Resource Management Element (ERME), Land Use Element, and Community Plans. These documents identify sensitive habitats and species, and provide measures to direct project design and policies to protect biological resources. In addition, the County maintains a list of locally important plant species and attempts to minimize development impacts to these species. The County also regulates impacts to wetlands through the discretionary permitting process.

Orcutt Community Plan Policies

The OCP EIR identified biological impacts for a variety of properties within Orcutt, including Key Site 22. Mitigation measures prescribed for these impacts were outlined in the OCP EIR (see Table 4.3.1 below), and several of these mitigation measures were incorporated into the Final OCP as policies and development standards.

4.3.2 Previously Identified Impacts and Mitigation Measures

The OCP EIR identified mitigation measures for the following general impacts on Key Site 22: BIO-3: associated with the Union Valley Parkway extension in Key Site 22, BIO-4: construction of E Street, BIO-5: Dutard Road, BIO-8: trail construction and use, BIO-9: paved bicycle paths, BIO-11: Dutard/Solomon trunk line, BIO-14: retention basins, BIO-15: creek maintenance and emergency work, BIO-16: construction of new schools, BIO-20 elimination of wetlands, BIO-21 elimination of candidate species, BIO-22: fragmentation of wetland and upland habitat, BIO-23: elimination of grasslands, BIO-24: elimination of ancient sand dunes, BIO-25: elimination of

4.3 Biological Resources

sandhill chaparral, and BIO-33: weed invasion as listed in Section 5.2 and anticipated to result from future development on Key Site 22.

Mitigation BIO-1 addresses road construction impacts, BIO-2 addresses construction of trails, bike paths and their use, Mitigation BIO-14 addresses BIO-15 which is specific to flood control, but applies to all construction along the floodway on Key Site 22. Impact BIO-14 identifies impacts resulting from the construction of the retention basins identified in the regional basins program. Table 4.3.1 identifies Key Site specific impacts to biology and mitigation measures previously identified in the OCP FEIR. A comprehensive list of all court compliance text and map edits is included in Exhibits B.4 through B.11. Please refer to the OCP FEIR Chapter 5.2 and Volume II, Key Site 22 for the complete impacts discussion.

Table 4.3.1 OCP EIR Biological Resources Impacts and Mitigation Measures

Impact	Impact Summary	Impact Type	OCP EIR Mitigation
Key Site 22			
KS22 BIO-1	Reduction in Habitat: Development of 2,000 units on the site would create potentially significant impacts through elimination of 120 ac res of vernal wetland/grassland complex, 37 acres of sandhill chaparral, 90 ac res of freshwater marsh, and 451 ac res of annual grassland.	Class I	<p>KS22 BIO-1.1: The Open Space Overlay shall be applied to Key Site 22 as depicted in Figure KS22-4.</p> <p>KS22 BIO-1.2: Development plans shall incorporate the realignment of Dutard Road and E Street as shown in Figure KS22-5.1.</p> <p>KS22 BIO-1.3: the County shall implement a habitat protection and restoration program for the vernal wetland/grassland complex to protect the area from urban encroachment and to enhance the disturbed vernal wetland/grassland complex immediately adjacent to the existing alignment of Dutard Road. Protection measures shall include the installation of fencing, signs, and landscape buffers of appropriate native trees and shrubs. The plan shall be funding by the developer(s) of areas within the Site 22 and subject to review and approval by P&D.</p>
KS22 BIO-2	Disruption of Habitat: The construction of E street would cause potentially significant impacts by disruption the large contiguous vernal wetland/grassland/dune complex which covers the northern portions of the site, and extends onto the Santa Maria Public Airport Property. Construction of the roadway would inhibit wildlife movement between vernal flats and dune upland areas, significantly reducing the ability of these interrelated habitat areas to support a wide variety of species.	Class I	BIO-1.2, BIO-1.3, and BIO-3.1 addresses this impact.
KS22 BIO-3	Contamination of Freshwater Marshes and Vernal Complexes: Runoff from streets and paved surfaces within developed areas could contaminate freshwater marsh areas and vernal complexes on the site. Residual oil, which accumulates on paved surfaces, could be carried to marsh and vernal wetland areas by stormwater runoff. Due to the sandy soils and high infiltration rates, contaminants could build up over time increasing in concentration and reaching harmful levels. This impact is considered potentially significant.	Class II	<p>KS22 BIO-3.2: The overall drainage improvement plan for the Site 22 shall provide methods to control contaminated run-off from paved surfaces. Parking area design shall incorporate design features such as perimeter drains and catch basins to reduce contaminant levels in runoff before it enters the storm drain system.</p> <p>BIO-1.1 and BIO-3.2 also address this impact</p>
KS22 BIO-	Impacts to Wildlife: The project could cause potentially significant impacts to	Class I	BIO-4: Prior to construction of any roads crossing the vernal pool areas (e.g., E Street), wildlife surveys

Impact	Impact Summary	Impact Type	OCP EIR Mitigation
4	wildlife associated with eventual habitation of the site including disturbance of habitat by domestic animals, nuisances to wildlife from noise and light sources, disruption of wildlife migration route, etc.		shall be conducted for sensitive species in the wetland areas within 300 feet of both sides of the outside edges of grading these roads. A habitat restoration plan for the project shall be submitted to P&D, US Fish & Wildlife Service, and California Fish & Game for approval prior to construction, and may include pre-construction relocation of sensitive animals, if appropriate. The habitat restoration plan shall include restoration of all wetland and dune habitats to previous or better conditions. The restoration plan shall be approved by P&D and PW and funded prior to construction. Implementation shall begin within one year of commencement of grading, and completed within 3 years of roadway completion. BIO-5: Union Valley Parkway and E Street shall be designed and constructed to include a bridge or bridges over the greatest amount of wetlands and sand dunes possible, in consultation with the California Department of Fish & Game, U.S. Fish & Wildlife Service and U.S. Army Corps of Engineers. Adequate vertical clearance beneath the bridge(s) for wildlife passage shall be accommodated where feasible. Where a bridge is not feasible, the road(s) shall be realigned as shown in Figures 2-10 and KS22-6A and constructed on berms above the adjacent ground surface, with box culverts beneath the road, suitable for passage by tiger salamanders and spadefoot toads, and maintained a minimum distance of every 500 feet and smaller flat-bottomed culverts at closer intervals. Prior to final roadway design, County and City Public Works Departments shall contract with a County approved biologist to determine the locations and frequency of the undercrossings.
KS22 BIO-5	Impacts to Orcutt Creek Wildlife Corridor: Development of Key Site 22 from a rural into a suburban community could substantially disrupt the utilization by and movement of wildlife populations and diversity. Species which would be particularly vulnerable would be ground nesting species and animals dependent upon concealment and low levels of disturbance for survival.	Class I	KS22 BIO-3.1: Structures and paved surfaces, except paved walkways or bikepaths or interpretive displays, shall not be developed within 500 feet of the edge of vernal wetlands. BIO-4 and BIO-5 above also address this issue.
			KS22 BIO-4.0: A habitat protection and enhancement plan shall be prepared and implemented for the Orcutt Creek corridor including planting of grove of appropriate native trees and stands of shrubs along selected portions of the banks and top of bank of Orcutt Creek, the restoration and enhancement of selected wetlands areas within the floodplain, installation of selected areas of fencing around the most significant wildlife areas, installation of signs and walkways to help guide public use of those areas and the Orcutt greenway, biological connectivity between Orcutt Creek and the primary drainage from the Casmalia Hills. The plan shall be funded by the developer(s) of Site 22 and subject to review and approval by P&D.
BIO-22	Fragmentation of Wetland and Upland Habitat. Development between wetland and upland and retreat sites of amphibians (or on uplands themselves) would have a potentially significant impact on two federal candidates for the Endangered Species List: California Tiger Salamander and spadefoot toad, and would lead to their elimination from the Orcutt Planning Area.	Class I	BIO-19: A minimum buffer of 100 feet, or fifty feet with installation of major screen planting native riparian vegetation, shall be maintained in natural condition from the edge of the wetland on Key Site 22. No structures shall be permitted with the complex or buffer area except for structures of a minor nature that help implement preservation of the resource (i.e.: fences and interpretive/educational signs). Passive recreational development such as seating areas, bike paths and a trail shall be permitted a minimum distance of fifty feet of the edge of the wetland. Construction and installation of these facilities shall minimize the ground disturbance area and avoid

4.3 Biological Resources

Impact	Impact Summary	Impact Type	OCP EIR Mitigation
			<p>erosion or sedimentation into the wetland.</p> <p>BIO-20: All new developments shall be sited and designed to preserve and enhance significant wildlife corridors consistent with accepted wildlife management practices, particularly between wetlands and adjacent upland areas.</p>
<i>1995 OCP FEIR Analysis: Biology, Flood Control and Key Site 22</i>			
BIO-14	<p>Retention Basins. Construction of retention basins on Key Sites 2, 8, 12, 18, 22, and 30 could result in the potentially significant impacts associated with removal of approximately 17 acres of riparian scrub, forest, and oak woodland.</p>	Class II	<p>BIO-3: Habitat restoration plans shall be required of all projects that would significantly impact wetlands, riparian woodlands, oak woodlands, and rare plants. The goal of the plan should be to restore a greater number of acres of mature vegetation (including understory if appropriate) that that which was impacted. If restoration on or near the site is not feasible, acquisition and permanent preservation of additional habitat acreage should be considered as long as the mitigation project resulted in a substantial increase in ecological functions. Success criteria should be clearly stated. The habitat restoration plan shall be prepared by a P&D qualified biologist and reviewed and approved by P&D, and bonded for by the applicant, prior to the issuance of a Land Use Permit on the site. The plan should clearly state who will fund and be responsible for long-term maintenance, who will monitor for success, and specific remedial measures.</p> <p>BIO-13. All new retention basins shall be sited and designed in a manner that avoids or minimizes impact to wetlands, riparian habitats and oak woodlands. Excavated fill shall not be placed within these habitats and areas adjacent to or within these habitats which are disturbed during construction shall be revegetated with appropriate native species. Basins on Key Sites 3, 8, and 22 shall require implementation of Mitigation BIO-3. The Key Site 12 Basin shall be located on the east side of the existing access road. The retention basin on Key Site 30 shall be located in the area of the site currently lacking sensitive habitat. All sensitive habitat areas adjacent to these basins shall be fenced prior to commencement of grading to prevent disturbance and stockpiling in these areas.</p> <p>BIO-14: Requires that all round disturbance and construction on Key Site 22 shall be located outside of the floodway and due to high habitat value, a minimum of 100 feet from the dripline of riparian vegetation</p> <p>BIO-2. Minimize removal of riparian vegetation for bicycle paths. Requires 50-foot setback (if feasible) from edge of riparian vegetation or top of bank, whichever protects greater area. Restore riparian habitat between path and creek. Direct lighting away from the creek.</p> <p>BIO-3. Provides for preparation of habitat restoration plans for projects that significantly impact wetlands, oak woodland, and rare plant impacts.</p> <p>BIO-3.1. Recommendation to P&D to establish a regional mitigation bank to offset habitat loss in cooperation with other agencies as funding becomes available.</p> <p>BIO-3.2. Suggests locations for purchase and preservation as offsite mitigation in the event that on-site preservation and restoration options are exhausted.</p> <p>BIO-6. Road lighting shall be designed to minimize spill into native habitat areas.</p>

Impact	Impact Summary	Impact Type	OCP EIR Mitigation
BIO-15	Creek Maintenance and Emergency Work. Although changes in the Flood Control District's maintenance practices are proposed, level of effort of maintenance (desilting, channel shaping, vegetation removal and herbicide spraying in the channel) may increase in Orcutt, Solomon and Pine Canyon Creeks in order to protect future development within the floodplain or floodway. These new maintenance areas could cause potentially significant impacts by: 1) alteration of the physical features of the creek channel, 2) removal of riparian scrub, forest, and live oak communities, and 3) temporary but reoccurring disturbances to wildlife on Key Sites 3, 5-8, 10-13, 15, 19, 22, A, F, and D. Responses to emergency flooding could also significantly impact these riparian communities as a result of the use of heavy equipment in and around the creek to remove fallen logs and other debris blocking the channel.		BIO-14: Ground disturbance and construction on Key Sites 3, 5-8, 10-13, 15, 19, 22, A, F, and D, except hiking/ biking trails and other recreational facilities, shall be located outside of the floodway and a minimum distance of 50 feet from the dripline of riparian vegetation. Due to particularly high habitat values on Key Sites 3 and 22, the minimum distance shall be increased on those two sites to 100 feet.

4.3.3 OCP ~~2012~~ ~~2011~~ Amendments Impact Analysis

The wetlands delineation, *West Orcutt Planning Area 8 Vernal Wetland and Orcutt Creek Wetland Delineation*, Katherine Rindlaub Biological Consulting September 1, 1995, in Appendix D of the OCP EIR and prepared for Key Site 22 (formerly Planning Area 8) was deemed by the court (*Adam Brothers Farming v. County of Santa Barbara* ~~2008 Cal. App. Unpub. LEXIS 1831 604 F.3d 1142 (2010)~~) to have been prepared improperly, and for all references to the document be removed from the OCP and OCP EIR. The court's order did not affect the status of the wetlands delineation prepared for the wetland/sand dune complex that occurs in the north portion of Key Site 22 and Airport property.

Removal of the wetland delineation references and mapping from the OCP and Final EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal Clean Water Act or federal and state regulations protecting special status species (See Section 4.3.1 Regulatory Setting above). 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 permit approval. Planning and Development requires a field assessment of properties in this area for the potential for special status species, including the following federally designated endangered species: such as the California Tiger Salamander, California red-legged frog, the vernal pool fairy shrimp, La Graciosa thistle, Gambel's watercress, marsh sandwort, and Least Bell's vireo, all of which ~~which was listed by the U.S. Fish and Wildlife Service (USFWS) as an Endangered Species on August 4, 2004, and has~~ have been documented on Key Site 22 or in proximity to the site (USFWS, 2011). As detailed in the project description above, the text and map revisions required by the court are listed in **Chapter 2, Project Description**, Tables 2.2 and 2.3. USFWS Ventura Office recommends surveys be conducted following USFWS protocols available at their website:

http://www.fws.gov/ventura/species_information/protocols_guidelines/ (USFWS, 2011).

4.3.4 Mitigation Measures

No new impacts to biological resources associated with implementation of the OCP Amendments have been identified; therefore, no new mitigation is required.

4.3.5 Changes in Environmental Effects and Residual Impacts

The amendment removing the wetland delineation from the map of Key Site 22 would not result in any new significant environmental impacts that were not analyzed in the OCP EIR, and therefore, no changes to the Level of Significance would occur. Any future development proposals on Key Site 22 are subject to compliance with Section 404 of the federal Clean Water Act, and applicable state and County regulations.

Attachment 2

OCP 2012 Amendments SEIR

Chapter 8.0 References and Persons Contacted (revised)

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Executive Summary

This section summarizes the characteristics of the proposed Orcutt Community Plan (OCP) ~~2012~~ ~~2011~~ Amendments, discusses alternatives, environmental impacts, and mitigation measures.

Project Applicant/ Lead Agency

County of Santa Barbara
Planning & Development Department
Long Range Planning Division
123 East Anapamu Street
Santa Barbara, CA 93101

Contact:

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Project Location

Orcutt is an unincorporated community located in northwest Santa Barbara County, and is bounded on the north by the City of Santa Maria, on the east by Interstate 101, on the west by Black Road, and on the south by the Solomon Hills. Old Town Orcutt is located in southwest Orcutt between State Highway 1 to the west and State Route 135 to the east and is traversed east and west by Clark Avenue which serves as the Old Town Orcutt “Main Street.”

Project Background and Characteristics

The County of Santa Barbara Board of Supervisors adopted the Orcutt Community Plan (OCP) in 1997. Since adoption of the OCP, changes in flood control practices, zoning changes in Old Town Orcutt, and a court decision have necessitated these minor, but important amendments to the Plan to ensure internal document consistency and compliance with legal requirements. These amendments will not change permitted land uses, permit requirements, traffic, or land use intensities.

Section 2.0, Project Description, in this Supplemental EIR provides the recommended revisions to OCP policy and development standards.

The first of the amendments assessed by this Supplemental EIR replaces the existing regional retention basin program with the County’s modernized flood control program. The OCP regional basins policy is intended to provide a community-wide flood control solution. Since the adoption of the OCP, newer approaches to flood control and water quality assurance allow effective controls to be implemented on a project-by-project basis resulting in obsolescence of the partially implemented basins policy. The first of the amendments replaces the existing regional basins requirement with policy consistent with the County’s new flood control policies.

The next amendment complies with a court order by removing from the OCP and OCP Final Environmental Impact Report (EIR) references to a wetland delineation used to assess potential impacts from future development of properties identified as Key Site 22. The *Adam Brothers*

Farming, Inc. v. County of Santa Barbara, et al. court determined that the wetlands delineation used in the environmental analysis was not prepared using established U.S. Army Corps of Engineers protocols and that all references to the document were to be removed from maps and text in the OCP and Final EIR. Removal of the map from the OCP and EIR does not remove the legal obligation of property owners to comply with the requirements of the state and federal Endangered Species Acts and Clean Water Act.

The last of the three amendments changes the traffic level of service standard in the OCP Circulation Element for the Clark Avenue roadway segment in Old Town Orcutt from LOS “C” to “D”. The change reflects the preferred policy approach to implement OCP policies calling for creation of a traffic calmed pedestrian friendly business district in Old Town Orcutt. Traffic analysis prepared in 2008 during implementation of the traffic calming policies in the OCP, determined that at buildout the existing traffic level of service standard for the roadway would be exceeded for short periods during peak traffic periods. The 2008 traffic analysis informs the environmental review of the level of service standard change in this Supplemental EIR.¹

Environmental Review Approach

CEQA requires analysis of environmental impacts that could occur as a result of project approval. Where a community plan EIR has been certified and proposed development is consistent with the community plan, further environmental review is limited to effects upon the environment which are specific to the project area or the project and which are not addressed as significant effects in the prior EIR.

During scoping of the environmental review for this project staff determined the proposed level of service amendment for Clark Avenue from Los C to LOS D had the potential to result in additional impacts beyond those analyzed in the OCP EIR. The County decided that a Supplemental EIR, would be the appropriate document to review the OCP ~~2012~~ ~~2011~~ Amendments pursuant to CEQA Guidelines Section 15163. The Supplemental EIR provides a higher level of review and public participation than an Addendum.

The OCP EIR evaluated impacts associated with buildout under the Orcutt Community Plan. The analysis includes detailed descriptions of the existing environmental setting and an analysis of cumulative impacts in the areas of land use, biological resources, agriculture, geology, flooding and drainage, water resources, cultural resources, traffic and circulation, noise, air quality, risk of upset/hazards, wastewater, public services and utilities, visual resources/open space, parks and recreation, and schools. The OCP also studied a reasonable range of alternatives to the project. The buildout analysis in the OCP EIR provides the baseline for this Supplemental EIR.

This Supplemental EIR evaluates the potential environmental impacts in the OCP Plan Area resulting from implementation of the three amendments to the OCP as compared to the existing

¹ Old Town Orcutt Traffic, Circulation and Parking Study, Penfield & Smith, 2008. This traffic study was prepared as part of the Old Town Orcutt Streetscape process to assess roadway, intersection, levels of service and parking supply and demand in Old Town.

baseline conditions at buildout of the OCP as described in the OCP EIR. The impact analysis in this Supplemental EIR is predicated on identifying changes to the baseline condition resulting from implementation of these amendments, although the traffic level of service amendment is being proposed in response to changes to the baseline that is expected to occur through implementation of OCP traffic calming policies.

This Supplemental EIR also compares the potential impacts resulting from the new amendments to the impacts in the existing OCP EIR to determine whether the existing analysis and mitigation measures adequately address previously identified impacts as well as any new impacts from the OCP ~~2012 2011~~ amendments. No new significant impacts, or changes to impacts previously identified in the OCP EIR were identified during preparation of this Supplemental EIR that would require additional mitigation measures.

In addition, pursuant to CEQA Guidelines Section 15128, **Section 7.0 Other CEQA Concerns** includes a brief statement indicating the various issue areas that were determined not to be significant and were not discussed in detail in this Supplemental EIR. The issue areas determined not to be significant consists of Energy, Public Services and Utilities, Parks and Recreation, and Schools.

Alternatives

Chapter 6, Alternatives Analysis The previously certified OCP FEIR examined a reasonable range of alternatives to the proposed project to identify any potential to minimize environmental impacts of the project while achieving most of the main project objectives, as required by CEQA Guidelines Section 15126.6. This Supplemental EIR analyzes an additional “No Project” alternative to the OCP ~~2012 2011~~ Amendments.

OCP ~~2012 2011~~ Amendments No Project Alternative The No Project Alternative assumes the regional basins policy will continue to be implemented and the land uses in Old Town Orcutt will continue to develop with the buildout of land uses consistent with the land use policies in the adopted OCP. The wetland delineation would be removed from the OCP and FEIR to ensure compliance with the court order in the *Adams v. County of Santa Barbara* case, as no alternative to compliance with a court order is available.

This Supplemental EIR identifies the proposed project as the environmentally superior alternative, in that no significant impacts requiring mitigation have been identified beyond those analyzed in the OCP EIR.

Summary of the Environmental Impacts Analysis Findings

Pursuant to CEQA Guidelines Section 15163, this Supplemental EIR revises the OCP EIR impacts discussion to include analysis of the OCP ~~2012 2011~~ Amendments. This Supplemental EIR provides analysis that substantiates the findings that the project will not result in new significant environmental effects requiring additional mitigation measures, or cause a substantial increase in the severity of previously identified significant impacts that require major revisions to the previously certified OCP FEIR, or the preparation of a subsequent EIR.

Draft SEIR Circulation

The draft Supplemental Environmental Impact Report (SEIR) was circulated for public review from February 25, 2011 through April 11, 2011. The County held a public comment hearing on the Draft SEIR on Monday, March 21, 2011 at the Betteravia Government Center in Santa Maria. Public and agency comments were received until the end of the comment period on Monday, April 11, 2011. The public comment letters, emails, and testimony generated by agencies, organizations and individuals during the public review period and the public comment hearing are included along with responses to each comment in **Section 9.0 Response to Comments**.

Draft SEIR Revision Document (RV-1)

The County of Santa Barbara also received a letter from the United States Fish and Wildlife Service (USFWS) Ventura Office providing references to special status species studies in the OCP area (USFWS Letter, April 19, 2011).

The Planning and Development Department (P&D) reviewed the citations in the USFWS letter, which document occurrences of several species and habitat designated by the USFWS as threatened or endangered adjacent to, and on properties identified as Key Site 22 in the OCP. P&D determined the studies contain new environmental setting information not previously available during the scoping and public review period and that the information should be cited in the SEIR.

The new environmental setting information and references were incorporated into **Sections 4.3 Biology** and **8.0 References and Persons Contacted** and a draft SEIR Revision Document (RV 01) was circulated for a second 45-day public review from April 12, 2012 to May 29, 2012 to provide the public and agencies an opportunity to consider the new environmental setting information.

CEQA Guidelines Section 15088.5 requires an EIR to be recirculated for additional public review when inclusion of new information will constitute significant changes to the SEIR and in order to provide the public with a meaningful opportunity to comment. CEQA Guidelines Section 15088.5(c) states that if such revisions are limited to a few chapters or portions of the EIR, the lead agency need only recirculate portions that have been modified. Pursuant to CEQA Guidelines Section 15088.5(f)(2), the County of Santa Barbara requested that reviewers limit their comments to the revised portions of the recirculated EIR. Response to comments on the draft SEIR revision document are included in **Section 9.2 Response to Comments on the Recirculated Draft EIR**.

Final SEIR

The Final SEIR incorporates RV-1 as strike through and underline in **Section 9.0 Response to Comments**. Where appropriate, the Final SEIR text indicates revisions to incorporate the additional environmental setting information, public and agency comments and responses to comments summarized above. Revisions resulting in deletions are shown in ~~strike through~~ and revisions resulting in text insertions are shown as underlined.

1.0 Introduction

This document is a Supplemental Environmental Impact Report (SEIR) for the Orcutt Community Plan (OCP) ~~2012 2011~~ Amendments project. The Supplemental EIR reviews the project for potential new significant impacts, or changes to impacts previously identified in the OCP EIR (95-EIR-01) certified by the County of Santa Barbara Board of Supervisors in 1997. The project consists of three amendments to the OCP described in detail in **Section 2.0 Project Description**. This section describes: (1) the background of the project; (2) the purpose and legal authority of the EIR; (3) the need for the SEIR and its content; (4) lead, responsible, and trustee agencies; (5) the process required by the California Environmental Quality Act (CEQA), public comment opportunities, and the environmental review approach; and (6) the organization and content of the EIR.

1.1 Project Background

The OCP contains goals, policies, actions, and development standards that guide development within the Plan Area encompassing 14,650 acres and a population of 28,873 persons.¹ Since adoption, the OCP has been amended on several occasions to update its policy provisions and keep the document current.

These OCP Amendments address specific minor changes to the OCP identified by staff briefly detailed below that 1) update drainage standards, 2) respond to a court order, and 3) revise a roadway segment's traffic operations level of service (LOS) for consistency with OCP policies for Old Town Orcutt.

The OCP **Chapter IV.C, Flooding and Drainage** contains a regional basins policy FLD-O-4 which the Santa Barbara County Public Works has identified as having been implemented to the extent feasible as development of the Plan Area has occurred and as now being obsolete. The first of these amendments revises FLD-O-4 and its implementing measures to reflect County flood control best management practices consistent with state implementation the statewide National Pollutant Discharge Elimination System (NPDES) permit.

In 2008, a court order directed the County to strike text and maps from the OCP and Final EIR depicting a wetlands delineation specific to properties in the western portion of the plan area identified as Key Site 22. The second amendment responds to the court's direction, amends the OCP, and revises the Final EIR to remove references to the delineation.

Since adoption, OCP policies were implemented to revitalize the Old Town Orcutt downtown by rezoning downtown, reducing travel lanes on Clark Avenue, installation of angled parking, and adoption of the Old Town Orcutt Streetscape Concept Plan design document (Board of Supervisors Resolution #06-236). Implementation of OCP revitalization and traffic calming

¹ U.S. Census Bureau, 2006-2008 American Community Survey

policies will lead to lower traffic speeds along Clark Avenue and ultimately exceed the road's current level of service standard of LOS C as the OCP approaches buildout of its land uses.

Pursuant to *CEQA Guidelines* Sections 15162(c) and 15163(a), the County of Santa Barbara Planning & Development Department as Lead Agency determined the OCP ~~2012 2011~~ Amendments would require the preparation of a Supplemental EIR to make minor additions and changes to the previously certified EIR (95-EIR-1).

1.2 Purpose and Legal Authority

This Supplemental EIR has been prepared in accordance with Section 15121(a) of the *CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

"...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project..."

This report will serve as an informational document for the public and County of Santa Barbara decision-makers. The process will culminate with Board of Supervisors' hearings to consider certification of a Final Supplemental EIR and a decision whether to approve the proposed project, possibly with conditions of approval.

Upon completion, this Supplemental EIR, together with the OCP FEIR (95-EIR-1), will inform the public and decision-makers of the potential significant environmental effects of the proposed OCP Amendments and identify specific measures to minimize significant effects. The OCP EIR (95-EIR-1) prepared earlier is available for review at the County's Planning and Development Department, 123 East Anapamu Street, Santa Barbara, California and Development Review North Division located at 624 West Foster Road in Santa Maria, California and online at:

<http://longrange.sbcountyplanning.org/planareas/orcutt/orcutt.php>

1.3 Supplemental EIR, Scope, and Content

In accordance with Section 15083 of the *CEQA Guidelines*, the County of Santa Barbara conducted outreach to community groups in August 2009 and held a public information meeting on September 9, 2009 at the Betteravia Government Center in Santa Maria to discuss the proposed project and identify environmental issues. Following preliminary review, Planning and Development Department staff determined that a Supplemental EIR would be prepared in accordance with *CEQA Guidelines* Section 15163 to analyze aspects of the project which could have a significant effect not discussed in the previously certified EIR.

Pursuant to *CEQA Guidelines Section 15163*, a Lead Agency may choose to prepare a Supplemental EIR when new information of substantial importance, which was not known at the time the previous EIR was prepared, and only minor additions or changes would be necessary to make the previously certified EIR (95-EIR-1) adequately apply to the current project.

In accordance with the *CEQA Guidelines*, a Notice of Preparation (NOP) was prepared by Santa Barbara County and distributed to affected agencies and the public for the required 30-day period on December 18, 2009. The NOP along with the responses received by the County on the NOP are presented in Appendix A.

This Supplemental EIR addresses the issues determined to potentially have significance during outreach and discussions among the public and in the responses to the NOP, and by the County. Issues addressed in this EIR include:

Transportation	Land Use
Flooding and Drainage	Agricultural Resources
Biological Resources	Noise
Air Quality	Cultural and Historic Resources
Aesthetics/Visual/Open Space	

This Supplemental EIR addresses the issues referenced above and identifies potentially significant environmental impacts, including both project-specific and cumulative impacts, in accordance with the provisions set forth in the *CEQA Guidelines*.

Pursuant to CEQA Guidelines Section 15128, **Section 7.0 Other CEQA Concerns** includes a brief statement indicating the reasons various issue areas that were determined not to be significant and were not discussed in detail in this Supplemental EIR. The issue areas determined not to be significant consist of Geology, Public Services, Wastewater, Water Resources, Parks and Recreation and Trails, Schools, and Hazardous Materials and Risk of Upset.

In preparing the SEIR, use was made of pertinent County policies and guidelines, existing EIRs, and background documents prepared by the County. A full reference list is contained in **Section 8.0, References and Persons Contacted**.

The environmental analysis sections of this Supplemental EIR include a description of the existing physical and applicable regulatory setting within each issue area, an assessment of previously identified impacts and feasible mitigations in the OCP FEIR, followed by an analysis of the project's impacts. Each specific impact is numbered and discussed separately, followed by an explanation of how the level of impact was determined. When appropriate, additional feasible mitigation measures to minimize, avoid, or reduce potentially significant impacts are included following the impact discussion. Finally, following the mitigation measures is a discussion of the residual impact that remains following implementation of available mitigation measures.

Section 6.0, Alternatives in this Supplemental EIR was prepared in accordance with Section 15126.6 of the CEQA Guidelines. The alternatives discussion describes the alternatives assessed in the OCP FEIR and evaluates the CEQA-required "no project" alternative. It also identifies the "environmentally superior" alternative among the options studied.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. *CEQA Guidelines* Section 15151 states:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.”

1.4 Lead, Responsible, and Trustee Agencies

CEQA Guidelines Section 15124(d) requires that an EIR define those agencies that are expected to use the EIR in their decision-making. These include “lead,” “responsible,” and “trustee” agencies. The County of Santa Barbara is the “lead” agency for the project as it has the principal responsibility for approving or denying the project. The County of Santa Barbara Planning Commission and Board of Supervisors will use this SEIR as a basis for this determination.

A “responsible agency” refers to public agencies other than the “lead agency” that have discretionary approval over the project. (The *CEQA Guidelines* define a public agency as a state or local agency, but specifically exclude federal agencies from the definition). For example, the California Department of Transportation (Caltrans) is a responsible agency that has discretionary approval on any improvements that affect the state highway system. The Regional Water Quality Control Board (RWQCB) is considered a responsible agency for projects that require consistency with the National Pollutant Discharge Elimination System (NPDES) permit.

A “trustee agency” refers to a state agency that has jurisdiction over natural resources held in trust for the people of California, but does not have discretionary approval over the project (CEQA Guidelines Section 15386). Trustee agencies include the California Department of Fish and Game (CDFG) which has jurisdiction over biological resources, including waters of the State and rare and endangered species. Federal agencies such as the U.S. Fish and Wildlife Services and the U.S. Army Corps of Engineers have jurisdiction over certain projects and activities that may affect federally protected species or waters of the United States.

1.5 Environmental Review Process, Public Comment Opportunities and Approach

The environmental review process required by CEQA is presented as follows.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk’s office for 30 days.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a

discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.

3. **Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (CEQA Guidelines Section 15087). Additionally, public notice of DEIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit comments from the public and respond in writing to all written comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a DEIR is 30 days. Draft EIRs sent to the State Clearinghouse for review, must be available for a public review period of 45 days unless a shorter period is approved by the State Clearinghouse (Public Resources Code 21091).
4. **Final EIR.** A Final EIR (FEIR) must include: a) the Draft EIR, modified through responses to comments; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of FEIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the FEIR has been completed in compliance with CEQA; b) the EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the EIR prior to approving a project (CEQA Guidelines Section 15090).
6. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to

mitigate significant effects. A Mitigation Monitoring and Reporting Plan (MMRP) component as required under CEQA Guidelines Sections 15091(d) and 15097 is included along with Timing, and Monitoring components

1.6 Document Organization and Content

The content and format of this EIR are designed to meet the current requirements of CEQA and the State *CEQA Guidelines*. A discussion of each resource reviewed for the potential to be affected by the OCP ~~2012 2011~~ Amendments is provided in Chapter 4.0.

The Impacts and Mitigation sections in each Chapter 4.0 section describe the setting, potentially significant effects resulting from approval of the OCP Amendments on specific resources. The methodology and criteria used to analyze and determine the significant impacts to each environmental resource are discussed in each section of Chapter 4.0.

Significance Criteria are used to evaluate the degree of significance of each impact. The criteria used to establish thresholds of significance are based on CEQA Guidelines Appendix G Environmental Thresholds Form, policies in the *County of Santa Barbara Comprehensive General Plan*, the *County of Santa Barbara Environmental Thresholds Guidelines Manual (October 2008)*, and the development standards in the *County of Santa Barbara Land Use and Development Code*. The "threshold of significance" for a given environmental effect is the level at which the County of Santa Barbara, as the lead agency, finds the effect of the project to be significant. "Threshold of significance" can be defined as:

A quantitative or qualitative standard, or set of criteria, pursuant to which significance of a given environmental effect may be determined (CEQA Guidelines Section 15064.7 [a]).

The following categories for impact significance are used in this analysis:

- Class I:** Significant unavoidable adverse impacts that cannot be feasibly mitigated or avoided. If the project is approved, decision-makers are required to adopt a statement of overriding considerations pursuant to CEQA Guidelines Section 15093, explaining why project benefits outweigh the damage caused by these significant environmental impacts.
- Class II:** Significant environmental impacts that can be feasibly mitigated or avoided to a less than significant level. If the project is, approved decision-makers are required to make findings pursuant to CEQA Guidelines Section 15091, that impacts have been mitigated to the maximum extent feasible by implementation of mitigations.
- Class III:** Adverse impacts found not to be significant. The decision-making body is not required to make findings regarding these impacts.
- Class IV:** Impacts beneficial to the environment. Beneficial impacts are listed in Section 4.0 as applicable when the project would result in solely beneficial effects on the environment. Beneficial impacts may be used as considerations for balancing any potentially adverse environmental effects resulting from the project.

The *Residual Impact*, or level of environmental impact remaining after implementation of a given mitigation, is listed after each review of each measure from the original OCP FEIR (95-EIR-1) and those identified this SEIR. It is important to note that the residual Class II impact is *significant, but feasibly mitigated to less than significant*. The difference is that the Class II residual impact is achieved only after implementation of required mitigation. This is important in that administrative findings have to be made for all Class II impacts pursuant to CEQA Guidelines Section 15091, as described above. Findings do not have to be made for Class III impacts, but substantiation is required in order to characterize them as adverse, but less than significant.

The *Cumulative Impacts* discussion in each environmental issue section describes potentially significant impacts from buildout in combination with development of reasonably foreseeable (proposed and approved, but not built) projects in the area that are listed in Chapter 3.0.

Chapter 6.0 contains an assessment of the OCP ~~2012 2011~~ Amendments consistency with applicable County plans and assists decision-makers reviewing the project. As required by CEQA Guidelines Section 15126.6, **Chapter 6 Alternatives** examines a reasonable range of alternatives to minimize environmental impacts while achieving most of the main project objectives.

The CEQA Guidelines mandate additional issues for an EIR to address including growth-inducing impacts, unavoidable significant impacts, and beneficial impacts resulting from the project. **Chapter 6.0 Alternatives** presents these discussions pursuant to the requirements of CEQA Guidelines Section 15126 (b) and (d).

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2.0 Project Description

This section details the Orcutt Community Plan (OCP) ~~2012 2011~~ Amendments, including the location, objectives and specific policy, text, and map changes to the OCP and OCP EIR.

2.1 Project Applicant / Lead Agency

The County of Santa Barbara is the project proponent and Lead Agency responsible for preparing the Orcutt Community Plan (OCP) ~~2012 2011~~ Amendments and Supplement to the OCP Final Environmental Impact Report (EIR) (95-EIR-01) pursuant to the California Public Resources Code Division 13 Section 21000 et.seq.

2.2 Project Location

Orcutt is an unincorporated community located in northwest Santa Barbara County, and is bounded on the north by the City of Santa Maria, on the east by Interstate 101, on the west by Black Road, and on the south by the Solomon Hills. (See Figure 2-1 below) Old Town Orcutt is located in the Orcutt Community Plan area between State Highway 1 to the west and State Route 135 to the east and is traversed by an east-west alignment of Clark Avenue (See Figure 2-2 below).

The Orcutt Watersheds Drainage Area

The Plan Area is located at the southern edge of the Santa Maria Valley and within what has been defined as the Orcutt Drainage Area, a watershed encompassing approximately 29,000 acres. The predominant watershed in the Plan Area is Orcutt Creek which flows southeast to northwest and drains approximately 5,000 acres into the Betteravia Lakes west of the community. In the Orcutt area, storm water is conveyed to various locations along Orcutt Creek by a series of open channels, small storm drains, and retardation basins. Thirty-three retardation basins exist within the Plan Area. The basins serve to “retard” or detain surface runoff from development in the Plan Area, slowly meter water back into the watershed and prevent stormwater flows from exceeding the capacity of natural and human-made drainage systems. The watersheds draining the Plan Area and the drainage systems serving land uses in the OCP were extensively reviewed pursuant to the requirements of CEQA in the analysis in Section 5.5, Flooding and Drainage in the OCP FEIR (95-EIR-1).

Key Site 22

Key Site 22 is a group of 14 parcels that were the subject of one of the 44 “key sites” site-specific impact analyses in the OCP FEIR (95-EIR-01). Prior to adoption of the OCP, eight of the 14 Key Site 22 parcels were located in the designated Rural Area. Key Site 22 is comprised of 1,179 acres located at the western boundary of the OCP Area and is bounded by Solomon Road and State Route 1 on the south, Black Road on the west, the Tanglewood residential subdivision on the north, and ranchettes and the Santa Maria Airport to the east. Use of the site is primarily agricultural production and support, and several single-family residences. The southern portion of Key Site 22 is traversed by approximately 126-acres of the Orcutt Creek flood plain. As stated

above, Orcutt Creek drains approximately 5,000 acres of land in the Plan Area (See Figure 2-2 below).

Old Town Orcutt

The Old Town Orcutt Area is a unique area with many older buildings and small neighborhood stores, shops, and restaurants. Old Town Orcutt was established as a western oil town. The town retains that unique "oil town" identity and its buildings and facades over 50 years of age reflect it in their architecture. Clark Avenue and Broadway is a main intersection in this portion of town (See Figure 2-2 below).

In 1997, the OCP was adopted and identified revitalization and rehabilitation of Old Town Orcutt as a "commercial center, a mixed-use residential area and cultural focus for the Community" as a primary goal. Since adoption, several OCP policies and actions have been implemented to transform Clark Avenue from a high-speed vehicle thoroughfare to a pedestrian-friendly boulevard consistent with the community vision. These actions included a new policy to reduce from four to two lanes the Clark Avenue roadway from Norris Street to Broadway, installation of angled parking, and the adoption of new *Old Town Orcutt Design Guidelines* and the companion *Old Town Orcutt Streetscape Concept Plan*.

2.3 Project Purpose and Objectives

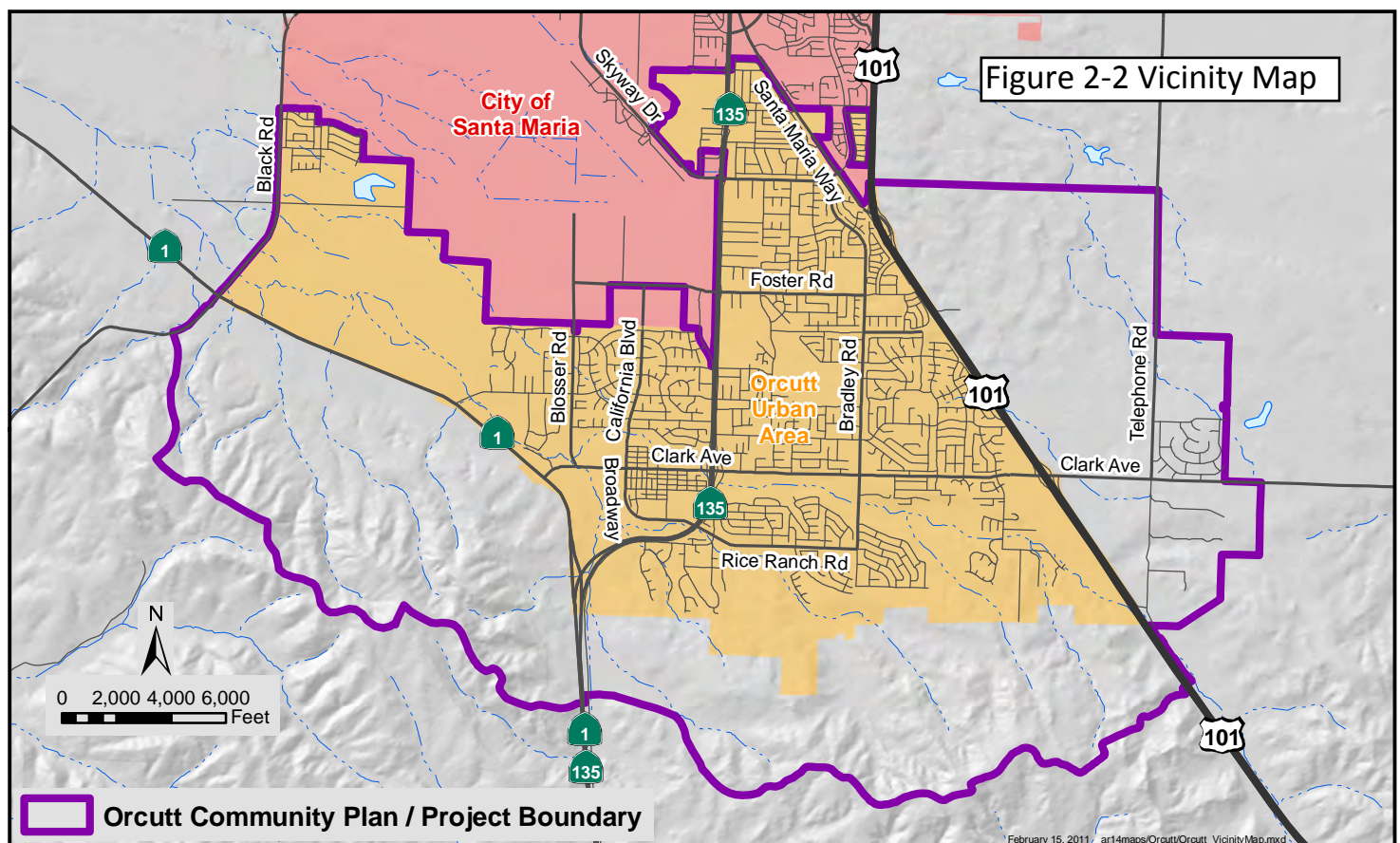
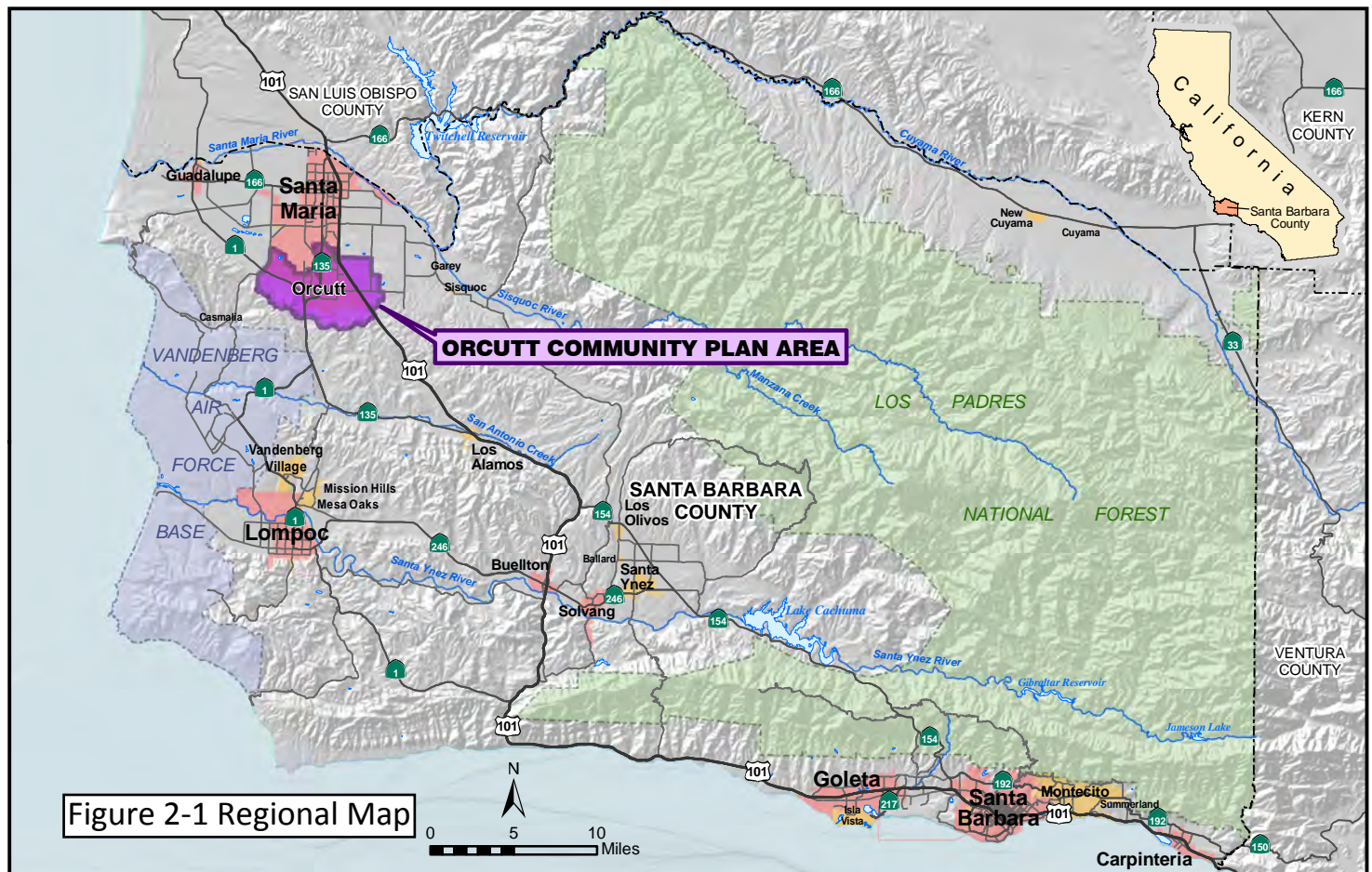
The OCP describes goals, policies, and implementing actions that regulate and guide land use in the Plan Area. The OCP contains resource information and policies that mitigate the effects of flooding, identify and protect wetlands and biological resources, and actions to revitalize Old Town Orcutt as a pedestrian friendly downtown shopping district and community center.

The OCP ~~2012 2011~~ Amendments address three changes to the text, maps, policies, and implementing programs in the OCP. The amendments will: 1) revise and update flood control and drainage standards, 2) comply with a court order to remove reference to a wetlands delineation for Key Site 22 from the OCP and FEIR, and 3) change the traffic level of service for Clark Avenue through Old Town Orcutt to encourage reduced traffic speeds consistent with the policies and land use designations in the OCP and the Pedestrian Area-Old Town Orcutt (PA-OTO) Overlay District.

Project Objectives

Subsequent to outreach to community groups and a public information meeting on to discuss the proposed project and preliminary review to identify environmental issues, it became clear that changing flood control mitigation measures and the level of service threshold for installing transportation improvements as part of the project would necessitate the preparation of a supplement to the OCP FEIR (95-EIR-01. The OCP ~~2012 2011~~ Amendments being considered by the Planning Commission and Board of Supervisors are predicated upon the following primary project objectives.

- Ensure the OCP remains consistent with current federal, state, and County flood control regulations;



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- Provide realistic, effective, and attainable options for property owners and the County to address future flood control;
- Comply with the Adam Brothers v. Santa Barbara County et. al court order and other relevant law;
- Ensure that traffic level of service standards are consistent with the goals and policies in the Comprehensive Plan; and
- Support a safe, pedestrian friendly, downtown core shopping district in Old Town Orcutt by providing for traffic speeds consistent with the Orcutt Community Plan.

2.4 Proposed OCP Amendments

2.4.1 Amendment 1: Regional Basins Policy

The purpose of the Regional Basins Program Amendment is to revise the Orcutt Community Plan (OCP) to replace the existing regional basins program with policies consistent with County flood control standards for flood control and surface water pollution prevention. Existing OCP Policy FLD-O-4 directs the use of regional basins to address flood control impacts related to construction of Plan Area land uses where feasible. Implementing the regional basins program has proven to be problematic due to several factors.

- The cost of building the basins was intended to be spread among several properties to be served by the basin. A single project is typically not able to carry the cost of constructing and maintaining a basin.
- Cost contributions from adjacent properties would be necessary, and while feasible under the land use categories in the OCP, is speculative, and may never be realized.
- The conveyance facilities may prove impossible to construct due to grade or elevation constraints.
- In many cases, the Regional Basins and conveyance facilities would be on private property and could potentially require condemnation of that private property.

Since the adoption of the OCP, newer approaches to flood control, water quality assurance, and available technology allow practical and effective specific controls to be implemented on a project-by-project basis. These flood control and water quality controls are included in the Santa Barbara County Code and enforced by Public Works during permit review throughout the County.

Drainage Policy and Program Changes

Existing Policy FLD-O-4, Action FLD-O-4.1, and development standard Dev Std-O-4.2 (OCP, Page 209) will be deleted and replaced with new Policy FLD-O-4 and development standard Dev Std FLD-O-4.1 that integrate compliance with the County Floodplain Management Ordinance requirements and application of standardized Best Management Practices (BMP) and Low-Impact Development (LID) flood control measures. The County of Santa Barbara Public Works, Flood Control and Water Conservation District will review development in the Plan area and identify appropriate retention and control options. The new policy and development standard will be implemented on a case-by-case basis consistent with County standards and General Permit under the National Pollutant Discharge Elimination System (NPDES) program. Each construction project in the plan area will be reviewed by the County of Santa Barbara Public

Works, Flood Control and Water Conservation District for the appropriate detention and control options. Depending on the project and its location, applicants will be required to either provide onsite mitigation features, install onsite detention facilities, or connect to an existing basin, as directed by the Flood Control District.

Of the flood control basins identified in the OCP, Basin B (Harp Springs), and Basin ~~D-C~~ (Rice Ranch), have been constructed and will remain a functioning part of the flood control system (See Figures 2-3 and 2-4). Once the program is removed, Public Works will revise the fee structure to reflect the removal of the Regional Basins requirement.

Project applicants will continue to be required to submit detailed plans to the Flood Control and Water Conservation District for review demonstrating how the project will comply with drainage and NPDES standards. The District reviews project applications ~~will prepare~~ and prepares a condition letter that identifies ~~memo and findings and enforce~~ the appropriate control measures recommended for each project during development and verified by Planning & Development prior to the issuance of a grading permit.

Policy and Action Program to be Removed from the OCP

Policies, actions, and development standards that implement this policy will be removed from the Plan) Table 2-1 includes a list of OCP text and map revisions removing the Regional Basins policy.

~~Policy FLD-O-4:~~ ~~The County shall construct and maintain a regional retention basin system in Orcutt as depicted in Figure 35, if feasible. Where feasible, these retention basins should be designed to accommodate recreational uses consistent with reasonable natural resource protection.~~

~~Action FLD-O-4.1:~~ ~~The County should coordinate with developers and the public to establish a Mello Roos District to provide for the construction and maintenance of regional retention basins. All regional retention basins shall be owned and maintained by this District, if formed.~~

~~DevStd FLD-O-4.2:~~ ~~Developers shall purchase capacity in and connect to the planned regional retention basins, if feasible. If participation in the Mello Roos district for the regional retention basin system is determined by Flood Control to be infeasible, the developer may construct on-site retention facilities with sufficient capacity to reduce offsite runoff in accordance with Flood Control District standards.~~

New Flood Control Policy and Development Standard to be added to the OCP

Policy FLD-O-4: All applications for development within the Orcutt Community Plan area shall comply with applicable County development standards regarding drainage, floodplain management and stream setbacks.

Dev Std FLD-O-4.1: The Santa Barbara Flood Control and Water Conservation District shall review all site and grading plans that are subject to County Floodplain Management and Stream Setback ordinances and verify conformance to all

applicable development requirements to ensure proposed drainage and water conveyance systems are designed to meet District standards and are directed into a District approved watercourse or drainage facility.

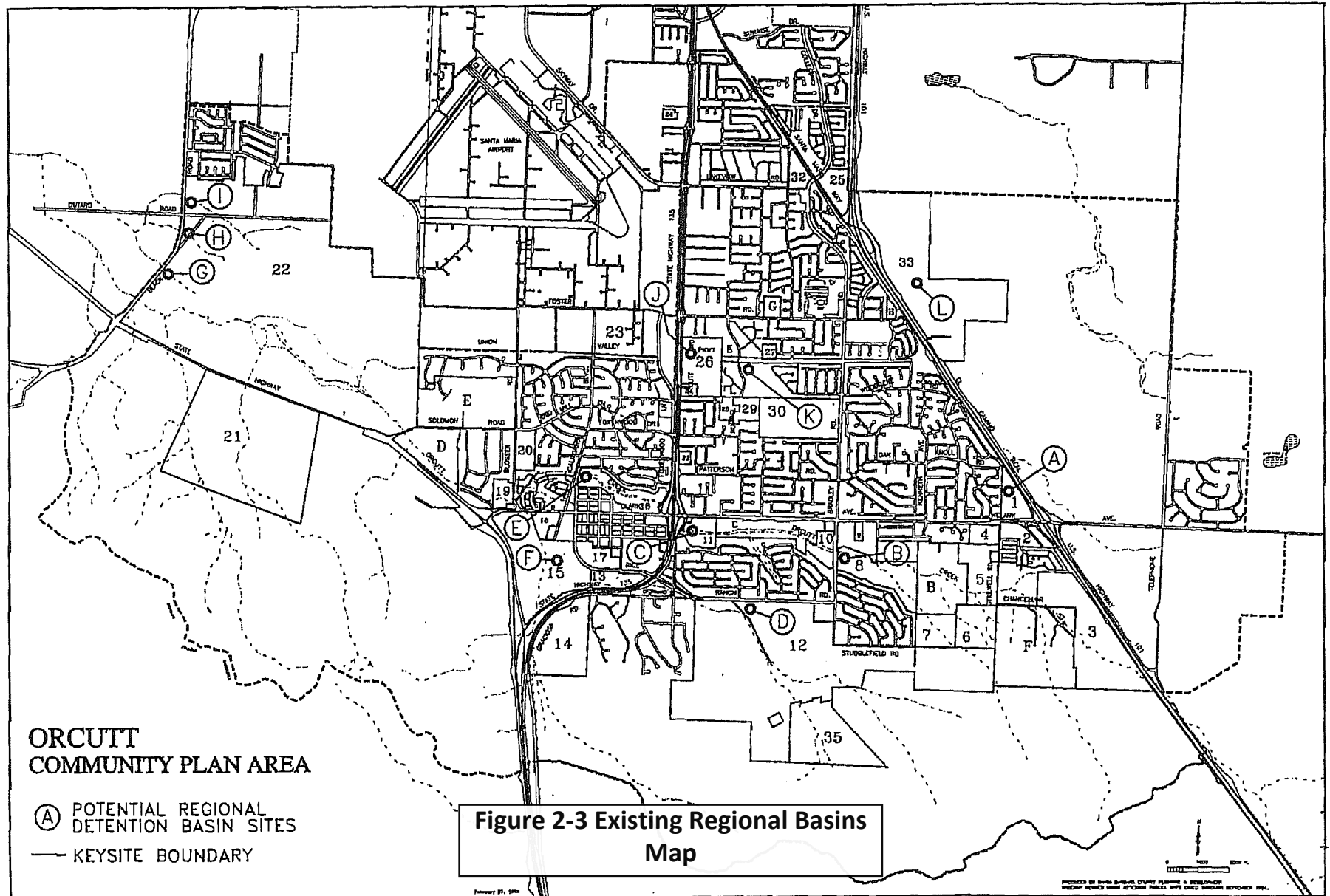
Project Plans shall be prepared to incorporate the most current Standard Conditions for Project Plan Approval and include Water Quality Best Management Practices that meet or exceed current County of Santa Barbara Project Clean Water and Drainage Ordinance standards.

The Regional Basins Map, Figure 31, Page 207 of the OCP will also be revised to show the location of the existing regional basins and deletion of the remaining proposed sites. The existing and proposed new Figure 31 is included as Figure 2-3 and Figure 2-4 below. Table 2-1 summarizes the OCP regional basins amendments.

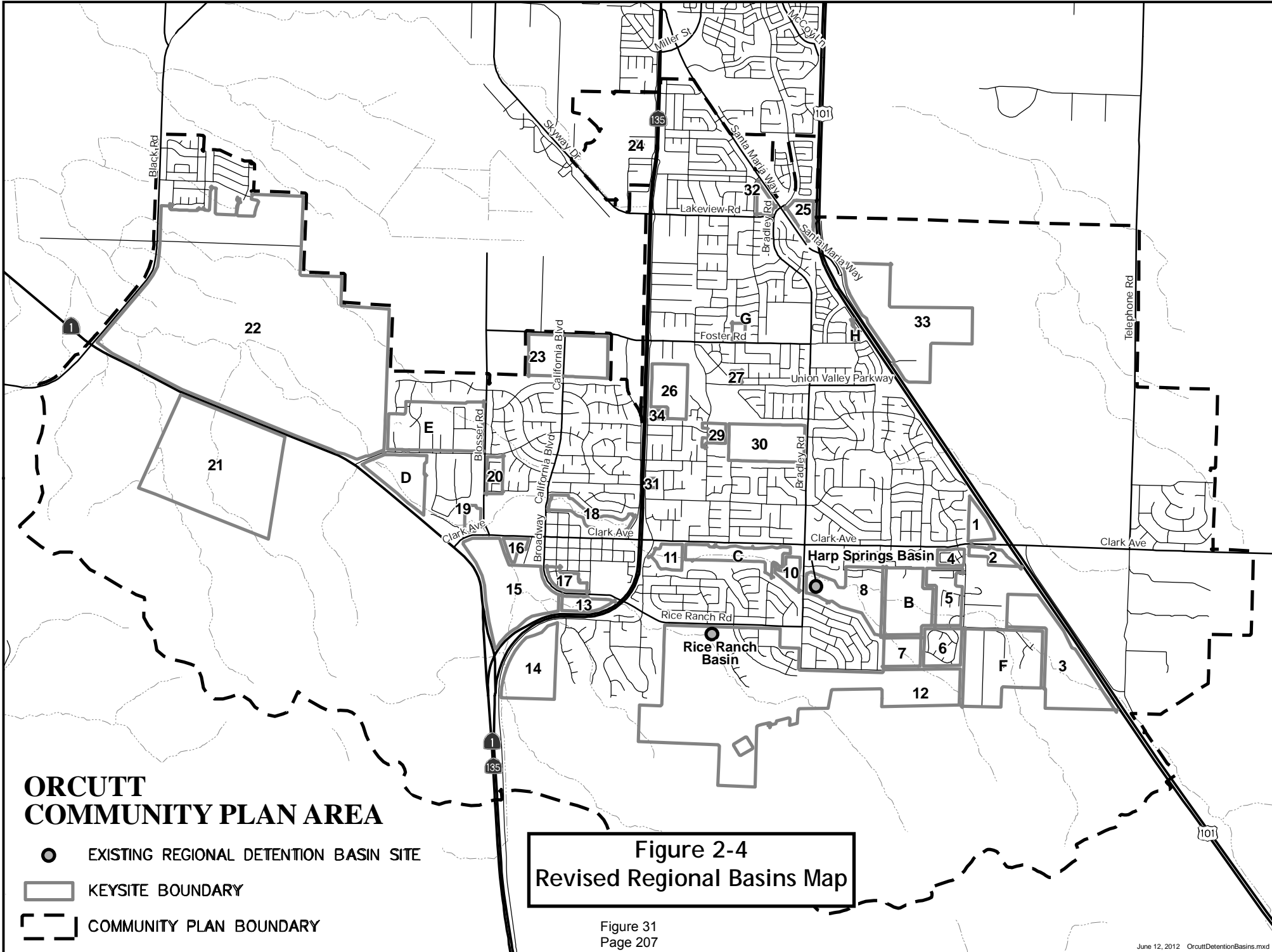
Table 2.1 Regional Basins Removal

Orcutt Community Plan Revisions			
Plan Chapter	Page Numbers	Actions	Maps/Figures
Chapter 20 Flooding and Drainage	Pgs: 201- 202	Delete existing policy FLD-O-4, Action FLD-O-4.1 and Dev Std-FLD-O-4.2 and insert new FLD-O-4, and Dev Std FLD-0-4.1.	<i>Figure 31, Pg: 207 Revised Regional Basins Map</i>

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2.4.2 Amendment 2: Key Site 22 Court Compliance

The purpose of this amendment is to comply with the court's direction in *Adam Brothers Farming, Inc. v. County of Santa Barbara, et al.* that a wetlands delineation be removed from the OCP for properties identified as Key Site 22.

In 2000, Adam Brothers Farming Inc. and a related company filed a lawsuit in Santa Barbara Superior Court against the County and individuals involved in preparing the wetlands delineation as a part of the OCP.¹ In 2004, the court issued an order that the County remove all references to the Key Site 22 wetlands delineation² from the OCP and OCP FEIR and the jury awarded damages to the plaintiff.³ The decision was County appealed to the California Superior Court of Appeal, who let stand the decision to strike the wetland delineation but dismissed the damage award. The plaintiff then sought recovery in the ~~appealed the dismissal of the damage award and on January 26, 2009,~~ the United States District Court, which dismissed the ~~case~~ appeal. The plaintiff appealed the decision to the Ninth Circuit Court which affirmed the dismissal.^{4,5}

The wetlands delineation for Key Site 22 is depicted on three figures in the OCP, with the same three figures represented in the Final EIR. These maps are the *Map of Orcutt Significant Vegetation* (Figure 2-5 and 2-6 below), *Biological Habitat Map West* (Figure 2-7 and 2-8 below), and the *Site # 22 Map* (Figure 2-9 and 2-10 below). ~~Text edits striking references to the wetland delineation; along with a list of the court required map changes are summarized in Table 2-2 and Table 2-3 below.~~

**Table 2.2 OCP Key Site 22
Removal of Wetlands Delineation References**

Orcutt Community Plan: Text and Map Revisions						
Plan Chapter	Page Numbers	Actions	Maps/Figures	Page Numbers	Actions	
Chapter 11: Parks, Recreation, Trails, and Open Space	Pgs: 87, 97	Text deletions	None	--	--	
Chapter 19 Biology	Pgs: 192, 193, 195, 196, 197	Text revisions & deletions	Figure 24 Map of Orcutt Significant Vegetation (This figure is the same as Final EIR Figure 5.2-1)	188	Map	Revisions
			Figure 25 Biological Habitat Map West	189	Map	Revisions
Key Site #22	Pgs: KS 22.1; KS 22.3. and KS22-5	Text revisions & deletions	Figure KS22-2 Site #22 (10/4/1995) This figure is the same as Final EIR Figure KS22-3	KS22-12	Map	Revisions

¹ *Adam Bros. Farming, Inc. v. County of Santa Barbara* (Super Ct. Santa Barbara County, 2004, No. 1007452).

² *Vernal Wetlands and Orcutt Creek Wetlands Delineation*, K. Rindlaub Biological Consulting, September 1, 1995

³ *Adam Bros. Farming Inc. v. County of Santa Barbara* 2008 Cal.App.Unpub. LEXIS 1831.

⁴ *Adam Bros. Farming, Inc. v. County of Santa Barbara* (Sept. 16, 2002, B152770).

⁵ *Adam Bro. Farming Inc. v. County of Santa Barbara* (9th Cir. 2012) 604 F 3d 1142.

**Table 2.3 OCP FEIR Key Site 22
Removal of Wetlands Delineation References**

Orcutt Community Plan Final EIR (95-EIR-01): Text and Map Revisions					
EIR Section	Page Numbers	Actions	Maps/Figures	Page Number	Actions
Chapter 5.2 Biology	Pgs: 5.2-1; 5.2-5; 5.2-19; and 5.2-24.	Text revisions & deletions	Figure 5.2-1 Preliminary Map of Orcutt Significant Vegetation (Same figure as OCP Biology Figure 24)	5.2-3	Map Revisions
Chapter 6 Alternatives	Pgs: 6-11; and 6-27,	Text deletions	—	—	—
Key Site #22	Pgs: 22-6; 22-10; 22-14; 22-15; 22-18; 22-19 and 22-22	Text revisions & deletions	Figure KS22-3 Site #22 Area 8 (12/13/1995) (Same figure as OCP Figure KS22-2)	22-6	Map Revisions
Appendix D	All	Text deletion	Vernal Wetlands and Orcutt Creek Wetland Delineation (9-1-1995)		Removal of Consultant Study

Figure 2-5
Existing Map of Orcutt
Significant Vegetation

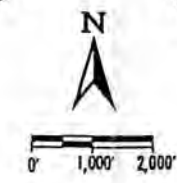
MAP OF ORCUTT SIGNIFICANT VEGETATION

-  Riparian/
Freshwater Marsh
-  Vernal Pool
(Or Other Wetland if Indicated)
-  Oak Woodland
-  Coastal Scrub/
Sandhill Chaparral
-  Eucalyptus
Woodland
-  Bishop Pine
Forest
-  Mixed Woodland/
Park
-  Grassland

NOTE: A Biological Resources Map at a larger scale showing greater detail exists and is available for reference from Planning & Development.

ORCUTT COMMUNITY PLAN AREA

----- COMMUNITY PLAN BOUNDARY



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Figure 2-6
Revised Map of Orcutt
Significant Vegetation

MAP OF ORCUTT SIGNIFICANT VEGETATION

-  Riparian/
Freshwater Marsh
-  Vernal Pool
(See Olson, 1992)
-  Oak Woodland
-  Coastal Scrub/
Sandhill Chaparral
-  Eucalyptus
Woodland
-  Bishop Pine
Forest
-  Mixed Woodland/
Park
-  Grassland

NOTE: A Biological Resources
Map at a larger scale showing
greater detail exists and is
available for reference from
Planning & Development.

VERNAL WETLAND/
SAND DUNE COMPLEX
(SEE OLSON, 1992)

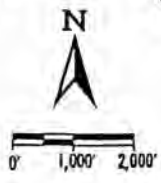
Map amended dd/mm/yyyy by Resolution #
of the Board of Supervisors in compliance with
court ruling in Adam Brothers Farming v. County of
Santa Barbara 2008 Cal. App. Unpub. LEXIS 1831.

SANTA MARIA AIRPORT

GRASSLAND/
SAND DUNES
(needs to be
surveyed)

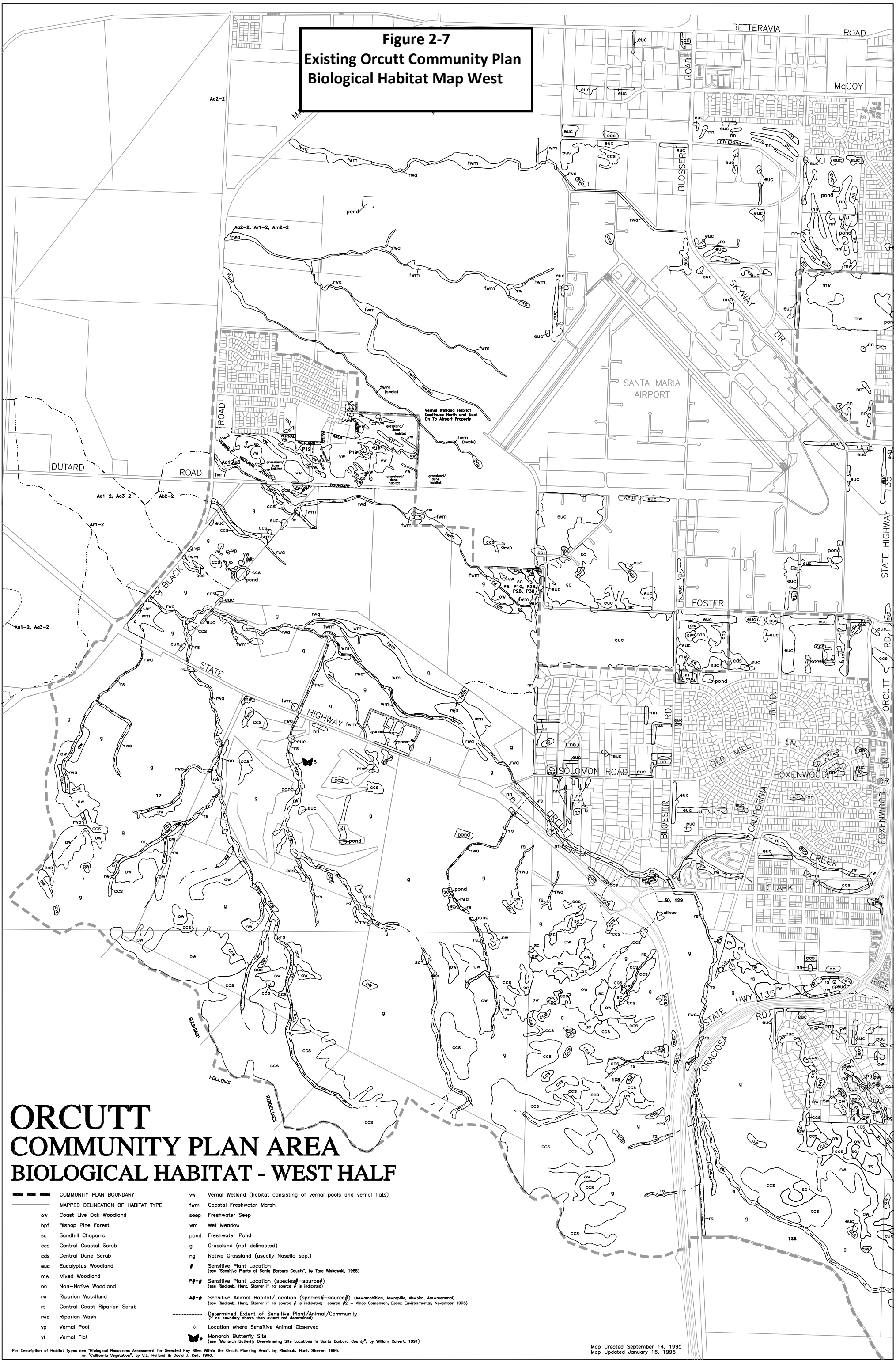
ORCUTT COMMUNITY
PLAN AREA

----- COMMUNITY PLAN BOUNDARY



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Figure 2-7
Existing Orcutt Community Plan
Biological Habitat Map West



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Figure 2-8
Revised Orcutt Community Plan
Biological Habitat Map West

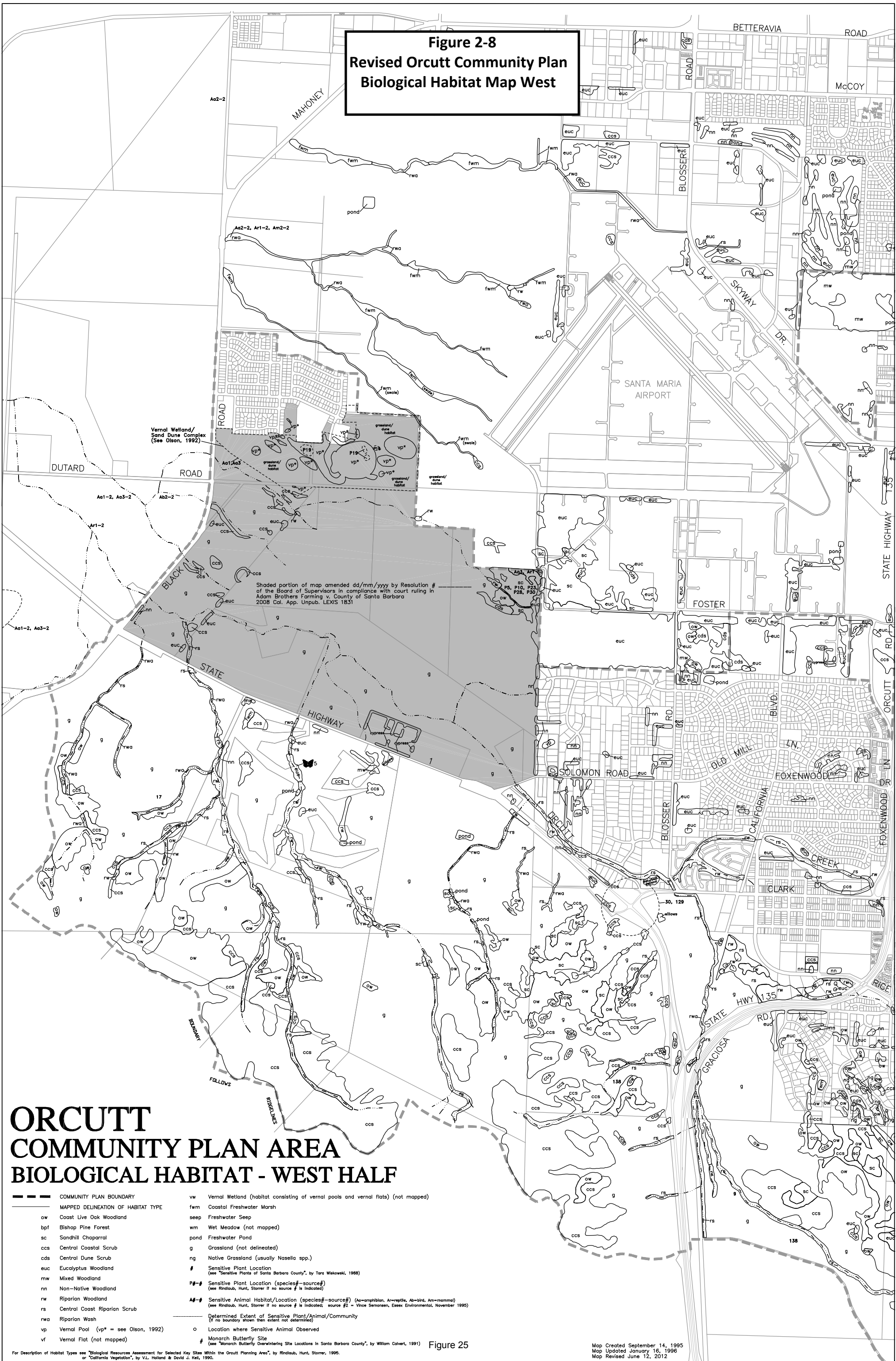


Figure 25

Map Created September 14, 1995
Map Updated January 16, 1996
Map Revised June 12, 2012

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Existing Key Site 22 Map



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**Figure 2-10
Revised Key Site 22 Map**

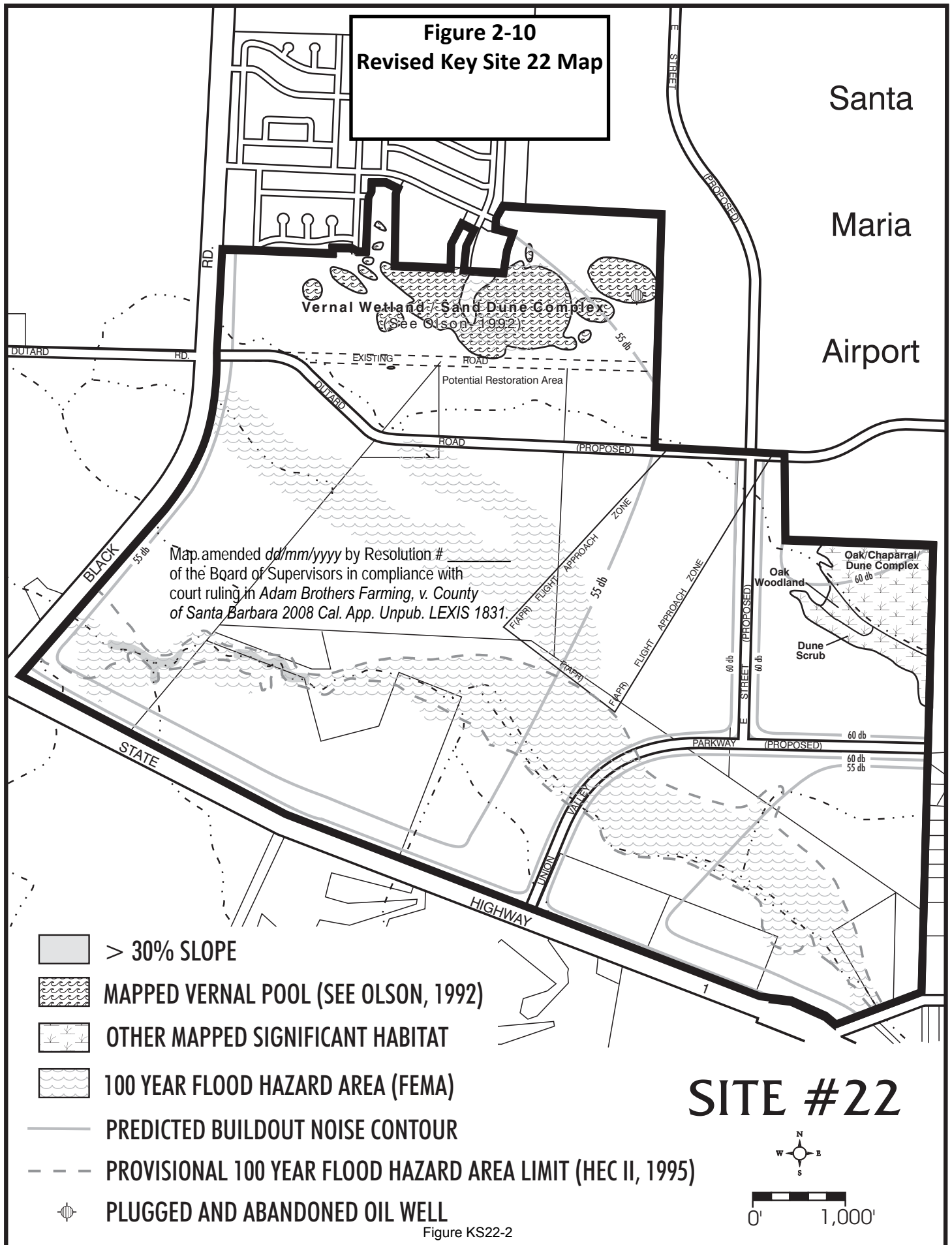


Figure KS22-2

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2.4.3 Amendment 3: Clark Avenue Level of Service Amendment

Since adoption, the County of Santa Barbara Board of Supervisors has implemented OCP policies calling for creation of a revitalized pedestrian friendly downtown in Old Town Orcutt. These actions have included applying a Pedestrian Area-Old Town Orcutt (PA-OTO) Overlay zone to Old Town to reduce development and parking requirements, reducing travel lanes on Clark Avenue from four to two and striping for angle-in parking, and the adoption of the *Old Town Orcutt Design Guidelines and Streetscape Concept Plan* documents.

A study of traffic speeds along Clark Avenue (Old Town Orcutt's Main Street) found vehicle speeds exceeding the posted 30 mph and 40 mph limits. This amendment supports efforts to calm traffic and contribute to a pedestrian friendly downtown consistent with the OCP Old Town Orcutt Goal of rehabilitating and revitalizing Old Town as a mixed-use community center by lowering the traffic level of service standard (LOS) for Clark Avenue in Old Town from LOS C to D.

OCP Policy CIRC O-3 will be amended to establish a minimum Level of Service (LOS) D for Clark Avenue roadway segments and intersections between Blosser Road and Foxenwood Lane. By reducing the level of service standard on Clark Avenue to LOS D, the County is seeking to reduce the incidence of high-speed through traffic trips in Old Town Orcutt and accommodate destination trips by people who enter Old Town slowly and are looking to park and patronize Old Town Orcutt businesses.

This amendment also allows Public Works to implement OCP Action OT-O-3.3 calling for a reduction in the Traffic Impact Mitigation (TIM) fee that applies to all development in Old Town. The current traffic impact mitigation fee was based on infrastructure needs in the Orcutt Transportation Improvement Plan (OTIP). Eliminating the intersection improvements that would enable higher traffic speeds on Clark Avenue at buildout would realize cost reductions and lower TIM fees.

Lowering the traffic level of service to LOS D will eliminate a traffic signal for the intersection of Clark Avenue and Blosser Road and the sidewalk improvements identified for properties on the south side of Rice Ranch Road from the general-purpose fund list of improvements.

The Orcutt Community Plan Policy CIRC-O-3 will be amended with the additions (underlined) and deletions (~~strikethrough~~) of text as shown below:

OCP Circulation Element Amendment

Policy CIRC-O-3: The County shall maintain a minimum Level of Service (LOS) C or better on roadways and intersections within the Orcutt Planning Area, except that the Minimum LOS shall be "D" or better for the following roadway segments and intersections:

- The Foster Road and Highway 135 intersection;
- The Lakeview Road and Skyway Drive intersection;
- Stillwell Road;
- Lakeview Road ;
- All the Clark Avenue roadway segments and intersections between Blosser Road on the east and Foxenwood Lane on the west (Old Town).

~~Level of Service for the Foster Road/Hwy 135 and Lakeview/Skyway Dr.
intersections and Stillwell and Lakeview Roads shall be LOS D.~~

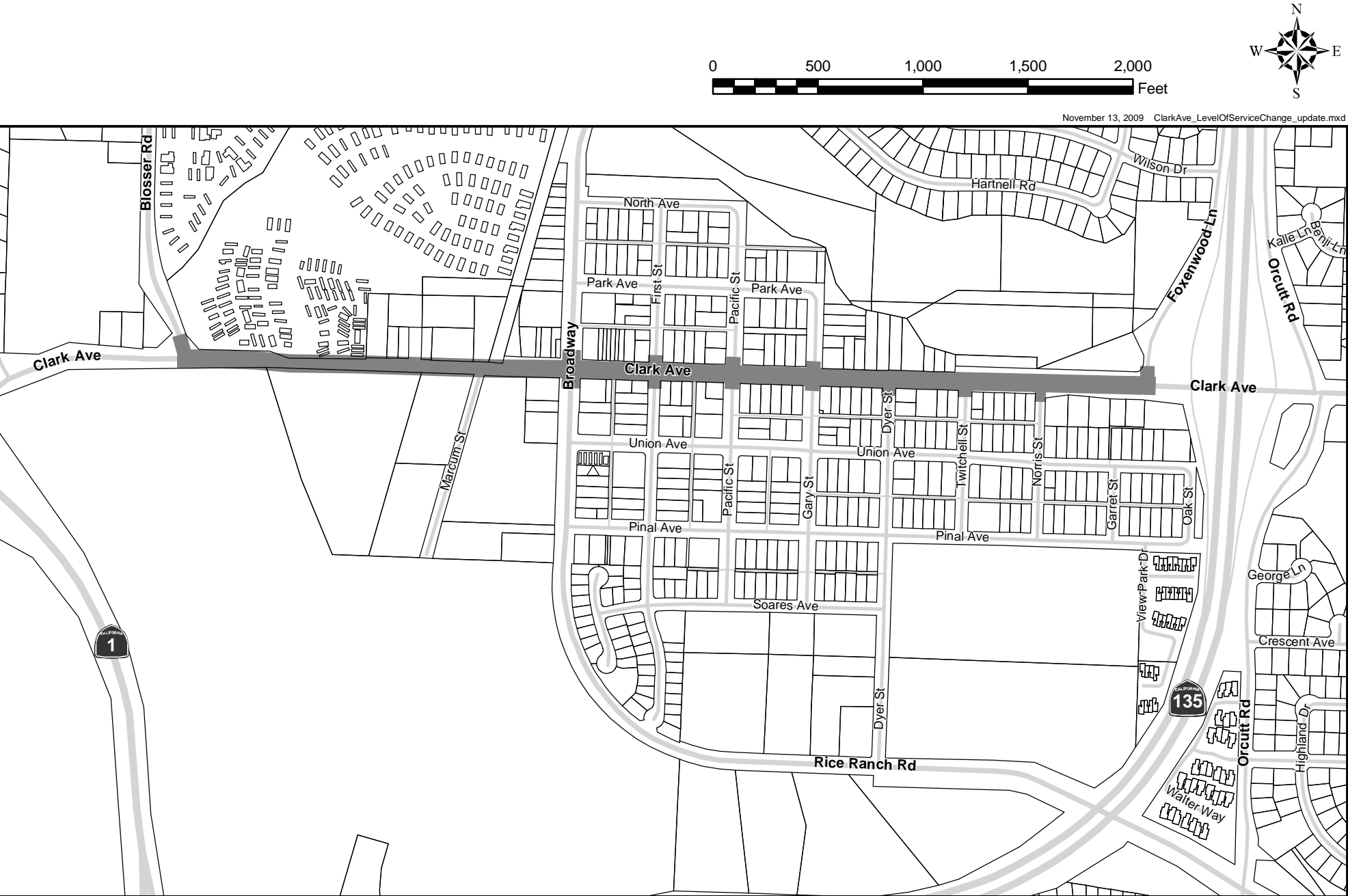
Text of the definitions on page 146 of the OCP Circulation Element will be revised as follows:

A. Definitions

Acceptable Capacity: The maximum number of Average Daily Trips (ADTs) that are acceptable for the normal operation of a given roadway. As defined by this Community Plan, the Acceptable Capacity for a given roadway is based upon its roadway classification and the acceptable level of service for that roadway. The acceptable level of service for roadways and intersections in the Orcutt Planning Area is LOS C. The minimum LOS shall be "D" or better for the following roadway segments and intersections:

- The Foster Road and Highway 135 intersection;
 - The Lakeview Road and Skyway Drive intersection;
 - Stillwell Road;
 - Lakeview Road ;
 - All the Clark Avenue roadway segments and intersections between Blosser Road on the east and Foxenwood Lane on the west (Old Town).
- ~~, with the existing exception of the Foster Road/SR 135 and Lakeview/Skyway Drive intersections and Stillwell and Lakeview Road where the minimum level of service is D.~~

Clark Avenue Roadway Segments and Intersections



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2.5 Required Actions and Approvals

The following actions are required to implement the Orcutt Community Plan ~~2012~~ ~~2010~~ Amendments prepared by the County of Santa Barbara:

The County of Santa Barbara Board of Supervisors must take the following actions:

- 1) Make the required findings, including CEQA findings, for adoption of the Orcutt Community Plan 2012 Amendments (Attachment 1 to this Board Letter dated 12/11/12);
 - 2) Determine that the material in Attachment 2, Exhibit 2A is not significant new information requiring recirculation of the Final Supplemental EIR, accept staff's recommended revisions to the Final Supplemental EIR in Attachment 2, Exhibit 2A and certify the Final Supplemental EIR (09EIR-00000-00004) (Attachment 2 to the Board Letter, 12/11/12) in compliance with CEQA Guidelines Section 15090;
 - 3) Adopt a resolution approving specific text and map amendments to the Land Use Element (Attachment 3 to this Board Letter dated 12/11/12) of the Santa Barbara County Comprehensive Plan by adoption of the Orcutt Community Plan 2012;
 - 4) Adopt a resolution approving specific text amendments to the Circulation Element (Attachment 4 to this Board Letter dated 12/11/12) of the Santa Barbara County Comprehensive Plan by adoption of the Orcutt Community Plan 2012 Amendments; and,
 - 5) 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), 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.
-
- ~~1. Amend the Santa Barbara County Comprehensive General Plan by adopting text and map amendments to the Orcutt Community Plan;~~
 - ~~2. Certify the Final Supplement to the Environmental Impact Report for Orcutt Community Plan 2010 Amendments; and~~
 - ~~3. Adopt findings and overriding considerations for any environmental impacts which have been determined to not be mitigated to less than significant levels with implementation of the project.~~

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3.0 Environmental Setting

3.1 Plan Area Setting

The community of Orcutt is located in northwestern Santa Barbara County, in the Santa Maria Valley. The developed portion of the Orcutt Community Plan area (plan area) is approximately five miles in length north and south, and six miles in width east and west, and is contiguous to the City of Santa Maria along the north Plan area boundary. The plan area is generally bounded by Black Road on the west, Telephone Road on the east, and rolling hills on the south. Regional north and south vehicle access is provided by three main routes: U.S. Highway 101 which traverses the eastern portion of the plan area, State Route 1, located south and west of the Plan area, and State Route 135, which bisects the plan area and continues north through the City of Santa Maria. Clark Avenue and the Union Valley Parkway primarily provide East-west circulation across the plan area.

Land Use

The existing community characteristics of Orcutt are described in the OCP FEIR in terms of four sub-regions: the Central Urban Core, West Orcutt, South Orcutt, and East of Highway 101. Each is described below.

Central Urban Core: This area is the core of the community which consists primarily of residential development. The existing Santa Maria Public Airport influences surrounding neighborhoods and undeveloped parcels within the airport's flight approach zones located to the southeast and northwest. The Old Town Orcutt commercial district is located along Clark Avenue between Marcum Street and Foxenwood Lane. Shopping center development has occurred at the intersection of Clark Avenue and Bradley Road, with scattered smaller commercial centers to the north near Lakeview Road and Highway 135.

West Orcutt: West Orcutt consists of approximately 2,000 acres and is bounded by Black Road and the ridge of the Casmalia Hills. A large expanse of level, cultivated agricultural land lies north and south of Highway 1. The Tanglewood residential neighborhood is located northwest of the Santa Maria Public Airport along Black Road. The east-west trending floodplain of Orcutt Creek forms the northern perimeter of cultivated agriculture. Wetlands, sand dunes, and chaparral are located to the north of the creek. Much of this area is grazed by livestock. The moderately steep Casmalia Hills to the west are erosive and covered mostly with grasses with oaks and scrub in the canyons.

South Orcutt: This area is characterized by generally low to moderate density single-family residential development located primarily between Clark Avenue and Rice Ranch Road. The open floodplains of Orcutt and Pine Canyon Creeks provide a band of open space. Low-density estate and residential ranchette development is located in the lower reaches of the Solomon Hills. Moderate to steep slopes which are covered with grassland, scrub, and chaparral characterize the southern boundary of the Orcutt area. These hills are dotted with active and historic oil production facilities. Large expanses of undeveloped open land are located to the south and southwest.

East of U.S. Hwy. 101: The 2,600 acres within the planning area east of Highway 101 are fairly homogenous with undeveloped livestock grazing lands; cultivated agriculture, and scattered oil development. Topography is generally level with large areas of grassland transitioning to rolling hills in the north and south. Cultivated agriculture in this area includes strawberries, vineyards, and eucalyptus cut flower operations. The two existing semi-urban neighborhoods (Lake Marie Estates and Okie Flats) are located north and south of Clark Avenue.

Infrastructure and Services

Wastewater Treatment: The Laguna County Sanitation District provides sewer service to Orcutt. The high level of salt in the District's effluent discharge has the potential to adversely affect groundwater quality in the Santa Maria Groundwater Basin, so discharge limitations have applied.

Traffic/Circulation: The urban roadway system includes three north-south state and federal highways: U.S. Highway 101 to the east; State Route 135 through the center; and State Route 1 through the western part of the planning area. Major arterials that run generally east-west are Santa Maria Way, Lakeview Road, Foster Road, Clark Avenue, Solomon, Rice Ranch, and Patterson Roads. North-south arterials include Orcutt, Bradley, and Black Roads. Union Valley Parkway is partially constructed and is planned to eventually be a major east-west thoroughfare from U.S. 101 to State Route 1. Bicycle and pedestrian paths are located on several roads, and bus service is provided by Santa Maria Area Transit.

Water: The primary water purveyor within the Orcutt Planning Area (OPA) is the California Cities Water Company (CCWC), which is part of the Santa Maria District of the Southern California Water Company with corporate headquarters in San Dimas, CA. Three separate systems serve the primary Orcutt area (9881 customers as of 1991), the Tanglewood neighborhood (440 customers as of 10/93), and the Lake Marie neighborhood (200 customers as of 10/93). Presently, all customers are supplied from local groundwater resources from the CCWC's wells, reservoirs, and distribution pipelines. All three systems use groundwater from the same hydrologic subunit (Orcutt) of the Santa Maria groundwater basin, and the CCWC plans to interconnect all three systems at a later date; an emergency interconnection already exists between the Orcutt system and the City of Santa Maria's municipal water system. The CCWC has requested 500 acre-feet per year of State Water Project entitlement (estimated average yield of 437 acre-feet per year) scheduled for delivery in 1996 or 1997; until the CCWC's three systems are interconnected, this water would be delivered to customers only through the Orcutt and Tanglewood systems. The CCWC also may purchase surplus State Water supplies from the City of Santa Maria, when available, which could be delivered through the Orcutt system's interconnection with the City's water system.

4.1 Transportation

This section discusses the potential for the project to create new impacts to traffic, circulation, and parking, or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.1.1 Setting

The road network in the vicinity of this project consists of the following facilities.

Highway 101 is a four to six lane freeway which serves as a major north-south link through the OCP area and the Santa Maria Valley, and is the principal inter-city route along the Pacific Coast. This highway is used by a significant number of local drivers as an intra-community route when its use can reduce travel delay over parallel surface streets. This highway provides the principal connection between the Orcutt area and the Cities of Buellton and Santa Barbara to the south, and Santa Maria, the Nipomo area, the Five-Cities area, and the City of San Luis Obispo to the north. Access between U.S. 101 and the Orcutt area is provided by the Santa Maria Way and Clark Avenue interchanges.

State Route 135 (Orcutt Expressway) is a four to six lane arterial that functions as the primary north-south route through the Orcutt and Santa Maria urban areas. State Route 135 extends as a four-lane freeway from State Route 1 to Foster Road and as a four lane limited access expressway from Foster Road to Santa Maria Way. The roadway continues north of Santa Maria Way as a largely commercial corridor.

Clark Avenue is an east-west Primary 3 arterial extending through the Orcutt area from east of U.S. Highway 101 to Route 1 on the west. This roadway provides connections to both U.S. 101 and Route 135 via full access interchanges. West of Norris Street, the roadway is striped to two travel lanes, a median two-way left turn lane or left-turn pockets at intersections and angled parking. Stop signs control all the intersections along Clark Avenue in Old Town Orcutt are controlled by stop signs; while signals control the Route 135 interchange. The posted speed limit along Clark Avenue is 30 mph, except for the two-lane segment between Marcum Street and State Route 1, which has a posted speed limit of 40 mph.

Broadway Street is a north-south aligned road that is classified as a Primary 3 roadway south of Clark Avenue and as a Secondary 2 roadway north of Clark Avenue. South of Pinal Avenue, the road curves in an easterly direction and is called Rice Ranch Road. South of Clark Avenue, the roadway contains two travel lanes, angled parking, and sidewalks on both sides. The posted speed limit on Broadway Street is 30 mph. The segment north of Clark Avenue contains two travel lanes, parallel parking on both sides and sidewalks on the east side. North of North Street the road turns into California Boulevard.

Blosser Road is a two-lane Secondary 1 roadway that extends from Clark Avenue to the Santa Maria Airport. Blosser Road currently provides access from the neighborhoods northwest of the project-area to Old Town Orcutt.

Alternative Transportation

Transit Facilities. Santa Maria Area Transit (SMAT) provides Transit service within the plan area. Route #6 provides a loop service via Rice Ranch Road and Bradley Road with 60-minute headways. This service connects with Route #1 at the Oak Knolls Shopping Center, which runs along Bradley Road to the City of Santa Maria with 30 minutes headways.

Bicycle Facilities. There are currently 9.6 miles of public bikeways in the plan area. Class II (separated on-street) facilities are present along Bradley Road between Lakeview Road and Rice Ranch Road; along Lakeview Road between Route 135 and Bradley Road; along Clark Avenue between Telephone Road and Route 135; along Rice Ranch Road between Bradley Road and Orcutt Road; and along portions of Orcutt Road between Clark Avenue and Lakeview Road. There is a planned Class I bikeway in Southeast Orcutt that runs along the Orcutt Creek, from the eastern side of Key Site 7 (Vintage Ranch), down to Bradley Road, south of Clark Avenue.

Traffic Study



This section incorporates by reference the *Old Town Orcutt Traffic, Circulation, and Parking Study*, Penfield & Smith, 2008 (Traffic Study).¹ The traffic study identified the potential for roadway and intersection level of service along Clark Avenue between Blosser Road and Foxenwood Lane to exceed the existing LOS C standard for this roadway and recommended the level of service reduction as part of a traffic calming approach in the context of pedestrian downtown areas.

In February 2008, the Traffic Study assessed existing conditions within Old Town Orcutt and projected future cumulative (10-year) and buildout roadway segments and intersection operations associated with implementing the policies in the OCP for Old Town. The Study also evaluated parking supply and demand. The Study was presented to the Board of Supervisors on September 23, 2008 who received and filed the document.

The Study area extends along Clark Avenue from Marcum Street to Norris Street, one-half block north and south of Clark Avenue, and one-half block east and west along Broadway. To ensure parking conditions were adequately assessed, the study area was extended to State Route 1 to the west and State Route 135 to the east, North Avenue to the north and Union Avenue to the south. Figure 4.1.1 below indicates the boundaries of the Pedestrian Area-Old Town Orcutt (PA-OTO) Overlay zone adopted by the Board of Supervisors in 2004 which was included in the Traffic Study.

¹ The traffic study is available for review at the Planning and Development Department offices located at 123 East Anapamu Street, Santa Barbara, CA and 624 West Foster Road, Santa Maria, CA and online at <http://longrange.sbcountyplanning.org/planareas/orcutt/documents/Old%20Town%20Orcutt/Old%20Town%20Orcutt%20Report.pdf>

Old Town Orcutt Pedestrian Area Overlay

-  Core Pedestrian Area
-  Peripheral Pedestrian Area

0 150 300 600 900 1,200
Feet



August 27, 2004 JT_Orc_PedestrianAreaOnly.mxd



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The PA-OTO Overlay zone increased the threshold that requires approval of a Development Plan (DP), eliminated setbacks in the core area, included front property line build-to requirements, eliminated building coverage limits, and eliminated onsite-parking requirements for commercial uses in Old Town.

Study Area Facilities

The roadway segments and intersections listed in Table 4.1.1 were included in the traffic analysis.

Table 4.1.1: Study Area Roadway Segments and Intersections

Roadway Segments	Intersections	
Hwy 1 – Clark Ave. to Black Road	Hwy 1 /Black Road	Clark Ave./Twitchell St.
Hwy 1 – Clark Ave. to SR 135	Clark Ave./ Hwy 1	Clark Ave./ Morris St.
Clark Ave. – Blosser Rd. to Broadway St.	Clark Ave./ Blosser Rd.	Clark Ave./ Foxenwood Lane
Clark Ave. – Broadway St. to Dyer St.	Clark Ave./ Marcum Rd.	Clark Ave./ SR 135 SB Ramps
Clark Ave. – Dyer St. to Norris St.	Clark Ave./ Broadway	Clark Ave./ SR 135 NB Ramps
S.Broadway St. – Pinal Ave. to SR 135	Clark Ave./ First St.	Clark Ave./ Blosser Rd.
N. Broadway – North Ave. to Hartnell Rd.	Clark Ave./ Pacific St.	
Union Ave. –Dyer St. to Oak St.	Clark Ave./ Gray St.	
Park Ave. – Broadway St. to Gray St.	Clark Ave./ Dyer St.	

Source: Penfield & Smith, 2008, Table 1, Page 4.

Existing Levels of Service

Because traffic flow on the Orcutt area street network is most restricted at intersections, existing "Levels of Service" (LOS) were determined for the critical intersections during the P.M. peak travel period (the most constrained time period). In rating operating conditions, LOS A through LOS F are used, with LOS A indicating free flowing traffic operations and LOS F indicating forced flow and backed up operations. Complete Level of Service definitions are shown in Table 4.1.2 below.

Table 4.1.2: Level of Service Definitions

LOS	Definition
A	Conditions of free unobstructed flow, no delays, and all signal phases sufficient in duration to clear all approaching vehicles.
B	Conditions of stable flow, very little delay, a few phases are unable to handle all approaching vehicles.
C	Conditions of stable flow, delays are low to moderate, full use of peak direction signal phases is experienced.
D	Conditions approaching unstable flow, delays are moderate to heavy, significant signal time deficiencies are experienced for short durations during the peak traffic period.
E	Conditions of unstable flow, delays are significant, signal phase timing is generally insufficient, congestion exists for extended duration throughout the peak period.
F	Conditions of forced flow, travel speeds are low and volumes are well above capacity. This condition is often caused when vehicles released by an upstream signal are unable to proceed because of back-ups from a downstream signal.

Acceptable Capacity

The OCP Circulation Element defines the acceptable capacity as established by the County as the maximum number of Average Daily Trips (ADTs) that are acceptable for the normal operation of a given roadway. The Acceptable Capacity for a given roadway is based upon its roadway classification and the acceptable level of service for that roadway. The acceptable level of service for roadways and intersections in the Orcutt Planning Area is LOS C, with the existing exception of the Foster Road/SR 135 and Lakeview/Skyway Drive intersections and Stillwell and Lakeview Road where the minimum level of service is D.

As described above, this project would amend the OCP Circulation Element acceptable capacity definition to add the Clark Avenue roadway segments and intersections from Blosser Road to Foxenwood Lane to those roads where the acceptable level of service is D. The extent of Clark Avenue Roadway segments and intersections where the level of service will be changed is shown in **Section 2, Project Description**, Figure 2-11, Page 2-29.

Roadway Operations - Existing

Existing average daily traffic (ADT) volumes were derived from seven-day roadway counts collected in June 2007, (Attachment B. Exhibit 3). The Study determined that roadway segments in Old Town Orcutt were operating acceptably in the LOS A-B range. State Route 1 near Old Town Orcutt operates in the LOS C range. A review of traffic volume data collected on Clark Avenue shows that a relatively constant traffic flow is experienced within the Old Town Orcutt area from 7:00 a.m. to 5:00 p.m., with hourly volumes of 400 vehicles to 550 vehicles in both directions. A consistent traffic flow of approximately 500 vehicles per hour in both directions is experienced between Broadway Street and Dyer Street from 10:00 a.m. to 4:00 p.m. The data

also shows that traffic flow on Clark Avenue east of Dyer Street increases because of traffic to and from the Orcutt Junior High School and the School District office located alone Dyer Street and traffic to and from Rice Ranch Road.

Intersection Level of Service - Existing

Levels of service for the study-area intersections were calculated based on the existing peak hour traffic volumes, intersection geometry, and intersection control. Pursuant to County policies, the levels of service (LOS) ranking scale used for roadways is also applied to intersections and are calculated using the Intersection Capacity Utilization Methodology (ICU) in the Highway Capacity Manual and the results shown as volume to capacity ratio.

Table 4.1.3 Intersection Levels of Service – Existing Conditions

Intersection	Traffic Control	Average AM Peak Hour Delay or V/C	Minor St AM Peak Hour Delay	Average PM Peak Hour Delay or V/C	Minor St PM Peak Hour Delay
SR 1/Black Rd	All-way stop	9.0 sec/LOS A	9.6 sec/LOS A	9.1 sec/LOS A	9.4 sec/LOS A
Clark Ave/SR 1	Two-way stop	9.2 sec/LOS A	12.2 sec/LOS B	9.1 sec/LOS A	12.5 sec/LOS B
Clark Ave/Blosser Rd	One-way stop	10.2 sec/LOS B	10.6 sec/LOS B	9.9 sec/LOS A	10.6 sec/LOS B
Clark Ave/Marcum Rd	One-way stop	9.7 sec/LOS A	9.7 sec/LOS A	9.2 sec/LOS A	10.7 sec/LOS B
Clark Ave/Broadway	All-way stop	8.4 sec/LOS A	8.5 sec/LOS A	9.3 sec/LOS A	9.5 sec/LOS A
Clark Ave/First St	Two-way stop	10.7 sec/LOS B	11.1 sec/LOS B	9.8 sec/LOS A	14.0 sec/LOS B
Clark Ave/Pacific St	Two-way stop	10.2 sec/LOS B	11.9 sec/LOS B	10.0 sec/LOS A	12.8 sec/LOS B
Clark Ave/Gray St	All-way stop	10.1 sec/LOS B	10.4 sec/LOS B	11.6 sec/LOS B	12.2 sec/LOS B
Clark Ave/Deyer St	One-way stop	9.4 sec/LOS A	11.0 sec/LOS B	10.1 sec/LOS B	11.4 sec/LOS B
Clark Ave/Twitchell St	One-way stop	10.0 sec/LOS A	11.2 sec/LOS B	9.5 sec/LOS A	11.9 sec/LOS B
Clark Ave/Norris St	One-way stop	11.5 sec/LOS B	13.5 sec/LOS B	9.8 sec/LOS A	12.0 sec/LOS B
Clark Ave/Foxenwood Ln.	One-way stop	15.0 sec/LOS B	17.0 sec/LOS C	14.9 sec/LOS B	15.6 sec/LOS C
Clark Ave/SR 135 SB	Signal	0.58/LOS A	--	0.55/LOS A	--
Clark Ave/SR 135 NB	Signal	0.62/LOS B	--	0.61/LOS B	--
Clark Ave/Orcutt Rd	Signal	0.66/LOS B	--	0.65/LOS B	--

Source: Penfield & Smith, 2008. Table 8, Page 23: Levels of service for unsignalized intersections based on average delay per vehicle. V/C Ratio = Volume to Capacity Ratio – the ration of demand flow compared to capacity of an intersection.

Each of the intersections was reviewed in the field to identify the number of approach lanes, type of traffic control, signal phasing, etc. In addition, A.M. and P.M peak hour traffic volumes were collected for each location by Penfield & Smith in 2007 and detailed in Table 4.1.3 above

4.1 Transportation

The vehicle volume to capacity ratios indicate that most intersections in the study area are operating in the LOS A – B range except for the intersection of Clark Avenue and Foxenwood Lane which is operating at LOS C in the P.M. peak hour.

Existing Parking

The Study inventoried the number of on street and off-street parking spaces along each block face in Old Town Orcutt and identified 780 on street and 349 off-street parking spaces.

In addition, parking counts were conducted hourly from 7:00 a.m. to 6:00 p.m. on Tuesday July 10, Wednesday July 11, and Friday July 13, 2007 to determine the existing on street and off-street parking demand in Old Town Orcutt. On-street parking is summarized in Table 4.1.4 below and off-street parking demand is summarized in Table 4.1.5.

Table 4.1.4 Existing On-Street Parking Demand Summary

Study Day	Total On-Street Parking Spaces	Observed Peak Parking Demand	Peak Period	Percent Utilized
Tuesday 7/10/2007	780	268	12:00 p.m.	34%
Wednesday 7/11/2007	780	268	12:00 p.m.	34%
Friday 7/13/2007	780	244	1:00 p.m.	34%

Source: Penfield & Smith, 2008, Table 12, Page 39.

Table 4.1.5: Existing Off-Street Parking Demand Summary

Study Day	Total Off-Street Parking Spaces	Observed Peak Parking Demand	Peak Period	Percent Utilized
Tuesday 7/10/2007	349	132	1:00 p.m.	38%
Wednesday 7/11/2007	349	134	1:00 p.m.	38%
Friday 7/13/2007	349	130	12:00 p.m.	37%

Source: Penfield & Smith, 2008, Table 13, Page 39.

The Study further concluded that most parking occurs where most retail shops and restaurants are located along Clark Avenue between Gray Street and Broadway Street, with peak occupancy rates on this segment from 72% to 81%, and on Broadway south of Clark Avenue, with peak occupancy rates on this segment between 45% to 66%.²

² Penfield & Smith 2008, Page 42.

4.1.2 Impacts Analysis

Methodology and Significance Criteria

The Traffic Study cumulative and buildout analysis included 10-year and buildout scenarios in the OCP and Santa Maria General Plan. The Traffic Study evaluated the potential impacts to Old Town Orcutt study area with the following scenarios and four lane and two lane (existing) configurations of Clark Avenue in Old Town Orcutt.

- Key Site 22 under existing zoning;
- Key Site 22 rezoning to accommodate 2,000 additional residential units (*County staff subsequently determined that changes to Key Site 22 land use are unlikely to occur within the planning horizon of the OCP*).
- Union Valley Parkway under current conditions; and
- Union Valley Parkway extended to State Route 1

The OCP Transportation Element thresholds of significance for traffic impacts were used to assess traffic operations in the Old Town Orcutt area. These thresholds are listed in Table 4.1.6 below. Although these thresholds are more typically applied to individual development projects, they are utilized as standards for assessing the overall impacts of the 10-year growth scenario impacts. Impacts are considered significant if intersection or roadway levels of service degrade below LOS C for cumulative volumes on the roadway network. In addition to the LOS C level of service threshold discussed above, the OCP contains Policy CIRC-O-3, which identifies intersections and roadways for which the County previously established a traffic level of service threshold of LOS D in Orcutt.

- A. If the addition of traffic to an intersection increases the volume to capacity (V/C) ratio by the values provided in the following table, the impact is considered significant.

Table 4.1.6 Significant Changes in Levels of Service

Intersection Level of Service (Including Project)	Increase in V/C or Trips Greater Than
LOS A	0.20
LOS B	0.15
LOS C	0.10
LOS D	15 Trips
LOS E	10 Trips
LOS F	5 Trips

- B. The project's access to a major road or arterial road would require access that would create an unsafe situation, a new traffic signal, or major revisions to an existing traffic signal.

4.1 Transportation

- C. The project adds traffic to a roadway that has design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, and inadequate pavement structure) that would become a potential safety problem with the addition of traffic.
- D. Project traffic would utilize a substantial portion of an intersection's capacity where the intersection is currently operating at acceptable levels of service (A-C) but with cumulative traffic would degrade to or approach LOS D (V/C 0.81) or lower. Substantial is defined as a minimum change of 0.03 for an intersection which would operate from 0.80 to 0.85, a change of 0.02 for an intersection which would operate from 0.86 to 0.90 and a change of 0.01 for an intersection which would operate greater than 0.90.
- E. The road classification and attributes used to develop the transportation model used for the OCP, and subsequent Old Town Orcutt analysis, were based upon Primary and Secondary roadway classifications, with arterial type facilities designated as Primary roads and collector type facilities designated as Secondary roads. Definitions for the primary and secondary roadway classifications are provided in Table 4.1.7

Table 4.1.7 Definitions of Roadway Classifications

Classification	Purpose and Design Factors	Design Capacity		LOS C Threshold ¹	
		2 Lane	4 Lane	2 Lane	4 Lane
Primary 1	Roadways designed to serve primarily non-residential development. Roadways would have a minimum of 12-foot wide lanes with shoulders and few curb cuts. Signals would be spaced at 1 mile or more intervals.	19,990	47,760	15,900	38,200
Primary 2	Roadways which serve a high proportion of non-residential development with some residential lots and few or no driveway curb cuts. Lane widths are a minimum of 12 feet with well spaced curb cuts. Signals intervals at a minimum of 1/2 mile.	17,900	42,480	14,300	34,000
Primary 3	Roadways designed to serve non-residential development and residential development. More frequent driveways are acceptable. Potential signal intervals of 1/2-1/4 mile.	15,700	37,680	12,500	30,100
Secondary 1	Roadways designed to primarily serve non-residential development and large lot residential development with well spaced driveways. Roadways would be 2 lanes with infrequent driveways. Signal would generally occur at intersections with primary roads.	11,600	NA	9,300	NA
Secondary 2	Roadways designed to serve residential and non-residential land uses. Roadways would be 2 lanes with close to moderately spaced driveways.	9,100	NA	7,300	NA
Secondary 3	Roadways designed to primarily serve residential with small to medium lots. Roadways are 2 lanes with more frequent driveways.	7,900	NA	6,300	NA

¹ Defined as 80% of Design Capacity.

4.1.3 Previously Identified Impacts and Mitigation Measures

The original OCP FEIR identified 38 circulation impacts that addressed three development horizons: 10-year, OCP buildout, and regional (cumulative) traffic increases. Not all impacts are relevant to the proposed project. Table 4.1.8 summarizes those impacts that are relevant to the proposed project. In addition, the Key Site 18 analysis identified impacts due to turning

movements on to Clark Avenue and need for a median and potential re-alignment of Foxenwood Lane. The Key Site 22 analysis identified one additional impact and two Key Site 22 specific mitigation measures.

4.1.8 OCP FEIR Transportation Impacts and Mitigation Measures

OCP FEIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
CIRC-1 CIRC-15	Significant increase in traffic volumes	Class I	CIRC-1. Neighborhood Traffic Control Program
CIRC-2 CIRC-16	Traffic increase in unsignalized intersections	Class II	CIRC-2. Signalize several intersections CIRC-21. Signal at Clark/101 SB CIRC-22. Signal at Clark/101 NB CIRC-24. Extend and widen Union Valley Parkway.
CIRC-4 CIRC-18	Foster Road/SR 135 traffic delays	Class II	CIRC-2. See above CIRC-3. SR 135 widening
CIRC-7 CIRC-30	Congestion on Stillwell, s/o Clark Avenue	Class II	CIRC-1. See above
CIRC-8 CIRC-31	Congestion on Stubblefield to Bradley	Class II	CIRC-1. See above
CIRC-14 CIRC-35	Alternative transportation mode deficit	Class II	CIRC-8 through CIRC-14. Various measures for County to coordinate with other agencies to improve transit and promote alternative modes of transportation
CIRC-13	Clark Ave/Foxenwood Ln. Turning Movements	Class II	CIRC-7: The County shall consider a re-alignment of Foxenwood Ln. to align with Norris Ave.
CIRC-21	Congestion at Clark Ave/Bradley intersection	Class II	CIRC-17: Improvements to Clark/Bradley intersection
CIRC-22	Congestion at Clark/Stillwell intersection	Class II	CIRC-18: Signalize Clark/Stillwell
CIRC-27	Congestion on Rice Ranch Road	Class II	CIRC-1: See above
KS18- CIRC-1-	Turning movement safety hazard from Foxenwood onto Clark Avenue.	Class II	KS18 CIRC-1: The developer shall fund the construction of a landscaped median along Clark Avenue between Foxenwood Lane and Dyer Street
KS22- CIRC-1	Decreased Levels of Service on Area Roadways: The project would cause <u>potentially significant</u> impacts to LOS on SR 1 and Black Road. The project could	Class I	KS22 CIRC-1: The developer shall fund the design and construction of Union Valley Parkway between State Route 1 and the eastern site Boundary and Union Valley Parkway, and Dutard Road between Black Road and E Street. KS22-CIRC-2: A detailed traffic study shall be prepared in conjunction with the required Specific Plan for Key Site 22

4.1 Transportation

OCP FEIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
	contribute to a decrease of trips on SR 135 as a result of traffic using Union Valley Parkway to travel east before heading north to Santa Maria.		

A. Traffic Study Methodology

To prepare the regional traffic model of Orcutt was subdivided into a smaller area, traffic analysis zones (TAZs) and existing and 10 year land use information was collected for each of the areas. The land within the City of Santa Maria was also subdivided into TAZs and land use information was collected for each variable. The number of trips to and from each TAZ was estimated by multiplying a land use factor associated with the zone by the appropriate trip generation rate. Trip rates were obtained from: *Trip Generation*, Institute of Transportation Engineers (Seventh Edition, 2003); *San Diego Traffic Generators*, San Diego Association of Governments, (2002); and independent studies published by Caltrans.

The Traffic Study is reviewed to determine if an appreciable change has occurred in the 10-year and buildout scenarios examined in the OCP EIR.

B. The 10-Year Growth Scenario

Land Uses and Trip Generation

The 10-Year growth scenario includes Traffic volumes associated with the land uses proposed under the 10-Year growth scenario were estimated using the County's Orcutt/Santa Maria Valley Traffic Forecasting Model, using *TMODEL2* software.

Road Network

The OPA street network analyzed in the 10-Year scenario traffic model runs includes roadway and intersection improvements anticipated to be completed within the 10-Year timeline. The 10-Year improvements assumed in the traffic model are incorporated into the results in the Traffic Study and shown in Table 4.1.9 below.

10-Year Improvements for the Plan Area

The 10-Year County improvements listed in the OCP results in a redistribution of traffic patterns in the northern (and to a lesser extent in the southern) portion of the community. In particular, completion of the Union Valley Parkway from U.S. Highway 101 to California Boulevard would significantly alter traffic volumes on north Bradley Road, sections of Foster Road, the northern end of California Boulevard, and help reduce traffic on Clark Avenue by providing another key

east-west arterial improving overall circulation in the OPA and providing improved levels of service.

10-Year City of Santa Maria Improvements

Improvements planned for the City of Santa Maria were also programmed into the traffic model. These improvements include new roadway links to serve the annexation areas located within the City's Sphere of Influence areas, as well as some minor street widening and installation of traffic signals at numerous locations. None of these improvements would significantly alter travel patterns in the southeast Orcutt area.

Roadway Operations Traffic Forecasts - Cumulative (10-Year)

The Traffic Study determined that the weekday roadway levels of service under the Cumulative (10-Year) traffic conditions would operate acceptably between LOS A and LOS C along the study area roadway segments.³

Traffic volumes along Clark Avenue would increase slightly assuming Clark Avenue contains four travel lanes in Old Town Orcutt, likely because the additional roadway capacity would reduce travel time required to traverse the area, thereby attracting more through traffic trips than the two-lane scenario. This assumption is supported by the reduced volumes on North Broadway Street with the four-lane Clark Avenue alternative, indicating that a portion of the traffic that would normally bypass Clark Avenue using Union Valley Parkway as an alternative route from U.S. 101 to Broadway Street, would divert to Clark Avenue.

Intersection Level of Service – Cumulative (10-year) Conditions

The intersection levels of service for the study area were calculated based on the 10-year P.M. peak hour traffic forecasts derived from the Orcutt Traffic Model. The model utilized the Orcutt and City of Santa Maria 10-year land use and programmed or planned street improvements. Table 4.1.9 shows the 10-year intersection levels of service projected by the model.

³ Penfield & Smith, 2008, Table 4, Page 11.

Figure 4.1.9 Intersection Levels of Service- Cumulative (10 year) Traffic Conditions

Intersection	Traffic Control	2-Lane Clark Avenue		4-Lane Clark Avenue	
		Average AM Peak Hour Delay or V/C	Minor St AM Peak Hour Delay	Average PM Peak Hour Delay or V/C	Minor St PM Peak Hour Delay
SR 1/Black Rd	All-way stop	13.0 sec/LOS B	14.6 sec/LOS B	14.6 sec/LOS B	15.7 sec/LOS C
Clark Ave/SR 1	Two-way stop	9.9 sec/LOS A	15.2 sec/LOS C	9.9 sec/LOS A	15.7 sec/LOS C
Clark Ave/Blosser Rd	One-way stop	11.2 sec/LOS B	12.0 sec/LOS B	11.7 sec/LOS B	12.5 sec/LOS B
Clark Ave/Marcum Rd	One-way stop	9.8 sec/LOS A	11.9 sec/LOS B	10.2 sec/LOS B	12.5 sec/LOS B
Clark Ave/Broadway	All-way stop	12.1 sec/LOS B	12.8 sec/LOS B	11.6 sec/LOS B	12.0 sec/LOS B
Clark Ave/First St	Two-way stop	10.2 sec/LOS B	15.8 sec/LOS C	10.5 sec/LOS B	16.5 sec/LOS C
Clark Ave/Pacific St	Two-way stop	10.3 sec/LOS B	14.4 sec/LOS B	10.3 sec/LOS B	14.3 sec/LOS B
Clark Ave/Gray St	All-way stop	13.2 sec/LOS B	14.5 sec/LOS B	10.7 sec/LOS B	11.1 sec/LOS B
Clark Ave/Deyer St	One-way stop	10.5 sec/LOS B	12.2 sec/LOS B	10.1 sec/LOS B	11.2 sec/LOS B
Clark Ave/Twitchell St	One-way stop	12.9 sec/LOS B	19.8 sec/LOS C	12.3 sec/LOS B	17.6 sec/LOS C
Clark Ave/Norris St	One-way stop	12.1 sec/LOS B	34.7 sec/LOS D¹	11.7 sec/LOS B	29.2 sec/LOS D
Clark Ave/Foxenwood Ln.	One-way stop	16.2 sec/LOS C	17.3 sec/LOS C	17.1 sec/LOS C	18.4 sec/LOS C
Clark Ave/SR 135 SB	Signal	0.52/LOS A	-----	0.52/LOS A	-----
Clark Ave/SR 135 NB	Signal	0.59/LOS A	-----	0.62/LOS B	-----
Clark Ave/Orcutt Rd.	Signal	0.67/LOS B	-----	0.69/LOS B	-----

Source: Penfield & Smith, 2008. Table 9, Page 24.

¹Minor leg operating below LOS C standard is the potential driveway for Key Site 18.
Levels of service for unsignalized intersections based on average delay per vehicle.

The 10-year cumulative level of service data in Table 4.1.9 indicate that most of the intersections in the study area would continue to operate in the LOS A – C range under 10-year traffic conditions under both the *Old Town Orcutt Streetscape Plan* and with Clark Avenue restriped to four lanes. The exception is the minor street intersection of Clark Avenue and Norris Street which would operate at LOS D under both the two lane and four lane Clark Avenue in Old Town scenarios.

C. The Buildout Scenario

Buildout – Land Uses and Trip Generation

The buildout scenario includes Traffic volumes associated with the OCP and Santa Maria General Plan buildout land uses proposed under the buildout growth scenario were estimated using the County's Orcutt/Santa Maria Valley Traffic Forecasting Model and the TMODEL2 software.

Cumulative Impacts Analysis

Buildout – Roadway Segments Traffic Forecasts

Increases in traffic volumes identified in the OCP EIR associated with land uses in the OCP and Santa Maria General Plan are not expected to change due to the LOS change in Old Town Orcutt, therefore this impact is expected to remain **Significant and Unavoidable** (Class I).

The buildout roadway segments scenarios use the same roadway configurations in the assumptions listed above and assume buildout of the Land Use Elements and the roadway networks described in the Orcutt Community Plan and City of Santa Maria General Plan. The Traffic Study determined that the roadways in Old Town Orcutt would operate at LOS B or better under both the two lane and four lane Clark Avenue in Old Town scenarios (Penfield & Smith, Table 5). The restripe of Clark Avenue to four travel lanes in Old Town Orcutt would increase traffic on Clark Avenue and reduce traffic on Broadway Street north of Clark Avenue. However, all roadway segments would continue to operate in the LOS A – C range.

D. Potentially Significant Roadway Impacts

The Traffic Study details the expected increase in weekday peak hour levels of service associated with Cumulative (10-year) Traffic Conditions and buildout based on the regional model. None of the modeling scenarios resulted in traffic projections for the Study roadway segments operating at a level of service below LOS C.⁴

No roadway segments of Clark Avenue analyzed under both the 10-year and buildout scenarios in the Traffic Study were expected to exceed the existing (LOS C) level of service threshold. Therefore, no new impact not previously identified in the OCP EIR is expected to occur along these roadway segments.

Buildout – Intersection Level of Service

As with the roadway segments level of service analysis, the modeling of intersection level of service assumed buildout of the Orcutt Community Plan and the City of Santa Maria General Plan, programmed and planned roadway improvements, and the four scenarios described in the assumptions above. Table 4.1.10 details the projected intersection level of service at buildout below.

⁴ Penfield & Smith, 2008, Tables 4 & 5, Pages 11 & 16.

Table 4.1.10 Intersection Levels of Service – Buildout Traffic Conditions and Buildout Street Network

Intersection	Traffic Control	2-Lane Clark Avenue		4-Lane Clark Avenue	
		Average AM Peak Hour Delay or V/C	Minor ST AM Peak Hour Delay	Average PM Peak Hour Delay or V/C	Minor St PM Peak Hour Delay
State Route 1/ Black Rd	All-way stop	18.6 sec/LOS C	22.2 sec/LOS C	18.9 sec/LOS C	22.4 sec/LOS C
Clark Ave/State Route 1	Two-way stop	11.0 sec/LOS B	14.2 sec/LOS B	11.3 sec/LOS B	14.7 sec/LOS B
Clark Ave/Blosser Rd	One-way stop	13.0 sec/LOS B	14.9 sec/LOS B	14.0 sec/LOS B	16.1 sec/LOS C
Clark Ave/Marcum Rd	One-way stop	10.8 sec/LOS B	13.7 sec/LOS B	11.1 sec/LOS B	14.3 sec/LOS B
Clark Ave/Broadway	All-way stop	18.6 sec/LOS C	21.9 sec/LOS C	15.9 sec/LOS C	16.8 sec/LOS C
Clark Ave/First St	Two-way stop	11.2 sec/LOS B	19.5 sec/LOS C	11.3 sec/LOS B	20.3 sec/LOS C
Clark Ave/Pacific St	Two-way stop	11.4 sec/LOS B	17.8 sec/LOS C	11.3 sec/LOS B	17.7 sec/LOS C
Clark Ave/Gray St	All-way stop	24.5 sec/LOS C	32.1 sec/LOS D¹	12.6 sec/LOS B	13.8 sec/LOS B
Clark Ave/Deyer St	One-way stop	11.1 sec/LOS B	13.2 sec/LOS B	10.5 sec/LOS B	11.9 sec/LOS B
Clark Ave/Twichell St	One-way stop	15.8 sec/LOS C	28.4 sec/LOS D¹	14.9 sec/LOS B	24.9 sec/LOS C
Clark Ave/Norris St	One-way stop	14.0 sec/LOS B	50.0 sec/LOS F¹	13.5 sec/LOS B	46.8 sec/LOS E
Clark Ave/Foxenwood Ln.	One-way stop	22.6 sec/LOS C	25.2 sec/LOS D	28.2 sec/LOS D	31.9 sec/LOS D
Clark Ave/SR 135SB	Signal	0.66/LOS B	-----	0.71/LOS C	-----
Clark Ave / SR 135NB	Signal	0.67/LOS B	-----	0.72/LOS C	-----
Clark Ave /Orcutt Rd	Signal	0.75/LOS C	-----	0.76/LOS C	-----

Source: Penfield & Smith, 2008. Table 10, Page 29.

¹Minor leg operating below LOS C Standard is the potential driveway for Keysite18
Levels of service for unsignalized intersections base on average delay per vehicle

The model indicates that the all-way stop controlled intersection at Clark Avenue and Gray Street in Old Town Orcutt would operate at LOS D assuming roadway configurations in the *Old Town Orcutt Streetscape Concept Plan*. If re-stripped to four lanes, these intersections would operate at LOS C or better, except for the Clark Avenue and Foxenwood Lane intersection which would operate at LOS D with a two or four-lane configuration.

E. Intersection Impacts

The traffic study concludes that all the studied roadways and intersections except the Clark Avenue and Foxenwood Lane intersection, would operate acceptably in the LOS C range or better at both the 10-year and buildout conditions. The OCP EIR identified driveway use at Key Site 18 would result in causing LOS at the Clark Avenue intersections with Twitchell to exceed LOS D. Changing the LOS from LOS C to LOS D would not change the traffic volumes identified in the OCP EIR at this intersection. Therefore, impacts to the Clark Avenue and Foxenwood Lane intersection would remain **Significant but Feasibly Mitigated** (Class II) as identified in OCP EIR.

F. Regional Trips and Local Vehicle Speeds

An origin destination survey conducted during the AM peak hour determined that approximately one out of every four vehicles was travelling through Old Town Orcutt to other destinations. During the PM peak period, one out of every 10 trips were through trips ⁵

Extension of Union Valley Parkway from SR 135 to Interstate 101 provides a logical through route that realizes a long planned regional travel alternative for vehicles moving between west Orcutt and Highway 101. This route provides a logical alternative to Clark Avenue for non-destination trips, allowing them to avoid slower traffic speeds in Old Town Orcutt.

To assess the need for traffic calming in Old Town Orcutt, as called for in the OCP, the Traffic Study analyzed traffic speeds on Clark Avenue in Old Town Orcutt with the existing two-lane configuration. Table 4.1.11 summarizes the results of the survey.

A weekend speed survey showed similar results.⁶ The survey concluded that speeds were high along the 4-lane segment of Clark Avenue West of Markham. As the roadway narrowed down to two lanes traffic slowed to 35 mph, but remained above the 30 mph speed limit in Old Town Orcutt.

⁵ Penfield & Smith, Table 20, Page 47.

⁶ Penfield & Smith, Table 18, Page 46.

Table 4.1.11 Weekday Vehicle Speed Survey

Roadway	Location	85th Percentile Speeds				
		NB	WB	NB	SB	Posted Speed Limit
State Route 1	North of Clark Avenue	--	--	65 mph	68 mph	55 mph
State Route 1	South of Clark Avenue	--	--	N/A ¹	64 mph	55 mph
Clark Avenue	West of Marcum Street	47 mph	44 mph	--	--	40 mph
Clark Avenue	West of Pacific Street	35 mph	35 mph	--	--	30 mph
Clark Avenue	West of Norris Street	42 mph	40 mph	--	--	40 mph EB 30 mph WB
Broadway Street	South of Pinal Avenue	--	--	49 mph	47 mph	45 mph
California Boulevard	North of North Avenue	--	--	43 mph	43 mph	40 mph
Park Avenue	West of Pacific Avenue	31 mph	30 mph	--	--	25 mph

Source: Penfield & Smith, 2008. Table 17, Page 45.

¹ Surveyed speeds were determined to be unreliable.

Union Avenue excluded from speed survey because of geometric constraints prohibited reliable survey sample.

OCP Policy CIRC-O-3 lowered the traffic level of service standard for the Foster Road and SR 135 and Lake View Road and Skyway Drive intersections, as well as Stillwell and Lakeview Roads in Orcutt given the context of those roads. The OCP ~~2012~~ 2011 Amendments would amend Policy CIRC-O-3 to add the portion of Clark Avenue in Old Town Orcutt to the list of roadways where LOS D has been deemed the appropriate threshold (See **Section 2.0, Project Description**, Figure 2-11).

The LOS reduction proposed for Clark Avenue is in response to updated look at traffic volume data which reflects existing network conditions and future traffic volume for projected buildout of OCP land uses. The LOS reduction also reflects a preference, consistent with OCP policy to change the level of service and allow delays to calm traffic flow in Old Town Orcutt, rather than install signalized intersection improvements to keep traffic moving at higher speeds.

4.1.4 OCP Amendments Impact Analysis

This Supplemental EIR utilizes the Traffic Study to assess whether implementation of land use policies and cumulative development in the plan area has created any significant new impacts or changes to the impacts previously identified in the OCP EIR. As described above, no new or changed impact levels were identified in the Traffic Study 10-year and buildout scenarios not previously accounted for in the OCP EIR. The Traffic Study recommends changing the traffic level of service to acknowledge the potential for the land uses already permitted by the OCP to generate traffic at buildout that could reach LOS D at the PM peak traffic hour. Lowering the level of service from the existing LOS C to LOS D is a demand management tool that will support OCP Policy OT-O-2 direction to calm traffic in Old Town Orcutt. The LOS change manages

demand by removing the requirement to improve Clark Avenue in Old Town Orcutt to accommodate free flowing, higher speed vehicle travel by non-destination, through trips.

The OCP EIR identified completion of the Union Valley Parkway (UVP) as a regional circulation improvement to accommodate through traffic generated by land uses in the Plan Area and southern Santa Maria. Recent completion of the extension of UVP north of Old Town Orcutt provides an alternative route for regional through trips currently using Clark Avenue relieving traffic volume on that roadway. Since an alternate route for regional traffic is available, no new impacts to through traffic will be created with the change in the level of service on Clark Avenue to LOS D.

As the mix of residential and commercial uses continues to emerge in Old Town Orcutt, opportunities for residents to live near jobs, goods, and services will further reduce vehicle trips generated by land uses in Old Town Orcutt. Average household trip reductions between 5 to 12 percent have been demonstrated in communities where walking and bicycles become a viable alternative to the automobile. A 25 percent lowering of vehicle miles travelled (VMT) has been observed where alternative transportation is combined with higher employment concentrations, public transit, mixed uses, and other supportive demand management measures (National Research Council, 2009). The VMT reduction in Old Town Orcutt along with completion of UVP as alternative route is expected to contribute to traffic calming and a safer Clark Avenue for pedestrians and bicycle users.

As discussed above, changing the level of service standard change for Clark Avenue in Old Town Orcutt to LOS D does not change land uses in the OCP or increase the traffic trips generated by these uses. The change serves as a traffic demand management measure consistent with the OCP to help calm traffic by not improving the roadway in response to demand for non-destination trips and further establish Old Town Orcutt as a pedestrian friendly mixed use destination. Since the changing the traffic level of service will not change the land uses in the OCP or increase the vehicle trips generated by these uses, no new traffic, parking, or circulation system impacts would occur.

4.1.5 Mitigation Measures

No new impacts to traffic and circulation associated with implementation of the OCP Amendments have been identified; therefore, no new mitigation is required.

4.1.6 Changes in Environmental Effects and Residual Impacts

The proposed amendments would not result in any new or changed land uses that would create significant circulation system impacts beyond those previously analyzed in the OCP FEIR. Nor would the project cause an increase to previously identified impacts, therefore, no changes to the Level of Significance in the OCP EIR would occur.

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4.2 Flooding and Drainage

This section discusses the potential for the project to create new impacts to flooding, drainage, and water quality, or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.2.1 Setting

The watersheds and geology of the Orcutt area are described in **Sections 5.4, Geology** and **5.5, Flooding & Drainage** in the OCP EIR, and are incorporated herein by reference.

Regulatory Setting

Federal Clean Water Act

The Federal Water Pollution Prevention and Control Act (i.e., the Clean Water Act or CWA) requires that discharges do not substantially degrade the physical, chemical, or biological integrity of the Nation's waters. Specifically Section 402 established the National Pollutant Discharge Elimination System (NPDES) regulations for wastewater and other pollutant discharges.

Congress amended the CWA in 1987 to require the implementation of a two-phased program to address storm water discharges. Phase I, promulgated by the U.S. Environmental Protection Agency (EPA) in November 1990, requires NPDES permits for storm water discharges from municipal separate storm sewer systems (MS4s) serving populations of 100,000 or greater, construction sites disturbing greater than 5 acres of land, and ten categories of industrial activities.

The EPA recognized that smaller construction projects (disturbing less than 5 acres) and small municipal separate storm sewers (MS4s¹) were also contributing substantially to pollutant discharges nationwide. Therefore, to improve storm water quality, the EPA promulgated the NPDES Phase II program (Federal Register Vol. 64, No. 235, December 8, 1999). The Phase II regulations became effective on February 7, 2000, and require NPDES permits for storm water discharges from regulated small MS4s and for construction sites disturbing more than 1 acre of land. The Phase II regulations published by the EPA designated the urbanized areas² of Santa Barbara County as a regulated small MS4.

In addition, Sections 401 and 404 of the Clean Water Act establish regulations for the discharge of dredged or fill material into waters of the United States and water quality impacts associated with these discharges. In California, the Porter-Cologne Water Quality Control Act establishes waste discharge standards pursuant to the Federal NPDES program, and the state has the

¹ Serving less than 100,000 people and located in an urbanized area as defined by the Bureau of the Census.

² An urbanized area is a land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (the urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

4.2 Flooding and Drainage

authority to issue NPDES permits to individuals, businesses, and municipalities. Flood Insurance Rate Maps issued by the Federal Emergency Management Administration (FEMA) divide flood areas into three zones: Zone A for areas of 100-year flood, base flood elevations not determined; Zone B for areas of 500-year flood; and Zone C for areas of minimal flooding. The National Flood Insurance Program 100-year floodplain is considered the base flood condition. This is defined as a flood event of a magnitude that would be equaled or exceeded an average of once during a 100-year period. Floodways are defined as stream channels plus adjacent floodplains that must be kept free of encroachment as much as possible so that 100-year floods can be carried without substantial increases (no more than one foot) in flood elevations.

All construction activities disturbing one or more acres are subject to the General Permit for Storm Water Discharge Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ), which require preparation of a Storm Water Pollution Prevention Program (SWPPP) to control the discharge of pollutants, including sediment, into local surface water drainages. The SWPPP is designed to minimize water quality degradation through storm water monitoring, establish Best Management Practices (BMP), implement erosion control measures, and spill prevention and containment measures.

County of Santa Barbara Flood Control and Water Conservation District

Development in the floodplain areas defined above are subject to the standard conditions of approval of the Santa Barbara County Flood Control and Water Conservation District and the requirements and development standards set forth in the County Flood Plain Management Ordinance (Chapter 15-A of the County Code) and the Development Along Water Courses Ordinance (Chapter 15-B of the County Code).

County of Santa Barbara Grading Ordinance

The grading ordinance generally requires a grading permit and an Erosion and Sediment Control Plan for all new grading, excavations, fills, cuts, borrow pits, stockpiling, compaction of fill, and land reclamation projects on privately owned land where the transported amount of materials exceeds 50 cubic yards or the cut or fill exceeds three feet in vertical distance to the natural contour of the land. The County will accept a SWPPP in lieu of an Erosion and Sediment Control Plan, as long as the SWPPP contains the requirements of the County's Erosion and Sediment Control Plan. In addition, a master drainage plan is required as part of the grading plan for all grading permit applications.

4.2.2 Impacts Analysis

Methodology and Significance Criteria

The County of Santa Barbara has adopted Surface and Storm Water Quality Significance Guidelines as part of the *Santa Barbara County Environmental Thresholds and Guidelines Manual* (October 2008).

The assessment of impacts must account for construction-related impacts (i.e., vegetation removal, erosion, use of construction materials on the site, and staging of construction activities) and post-construction (or post-development) impacts (i.e., increases in impervious surfaces and increased runoff, entrainment of pollutants, and effects of discharges on aquatic habitats and biota).

4.2.3 Previously Identified Impacts and Mitigation Measures

The OCP EIR examined the water resources, flooding, and drainage of the project region and the potential impacts resulting from development under the OCP in **Section 5.5, Flooding & Drainage**, and **Section 5.6, Water Resources**. The OCP FEIR included three detailed water quality, flood, and detention basin evaluation studies that are included in the OCP EIR Volume II as Appendices L, M, and N.

The OCP EIR identified a significant and unavoidable impact (Impact FLD-1) from buildout of the land uses in the OCP due to increased velocities of floodwaters, erosion/deposition, channel blockages, flood heights on downstream properties resulting in flooding, personal injury, and/or property damage. The OCP EIR also identified four potentially significant Hydrological and Water Quality impacts (Impacts FLD-2 through FLD 5) in the plan area related to exposure to flood hazards, alterations to existing drainage patterns and decreases in floodplain volume, increase stormwater runoff due to impervious surfaces and erosion of Orcutt Creek due to drainage outlets. The OCP EIR also identified four potentially significant hydrology, flooding, and water quality impacts in plan area sub-areas (FLD-6 through FLD-9) related to development of land uses in the OCP.

Potentially significant secondary and policy impacts to biological, visual, traffic, air quality, and parks and recreation were also identified from construction and maintenance of the regional basins (Impacts FLD-10 and FLD-12). Cumulative impacts were identified from increased storm flows, erosion and sedimentation, flooding, personal injury, and property damage (FLD-11).

Mitigation measures FLD-1 through FLD-14 along with the mitigations in **Section 5.4, Geology** apply to future development in the plan area. Despite incorporation of mitigation to the extent feasible in the OCP, these impacts were deemed **Significant and Unavoidable (Class I)**, due to the uncertainty of predicting storm events and their severity.

Table 4.2.1 includes the impacts and regional basins mitigations identified in the OCP FEIR.

Table 4.2.1 OCP FEIR Flooding, Drainage and Water Quality Impacts and Mitigations

OCP FEIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
FLD-3	Increased storm flows from impervious surfaces: Urban development associated with buildout of the OCP would lead to the creation of approximately 1,000 acres of new impervious surfaces, causing a significant increase in run-off and peak flows leading to <i>potentially significant</i> flooding impacts to streets and existing residences due to increased flood heights and inadequate channel capacities to accommodate higher flows.	Class II	<p><u>Policy FLD-O-4:</u> All applications for development within the Orcutt Community Plan area shall comply with the development standards in the Santa Barbara County Floodplain Management and Stream Setback Ordinances, Chapters 15A, 15B, and Chapter 24 Section 24-7 of the Santa Barbara County Code.</p> <p><u>Dev Std FLD-O-4.1:</u> The Santa Barbara Flood Control and Water Conservation District shall review all site and grading plans and verify conformance to all applicable development requirements to ensure proposed drainage and water conveyance systems are designed to meet District standards and are directed into a District approved watercourse or drainage facility.</p> <p><u>Project Plans shall be prepared to incorporate the most current Standard Conditions for Project Plan Approval-Water Quality Best Management Practices meet or exceed current County of Santa Barbara Project Clean Water and Drainage Ordinance standards.</u></p> <p>FLD-4: All development shall contribute its proportionate share of installation and maintenance for a regional retention basin. Prior to land use clearance, all new developments shall purchase capacity within regional recharge basins as determined appropriate by the Flood Control District (flooding volumes shall be noted on all Development Plans). In the event a regional retention basin to serve the site is unplanned and/or unavailable, the development shall provide on site retention facilities with a sufficient capacity to reduce site runoff to County Flood Control District standards. Wherever feasible, on site facilities shall be dual use (e.g. ball fields, park facilities).</p> <p>FLD-5: Regional retention basins shall be designed to minimize liability through the use of fencing for liability purposes. Design standards such as slope control shall be used. Where appropriate, regional basins shall provide for recreational uses.</p> <p>FLD-6: The County shall form an Assessment District (i.e., Parks and Open Space Maintenance District) to provide for the maintenance of regional retention basins. All regional retention basins shall be owned and maintained by this newly created district. Development of Key Sites</p>

OCP FEIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
			along Orcutt Creek and contributing major tributaries shall be subject to special requirements, including but not limited to special fees, subject to review and approval by Flood Control, to compensate for increased erosion and sedimentation of the Creek.)
FLD-4	Decreased channel capacity from increased sedimentation: Grading, clearing on over 1500 acres, and increased velocity of run-off associated with development permitted under the proposed Orcutt Community Plan would create <i>potentially significant</i> impacts to the capacity of both natural stream channels and County retention basins through increased erosion and downstream sedimentation, creating indirect but substantial increases in flooding through decreased channel and retention basin capacity.	Class II	FLD-10, and FLD-11 below address this impact.
FLD-6	Inadequate storm drain/retention basin capacity. Increased urban development on Key Sites #24, 25, 26, 27, 29, 30, 31, 32, 33, 34, G, H, and Evergreen Shopping Center would substantially increase runoff volumes in an area with existing drainage constraints which would create <i>potentially significant</i> impacts through exceedance of channel/basin capacities leading to increased localized ponding on streets and flooding of low-lying existing structures.	Class II	FLD-8: Pervious construction materials (turf-block, non-grouted brick, gravel, etc.) shall be used where appropriate in all developments in order to minimize the amount of runoff conveyed offsite. FLD-11 below also addresses this impact.
FLD-10	Maintenance of flood channels / and existing regional basins. Given limited fiscal capabilities, the construction of about 1,000 acres of impervious surfaces, extensive new man-made drainages, development within floodplains or adjacent to erosive natural streams, and construction of a system of regional flood control basins would exceed the Flood Control District's financial capability to perform adequate levels of ongoing maintenance, leading to <i>potentially significant</i> impacts due to increased flooding.	Class II	FLD-10: Drainage outlets into natural creek channels shall be constructed in a manner which causes outlet flow to approximate the general direction of natural stream flow. Energy dissipaters beneath outlet points shall be incorporated where appropriate, and designed to minimize damage to riparian vegetation. FLD-11 below also address this impact.
FLD-11	Increased storm flows, erosion and sedimentation, flooding, personal injury and property damage. Severe sediment deposition in channels from irrigation runoff, in combination with additional sedimentation from impervious surface runoff increases likelihood of flooding, creating <i>potentially significant</i> impacts due to increases in flood damage and/or injury.	Class II	FLD-11: Silt fencing, straw bales, sand bags, sediment basins, etc., shall be used in conjunction with other methods to prevent erosion on slopes and siltation of the stream channel. In foothill areas, cut and fill slopes shall be planted with slope-stabilizing vegetation -- native species only shall be planted within open space corridors -- including oak trees and appropriate shrubs, and shall be irrigated until established. (<i>addresses Impacts FLD-4, 5, 6, 7, 8, 10, and 11</i>)

4.2.4 OCP Amendments Impact Analysis

As detailed in **Section 2.0 Project Description, Table 2.1**, Existing Policy FLD-O-4, Action FLD-O-4.1, and development standard Dev Std FLD-O-4.2 (OCP, Page 209), calling for the construction of a regional basins system to address regional flood control, will be deleted and replaced with new Policy FLD-O-4 and development standard Dev Std FLD-O-4.1 1. The new regulations require compliance with the County Floodplain Management Ordinance requirements and application of standardized Best Management Practices (BMP) and Low-Impact Development (LID) flood control measures.

The regional basins policy was established to implement mitigation measure FLD-4 in the OCP EIR. FLD-4 requires all development to contribute a proportionate share toward the implementation and cost of maintenance of a regional basin. Implementation of the regional basins program has been completed to the extent possible, but further implementation of the program has proven infeasible due to several factors.

- The cost of building the basins was intended to be spread among several properties to be served by the basin. A single project is typically not able to carry the cost of constructing and maintaining a basin.
- Cost contributions from adjacent properties would be necessary, and while feasible under the land use categories in the OCP, is speculative, and may never be realized.
- The conveyance facilities may prove impossible to construct due to grade or elevation constraints.
- The conveyance facilities may have to cross private property; therefore, the sites in the OCP identified potential locations for the basins that would require condemnation of private property in each case.

Since the adoption of the OCP, newer approaches to flood control, water quality assurance, and available technology allow practical and effective specific controls to be implemented on a project-by-project basis depending on the site-specific characteristics and the nature of the individual project.

With new Policy FLD-O-4 and development standard Dev Std FLD-O-4.1, each construction project in the plan area will be required to demonstrate to the Public Works Flood Control and Water Conservation District compliance with Chapters 15A, 15B, and Chapter 24 Section 24-7 of the Santa Barbara County Code, the Santa Barbara County Floodplain Management and Development Along Watercourses Ordinance, and the County Grading Ordinance. The Floodplain Management ordinance identifies land within the plan area that lies within Special Flood Hazard Areas (SFHA) and identifies measures which:

- Restrict or prohibit uses which would result in increases in erosion, flood heights or velocities;
- Require that uses vulnerable to floods be protected against flood damages;
- Control alterations of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
- Control filling, grading, dredging, and other development which may increase flood damage; and

- Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or increase flood hazards in other areas.

Every project is required to submit a grading plan and erosion and sediment control plans. As described above, all construction activities disturbing one or more acres are subject to the General Permit for Storm Water Discharge Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ), which require preparation of a Storm Water Pollution Prevention Program (SWPPP) to control the discharge of pollutants, including sediment, into local surface water drainages. The SWPPP is designed to minimize water quality degradation through storm water monitoring, establish Best Management Practices (BMP), implement erosion control measures, and spill prevention and containment measures.

Grading plan includes master drainage, erosion and sediment control plans which are required to demonstrate consistency with the State General Permit under the NPDES program and requirements and application of standardized BMP and Low-Impact Development (LID) flood control measures. BMP must demonstrate control of pollutants from onsite storm water discharges and non-storm water discharges such as discarded building materials, litter, sanitary waste, and the washout of excess construction materials. Water contaminated with washout pollutants shall be collected and controlled and shall be removed from the site and disposed of in an approved manner.

To accomplish this, all projects are required to submit development plans which demonstrate that finished floor elevations will be located two-feet above the flood plain, and include an evaluation of surface runoff, downstream flooding impacts, identify actions to minimize erosion, and detail construction of on-site retention facilities, prepared by a County approved engineering firm.

Compliance with Chapters 15A, 15B, and Chapter 24 Section 24-7 of the Santa Barbara County Code, the Santa Barbara County Floodplain Management and Development Along Watercourses Ordinance, and the County Grading Ordinance to ensure the regional basins program will be replaced with the most effective control measures available for each situation. Therefore, the OCP Amendments will not create any new impacts to hydrology, flooding, and water quality, or change the severity of impacts to that were previously identified in the OCP EIR.

4.2.5 Mitigation Measures

No new impacts to flooding, drainage, and water quality associated with implementation of the OCP Amendments have been identified; therefore, no new mitigation is required.

4.2.6 Changes in Environmental Effects and Residual Impacts

Implementing the proposed OCP ~~2012 2011~~ Amendments would not result in changes to the land uses in the OCP that would cause significant flooding, drainage, or water quality impacts that were not analyzed in the OCP FEIR or cause increases to identified impacts, and therefore, no changes to the Level of Significance would occur.

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4.3 Biological Resources

This section discusses the potential for the project to create new impacts to biological resources, important species, or habitat, or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.3.1 Setting

The OCP FEIR Section **5.2 Biological Resources** and **Volume II (Key Sites)** evaluate biological resources, describe in detail the biological setting of the plan area, and are incorporated herein by reference.

Biological information from the following surveys and assessments conducted in the project area supplement the biological setting.

The U.S. Fish and Wildlife Service (USFWS) Ventura Office has documented occurrences of special status species and supporting habitat on land around Key Site 22, including the federally designated endangered California Tiger Salamander (*Ambystoma californiense*) (USFWS, 2009). USFWS has documented occurrences on Key Site 22 of the federally designated threatened California red-legged frog (*Rana draytoni*) (Sadinsky, 2009).

The California Natural Diversity Database (CNDDB) documents the presence of the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) in a pond near Key Site 22. USFWS points to a likelihood that, due to its proximity in the pond, the species also occurs in the vernal pool complex located on the north portion of Key Site 22 (CNDDB, 2010, and USFWS, 2011).

Southern and eastern portions of Key Site 22 lie within designated critical habitat for the La Graciosa thistle (*Cirsium loncholepis*) (Federal Register, Vol. 74, Page 56978). Orcutt Creek, which flows through Key Site 22, and its tributaries provide suitable habitat for two other federally designated plant species, the Gambel's watercress (*Rorippa gambelii*) and the marsh sandwort (*Arinaria paludicola*) (USFWS, 2011).

The federally designated endangered least Bell's vireo (*Vireo bellii pusillus*), is recovering in the region and nests and forages almost exclusively in riparian woodland habitats. The USFWS has identified the Orcutt Creek riparian corridor in Key Site 22 as potentially suitable habitat for the least Bell's vireo (USFWS, 2011).

Regulatory Setting

Federal and State Requirements for Protection of Biological Resources.

Environmental impact analysis and mitigation needs to take into account Federal and State biological resource regulations. The Federal Endangered Species Act and California Endangered Species Act formally list plant and animal species determined to be rare, threatened or endangered, or candidate species, and establish regulations for protecting these species and their habitats.

Other federal statutes include the National Environmental Policy Act (NEPA), the Clean Water Act Section 404 (for protection of wetlands), Bald Eagle Protection Act, Migratory Bird Treaty Act, Executive Order 11990 (wetlands protection), Rivers and Harbors Act Section 10, Marine Protection, Sanctuary and Research Act, Marine Mammal Protection Act, and Section 1601 and 1603 Stream Alteration Agreements.

4.3 Biological Resources

Agencies with the responsibility for protection of biological resources within the project site include:

- U.S. Army Corps of Engineers (wetlands and other waters of the United States);
- Regional Water Quality Control Board (waters of the State);
- U.S. Fish and Wildlife Service (federally listed species and migratory birds);
- California Department Fish and Game (riparian areas and other waters of the State, state-listed species);
- County of Santa Barbara (Orcutt Community Plan consistency and land use planning/permitting, locally sensitive species and habitats)

U.S. Army Corps of Engineers. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) has authority to regulate activities that could discharge fill of material or otherwise adversely modify wetlands or other “waters of the United States.” Perennial and intermittent creeks are considered waters of the United States if they are hydrologically connected to other jurisdictional waters. The USACE also implements the federal policy embodied in Executive Order 11990, which is intended to result in no net loss of wetland value or acres. In achieving the goals of the Clean Water Act, the USACE seeks to avoid adverse impacts and offset unavoidable adverse impacts on existing aquatic resources.

Any fill or adverse modification of wetlands that are hydrologically connected to jurisdictional waters would require a permit from the USACE prior to the start of work. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetland acres or values is met through compensatory mitigation involving the creation or enhancement of similar habitats.

United States Fish and Wildlife Service. The USFWS implements the Migratory Bird Treaty Act (16 United States Code [USC] Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668). The USFWS and National Marine Fisheries Service (NMFS) share responsibility for implementing the Federal Endangered Species Act (FESA) (16 USC § 153 *et seq.*). The USFWS generally implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadromous species. Projects that would result in “take” of any federally listed threatened or endangered species are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. “Take” under federal definition means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of FESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at anytime.

California Department of Fish and Game. The CDFG derives its authority from the Fish and Game Code of California. The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 *et. seq.*) prohibits take of state listed threatened, endangered, or fully protected species. Take under CESA is restricted to direct mortality of a listed species and does not prohibit indirect harm by way of habitat modification. The CDFG also prohibits take for species designated as Fully Protected under Fish and Game Code. California Fish and Game Code

sections 3503, 3503.5, and 3511 describe unlawful take, possession, or destruction of birds, nests, and eggs. Fully protected birds (Section 3511) may not be taken or possessed except under specific permit. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs.

Species of Special Concern (SSC) is a category used by the CDFG for those species which are considered indicators of regional habitat changes or are considered to be potential future protected species. Species of Special Concern do not have any special legal status except that which may be afforded by the Fish and Game Code as noted above. The SSC category is intended by the CDFG for use as a management tool to include these species into special consideration when decisions are made concerning the development of natural lands. The CDFG also has authority to administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 *et seq.*). The NPPA requires the CDFG to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under Section 1913(c) of the NPPA, the owner of land where a rare or endangered native plant is growing is required to notify the department at least 10 days in advance of changing the land use to allow for salvage of plant. Perennial and intermittent streams and associated riparian vegetation, when present, also fall under the jurisdiction of the CDFG. Section 1600 *et seq.* of the Fish and Game Code (Lake and Streambed Alteration Agreements) gives the CDFG regulatory authority over work within the stream zone (which could extend to the 100-year flood plain) consisting of, but not limited to, the diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream or lake.

County Biological Resources Policies

Requirements for the protection of biological resources in the unincorporated area of Santa Barbara County are provided by the Comprehensive Plan Conservation Element, Environmental Resource Management Element (ERME), Land Use Element, and Community Plans. These documents identify sensitive habitats and species, and provide measures to direct project design and policies to protect biological resources. In addition, the County maintains a list of locally important plant species and attempts to minimize development impacts to these species. The County also regulates impacts to wetlands through the discretionary permitting process.

Orcutt Community Plan Policies

The OCP EIR identified biological impacts for a variety of properties within Orcutt, including Key Site 22. Mitigation measures prescribed for these impacts were outlined in the OCP EIR (see Table 4.3.1 below), and several of these mitigation measures were incorporated into the Final OCP as policies and development standards.

4.3.2 Previously Identified Impacts and Mitigation Measures

The OCP EIR identified mitigation measures for the following general impacts on Key Site 22: BIO-3: associated with the Union Valley Parkway extension in Key Site 22, BIO-4: construction of E Street, BIO-5: Dutard Road, BIO-8: trail construction and use, BIO-9: paved bicycle paths, BIO-11: Dutard/Solomon trunk line, BIO-14: retention basins, BIO-15: creek maintenance and emergency work, BIO-16: construction of new schools, BIO-20 elimination of wetlands, BIO-21 elimination of candidate species, BIO-22: fragmentation of wetland and upland habitat, BIO-23: elimination of grasslands, BIO-24: elimination of ancient sand dunes, BIO-25: elimination of

4.3 Biological Resources

sandhill chaparral, and BIO-33: weed invasion as listed in Section 5.2 and anticipated to result from future development on Key Site 22.

Mitigation BIO-1 addresses road construction impacts, BIO-2 addresses construction of trails, bike paths and their use, Mitigation BIO-14 addresses BIO-15 which is specific to flood control, but applies to all construction along the floodway on Key Site 22. Impact BIO-14 identifies impacts resulting from the construction of the retention basins identified in the regional basins program. Table 4.3.1 identifies Key Site specific impacts to biology and mitigation measures previously identified in the OCP FEIR. A comprehensive list of all court compliance text and map edits is included in Exhibits B.4 through B.11. Please refer to the OCP FEIR Chapter 5.2 and Volume II, Key Site 22 for the complete impacts discussion.

Table 4.3.1 OCP EIR Biological Resources Impacts and Mitigation Measures

Impact	Impact Summary	Impact Type	OCP EIR Mitigation
Key Site 22			
KS22 BIO-1	Reduction in Habitat: Development of 2,000 units on the site would create potentially significant impacts through elimination of 120 acres of vernal wetland/grassland complex, 37 acres of sandhill chaparral, 90 acres of freshwater marsh, and 451 acres of annual grassland.	Class I	<p>KS22 BIO-1.1: The Open Space Overlay shall be applied to Key Site 22 as depicted in Figure KS22-4.</p> <p>KS22 BIO-1.2: Development plans shall incorporate the realignment of Dutard Road and E Street as shown in Figure KS22-5.1.</p> <p>KS22 BIO-1.3: the County shall implement a habitat protection and restoration program for the vernal wetland/grassland complex to protect the area from urban encroachment and to enhance the disturbed vernal wetland/grassland complex immediately adjacent to the existing alignment of Dutard Road. Protection measures shall include the installation of fencing, signs, and landscape buffers of appropriate native trees and shrubs. The plan shall be funded by the developer(s) of areas within the Site 22 and subject to review and approval by P&D.</p>
KS22 BIO-2	Disruption of Habitat: The construction of E street would cause potentially significant impacts by disruption the large contiguous vernal wetland/grassland/dune complex which covers the northern portions of the site, and extends onto the Santa Maria Public Airport Property. Construction of the roadway would inhibit wildlife movement between vernal flats and dune upland areas, significantly reducing the ability of these interrelated habitat areas to support a wide variety of species.	Class I	BIO-1.2, BIO-1.3, and BIO-3.1 addresses this impact.
KS22 BIO-3	Contamination of Freshwater Marshes and Vernal Complexes: Runoff from streets and paved surfaces within developed areas could contaminate freshwater marsh areas and vernal complexes on the site. Residual oil, which accumulates on paved surfaces, could be carried to marsh and vernal wetland areas by stormwater runoff. Due to the sandy soils and high infiltration rates, contaminants could build up over time increasing in concentration and reaching harmful levels. This impact is considered potentially significant.	Class II	<p>KS22 BIO-3.2: The overall drainage improvement plan for the Site 22 shall provide methods to control contaminated run-off from paved surfaces. Parking area design shall incorporate design features such as perimeter drains and catch basins to reduce contaminant levels in runoff before it enters the storm drain system.</p> <p>BIO-1.1 and BIO-3.2 also address this impact</p>
KS22 BIO-	Impacts to Wildlife: The project could cause potentially significant impacts to	Class I	BIO-4: Prior to construction of any roads crossing the vernal pool areas (e.g., E Street), wildlife surveys

Impact	Impact Summary	Impact Type	OCP EIR Mitigation
4	wildlife associated with eventual habitation of the site including disturbance of habitat by domestic animals, nuisances to wildlife from noise and light sources, disruption of wildlife migration route, etc.		shall be conducted for sensitive species in the wetland areas within 300 feet of both sides of the outside edges of grading these roads. A habitat restoration plan for the project shall be submitted to P&D, US Fish & Wildlife Service, and California Fish & Game for approval prior to construction, and may include pre-construction relocation of sensitive animals, if appropriate. The habitat restoration plan shall include restoration of all wetland and dune habitats to previous or better conditions. The restoration plan shall be approved by P&D and PW and funded prior to construction. Implementation shall begin within one year of commencement of grading, and completed within 3 years of roadway completion. BIO-5: Union Valley Parkway and E Street shall be designed and constructed to include a bridge or bridges over the greatest amount of wetlands and sand dunes possible, in consultation with the California Department of Fish & Game, U.S. Fish & Wildlife Service and U.S. Army Corps of Engineers. Adequate vertical clearance beneath the bridge(s) for wildlife passage shall be accommodated where feasible. Where a bridge is not feasible, the road(s) shall be realigned as shown in Figures 2-10 and KS22-6A and constructed on berms above the adjacent ground surface, with box culverts beneath the road, suitable for passage by tiger salamanders and spadefoot toads, and maintained a minimum distance of every 500 feet and smaller flat-bottomed culverts at closer intervals. Prior to final roadway design, County and City Public Works Departments shall contract with a County approved biologist to determine the locations and frequency of the undercrossings.
KS22 BIO-5	Impacts to Orcutt Creek Wildlife Corridor: Development of Key Site 22 from a rural into a suburban community could substantially disrupt the utilization by and movement of wildlife populations and diversity. Species which would be particularly vulnerable would be ground nesting species and animals dependent upon concealment and low levels of disturbance for survival.	Class I	KS22 BIO-3.1: Structures and paved surfaces, except paved walkways or bikepaths or interpretive displays, shall not be developed within 500 feet of the edge of vernal wetlands. BIO-4 and BIO-5 above also address this issue.
			KS22 BIO-4.0: A habitat protection and enhancement plan shall be prepared and implemented for the Orcutt Creek corridor including planting of grove of appropriate native trees and stands of shrubs along selected portions of the banks and top of bank of Orcutt Creek, the restoration and enhancement of selected wetlands areas within the floodplain, installation of selected areas of fencing around the most significant wildlife areas, installation of signs and walkways to help guide public use of those areas and the Orcutt greenway, biological connectivity between Orcutt Creek and the primary drainage from the Casmalia Hills. The plan shall be funded by the developer(s) of Site 22 and subject to review and approval by P&D.
BIO-22	Fragmentation of Wetland and Upland Habitat. Development between wetland and upland retreat sites of amphibians (or on uplands themselves) would have a potentially significant impact on two federal candidates for the Endangered Species List: California Tiger Salamander and spadefoot toad, and would lead to their elimination from the Orcutt Planning Area.	Class I	BIO-19: A minimum buffer of 100 feet, or fifty feet with installation of major screen planting native riparian vegetation, shall be maintained in natural condition from the edge of the wetland on Key Site 22. No structures shall be permitted with the complex or buffer area except for structures of a minor nature that help implement preservation of the resource (i.e.: fences and interpretive/educational signs). Passive recreational development such as seating areas, bike paths and a trail shall be permitted a minimum distance of fifty feet of the edge of the wetland. Construction and installation of these facilities shall minimize the ground disturbance area and avoid

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Impact	Impact Summary	Impact Type	OCP EIR Mitigation
			<p>erosion or sedimentation into the wetland.</p> <p>BIO-20: All new developments shall be sited and designed to preserve and enhance significant wildlife corridors consistent with accepted wildlife management practices, particularly between wetlands and adjacent upland areas.</p>
<i>1995 OCP FEIR Analysis: Biology, Flood Control and Key Site 22</i>			
BIO-14	<p>Retention Basins. Construction of retention basins on Key Sites 2, 8, 12, 18, 22, and 30 could result in the potentially significant impacts associated with removal of approximately 17 acres of riparian scrub, forest, and oak woodland.</p>	Class II	<p>BIO-3: Habitat restoration plans shall be required of all projects that would significantly impact wetlands, riparian woodlands, oak woodlands, and rare plants. The goal of the plan should be to restore a greater number of acres of mature vegetation (including understory if appropriate) that that which was impacted. If restoration on or near the site is not feasible, acquisition and permanent preservation of additional habitat acreage should be considered as long as the mitigation project resulted in a substantial increase in ecological functions. Success criteria should be clearly stated. The habitat restoration plan shall be prepared by a P&D qualified biologist and reviewed and approved by P&D, and bonded for by the applicant, prior to the issuance of a Land Use Permit on the site. The plan should clearly state who will fund and be responsible for long-term maintenance, who will monitor for success, and specific remedial measures.</p> <p>BIO-13. All new retention basins shall be sited and designed in a manner that avoids or minimizes impact to wetlands, riparian habitats and oak woodlands. Excavated fill shall not be placed within these habitats and areas adjacent to or within these habitats which are disturbed during construction shall be revegetated with appropriate native species. Basins on Key Sites 3, 8, and 22 shall require implementation of Mitigation BIO-3. The Key Site 12 Basin shall be located on the east side of the existing access road. The retention basin on Key Site 30 shall be located in the area of the site currently lacking sensitive habitat. All sensitive habitat areas adjacent to these basins shall be fenced prior to commencement of grading to prevent disturbance and stockpiling in these areas.</p> <p>BIO-14: Requires that all round disturbance and construction on Key Site 22 shall be located outside of the floodway and due to high habitat value, a minimum of 100 feet from the dripline of riparian vegetation</p> <p>BIO-2. Minimize removal of riparian vegetation for bicycle paths. Requires 50-foot setback (if feasible) from edge of riparian vegetation or top of bank, whichever protects greater area. Restore riparian habitat between path and creek. Direct lighting away from the creek.</p> <p>BIO-3. Provides for preparation of habitat restoration plans for projects that significantly impact wetlands, oak woodland, and rare plant impacts.</p> <p>BIO-3.1. Recommendation to P&D to establish a regional mitigation bank to offset habitat loss in cooperation with other agencies as funding becomes available.</p> <p>BIO-3.2. Suggests locations for purchase and preservation as offsite mitigation in the event that on-site preservation and restoration options are exhausted.</p> <p>BIO-6. Road lighting shall be designed to minimize spill into native habitat areas.</p>

Impact	Impact Summary	Impact Type	OCP EIR Mitigation
BIO-15	Creek Maintenance and Emergency Work. Although changes in the Flood Control District's maintenance practices are proposed, level of effort of maintenance (desilting, channel shaping, vegetation removal and herbicide spraying in the channel) may increase in Orcutt, Solomon and Pine Canyon Creeks in order to protect future development within the floodplain or floodway. These new maintenance areas could cause potentially significant impacts by: 1) alteration of the physical features of the creek channel, 2) removal of riparian scrub, forest, and live oak communities, and 3) temporary but reoccurring disturbances to wildlife on Key Sites 3, 5-8, 10-13, 15, 19, 22, A, F, and D. Responses to emergency flooding could also significantly impact these riparian communities as a result of the use of heavy equipment in and around the creek to remove fallen logs and other debris blocking the channel.		BIO-14: Ground disturbance and construction on Key Sites 3, 5-8, 10-13, 15, 19, 22, A, F, and D, except hiking/ biking trails and other recreational facilities, shall be located outside of the floodway and a minimum distance of 50 feet from the dripline of riparian vegetation. Due to particularly high habitat values on Key Sites 3 and 22, the minimum distance shall be increased on those two sites to 100 feet.

4.3.3 OCP ~~2012~~ 2011 Amendments Impact Analysis

The wetlands delineation, *West Orcutt Planning Area 8 Vernal Wetland and Orcutt Creek Wetland Delineation*, Katherine Rindlaub Biological Consulting September 1, 1995, in Appendix D of the OCP EIR and prepared for Key Site 22 (formerly Planning Area 8) was deemed by the court (*Adam Brothers Farming v. County of Santa Barbara* ([Super. CT. Santa Barbara County, 2004, No. 1007452](#))–2008 Cal. App. Unpub. LEXIS 1831604 F.3d 1142 (2010)) to have been prepared improperly, and for all references to the document be removed from the OCP and OCP EIR. The court's order did not affect the status of the wetlands delineation prepared for the wetland/sand dune complex that occurs in the north portion of Key Site 22 and Airport property.

Removal of the wetland delineation references and mapping from the OCP and Final EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal Clean Water Act or federal and state regulations protecting special status species (See Section 4.3.1 Regulatory Setting above). 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 permit approval. The Santa Barbara County Planning and Development Department requires a field assessment of properties in this area for the potential for special status species, including the following federally designated endangered species: such as the California Tiger Salamander, California red-legged frog, the vernal pool fairy shrimp, La Graciosa thistle, Gambel's watercress, marsh sandwort, and Least Bell's vireo, all of which which was listed by the U.S. Fish and Wildlife Service (USFWS) as an Endangered Species on August 4, 2004, and has have been documented on Key Site 22 or in proximity to the site (USFWS, 2011). As detailed in the project description above, the text and map revisions required by the court are listed in **Chapter 2, Project Description**, Tables 2.2 and 2.3. USFWS Ventura Office recommends surveys be conducted following USFWS protocols available at their website:

http://www.fws.gov/ventura/species_information/protocols_guidelines/ (USFWS, 2011).

4.3.4 Mitigation Measures

No new impacts to biological resources associated with implementation of the OCP Amendments have been identified; therefore, no new mitigation is required.

4.3.5 Changes in Environmental Effects and Residual Impacts

The amendment removing the wetland delineation from the map of Key Site 22 would not result in any new significant environmental impacts that were not analyzed in the OCP EIR, and therefore, no changes to the Level of Significance would occur. Any future development proposals on Key Site 22 are subject to compliance with Section 404 of the federal Clean Water Act, and applicable state and County regulations.

4.4 Air Quality

This section discusses the potential for the project to create new impacts to air quality or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.4.1 Setting

OCP EIR Section **5.11, Air Quality** describes in detail the characteristics of regional and local meteorology, topography, existing air quality in the Orcutt plan area, and quantified the air quality impacts from buildout land uses in the plan area. The emergence of global climate change as a CEQA issue and changes to the air quality regulatory setting in the plan area has occurred since preparation of the OCP EIR and is discussed below.

Global Climate Change

The Earth's climate has undergone many changes during its history, ranging from ice ages to long periods of warmth. Natural factors such as volcanic eruptions, changes in the Earth's orbit, and the amount of energy from the Sun have affected global temperatures and thus the Earth's climate. Climate change refers to any significant change in measures of climate (such as temperature, precipitation or wind) lasting for an extended period (decades or longer) (EPA 2008a). The term climate change is often used interchangeably with the term global warming; however, the phrase "climate change" is preferred as it helps convey that there are other changes in addition to rising temperatures (NAS, 2008).

Heat retention within the atmosphere is an essential process to sustain life on Earth. The natural process through which heat is retained in the troposphere¹ is called the "greenhouse effect." The greenhouse effect traps heat in the troposphere through a three-fold process as follows: short-wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long-wave radiation; and greenhouse gases (GHGs) in the upper atmosphere absorb this long-wave radiation and emit this long-wave radiation into space and toward the Earth. This "trapping" of the long-wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect. This natural process contributes to regulating the earth's temperature without which the temperature of the Earth would be about zero degrees F (-18°C) instead of its present 57°F (14°C) (NCDC, 2008).

Gases that trap heat in the atmosphere are often called greenhouse gases. Principal GHGs include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone (O₃), and water vapor (H₂O). Some greenhouse gases, such as CO₂, CH₄, and N₂O, occur naturally and are emitted to the atmosphere through natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Man-made GHGs, which have a much greater heat-absorption potential than CO₂, include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF₆), which are byproducts of certain industrial processes. The major greenhouse gases emitted by human

¹ The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth's surface to 10 to 12 kilometers).

activities remain in the atmosphere for periods ranging from decades to centuries; therefore, it is virtually certain that atmospheric concentrations of greenhouse gases will continue to rise over the next few decades (USEPA, 2007).

It is generally agreed that human activity has been increasing the concentration of greenhouse gases in the atmosphere (mostly carbon dioxide from combustion of coal, oil, and gas, and a few other trace gases) (NCDC, 2008). The global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 ppm to 379 ppm in 2005 (IPCC, WGI, 2007). Based on current rates of increase, carbon dioxide concentrations could reach between 490 to 1260 ppm by the end of the 21st century, 75 to 350 percent above the pre-industrial concentration (IPCC, 2001).

A warming trend of approximately 1.0 to 1.7°F occurred during the 20th century; warming occurred in both the northern and southern hemispheres, and over the oceans (IPCC, WGI, 2007). Most of the warming in recent decades is very likely the result of human activities (IPCC, WGI, 2007). There is much uncertainty, however, concerning the magnitude and rate of the warming. Specifically, the EPA notes that “important scientific questions remain about how much warming will occur, how fast it will occur, and how the warming will affect the rest of the climate system, including precipitation patterns and storms” (USEPA, 2007).

.State law defines GHGs to include seven gases or categories of gases:

- Carbon dioxide (CO₂)
- Methane (CH₄)
- Nitrous oxide (N₂O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulphur hexafluoride (SF₆)
- Nitrogen trifluoride (NF₃)

The effect each GHG has on climate change is measured as a combination of the volume or mass of its emissions, and the potential of a gas or aerosol to trap heat in the atmosphere, known as its global warming potential (GWP), and is expressed as a function of how much warming would be caused by the same mass of CO₂. Thus, total GHG emissions of a project for all GHGs is expressed as carbon dioxide equivalent (CO₂e) and measured in metric tons.

Air Quality Standards and Attainment Status

Both the Federal and State Clean Air Acts identify pollutants of specific importance, which are known as criteria pollutants. Ambient air quality standards are adopted by the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (USEPA) to protect public health, vegetation, materials, and visibility, shown in Table 4.4.1. State standards for ozone and both respirable (less than 10 microns in diameter – PM₁₀) and fine (less than 2.5 microns in diameter – PM_{2.5}) particles are more stringent than federal standards.

Monitoring of ambient air pollutant concentrations is conducted by CARB, APCD and industry. Monitors operated by CARB and APCD are part of the State and Local Air Monitoring System (SLAMS). The SLAMS stations are located to provide local and regional air quality information. Monitors operated by industry, at the direction of the APCD, are called Prevention of Significant Deterioration (PSD) stations. PSD stations are required by the APCD to ensure that new and

modified sources under APCD permit do not interfere with the County's ability to attain or maintain air quality standards.

Santa Barbara County is currently in "attainment" or "unclassified" status for all federal (USEPA) ambient air quality standards. Santa Barbara County has experienced from as many as 42 days of exceedances of the state 1-hour ozone standard to no exceedance days in 2005. The number of state 8-hour ozone standard exceedance days range from 98 in 1989 to 10 in 2009.

The project area is within the South Coast Central Air Basin (SCCAB), which includes all of San Luis Obispo, Santa Barbara, and Ventura counties. The 2007 Clean Air Plan (CAP, August 2007) for Santa Barbara County describes the air quality setting for the Basin in detail, including the local climate and meteorology, current and projected air quality, and the regulatory framework for the management of air quality.² The 2007 CAP is incorporated by reference and is available for review at the Santa Barbara County Air Pollution Control District (SBCAPCD) web site, www.sbcapcd.org. The air quality setting for the region is summarized below.

² The SBCAPCD [Board](#) adopted the 2010 Clean Air Plan at its January 2011 meeting.

Table 4.4.1 California and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ^{a,c}	National Standards ^b	
			Primary ^{c,d}	Secondary ^{c,e}
Ozone (O ₃)	1-hour	0.09 ppm (180 µg/m ³)	—	Same as Primary
	8-hour	0.070 ppm (137 µg/m ³)	0.075 ppm (147 µg/m ³)	
Carbon monoxide (CO)	8-hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	None
	1-hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	
Nitrogen dioxide (NO ₂)	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	Same as Primary
	1-hour	0.18 ppm (339 µg/m ³)	—	
Sulfur dioxide (SO ₂)	Annual Arithmetic Mean	—	0.030 ppm (80 µg/m ³)	—
	24-hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)	—
	3-hour	—	—	0.5 ppm (1,300 µg/m ³)
	1-hour	0.25 ppm (655 µg/m ³)	—	—
Respirable Particulate Matter (PM ₁₀)	Annual Arithmetic Mean	20 µg/m ³	—	Same as Primary
	24-hour	50 µg/m ³	150 µg/m ³	
Fine Particulate Matter (PM _{2.5})	Annual Arithmetic Mean	12 µg/m ³	15.0 µg/m ³	Same as Primary
	24-hour	No Separate State Standard	35 µg/m ³	
Lead	30-day	1.5 µg/m ³	---	---
	Quarterly	—	1.5 µg/m ³	Same as Primary
	Rolling 3-Month Average ^f	—	0.15 µg/m ³	
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m ³)	—	—
Sulfates	24-hour	25 µg/m ³	—	—
Visibility reducing particles	8-hour (10 AM to 6 PM PST)	In sufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when the relative humidity is less than 70%.	—	—

Source: CARB 2008

Notes:

a. California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM₁₀, PM_{2.5}, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded.

b. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.

c. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

d. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

e. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

f. National lead standard, rolling 3-month average: final rule signed October 15, 2008.

Regulatory Setting

The Federal Clean Air Act, as amended in 1990, establishes federal air quality standards, federal permit requirements for major sources, and regulations for hazardous air pollutants. There are many federal laws that pertain to emissions standards for criteria air pollutants and hazardous air pollutants. Many of the federal programs and emissions standards are incorporated in APCD's Rules and Regulations and are implemented and enforced as part of the APCD's stationary source permitting and compliance programs.

CARB establishes ambient air quality standards as authorized by the California Health & Safety Code, Section 39606. The standards are established for protection of public health, safety, and welfare, and consider protection for even the most sensitive individuals in our communities. The California standards are generally more health protective than the federal standards, and include standards for some pollutants that are not addressed by federal standards.

Regulation of mobile sources of air pollution, including motor vehicles and heavy-duty diesel trucks, is done by CARB. CARB also regulates air pollutants from consumer products such as household cleaners and beauty products and establishes motor vehicle fuel specifications for gasoline and diesel fuel to minimize air quality impacts. In order to reduce emissions from toxic air contaminants, CARB has implemented airborne toxic control measures (ATCMs) that apply to a variety of industries. As part of its Diesel Risk Reduction Plan, CARB has implemented a number of ATCMs that apply specifically to diesel engines and diesel vehicles to minimize the carcinogenic health risk that results from emissions of diesel particulate matter.

Locally, the APCD has regulatory authority over air pollutant emissions from stationary sources. APCD's Rules and Regulations have been adopted and revised over time to meet the specific air quality needs of Santa Barbara County with consideration of the types of industries that operate in the region.

Baseline Ambient Air Quality: Ambient air quality standards have been established to represent the levels of air quality considered sufficient, with an adequate margin of safety, to protect public health and welfare. They are designed to protect the segment of the public most susceptible to respiratory distress, such as children under 14, elderly over 65, persons engaged in strenuous work or exercise, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, daycare centers, playgrounds or medical facilities.

Depending on whether or not air quality standards are met or exceeded, an air basin is classified as being in "attainment" or "nonattainment". Santa Barbara County was recently designated in attainment for the federal 8-hour ozone standard, but remains unclassified for attainment with does not meet the state 8-hour ozone standard or the 24-hour and annual statewide standard for fine suspendable particulate matter (PM₁₀). The County is therefore currently designated a non-attainment area for the state 8-hour ozone standard and PM₁₀ standard. There is not yet enough data to determine the County's attainment status for either the federal or the state PM_{2.5} standard.

Ozone is a secondary pollutant that is not produced directly by a source but rather is formed by a reaction between nitrogen oxides (NO_x) and reactive organic gases (ROG) in the presence of sunlight. Reductions in ozone concentrations are dependent on reducing the amount of these precursors. The major sources of ozone precursor emissions in the County are motor

vehicles, the petroleum industry, and solvent usage (paint, consumer products, and some industrial processes). The major sources of PM₁₀ in the County are mineral quarries, grading, demolition, agricultural tilling, road dust, and vehicle exhaust.

Interim Procedures for Evaluating Greenhouse Gas Emissions

The State Office of Planning and Research (OPR) promulgated new regulations on March 18, 2010 amending the CEQA Guidelines to address evaluation of green house gas (GHG) emissions in CEQA documents. Although the new regulations do not require lead agencies to adopt significance thresholds with respect to GHG emissions, they do require lead agencies to determine the significance of such emissions based data (CEQA Guidelines Section 15064.4). The County of Santa Barbara ~~has is presently working to develop~~ed an inventory of current GHG emissions ~~as part of the and a~~ Climate Action Study and ~~is presently working to develop an~~ Energy and Climate Action Plan based on this data. Until County-specific data becomes available and significance thresholds applicable to GHG emissions are formally adopted, the County is utilizing interim procedures to identifying GHG emissions thresholds of significance on currently pending projects.

The interim procedures apply only to projects that are subject to CEQA: (1) discretionary development projects and (2) plans (General Plan elements, community plans, etc.). For projects that fall within categorical or statutory exemptions to CEQA, GHG emissions are presumed to be less than significant.³ The interim procedures apply to most projects subject to CEQA for which a CEQA document (ND or EIR) is circulated after March 18, 2010.

4.4.2 Impacts Analysis

Methodology and Significance Criteria

The County of Santa Barbara has adopted Air Quality Thresholds as part of the *Santa Barbara County Environmental Thresholds and Guidelines Manual* (2008). The Environmental Thresholds Manual states that a significant adverse air quality impact may occur when air pollutant emissions associated with a project, individually or cumulatively:

- Interferes with progress toward the attainment of the ozone standard by releasing emissions which equal or exceed the established long-term quantitative thresholds for nitrogen oxides (NO_x) and reactive organic compounds (ROC).
- Equals or exceeds the state or federal ambient air quality standards for any criteria pollutant (as determined by modeling).

The quantified significance thresholds are normally applied to project-specific impacts rather than the programmatic level comprehensive plan proposal evaluated in this EIR.

Cumulative air quality impacts and consistency with the policies and measures in the Air Quality Supplement of the Comprehensive Plan, other general plans, and the Clean Air Plan

³ However, a limited exception to categorically exempt projects exists for cumulative impacts when the cumulative impact of successive projects of the same type in the same place over time is significant. CEQA Guidelines Section 15300.2(b).

(CAP) should be determined for all projects (i.e., whether the project exceeds the CAP emission projections or growth assumptions).

The following issues will be discussed only if they are applicable to the project:

- Emissions which may affect sensitive receptors (e.g. children, elderly or acutely ill);
- Toxic or hazardous air pollutants in amounts which may increase cancer risk for the affected population; or
- Odor or another air quality nuisance problem impacting a considerable number of people.

Quantitative Emission Thresholds: CEQA requires that the significance of a project's direct and indirect emissions be determined for both short-term (construction) and long-term (operational) impacts. If a project's air quality impacts are found to be significant, then mitigation measures will be required. Numeric emission thresholds of significance have been established for the ozone precursors NO_x and ROC. In order to determine if a project exceeds these quantitative thresholds, the expected emissions of these pollutants from the project must be calculated. The APCD has developed screening tools to identify projects not likely to exceed the thresholds. These sizes of projects are based on simple calculations that show the relationship between the size of a project and potential emissions.

Short-term/Construction Emissions: No quantitative threshold has been established for short-term, construction related PM₁₀ (which is 50 percent of total dust). As a result of the County's status of nonattainment for PM₁₀ and to minimize emissions of diesel particulate matter and ozone precursors, construction mitigation measures are required for all projects involving earthmoving activities, regardless of size or duration.

Long-term/Operational Emission Thresholds: Long-term air quality impacts occur during project operation and include emissions from any equipment or process used in the project (e.g., residential water heaters, engines, boilers, and operations using paints or solvents) and motor vehicle emissions associated with the project. These emissions must be summed in order to determine the significance of the project's long-term impact on air quality.

Ozone Precursors (NO_x and ROC): A proposed project will not have a significant air quality effect on the environment, if operation of the project will:

- Emit (from all project sources, mobile and stationary), less than the daily amounts for offsets set in the APCD New Source Review Rule, for any pollutant (i.e., 55 pounds/day for ROC or NO_x; and 80 lbs/day for PM₁₀. There is no daily operational threshold for CO; it is an attainment pollutant⁶);
- Emit less than 25 pounds per day of NO_x or ROC from motor vehicle trips only;
- Not cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone);
- Not exceed the APCD health risk public notification thresholds adopted by the APCD Board;
- Be consistent with the latest adopted federal and state air quality plans for Santa Barbara County; and,
- Expose new or existing receptors to objectionable odors (APCD, 2010).

~~Greenhouse Gas Emissions Thresholds~~

Interim Procedures for Evaluating Greenhouse Gas Emissions

The State of California Resources Agency adopted amendments to the State CEQA Guidelines in March 2010 regarding the measurement and mitigation of GHG emissions in CEQA documents. Although the new regulations do not require lead agencies to adopt significance thresholds with respect to GHG emissions, they do require lead agencies to determine the significance of such emissions based data (CEQA Guidelines, Section 15064.4). According to the recently amended CEQA Guidelines, impacts related to GHG emissions from the proposed project would be significant if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Any individual project does not generate sufficient GHG emissions to create a project-specific impact; therefore, the issue of Global Climate Change GCC typically involves an analysis of whether a project's contribution towards an impact is cumulatively considerable such that it constitutes a significant cumulative impact. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (CEQA Guidelines, Section 15355).

The County of Santa Barbara ~~has is presently working to develop~~ ed an inventory of current GHG emissions ~~as part of and~~ a Climate Action Study and ~~is presently working to develop an Energy and~~ Climate Action Plan based on this data. Until County-specific data becomes available and significance thresholds applicable to GHG emissions are formally adopted, the County is utilizing interim procedures to identify GHG emissions thresholds of significance on currently pending projects. This interim approach looks to criteria adopted by the Bay Area Air Quality Management District (BAAQMD), summarized below, for guidance on determining significance of GHG emissions.

The interim procedures apply only to projects that are subject to CEQA: (1) discretionary development projects and (2) plans (General Plan elements, community plans, etc.). For projects that fall within categorical or statutory exemptions to CEQA, GHG emissions are presumed to be less than significant. The interim procedures apply to most projects subject to CEQA for which a CEQA document (ND or EIR) is circulated after March 18, 2010.

Table 4.4.2 County of Santa Barbara GHG Significance Thresholds

GHG Emission Source Category	Operational Emissions
Non Stationary Sources	1,100 MT of CO ₂ e/yr OR 4.6 MT CO ₂ e/SP/yr (residents + employees)
Stationary Sources	10,000 MT/yr
Plans	6.6 MT CO ₂ e/SP/yr (residents + employees)

Notes: SP = Service Population.

Project emissions can be expressed on a per-capita basis as Metric tons of CO₂e/Service Population/year, which represents the project's total estimated annual GHG emissions divided by the estimated total number of people that will be living in the proposed project.

The BAAQMD does not include any standards for construction-related emissions.

Methodology. To estimate GHG emissions, a calculation of carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) emissions is made to identify the magnitude of potential project effects. The analysis focuses on CO₂, N₂O, and CH₄ as these make up 98.9% of all GHG emissions by volume (IPCC, 2007) and are the GHG emissions that a project would emit in the largest quantities. Emissions of all GHGs are then converted into their equivalent weight in CO₂ (CO₂e). Only de minimis amounts of other main GHGs (such as chlorofluorocarbons [CFCs]) would be emitted, and these other GHG emissions would not substantially add to the calculated ~~CO₂e CDE~~ amounts. This methodology is based on the methodologies discussed in the *CAPCOA CEQA and Climate Change* white paper (January 2008) and included the California Climate Action Registry General Reporting Protocol (January 2009).

4.4.3 Previously Identified Impacts and Mitigation Measures

The original OCP EIR identified three air quality impacts (AQ-1 through AQ-3), and 11 general mitigation measures (AQ-1 through AQ-11). The Key Site 12 analysis identified two specific impacts. These are summarized below in Table 4.4.3, with mitigation measures noted. As discussed above, the regulatory environment for Global Climate Change and GHG emissions is still evolving. The OCP EIR was certified in 1995, prior to the passage of any state legislation regulating GHG emissions or their analysis under CEQA. Therefore, the OCP EIR did not address impacts related to greenhouse gas emissions and global climate change.

The OCP EIR analyzed air quality impacts associated with short-term construction and full buildout of the OPA, with a road network that included Clark Avenue in Old Town Orcutt. In reality, build out numbers and traffic volumes have been lower than what was anticipated. For example, the original analysis anticipated development of 1,992 new single-family units for Key Site 22 in anticipation of a potential rezone. This never occurred. The OCP EIR also analyzed air quality impacts for an assumed 900 new residential units at Rice Ranch while only 793 units were approved. For these two projects, the OCP EIR identified and mitigated air quality impacts 72 percent greater than realized to date.

Table 4.4.3 OCP EIR Air Quality Impacts and Mitigations

OCP FEIR Impact	Impact Summary	Impact Type	Mitigation
AQ-1	Significant ozone precursors. Implementation of the proposed Community Plan would result in potentially significant air quality impacts resulting from significant emissions of ozone precursors (ROC and NO _x) to a non-attainment air basin for ozone.	Class I	<p>AQ-3: Work with SMAT to extend and expand bus service.</p> <p>AQ-4: County to provide transit, bicycle, and pedestrian access.</p> <p>AQ-5: County to coordinate with Caltrans of park-and-ride facilities.</p> <p>AQ-6: County to develop a TDM program for new job-based developments</p> <p>AQ-7: County to revise off-site road impact fees to increase funding for alternative transportation modes.</p> <p>AQ-8: County to provide funding for new and expanded park-and-ride facilities</p> <p>AQ-9: County to use land planning that encourages the use of alternative transportation</p>

4.4 Air Quality

OCP FEIR Impact	Impact Summary	Impact Type	Mitigation
			AQ-11: Energy conservation methods recommended for all projects
AQ-2	Dust and PM₁₀ generation. Implementation of the Community Plan would result in potentially significant air quality impacts associated with the generation of fugitive dust and P M ₁₀ during construction related activities.	Class II	AQ-1: Future construction consistent with APCD control measures. AQ-2: Future construction to follow APCD requirements for NO _x and ROC emissions. AQ-10: Measures to minimize dust generation associated with all earth-moving activity
AQ-3	Inconsistent with Clean Air Plan growth rate. Buildout of the proposed Community Plan could result in potentially significant air quality impacts by allowing residential development at a rate which is inconsistent with the air quality attainment objectives contained in the 1994 Santa Barbara Clean Air Plan.	Class I	See above under AQ-1
KS22-AQ-1:	Short-Term Construction Related Emissions: Project grading could generate short-term construction-related impacts with regard to dust generation and emission from construction equipment if the project exceeds the County's threshold level of 2.5 tons/3month period for PM ₁₀ emissions. PM ₁₀ emissions for the project cannot be quantified at this time due to the lack of specific grading information.	Class I	KS22-AQ-1: Development shall be phased to avoid extended periods of construction activity with the potential to create emissions. The Specific Plan for Key Site 22 shall identify appropriate phasing for future development AQ-1 through AQ-3: shall also apply to Key Site 22
KS22-AQ-2	Long-Term Operational Emissions. Emissions from traffic associated with the development of 2,000 units would substantially exceed County thresholds of 25 pounds per day for either ROC or NO _x .	Class I	AQ-1: See discussion above.
Cumulative Impacts			
	Increased combustion of fossil fuels (primarily from increased automobile use) would increase Reactive Organic Carbons (ROC) and Nitrous Oxide (NO _x) emissions contributing to increased Ozone and adverse health risks.	Class I	

4.4.4 Impact Analysis

The OCP FEIR considered increased commercial and residential densities, and reducing speeds on Clark Avenue to facilitate a pedestrian safe, walkable commercial downtown. To accommodate lower speeds, subsequent to adoption of the OCP, Clark Avenue was restriped from four lanes to two lanes from Norris Street to Broadway, converting the road from an automobile thoroughway to a downtown "Main Street" with angle in curbside parking.

Vehicle Idling

With the existing two-lane configuration along Clark Avenue, peak hour vehicle delays are expected to increase at buildout between 2.6 seconds at the Clark Avenue and Foxenwood Lane intersection to a maximum additional delay of 22 seconds at the Clark Avenue and Twitchell

intersections at Buildout. Increases in delays, and therefore vehicle idling at intersections, will be offset by a reduction in regional trips using Clark Avenue, as motorists seek alternative routes like the new extension of Union Valley Parkway. Due to the relatively low background ambient CO levels in Santa Barbara County, localized CO impacts associated with congested intersections are not expected to exceed the CO health related air quality standards. Therefore, ~~SBCAPCD no longer requires recommends~~ CO hotspot analyses. ~~is- (SBCAPCD, 2010) The reason SBCAPCD no longer recommends measuring emissions related to vehicle idling is because they have a nominal contribution to overall vehicle emissions (SBCAPCD, 2010).~~

Subsequent to the certification of the OCP EIR, extensive nationwide studies have been conducted of the effects of increased density and the proximity of residential and commercial land uses in urban neighborhoods like Old Town Orcutt on average household vehicle miles travelled (VMT). These studies demonstrate that in communities where walking and bicycles become a viable alternative to the automobile, household VMT is lowered between 5 to 12 percent. A 25 percent lowering of VMT has been observed where alternative transportation is combined with higher employment concentrations, public transit, mixed uses, and other supportive demand management measures (Transportation Research Board, National Research Council, 2009). The Level of Service standard change from LOS "C" to "D" for Clark Avenue in Old Town Orcutt serves as a demand management measure to help establish Old Town Orcutt as a traffic-calmed mixed use destination. As a compact urban form continues to emerge in Old Town Orcutt, the increased opportunities to live near jobs, goods, and services and sustainable and viable alternatives to the automobile are realized, VMT reduction in Old Town Orcutt is expected to continue. A reduction in vehicle emissions, including GHG expected to be realized as a result of reduced VMT in Old Town Orcutt will be lower than the emissions identified in the OCP EIR. Therefore, reducing the LOS on Clark Avenue in Old Town Orcutt will not contribute to the significant impacts to air quality from emissions due to vehicle idling discussed in the OCP EIR.

Greenhouse Gas Emissions

Changing the existing LOS C for Clark Avenue in Old Town Orcutt to LOS D is consistent with OCP Goals and policies (See **Chapter 5.0, Consistency with Plans and Policies**), and provides an appropriate threshold for Old Town Orcutt. Changing the LOS will not change previously studied traffic volumes in the plan area. Some drivers with regional destinations will seek alternative routes, as Old Town Orcutt becomes traffic calmed. These trip habit changes were anticipated in the OCP EIR and alternate routes, such as Union Valley Parkway were selected and developed for this purpose. Changing the traffic level of service threshold of significance would introduce no additional new uses (residents, employees) that would measurably add mobile traffic, construction activity, or operational emission into the plan area.

As VMT reductions occur, attributable in part due to traffic demand management from changing the level of service standard on Clark Avenue in Old Town Orcutt from LOS C to D, a resulting reduction in GHG emissions is expected to be realized. In addition, since no change in land uses are being proposed that would result in an increase in the service population (residents + employees), no new vehicle trips not previously described in the OCP EIR are expected to occur.

Since no new land uses requiring conversion of fuel to energy for heating and electricity and no new vehicle trips that will result in combustion of fuel are being proposed as part of the OCP

~~2012 2011~~ Amendments, no new GHG emissions would occur, nor would the County's interim threshold of 6.6 MT CO₂e/Service Population/yr be exceeded.

4.4.5 Mitigation Measures

No significant new impacts to air quality associated with implementation of the OCP ~~2012 2011~~ Amendments have been identified; therefore, no new mitigation is required.

4.4.6 Changes in Environmental Effects and Residual Impacts

The County's attainment status has improved since adoption of the OCP EIR. Santa Barbara County is now in attainment of all federal ambient air quality standards including the federal eight-hour ozone standard, but does not meet the state one-hour ozone standard or the standard for particulate matter less than ten microns in diameter (PM₁₀). As discussed above, the OCP ~~2012 2011~~ Amendments do not propose any new land uses or result in new vehicle trips that would contribute new PM₁₀ emissions in the plan area not previously analyzed in the OCP EIR.

No new or changed land uses are being proposed as part of the OCP ~~2012 2011~~ Amendments that would create significant air quality impacts that were not previously analyzed in the OCP EIR. Nor would the project result in an increase in GHG emissions from vehicle trips or new uses, or cause increases to previously identified air quality impacts, therefore, no changes to the Level of Significance or residual impacts identified in the OCP EIR would occur.

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4.5 Aesthetics/Visual/Open Space

This section discusses the potential for the project to create new impacts to visual, aesthetic, and open space resources or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.5.1 Setting

Section 5.5 of the OCP EIR described the regional and plan area Aesthetics/Visual Resources/Open Space setting in the plan and is incorporated here by reference.

Regulatory Setting

County of Santa Barbara Comprehensive General Plan

Development must be consistent with the County of Santa Barbara Comprehensive General Plan. Land Use, Open Space, and Scenic Highways Elements which contain goals and policies that both recognize the area's scenic quality and provide guidance for its protection.

The Santa Barbara Comprehensive Plan Open Space Element identifies the following visual resources as providing significant aesthetic value

- Scenic roadway corridors;
- Park and recreational areas;
- Views of coastal bluffs, streams, lakes, estuaries, rivers, watersheds, mountains, and cultural resources sites; and
- Scenic areas.

Orcutt Community Plan Policies and Programs

The OCP is a part of the Comprehensive General Plan and contains the locally identified aesthetics, visual, and open space goals, policies, and development standards applicable to land uses in the plan area. Project consistency with adopted OCP goals and policies is discussed in **Section 5.0, Consistency with Plans and Policies**.

After adoption of the OCP, two design documents were prepared to guide the visual aesthetics of Old Town Orcutt: the *Old Town Orcutt Design Guidelines* and the *Old Town Orcutt Streetscape Plan*. These documents guide the architectural style and character of new development within the Pedestrian Area Overlay in a manner that emphasizes the history and character of Old Town. The Streetscape Concept Plan is intended to transform the setting of Clark Avenue from a high-speed automobile thruway to a pedestrian-oriented, aesthetically pleasing boulevard. The Concept Plan focuses on maximizing on-street parking opportunities, streetscape beautification, improving the safety and comfort of pedestrians, and maintaining quality of life in the adjacent residential neighborhoods.

County of Santa Barbara Land Use and Development Code

The *County of Santa Barbara Land Use and Development Code*, Chapter 35 Zoning of the Santa Barbara County Code, includes development standards protecting the visual resources of the area. Section 35.30.120 of the County's Land Use and Development Code (LUDC) provides restrictions on outdoor lighting to protect spillover onto adjacent properties. The LUDC also contains height and size limits, including guidelines for hillside development that regulate the design of future development.

4.5.2 Impact Analysis

Methodology

The County Visual Aesthetic Impact Guidelines (*Santa Barbara County Environmental Thresholds and Guidelines Manual*, October 2008) provide guidance in determining the importance of visual resources. Key factors in characterizing project site visual resources and their importance include the following:

- **Physical attributes such as undulating topography;** character and type of vegetation (native or non-native); proximity to or presence of water bodies such as ponds, lakes, creeks, or streams; and extent of open space. The presence of these attributes enhances the visual importance of the project site.
- **Relative visibility:** the more conspicuous the project site and physical attributes are as viewed from public viewpoints, the greater the importance of the visual resource.
- **Relative uniqueness:** the rarity of a particular type of view due to its natural character or the loss of similar types of visual resources from previous development increases the potential importance of the visual resource.

The Visual Aesthetic Impact Guidelines state that in terms of visibility, four types of geographic areas are especially important: coastal areas, mountainous areas, the urban fringe, and travel corridors.

The County of Santa Barbara has established Visual Resources Guidelines to provide a framework for assessing potential project impacts on aesthetics. Assessment of visual resources is based on evaluation of the physical attributes of the site, its relative visibility, and its relative uniqueness. The potential impact for a project to affect on-site and surrounding visual character and qualities is based on the assessment of the visual character of project features compared to the project setting. Determining compliance with local and state policies regarding visual resources is also an important part of visual impact assessment.

Significance Criteria

Based on criteria identified in the Santa Barbara County Thresholds Manual, the proposed project would result in a significant visual impact if it would result in one or more of the following conditions:

- Obstruct an important visual resource or view;

- Result in a project-specific condition or view, or cumulatively contribute to an existing condition or view that could be considered to be objectionable or inconsistent with the character of the project site or region;
- Result in development incompatible in appearance with surrounding uses, structures, or the intensity of existing development; or
- Create new glare sources that would substantially degrade existing visual conditions, or create light sources that would substantially alter nighttime lighting characteristics of the project area.

4.5.3 Previously Identified Impacts and Mitigation Measures

The OCP FEIR identified eight relevant general impacts and three site-specific impacts with regard to development of residences and roadways on Key Site 22. The OCP EIR also identified several mitigation measures, including mitigation specific to the Key Site 22. The identified impacts and mitigation measures are listed in Table 4.5.1.

Table 4.5.1 OCP EIR Aesthetics/Visual/Open Space Impacts and Mitigations

OCP FEIR Impact	Impact Summary	Impact Type	Mitigation
VIS-1	Transformation to Urbanization. Cumulative development potential under the OCP would transform the area from semi-rural to urban in character.	Class I	VIS-1a: Concurrently with the adoption of the Orcutt Community Plan, the County shall adopt an Open Space Overlay for the community of Orcutt to provide for the protection of contiguous bands of open space within the northern Orcutt, Orcutt Creek, Solomon Hills, and West Orcutt open space corridors. The purpose and intent of this overlay shall be to provide for long-term protection of contiguous bands of public and private open space. This overlay system shall be designed to protect the community's most scenic natural resources and landforms, including oak, eucalyptus and riparian woodlands, hillsides, ridgelines and significant windrows.
VIS-2	Increased Night Lighting. Development would increase nighttime lighting near the urban fringe.	Class II	VIS-2. Exterior lighting shall be directed away from open space areas and shielded. Night lighting shall not be permitted within or adjacent to wildlife corridors, unless essential for safety. VIS-2.a. Outdoor lighting shall be placed to minimize impacts to neighboring properties.
VIS-3	Unmaintained stormwater basins	Class II	VIS -3. All public and private retardation basins shall be designed to permit additional uses including active and passive recreation in more developed areas and wildlife habitat in more rural and biologically sensitive areas. The use of perimeter fencing shall be of a decorative nature in urban areas or designed to minimize interference with wildlife in more undeveloped areas. Perimeter landscaping of basins in urban areas shall consist of low maintenance trees and shrubs, as well as turf, etc. to accommodate recreational uses. Native trees, shrubs, and groundcover shall be used within basins in undeveloped areas. Maintenance shall be determined through implementation of the Landscape-Open Space Maintenance District.
VIS-4	Unmaintained Roadway Medians. If left unmaintained, roadway medians could present a significant visual impact.	Class II	VIS-4. All landscaping shall use drought-tolerant species that do not obstruct views for motorists, pedestrians, and cyclists.

OCP FEIR Impact	Impact Summary	Impact Type	Mitigation
VIS-7	Removal of Scenic Natural Resources. Removal of scenic natural resources could result in significant visual impacts.	Class I	None suggested
VIS-13	Open Space Fragmentation. Development within open space corridors would result in significant unavoidable visual impacts.	Class I	None suggested
KS22 VIS-1	Change in Visual Character of the Site: Development of 2,000 residential units on the site would create potentially significant impacts as a result of the change from open space and pastoral views to medium and high-density urbanization. Development in proximity to the Tanglewood Subdivision would also eliminate views of the Casmalia Hills.	Class I	KS22-VIS-1: The open space overlay shall be applied to Key Site 22 as depicted in Figure KS22-4.
KS22 VIS-2	Impacts to State Route 1 Scenic Corridor: Urbanization throughout the southern portions of the site could eliminate the scenic value of the northern side of the Highway 1 corridor between Black Road and Solomon Road, adversely impacting views from this scenic "gateway road" and creation potentially significant impacts through the construction of new development or masonry sound walls in proximity to the roadway.	Class II	KS22-VIS-2: No development (including fences) shall be located within 50-feet of the site's southern boundary. No structures shall be located within 100-feet of the southern boundary. Property fences along the State Route 1 corridor must be designed to allow for unobstructed views through the fence (e.g., polecraft fencing). Landscaping within these setbacks shall be designed to accentuate the semi-rural character of the area, and include sufficient densities of trees and shrubs to break building masses without obstructing primary views north from Highway 1.
Cumulative Impacts			
Impact VIS-17	Expansion of urban activities into existing rural open space. Expansion of the existing urban area would result in the loss of existing urban perimeters, alteration of overall community character, loss of regional open space, and loss of traditional community boundaries, creating significant and unavoidable cumulative regional open space/aesthetic impacts.	Class I	VIS-1a: (See above) VIS-1b: As part of adoption of the Open Space Overlay, the County shall adopt a unified open space plan for the general location and intensity of allowable uses within the open space overlay. The open space plan shall set standards for protection of significant natural resources, for provision of active and passive recreation and for the mitigation of the aesthetic impacts from development adjacent to designated open space areas. VIS-2: (See Above) VIS-9: The County shall adopt the Regional Open Space/Parkway plan proposed to be located between the City of Santa Maria and the community of Orcutt.
Impact VIS-18	Degradation of views from designated scenic corridors. Development of the proposed plan would result in significant and unavoidable cumulative visual impacts to scenic view corridors of US 101 and SR 1 through intrusion of extensive urban development and elimination of open space	Class I	None suggested

OCP FEIR Impact	Impact Summary	Impact Type	Mitigation
	and scenic vistas along the length of these roadways in the Santa Maria Valley.		

4.5.4 OCP Amendments Impacts Analysis

Important Views and Open Space No changes to the permitted land uses are proposed as part of the OCP ~~2012 2011~~ Amendments, therefore no additional impacts to important scenic resources from additional development in addition to the uses identified in the OCP EIR Section 5.1 is expected to result from implementation of this project. The removal of the partially implemented Regional Basins policy could reasonably reduce future construction impacts to existing open space area, since future development would no longer be expected to build offsite and flood control solutions would be implemented on a site-by-site basis.

Unmaintained Stormwater Basins Since the adoption of the OCP, two regional basins have been constructed, Basin B (Harp Springs) and Basin D (Rice Ranch), the locations of which are shown in Exhibit B.2. Both basins are maintained by the County as required by OCP development standard Dev Std FLD-O-4.1, requiring that revenues be designated for the long-term maintenance of the basin and landscape areas to ensure the basins remain visually attractive and do not accumulate debris or become overgrown with vegetation.

Night lighting Additional development within Old Town Orcutt will continue to create potential night lighting impacts related to implementation of revitalization policies in the OCP. Since the reduction of LOS would facilitate implementation of these policies, the resulting effects of these amendments would be similar to those impacts identified in the OCP EIR. Mitigation measures VIS-2 and VIS 2.1 (see Table 4.1.1 above) have been adopted as OCP Policy VIS-O-6.1 and Dev Std VIS-O-6.2 in the OCP, with which future projects would still be required to be consistent.

Scenic Natural Resources Policy VIS-O-1 requires protection of scenic and visual natural resources and mitigation was adopted and included as Policy VIS-O-2, Dev Std VIS-O-1.1, Dev Std KS22-2, requiring application of an Open Space Overlay, setbacks from major roadways, the incorporation of landscaping in developments adjacent to rural areas and open spaces, and siting of buildings and sound walls to avoid impacting public viewsheds and view corridors. With mitigations incorporated, the OCP EIR still identified unavoidable Class I impacts to visual resources resulting from the removal of scenic natural resources, including the open space fragmentation under the buildout scenario anticipated in the OCP.

Cumulative Impacts The OCP EIR identified cumulative impacts to aesthetics and open space from degradation of views from designated scenic corridors and expansion of urban activities into existing rural open space. Although the OCP EIR does not specify mitigation for impact VIS-18, this analysis determines that mitigation measures VIS-1a, VIS-1b, VIS-2, and VIS-9 address impacts from degradation of views associated with urbanization along scenic view corridors to the extent feasible using an open space plan, scenic corridors, and lighting requirements.

The OCP Amendments do not change the character of land uses and activities in the existing OCP to appreciably contribute to or create new cumulative effects to aesthetics/visual/open space. A Statement of Overriding Considerations was adopted for the OCP EIR, approving the OCP despite the significant and cumulative environmental impacts.

4.5.5 Mitigation Measures

No new impacts to aesthetics/visual resources/open space associated with implementation of the OCP Amendments have been identified; therefore, no new mitigation is required.

4.5.6 Changes in Environmental Effects and Residual Impacts

Implementation of the OCP ~~2012 2011~~ Amendments removing the wetlands delineation and regional basins policy would not significantly change the magnitude of impacts and cumulative impacts to aesthetics, visual, and open space previously identified in the OCP EIR as being associated with buildout of land uses in the Plan Area. Therefore, no Level of Significance changes would occur with implementation of the OCP ~~2012 2011~~ Amendments.

The OCP EIR identified permanent loss of open space, fragmentation of scenic areas, degradation of scenic views corridors, structural intrusion in to scenic areas, and cumulative impacts. The change in the level of service standard along Clark Avenue would continue to facilitate continued development in Old Town Orcutt of uses by contributing a traffic calming effect consistent with development policies in the OCP. Therefore, the cumulative impacts identified in the OCP EIR are expected to remain unchanged.

The OCP ~~2012 2011~~ Amendments do not change the intensity, location, or visual appearance of uses allowed in the plan area. Therefore, the aesthetics/visual resources/open space impacts related to night lighting, retardation basins, roadway medians, development in Old Town Orcutt, the use of firebreaks, and extension of Union Valley Parkway are expected to remain unchanged.

4.6 Land Use

This section discusses the potential for the project to create new impacts to land use, or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.6.1 Setting

OCP EIR **Section 5.1, Land Use**, and **Section 3.0, Environmental Setting** of this document details the environmental setting for the land uses regulated by the OCP. OCP EIR **Section 5.1, Land Use**, describes the infrastructure and services. The Board of Supervisors has amended the land use designations established in the OCP on occasion consistent with state law and the Countywide Comprehensive General Plan. In 2004, the Board adopted the Pedestrian Area-Old Town Orcutt (PA-OTO) Overlay zone. The PA-OTO Overlay zone increased the threshold that requires approval of a Development Plan (DP), included front property line build-to requirements eliminated setbacks in the core area, eliminated building coverage limits, and eliminated onsite-parking requirements for commercial uses in Old Town.

Regulatory Setting

Santa Barbara County regulates the design of the built environment through its Comprehensive General Plan, which includes community plans, and its Land Use and Development Code (LUDC). New development must be consistent with the General Plan and the OCP policies and development standards.

4.6.2 Impacts Analysis

Methodology and Significance Criteria

The *Santa Barbara County Environmental Thresholds and Guidelines Manual* (October 2008) does not contain land use thresholds, although it does contain guidance for quality of life issues. Quality of life issues, while hard to quantify, are often primary concerns to the community affected by a project. Examples of such issues include the following:

- Loss of privacy;
- Neighborhood incompatibility;
- Nuisance noise levels (not exceeding noise thresholds);
- Increased traffic in quiet neighborhoods (not exceeding traffic thresholds); and
- Loss of sunlight/solar access.

The County interprets the CEQA mandate for maintaining a high quality environment strictly, and considers the maintenance of a high quality human environment an important responsibility. The *CEQA Guidelines Environmental Checklist* identifies potentially significant land use impacts as those that would

- Physically divide an established community.
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

4.6.3 Previously Identified Impacts and Mitigation Measures

Cumulative Analysis

The original OCP EIR identified significant unavoidable (Class I) land use impacts due to population growth causing loss of open space and agricultural land, and fiscal impacts to government services. The OCP EIR also identified increases in regional traffic as a Class II impact.

Table 4.6.1 OCP EIR Land Use Impacts and Mitigation Measures

OCP EIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
LU-1	Increase in Regional Traffic.	Class II	LU-1: Increase and promote commercial and industrial opportunities in Orcutt.
LU-2	Economic Fiscal Impacts	Class I	LU-2: Work with Caltrans to incorporate alternate transportation and freeway improvements. LU-1: See above.
LU-3	Conversion of Agricultural Land	Class II	LU-3: Review plan to determine if increased densities are feasible to promote transit.
LU-4	Urbanization of rural and semi-rural areas.	Class I	LU-3: See above.

4.6.4 Impact Analysis

The OCP ~~2011~~2012 Amendments do not change current designated land uses and permit levels that would divide an established community or conflict with the goals or policies in the Comprehensive General Plan, OCP or LUDC. As detailed in **Section 4.2, Flooding and Drainage** in this Supplemental EIR, the Regional Basins program has already been installed to the extent practical. Removal of the program formalizes eliminating a program which has proven largely infeasible to implement any further. Therefore, removing the requirement would help facilitate implementation of new regulatory Low Impact Development (LID) requirements in local plans. As discussed in **Section 4.3, Biological Resources**, removal of the wetlands delineation does not remove a landholder's obligation to comply with the state and federal Endangered Species Acts and the Clean Water Act. Therefore, the project will not cause a new significant impact by interfering with a habitat conservation plan. **Section 4.1, Transportation** describes how changing a traffic level of service standard from LOS C to D is a policy preference to installing roadway and intersection improvements to facilitate free flow of traffic at high speeds in a designated pedestrian downtown area. The choice is consistent with the Old Town Orcutt traffic calming policies in the OCP. Consistent with the OCP policies for Old Town, a traffic-calmed downtown will contribute to quality of life for the residents of Orcutt. Therefore, the OCP ~~2011~~2012 Amendments would not create any quality of life or land use impacts.

4.6.5 Mitigation Measures

No new impacts to land use associated with implementation of the OCP Amendments have been identified; therefore, no new mitigation is required.

4.6.6 Changes in Environmental Effects and Residual Impacts

The proposed amendments would not result in any significant new or changed land use impacts that were not analyzed in the OCP FEIR. Therefore, no changes to the Level of Significance would occur.

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4.7 Agricultural Resources

This section discusses the potential for the project to create new impacts to agricultural resources or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.7.1 Setting

Chapter 5.3 and OCP EIR Volume II (Key Sites) describe the agricultural setting for the region and plan area in detail and are incorporated herein by reference.

Regulatory Setting

Comprehensive General Plan Policies and Goals

The following agricultural goals and policies are taken from the County's Comprehensive Plan Land Use Element, the Environmental Resources Management Element (ERME), and the Agricultural Element.

Land Use Element

Agriculture: In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soil shall be reserved for agricultural uses.

Environmental Resource Management Element (ERME)

The Santa Barbara County Comprehensive Plan Environmental Resources Management Element (ERME) states that existing croplands on prime soils should be preserved. For agricultural lands on less than prime soil, is should be preserved insofar as possible.

Agricultural Element

The Agricultural Element goals and policies are briefly summarized below:

Goal I speaks to the preservation, encouragement, and enhancement of agriculture. This is accomplished through policies which discourage incompatible uses, promote an agriculturalist's freedom for determining methods of operation, encouraging land improvement programs, supporting the Williamson Act, recognizing certain nuisances are part of agricultural operations, protecting the availability of resources for agriculture, and encouraging sustainable agricultural practices on agricultural land.

Goal II calls for agricultural land to be protected from adverse urban influence. This is accomplished through policies which prevent flooding and silting from urbanization, protect agricultural property from being illegally violated, discourage expansion of urban spheres of influence, and discouraging conversion of highly productive agricultural lands.

Goal III calls for the preservation of remaining agricultural lands in cases where it is necessary to convert agricultural lands to other uses. This goal is achieved through implementation of plan policies that discourage the expansion of urban development into active agricultural lands, and the retention of productive agricultural land within urban boundaries.

Goal IV recognizes that agriculture can enhance and protect natural resources, and therefore these operations should be encouraged to incorporate resource protection techniques. This goal is accomplished through policies that encourage range improvement and fire reduction programs, the use of agriculture on certain slopes to prevent erosion, and preventing grading and brush clearing on hillsides, which would cause excessive erosion.

Goal V calls for the County to allow for areas and installations of uses supportive to agriculture

4.7.2 Impacts Analysis

Methodology and Significance Criteria

The County of Santa Barbara has adopted Agricultural Resource Guidelines as part of the *Santa Barbara County Environmental Thresholds and Guidelines Manual* (October 2008). The guidelines contain two thresholds pertaining to impacts on agricultural resources. The first is as follows:

- Will the proposal result in the conversion of prime agricultural land to non-agricultural use, impairment of agricultural land productivity (whether prime or non-prime), or conflict with agricultural preserve programs?
- Will the proposal result in any potentially significant adverse effect upon any Unique or other farmland of State or Local Importance?

To answer the first question, the County of Santa Barbara uses a weighted point system to assign relative values to particular factors of a site's agricultural productivity in order to determine the potential for a project to have a significant impact on agricultural land and/or productivity. Factors that are considered in the analysis included parcel size, soil classification, water availability, existing and historic land use, comprehensive plan designation, adjacent land uses, agricultural preserve potential, and combined farming operations. Based on these factors, a numeric score is determined and compared to County thresholds to determine significance. In accordance with County thresholds, the conversion from agricultural use is significant if the point totals from the above factors equal 60 or more.

To answer the second question, the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) is used. The FMMP provides statistical data on farmland conversion at the county and State level, and produces Important Farmland Maps, which uses soil characteristics and land use information to identify areas of high agricultural suitability. The map is also considered in applying points under the "Agricultural Suitability" category.

The OCP EIR was prepared prior to the County establishing the current methodology for assessing the potential for a proposed project to impact agricultural resources.

4.7.3 Previously Identified Impacts and Mitigation Measures

The OCP EIR mapped prime soils, land in agricultural preserves, and examined alternatives that would reduce the potential for impacts to agriculture from development in the plan area. Land uses within Key Site 22 consists of agricultural production and support along with several single-family residences. The OCP considered the potential impacts to the Plan Area should Key Site 22 be rezoned to Planned Development with a potential for 2,000 residences.

Table 4.7.1 OCP EIR Agricultural Resources Impacts and Mitigations

Impact	Impact Summary	Impact Type	Mitigation
AG-1	Conversion of Agricultural Land. Conversion of 1,100 acres of graze land and 550 acres of cultivated land to urban uses would substantially reduce agriculture in Orcutt and the Santa Maria Valley.	Class I	AG-1: County land use planning efforts shall include use of higher density zone districts (6 units per acre and above) to maximize the holding capacity of the urban areas and retain the maximum amount of agricultural land.
AG-2	Land Use Conflicts: Construction of roughly 2,000 residential units in West Orcutt, extend the urban boundary into or adjacent to ongoing agricultural operations, including spray disposal of wastewater effluent, that would substantially increase the likelihood of land use conflicts such as pesticide spray drift, trespassing and vandalism, disturbance to livestock, noise and dust.	Class I	<p>AG-2: Fencing shall be installed along property lines or across ends of street stubs contiguous to agricultural operations unless a waiver to the satisfaction of Planning and Development is obtained from the adjacent property owner(s). Said fencing shall be designed, installed, and maintained to protect agricultural land from residential incursion. The farmer(s) and adjacent residents should be encouraged to explore methods of interfacing agricultural and urban land uses.</p> <p>AG-3: A buyer beware notification shall be recorded on a separate information sheet with the final tract and/or parcel maps of properties within 1,000 feet of agriculturally zoned land, informing the buyers that: the adjacent property is zoned for agriculture and is located in an area that has been planned for agricultural uses, and that any inconvenience or discomfort from properly conducted agricultural operations, including noise, odors, dust, and chemicals, will not be deemed a nuisance.</p> <p>AG-4: All new urban development which borders on agriculturally designated lands in, either in production or with a reasonable potential to be brought into production, shall include the use of setbacks and the planting of hedges and/ or windrows with a sufficient density of trees and shrubs to screen residential areas from adjacent agricultural activities.</p> <p>KS22-AG-1.1: Development plans for the site shall include windrows of trees along the site's southern and southwestern boundaries to provide a buffer area (e.g. block over-spray) from adjacent agricultural uses.</p>
Cumulative Impacts			
	Conversion of 1,100 acres of graze land and 550 acres of cultivated land to urban uses would contribute to a Countywide loss of 7 percent of the 40,000 acres of irrigated farmland in the	Class I	AG-1: See above discussion.

Impact	Impact Summary	Impact Type	Mitigation
	Santa Maria Valley and significantly impact the viability of agriculture in the region.		

4.7.4 OCP Amendments Impact Analysis

The OCP ~~2012 2011~~ Amendments do not propose changes to land uses or permitting that would change the potential for land uses in the OCP to convert agricultural land to non-agricultural uses, impair productivity of agricultural land, nor result in an adverse effect prime or non-prime important farmland. Therefore, no additional impacts to agricultural resources beyond those identified in the OCP EIR.

4.7.5 Mitigation Measures

The proposed amendments would not result in any new significant environmental impacts that were not analyzed in the OCP EIR or cause increases to identified impacts, and therefore, no mitigation is required.

4.7.6 Changes in Environmental Effects and Residual Impacts

The OCP EIR incorporated mitigation measures to address the conversion of agricultural land to urban uses and potential conflicts between agricultural and urban uses. The OCP EIR mitigated the conversion of agricultural land to urban uses by zoning for low density residential uses adjacent to Rural Areas, but determined that it would remain a significant and unavoidable Class I impact. Similarly, the OCP EIR determined that mitigation measures incorporated into the OCP and applied to development of Key Site 22 would help reduce potential impacts associated with conflicts between agricultural and urban land uses, but the impact would remain a significant and unavoidable Class I impact. The removal of a wetland delineation map from the OCP and OCP EIR and changes to the transportation level of service for Clark Avenue would not change existing allowable land uses and therefore would not increase the magnitude of significant impacts to agriculture identified in the OCP EIR.

4.8 Noise

4.8.1 Setting

Vehicular traffic along Clark Avenue in Old Town is the primary existing noise source in the area of the project site. The OCP FEIR determined that the existing noise levels along this stretch of roadway are 58.1 dBA and would increase to 63.4 at Buildout of the OCP. The OCP FEIR also analyzed temporary construction related noise impacts.

Regulatory Setting

The County of Santa Barbara reviews projects for their potential to create noise related impacts to sensitive receptors, such as residences, hospitals, schools, guest lodging, and libraries. The County of Santa Barbara *Comprehensive General Plan Noise Element* (1986) policies establish the interior and exterior noise limits which are applied to projects through the *County of Santa Barbara Environmental Thresholds and Guidelines Manual* (2008).

4.8.2 Previously Identified Impacts and Mitigation Measures

The original OCP FEIR identified four noise impacts and mitigation measures to address the impacts. The maximum noise exposure for indoor living areas is 45 dBA CNEL. The noise level standard for outdoor residential uses and other sensitive receptors is 65 dBA CNEL.

Table 4.8.1 OCP EIR Noise Impacts and Mitigation Measures

OCP FEIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
NSE-1:	Noticeable noise level increase	Class II	NSE-1: Development shall locate noise sensitive uses away from 65dB (A) CNEL contours.
NSE-2	Noise Levels exceeding 65 db (A) CNEL.	Class II	NSE-2: Interior noise levels shall not exceed 45 db (A) CNEL.

4.8.3 Impact Analysis

The extent of potential development and associated traffic generation and projected noise levels from land uses in the OCP have been adequately evaluated in the FEIR. None of the proposed OCP ~~2012~~ ~~2011~~ Amendments would increase land use intensity or change permitting of these land uses. Therefore, no additional noise impacts beyond those analyzed in the OCP EIR would occur.

4.8.4 Mitigation Measures

No new noise impacts associated with implementation of the OCP Amendments have been identified; therefore, no new mitigation is required.

4.8.5 Changes in Environmental Effects

The proposed amendments would not result in any new significant environmental impacts that were not analyzed in the OCP FEIR, and therefore, no changes to the Level of Significance would occur.

4.9 Cultural and Historic Resources

This section discusses the potential for the project to create new impacts to cultural and historic resources or change the level of impacts previously analyzed in the Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR).

4.9.1 Setting

The archaeological and historic resources of the region and the potential for impacts to these resources from development of land uses in the OCP are detailed in **Section 5.7, Archaeological Resources** and **Section 5.8, Historic Resources** in the OCP FEIR, and incorporated herein by reference.

Regulatory Setting

A cultural resource may be designated as significant by National, State, or local authorities. In order for a resource to qualify for listing in the National Register of Historic Places (NHRP) or the California Register of Historical Resources (CRHR), it must meet one or more identified criteria of significance.

4.9.2 Impacts Analysis

Methodology and Significance Criteria

A finding of archaeological significance follows the criteria established in the *CEQA Guidelines* and the *Cultural Resources Guidelines, Archaeological, Historical, and Ethnic Elements* section of the *County of Santa Barbara Environmental Thresholds and Guidelines Manual*.

CEQA Guidelines Section 15064.5, Determining the Significance of Impacts to Archaeological Resources, states:

"Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res.Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource

may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”

County criteria for “important archaeological resource” are identical to the CEQA criteria listed above. Historical resources are “significantly” affected if there is demolition, destruction, relocation, or alteration of the resource or its surroundings. Generally, impacts to historical resources can be mitigated to below a level of significance by following the Secretary of the Interior’s *Guidelines for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the Secretary of the Interior’s *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* [13 PRC 15064.6 (b)].

4.9.3 Previously Identified Impacts and Mitigation Measures

The OCP EIR identified known pre-historic archaeological sites, mixed archaeological sites (containing both historic and pre-historic resources), and isolated artifacts in the plan area. Four pre-historic archaeological sites and seven pre-historic isolated artifacts were identified on Key Site 22 (Isera Group 1995).

The OCP EIR determined that potential remaining archaeological sites in the plan area could be found in areas with common topographic and geographic features. These areas have proximity to water, such as rivers, creeks, lakes, or natural springs, level slopes as on mesas or floodplains, marsh/wetland areas, and drainage confluences. The Casmalia and Solomon Hills, as well as all creek corridors within the plan area, should be considered highly sensitive archaeological regions with the potential for the future discovery of significant cultural resources. Since a number of these sites are small pre-historic campsites, where because of their low-density nature, they are often mistakenly considered insignificant and not preserved.

Destruction and removal of resources and changes to the historic character of Old Town Orcutt (ARCH 1-through ARCH-3, and HIST that would occur during from development of land uses in the OCP were the impacts

Table 4.9.1 OCP FEIR Archaeological and Historic Resources Impacts and Mitigation Measures

OCP FEIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
ARCH-1	Destruction of resources. Buildout of the Community Plan would result in <u>potentially significant</u> impacts to archaeological resources due to the destruction of pre-historic resources as a direct result of surface and subsurface grading	Class II	<p>ARCH-1: All development within the boundaries of known archaeological sites shall be avoided and the site contained in open space or conservation easements to avoid damage.</p> <p>ARCH-2: Where a significant archaeological site is contiguous with an area designated as Open Space, the boundaries of the Open Space Overlay (Figure 2-14) shall be adjusted to fully encompass the archaeological site and a minimum 50-foot buffer surrounding the site.</p> <p>ARCH-3 and ARCH 4: If avoidance of archaeological sites is not possible, a Phase 2 subsurface testing program shall be completed prior to issuance of a Land Use Permit on the property to evaluate the nature, extent and significance of the cultural resource.</p> <p>ARCH-5 and ARCH 8: All earth disturbances including scarification and placement of fill within archaeological sites shall be monitored by a County-qualified archaeologist and a Native American representative pursuant to County archaeological guidelines.</p> <p>ARCH-6: The archaeological site shall be protected by a 50-foot buffer during capping or recovery.</p> <p>ARCH-7: Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited on Key Sites #3, 12, 14, 21 and 22.</p> <p>ARCH-9: Prior to issuance of a Land Use Permit on Key Sites that have not been surveyed a Phase 1 archaeological survey shall be prepared.</p> <p>ARCH-10: In the event that archaeological or paleontological remains are uncovered during construction on any site, excavation shall be temporarily suspended and redirected until a County-qualified archaeologist and Native American representative are retained by the applicant to evaluate the find. If an archaeological site is found, Mitigation Measures ARCH-1 through ARCH-9 shall apply.</p>
ARCH-2	Increased pilferage and vandalism. Buildout of the Community Plan would result in <u>potentially significant</u> impacts to archaeological resources due to increased incidents of pilferage and vandalism.	Class II	ARCH 2 and ARCH 8 apply.
ARCH-3	Cumulative impacts from grading and pilferage/vandalism. Cumulative buildout of the Orcutt Community Plan, together with development within the City of Santa Maria boundaries and on Vandenberg Air Force Base, could result in <u>potentially significant</u> impacts due to destruction of pre-historic archaeological resources as a direct result of surface and subsurface grading, as well as increased incidents of pilferage and vandalism.	Class I	No mitigation available.
HIST-1	Construction of structures, roads, paths and trails, utilities and parks	Class II	ARCH-1, -2, -3, -4, -6, -7, -8, and -10 apply

OCP FEIR Impact	Impact Summary	Impact Type	OCP FEIR Mitigation
	on historic sites could result in destruction of historic resources which is <u>potentially significant</u> .		
HIST-2	Development in the Solomon Hills where remains of former residences lay scattered could have a potentially significant impact on their integrity and historical context.	Class II	HIST-1: The open space overlay shall be applied in a manner that preserves the historical context of the Solomon Hills to the greatest extent feasible.
HIST-3 HIST-4	Removal of historically significant and prominent structures and construction in Old Town would have a <u>potentially significant impact</u> .	Type II	HIST-3: Establish a Historic District in Old Town. HIST-4: Adopt an ordinance prevent the destruction of historically significant structures.
Key Site 22			
KS22-ARCH/HIST-1	Destruction or Displacement of Archaeological or Historic Resources: Grading and construction activities associated with construction of roads, homes, or along Orcutt Creek could result in the destruction or displacement of archaeological resources is considered a <u>potentially significant impact</u> .	Type II	KS22-ARCH 1.1 through KS-ARCH-1.3: require application of the Open Space Overlay, development setbacks and buffers, and the preparation of a Phase II investigation to protect known archaeological resources onsite. KS22-HIST-1.4: and KS22-HIST -1.5: Require mapping of resources known to exist at specific locations of KS22.

4.9.4 Impact Analysis

The OCP ~~2012~~ ~~2011~~ Amendments do not propose changes to the permitted land uses in the OCP for which the OCP EIR assessed impacts. Removing the regional basins policy, the wetlands delineation from Key Site 22, and changing the traffic level of service standard for the Clark Avenue roadway segment in Old Town Orcutt would not change requirements in the OCP and standard county conditions of approval that require protection of important archaeological and historic resources during development in the plan area. Therefore, no new impact to cultural resources will occur with implementation of the OCP 2011 Amendments.

4.9.5 Changes in Environmental Effects and Residual Impacts

The proposed amendments would not result in any new significant environmental impacts that were not analyzed in the OCP FEIR or increases to identified impacts, and therefore, no changes to the Level of Significance would occur. The known significant pre-historic archaeological resources will still be feasibly avoided through inclusion in the open space overlay or other protected area and through implementation of the other mitigation measures in the OCP EIR. Therefore, ARCH-1, HIST-1, and HIST-2 are expected to remain **Significant but Feasibly Mitigated (Class II)**. Impacts to resources on unsurveyed parcels could be feasibly mitigated by future Phase 1 surveys and if necessary, avoidance and other mitigation measures described above. Therefore, Impact ARCH-2 would remain a **Significant but Feasibly Mitigated (Class II)** impact.

The OCP ~~2012~~ ~~2011~~ Amendments would not change the implementation of the mitigation measures identified above that address impacts to cultural resources in the Solomon Hills, Old Town Orcutt, and on Key Site 22. These impacts would remain feasibly mitigated by application of the Open Space Overlay, a Historic District and site-specific mitigation and surveys described

above. Therefore, Impacts HIST 3, HIST-4, and KS22-ARCH/HIST-1 would at a **Significant but Feasibly Mitigated (Class II)** level.

No changes to the application of avoidance by site design and buffer area mitigation measures would occur with the implementation of the OCP ~~2012 2011~~ Amendments. Therefore, the increased pilferage and vandalism identified in the OCP EIR would remain likely to occur and would remain a **Significant and Unavoidable (Class I) Cumulative Impact**.

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5.0 Consistency with Plans and Policies

California Environmental Quality Act (CEQA) Guidelines section 15125(d) requires that a project be evaluated to determine potential inconsistencies with applicable adopted general plans, policies and goals of the community where it is located, as well as any regional plans that may apply (e.g., air quality attainment plans, regional transportation plans, etc.). Since the Orcutt Community Plan (OCP) serves as an implementing component of the County of Santa Barbara Comprehensive General Plan, the policies, programs, development standards, and actions in the Community Plan must be consistent with the General Plan.

The project's consistency with the General Plan is analyzed in Section 3.0 of the OCP EIR (95-EIR-1). This section evaluates the consistency of the OCP ~~2012~~ 2011 Amendments with relevant plans and policies, including the General Plan, The Clean Air Plan and the Congestion Management Plan. In accordance with state planning law, the OCP Amendments must be consistent with the General Plan.

5.1 Local and Regional Plans and Policies

The entire Plan Area is subject to the County of Santa Barbara Comprehensive Plan. Regional policy documents include the Santa Barbara County Air Pollution Control District's (SBCAPCD) Clean Air Plan (CAP) and the County of Santa Barbara Congestion Management Plan (CMP). The CAP is described below and in **Section 4.3, Air Quality**. These OCP Amendments address three specific changes identified by staff to 1) update drainage standards, 2) respond to a court order, and 3) revise a roadway segment's traffic operations level of service (LOS) for consistency with OCP policies for Old Town Orcutt.

5.1.1 County of Santa Barbara Comprehensive General Plan

Under California law, each County must adopt a General Plan to document its goals and policies for future development of the community. A General Plan must include the following mandatory elements: Land Use, Circulation, Housing, Open Space, Conservation, Noise, and Safety. The County of Santa Barbara General Plan also includes Agriculture, Environmental Resource Management, Energy Conservation, Scenic Roadways, Seismic Safety and Hazardous Waste Elements. Each element contains goals and policies pertaining to its environmental resource. The OCP sets policy consistent with the countywide General Plan for the region within the plan boundary.

5.1.2 Clean Air Plan

Orcutt is located within the South Central Coast Air Basin and is within the jurisdiction of the Santa Barbara County Air Pollution Control District (APCD). In conjunction with the Santa Barbara County Association of Governments (SBCAG), the APCD is responsible for formulating and implementing air pollution control strategies. SBCAG assists APCD in fulfilling these responsibilities. **Section 4.10, Air Quality**, provides a discussion of the Plan's consistency with the AQMP.

APCD is currently updating the 2007 Clean Air Plan to address the California Clean Air Act and the Federal Clean Air Act mandates for ozone.¹ The 2007 Plan is a maintenance plan for the federal eight-hour ozone standard and provides a three-year update to the APCD's 2004 Clean Air Plan for the attainment of the State one-hour ozone standard. The control strategy includes a set of transportation control measures, including ridesharing, employee-based transportation systems management programs, bicycling, motor vehicle improvements, and alternative work schedules; and since the control measures are designed to reduce emissions overall, CO₂ emissions are also expected to decrease. The OCP ~~2012 2011~~ Amendments will not change the land uses in the OCP whose air quality effects were previously identified and analyzed in the OCP EIR, therefore the project is consistent with the CAP.

5.1.3 Congestion Management Plan

The Congestion Management Program (CMP) is a state-mandated program enacted by the state legislature to address the increasing concern that urban congestion is affecting the economic vitality of the state and diminishing the quality of life in many communities. As a new approach to addressing congestion, the CMP was created to: 1) link land use, transportation, and air quality decisions; 2) develop a partnership among transportation decision makers on devising appropriate transportation solutions that include all modes of travel; and 3) propose transportation projects that are eligible to compete for state gas tax funds. SBCAG is responsible for the development and implementation of the countywide CMP required in all urban counties. The CMP, adopted in 1992 and most recently revised in 2009, is a comprehensive program designed to reduce auto-related congestion. The CMP identifies capital improvements, a system of highways and roadways with minimum level of service (LOS) standards, transit standards, a trip reduction and travel demand management element, a program to analyze the impacts of local land use decisions on the regional transportation system, and a countywide computer model to evaluate traffic congestion and recommend relief strategies and actions. The CMP incorporates procedures for meeting deficiency plan requirements, or strategies that mitigate or improve congestion and air quality (SBCAG, 2009). Proposed projects that have the potential to affect the designated CMP network (mostly main-line freeway segments) are required to identify and mitigate their adverse effects on the network. Environmental documentation for these project-specific entitlements incorporates an assessment of associated vehicular trips that might affect CMP consistency.

Legislation requires that SBCAG, the Congestion Management Agency (CMA) for Santa Barbara County, establish LOS standards for measuring performance of the CMP network highways and local arterials. As detailed in **Section 4.1, Transportation**, LOS A is characterized by free-flow conditions with little or no delay. LOS F represents forced flow where operating volumes exceed the capacity, resulting in greatly reduced travel speeds (on freeway, highway, or arterial segments) or excessive queues and delays (at intersections). SBCAG and the local agencies selected a minimum acceptable LOS of "D" for intersections and roadways when the CMP was initiated in 1991. The standard only applies to the CMP Highway and Street Network Facilities (intersections and roadways) listed in the CMP. If any facilities are found to be operating below

¹ The SBCAPCD adopted the 2010 Clean Air Plan at its January 2011 meeting.

this standard, a deficiency plan must be prepared. Although, the Clark Avenue segment is a part of the CMP street network, none of the Clark Avenue intersections or roadway segments proposed for a reduction of the traffic level of service from LOS C to LOS D as part of the OCP ~~2012 2011~~ Amendments is listed as a CMP facility. The traffic level of service change reflects a policy preference directly associated with the land uses in the OCP and no changes to these land uses that would generate new traffic trips is proposed. Since the OCP ~~2012 2011~~ Amendments traffic level of service change for Clark Avenue in Old Town Orcutt will not change LOS on CMP identified facilities, exceed the LOS standard in the CMP, nor generate new traffic trips, the project is consistent with the CMP.

5.2 Policy Consistency Analysis

Table 5-1 provides a preliminary evaluation of the proposed OCP ~~2012 2011~~ Amendments consistency with applicable County policies. The final determination of consistency will be made by the Board of Supervisors, with recommendations from staff. A complete analysis of plan consistency of the OCP policies, programs, development standards, and actions occurs in the OCP EIR (95-EIR-1) Section 3.0.

Table 5.1: Consistency with County of Santa Barbara Plans and Policies	
POLICY	CONSISTENCY ANALYSIS
Comprehensive General Plan	
Land Use Element	
<u>Land Use Element - Flood Hazard Area Policies</u>	
<ol style="list-style-type: none"> 1. All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with federal regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finished floor elevations are two feet above the projected 100-year flood elevation, and the other requirements regarding materials and utilities as specified in the Flood Plain Management Ordinance are in compliance. 2. Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream 	<p>Consistent New Policy FLD-O-4 requires that all applications for development within the OCP area comply with Chapters 15A, 15B, and Chapter 24 Section 24-7 of the Santa Barbara County Code, the Santa Barbara County Floodplain Management and Development Along Watercourses Ordinances. Compliance with these ordinances ensure potential flood related impacts associated with development in the Plan Area are mitigated appropriate to each case. Depending on the project and its location, applicants will be required to either install a regional basin, provide onsite retention facilities, or connect to an existing basin.</p> <p>New development standard Dev Std FLD-O-4.1 requires all project applicants to submit detailed plans to the <i>Flood Control and Water Conservation District</i> demonstrating how the project meets County standards and</p>

Table 5.1: Consistency with County of Santa Barbara Plans and Policies

POLICY	CONSISTENCY ANALYSIS
<p>channelizations, etc.</p> <p>3. All development shall be reviewed in accordance with the requirements of County Code Chapter 15A-Floodplain Management and 15B-Development Along Watercourses.</p>	<p>incorporates the appropriate drainage system that meets applicable National Pollutant Discharge Elimination System (NPDES) standards.</p>
<i>Circulation Element</i>	
<p><u>Circulation Element Policy A</u> The roadway classifications, intersection levels of service, and capacity levels adopted in this Element shall apply to all roadways and intersections within the unincorporated area of the County, with the exception of those roadways and intersections located within an area included in an adopted community area plan. Roadway classifications, intersection levels of service, and capacity levels adopted as part of any community or area plan subsequent to the adoption of this Element shall supersede any standards included as part of this Element.</p>	<p>Consistent OCP Policy CIRC O-3 will be amended to establish a minimum Level of Service (LOS) D for Clark Avenue roadway segments and intersections between Blosser Road and Foxenwood Lane. By reducing the level of service standard on Clark Avenue to LOS D, the County is seeking to reduce the incidence of high-speed pass through traffic trips in Old Town Orcutt and accommodate trips by people choosing Old Town as their destination; those looking to park and patronize Old Town Orcutt businesses.</p> <p>In addition, construction of the Union Valley Parkway extension and 101 freeway interchange has been underway consistent with OCP Policy CIRC-O-5 calling for regional serving transportation facilities Reducing regional traffic pressure on Clark Avenue supports OCP policies which call for traffic calming in Old Town Orcutt and to alleviate pressure on the roads serving trips with local destinations (See OCP Consistency discussion below).</p>
<p><u>Circulation Element Policy E</u> A determination of project consistency with the standards and policies of this Element shall constitute a determination of project consistency with the Land Use Element's Land Use Development Policy #4 with regard to roadway and</p>	<p>Consistent Since the OCP Circulation Element supersedes the countywide Circulation Element, approval of minimum Level of Service (LOS) D as part of the OCP 2012 Amendments would by definition be consistent with Circulation Element Policy E.</p>

Table 5.1: Consistency with County of Santa Barbara Plans and Policies	
POLICY	CONSISTENCY ANALYSIS
intersection capacity.	
<i>Orcutt Community Plan Policies</i>	
<p><u>Flooding, Drainage, and Water Quality</u></p> <p>Policy FLD-O-1: <i>Flood Risks in the Orcutt planning area shall be minimized through appropriate design and land use controls.</i></p> <p>Policy FLD-O-2: <i>Off-site runoff associated with development should be minimized.</i></p> <p>Policy FLD-O-3: <i>Short-term and long-term erosion associated with development shall be minimized.</i></p>	<p>Consistent The regional basin program will be replaced with a new Policy FLD-O-4 and Dev Std FLD-O-4.1 permitting flood control measures to be implemented on a case-by-case basis consistent with County standards and the State General Permit under the National Pollutant Discharge Elimination System (NPDES) program. The County of Santa Barbara Public Works, Flood Control District and Project Clean Water will review development projects in the Plan Area to determine appropriate detention and treatment control options.</p> <p>Depending on the project and its location, applicants will be required to either install a regional basin, onsite retention facilities, or connect to an existing basin. Applicants will be required to submit detailed plans to the Flood Control and Water Conservation District demonstrating how the project will comply with drainage and NPDES standards.</p>
<p><u>Old Town Orcutt Pedestrian Oriented Downtown</u></p> <p>Policy OT-O-2: <i>The County should develop and implement an Old Town Revitalization Program as expeditiously as possible, which includes circulation improvements for Old Town.</i></p> <p>Program OT-O-2.1: <i>Planning and Development and Public Works should develop a Traffic/Circulation Plan identifying methods to improve roadway circulation, public transit, parking, and bicycle and pedestrian</i></p>	<p>Consistent Implementation of the OCP policies to revitalize Old Town, lane reductions, and the Concept Plan has changed the roadway operating conditions in Old Town Orcutt. The Traffic Study was prepared to assess existing traffic conditions and the potential traffic impacts related to the implementation of policy changes specific to Old Town Orcutt.</p> <p>The Traffic Study analyzed through traffic and found that 23% of trips on Clark Avenue during the A.M. peak period and 10% of trips during the P.M. peak period are through trips. The</p>

Table 5.1: Consistency with County of Santa Barbara Plans and Policies

POLICY	CONSISTENCY ANALYSIS
<p><i>safety/access to and within Old Town.</i></p> <p>Action OT-O-2.4: <i>The OT Traffic/Circulation Plan should identify methods to enhance the Clark Avenue corridor, such as improvements to crossing points for pedestrian safety, reduction in width of traffic lanes, widening of sidewalks, installation of landscaped center medians and streetscapes, and construction of Class II bike lane as shown on the Bikeways map.</i></p> <p>Action CIRC-O-3.1: <i>Public Works Department shall regularly monitor the operating conditions of designated roadways and intersections in Orcutt. If traffic on any roadway or intersection is found to exceed the acceptable capacity level defined by this Plan, the County should reevaluate, and if necessary, amend the Community Plan in order reestablish the balance between allowable land uses and acceptable roadway and intersection operation. This reevaluation should include, but not be limited to:</i></p> <ul style="list-style-type: none"> • <i>Redesignating roadways and/or intersections to a different classification;</i> • <i>Reconsidering land uses to alter traffic generation rates, circulation, patterns, etc.; and</i> • <i>Changes to the Orcutt Transportation Improvement Plan (OTIP) include reevaluation of alternative modes of transportation.</i> 	<p>Traffic Study also assessed vehicle speeds on Clark Avenue and found that vehicle speeds were between five and seven miles per hour (mph) higher than the posted speed limits of 30 and 40 mph in Old Town Orcutt.</p> <p>Buildout analysis indicates Clark Avenue intersections with Gray Street, Twitchell Street and Foxenwood Lane will operate at LOS D with the current two-lane roadway configuration. The Clark Avenue and Norris Street intersection will operate at LOS F and will require further traffic controls to ensure LOS D is maintained.</p> <p>By reducing LOS through traffic (vehicle trips that use the road to pass through to other destinations) will be discouraged from using Clark Avenue through Old Town Orcutt and lower vehicle speeds for destination trips (vehicles visiting Old Town) will be accommodated.</p> <p>Level of Service D describes conditions where delays are moderate to heavy for short duration during the peak traffic period. The Institute of Transportation Engineers (ITE) supports the use of Level of Service reductions to decrease traffic speeds and facilitate the safe use of parking in mixed-use commercial downtown areas. For these reasons, Planning and Development and Public Works Department are recommending the reduction of the Level of Service along Clark Avenue, between Blosser Road and Foxenwood Lane, from LOS C to LOS D.</p>
Biological Resources	
<p>Policy BIO-O-1: <i>Important natural resources in Orcutt, including sandhill chaparral, central sand dune scrub, wetlands, oak trees and</i></p>	<p>Consistent: The Court order to remove the wetland delineation map and text references from the OCP and Final EIR does not remove</p>

Table 5.1: Consistency with County of Santa Barbara Plans and Policies

POLICY	CONSISTENCY ANALYSIS
<p><i>woodland, Bishop pine forest, specimen trees, and central sage scrub shall be protected, consistent with the Open Space Plan and the standards below, unless this would prevent reasonable development of a property.</i></p> <p>DevStd BIO-O-1.1: <i>Development shall be sited and designed to avoid disruption and fragmentation of significant natural resources within and adjacent to designated undeveloped natural open space areas, minimize removal of significant native vegetation and trees, preserve wildlife corridor and provide reasonable levels of habitat restoration. Where possible, significant natural resources, such as specimen trees, adjacent to designated, natural undeveloped open space corridors should be preserved.</i></p> <p>Policy BIO-O-2: <i>Consistent with necessary flood control practices, natural stream channels and riparian vegetation in Orcutt shall be maintained in an undisturbed state in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts, unless this would prevent reasonable development of a property.</i></p>	<p>legal requirements for property owners to comply with wetland regulations in the federal Clean Water Act or federal and state regulations protecting special status species. Applicants for 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 permit approval. Planning and Development requires a field assessment of properties in this area for the potential for special status species, such as the California Tiger Salamander which was listed by the U.S. Fish and Wildlife Service as an Endangered Species on August 4, 2004, and has been documented proximate to the site.</p>

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6.0 Alternatives

This section discusses the Alternatives to the Proposed Project pursuant to *CEQA Guidelines* Section 15126.6. The Orcutt Community Plan Final EIR (95-EIR-1) (OCP EIR) certified by the Board of Supervisors described a reasonable range of alternatives to the project. This section will detail the new impacts or changes to the levels of impacts previously analyzed in the Alternatives impact analysis in the OCP EIR. This section also analyzes as a new No Project Alternative to the OCP ~~2012 2011~~ Amendments pursuant to *CEQA Guidelines* Section 15126.6 (e).

6.1 The No Project Alternative

The No Project Alternative to the OCP ~~2012 2011~~ Amendments assumes the land uses in the OCP will continue to buildout into the near future at the densities described in the plan and OCP EIR as amended to date. The existing regional basins policy will remain in the OCP and the County will continue to make findings regarding the feasibility of implementing the program for each project proposal. The land uses in Old Town Orcutt will continue to develop with the buildout of land uses consistent with the land use policies in the adopted OCP.

6.2.1 Impact Summary

Under the No Project Alternative, the regional basins program would continue to be assessed for feasibility for making consistency findings for each project proposal, thereby continuing to add time to the processing of projects in the plan area. The wetland delineation would be removed from the OCP and FEIR through a separate Comprehensive General Plan amendment to ensure compliance with the court order in the *Adams v. County of Santa Barbara* case, as no alternative to compliance with a court order is available.

The traffic level of service threshold for Clark Avenue would remain at LOS C. The County would continue to monitor service levels along the roadway and intersections. When LOS reached D at affected intersections, the County would seek direction from decision-makers as whether to continue traffic-calming efforts consistent with the OCP, or install traffic control measures to ensure the free flow of traffic through the area. The plan area would continue to buildout with land uses consistent with the OCP.

6.2 Previously Identified Alternatives

The OCP ~~2012 2011~~ Amendments have been assessed in this Supplemental EIR for their potential to create new or changed impact levels in the alternatives analysis in the OCP EIR. The alternatives analyzed in the OCP EIR **Section 6.0, Alternatives** consist of the following alternatives and a No Project alternative.

1. OCP EIR No Project (OCP EIR Alternative #1)
2. Low Buildout Alternative (OCP EIR Alternative #2)
3. High Buildout Alternative (OCP EIR Alternative #3)

The OCP ~~2012 2011~~ Amendments used a matrix to assess the land use densities and described the impact levels on resources in the plan area expected for each of the alternatives. This Supplemental EIR incorporates the OCP EIR **Section 6.0, Alternatives** analysis by reference.

6.2.2 Changes in Environmental Effects and Residual Impacts

Relevant residual plan and cumulative impacts and mitigation measures from the original OCP FEIR are summarized below in Table 6.1. This Supplemental EIR documents changes to the OCP and associated revisions in environmental effects. The OCP ~~2012 2011~~ Amendments would not result in new impacts or changes to the level of significance for any of the issue areas analyzed in the OCP EIR.

Table 6.1 OCP EIR Environmental Residual Impacts Summary

Issue Area	OCP EIR		OCP 2012 2011 Amendments Supplemental EIR	
	Plan	Cumulative	Plan	Cumulative
Land Use	I	I	I	I
Biological Resources	I,II	I	I,II	I
Agricultural Resources	I	I	I	I
Geology	I,II	I,II	I,II	I,II
Flooding & Drainage	I	I	I	I
Water Resources	I	I	I	I
Archaeological Resources	I,II	I	I,II	I
Historic Resources	I,II	II	I,II	II
Traffic/Circulation	I,II	I	I,II	I
Risk of Upset	I,II	I,II	I,II	I,II
Waste Water	I,II	II	I,II	II
Noise	I,II	I,II	I,II	I,II
Air Quality	I,II	I	I, II	I
Fire	I	I	I	I
Police	I	I	I	I
Solid Waste	I	I	I	I
Natural Gas	--	--	--	--
Electricity	--	--	--	--
Library	I	I	I	I
Visual Resources/Aesthetics	I,II	I,II	I,II	I,II
Parks, Rec, and Trails, Open Space	I	I	I	I
Schools	I	I	I	I

Class I: Unavoidable Significant Environmental Impact

Class II: Significant Impact That Can Be Feasibly Mitigated or Avoided

Class III: Potentially Adverse Impact (no mitigation required)

6.3 Environmental Superior Alternative

By adopting the No Project Alternative, the County would continue to require consideration of a regional basins program which has been demonstrated to be largely infeasible. The No Project Alternative would also keep the existing traffic level of service threshold for Clark Avenue in Old Town Orcutt. No alternative is available to compliance with the court order, therefore the County has no option but to implement the Key Site 22 Court Compliance amendment and remove references to the wetlands delineation from the OCP and OCP FEIR.

This Supplemental EIR has determined that all feasible regional basins necessary to serve development in the OCP have been implemented. The removal of the requirement to explore the feasibility of regional basins as a solution, does not remove the option to choose to use a regional basin where warranted in a given situation. Eventually, the regional basins program would need to be eliminated from the OCP in any case, since it is not consistent with changes in the state's implementation of the National Pollutant Discharge Elimination System (NPDES) permit requiring site specific solutions and discharge management.

By not lowering the traffic level of service standard for Old Town Orcutt, the County would limit continued traffic calming in Old Town Orcutt on Clark Avenue by keep the provision that free flow of traffic through Old Town be continued in a manner inconsistent with County policies calling for traffic calming in this area.

This Supplemental EIR has determined that the No Project Alternative would lead to the County remaining out of compliance with the court order, continuing to require project-by-project analysis and determinations regarding the feasibility of a infeasible regional basins program, and not responding to new information about buildout in the OCP that would occasionally lead to the LOS on Clark Avenue not meeting its traffic level of service standard.

This e project will ensure that the flooding and drainage control options in the OCP are current and consistent with County, federal, and state regulations. Reducing the traffic level of service requirements that keep free flow of traffic in a designated downtown would be consistent with the policy directives in the OCP to slow traffic in the Old Town Orcutt to ensure pedestrian safety. This Supplemental EIR found that the amendment removing the wetland delineation from the map of Key Site 22 in response to the court order created no new development potential by changing land uses or the permit requirements applicable to Key Site 22. Since existing permit standards require future project proponents to demonstrate avoidance of impacts to significant habitat or habitat that supports special status species and field verification prior to issuance of permits, removal of the legally deficient wetland delineation from the Key Site 22 map would not lead to a potentially significant impact on habitat that supports special status species. This Supplemental EIR has determined that the OCP 2012 Amendments would not result in new impacts or change the severity of impacts previously identified in the OCP EIR requiring mitigation beyond those identified in the OCP EIR. This Supplemental EIR finds that the proposed project is the environmental superior alternative to the No Project Alternative.

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7.0 Other CEQA Concerns

This section addresses other issues for which CEQA Guidelines Section 15126 requires analysis in addition to the specific issue areas discussed in Section 4.0 Environmental Impact Analysis. These additional issues include (1) the potential to induce growth, including the removal of obstacles to growth, (2) significant unavoidable impacts, and (3) irreversible impacts on the environment.

In addition, pursuant to CEQA Guidelines Section 15128 this section includes a brief discussion of various possible significant effects of a project that were determined not to be significant and were therefore not discussed in detail in the SEIR.

7.1 Growth Inducing Effects

CEQA requires a discussion of the ways in which a proposed project could be an inducement to growth. CEQA Guidelines Section 15126.2 (d) identifies a project to be growth inducing if it would:

- Foster economic or population growth either directly or indirectly, in the surrounding environment;
- Construct additional housing;
- Establishes a precedent setting action that changes land use patterns in adopted plans;
- Remove an obstacle to growth, such as provide for a major expansion of a water treatment plant; and,
- Encourage or facilitate other activities that could significant affect the environment, individually or cumulatively.

7.1.1 Population Growth and Housing

The OCP ~~2012 2011~~ Amendments consist of removing a regional basins policy that is infeasible to implement, removing a wetlands map, and changing a traffic standard to be consistent with existing policies in the OCP. None of the relatively minor changes posed by the OCP Amendments would affect the land uses established in the OCP in a manner that would foster additional population growth, remove obstacles to population growth, or the construction of additional housing that was not previously identified in the OCP EIR.

7.1.2 Economic Growth

The changes to the OCP made by the OCP ~~2012 2011~~ Amendments would not change land uses in the OCP. As discussed in the OCP FEIR, OCP **Section 5.1, Land Use** the OCP policies call for increased development of commercial land uses that result in economic growth. The OCP ~~2012 2011~~ Amendments are consistent with the OCP policies calling for such growth; however, they would not lead to economic activity not previously analyzed in the OCP EIR.

7.1.3 Precedent Setting Action

The OCP ~~2012 2011~~ Amendments to remove a wetlands delineation from the OCP and OCP EIR is consistent with case law precedents that are described in the published opinion of the court in *Adams Brothers Farming v. County of Santa Barbara*, 604 F. 3d 1142 (2010).

The amendment removing the regional basins program from the OCP is removing a mitigation measure from the OCP EIR that had proven ineffective as discussed in **Section 4.2 Flooding and Drainage**, and replacing it with new policies consistent with current flood and water pollution control regulations and practices. Removing the regional basins from the OCP does not set a precedent by relaxing a rule or regulation designed to protect the environment. Instead, the removal of the regional basins program puts into place new control measures which have proven to be more effective at protecting water quality and preventing flooding in Chapters 15A, 15B, and Chapter 24 Section 24-7 of the Santa Barbara County Code, the *Santa Barbara County Floodplain Management and Development Along Watercourses Ordinance*, and the *County Grading Ordinance* that are consistent with the statewide requirements under the National Pollutant Discharge Elimination System (NPDES).

The amendment changing the traffic level of service standard for Clark Avenue from LOS “C” to “D,” was established in the OCP when adopted in 1997 for other roadways and intersections in the plan area. As detailed in **Section 4.1, Transportation**, changing the existing LOS C for Clark Avenue in Old Town Orcutt to LOS D is consistent with Policy OT-O-2 (**See Chapter 5.0, Consistency with Plans and Policies**), and is an appropriate threshold for Old Town Orcutt.

7.1.4 Removal of Impediments to Growth and Development of Open Space

The OCP ~~2012 2011~~ Amendments do not propose any changes that would remove an obstacle to growth. None of the changes, including drainage systems, will directly, or indirectly, result in construction of infrastructure to serve land uses that would lead to urban growth or conversion of open space (vacant) land that was not previously considered in the OCP EIR.

7.2 Significant Unavoidable Effects

CEQA Guidelines Section 15126 (b) requires that an EIR identify significant environmental effects which cannot be avoided if the project is implemented. This Supplemental EIR determined that no additional significant environmental effects not previously identified in the OCP EIR would result from implementation of the OCP ~~2012 2011~~ Amendments.

7.3 Significant Irreversible Environmental Effects

CEQA Guidelines §15126.2(c) requires a discussion of any significant irreversible environmental changes which would be caused by the proposed project should it be implemented. Such significant irreversible environmental changes may include the following:

- Use of non-renewable resources during the initial and continued phases of the project which would be irreversible because a large commitment of such resources makes removal or non-use unlikely.

- Primary impacts and, particularly secondary impacts (such as highway improvement which provides access to a previously inaccessible area) which generally commit future generations to similar uses.
- Irreversible damage which may result from environmental accidents associated with the project.

The OCP ~~2012 2011~~ Amendments do not change land use or construct a project that would commit non-renewable resources to long term use, commit future generations to uses, or subject the plan area to irreversible damage from a potential environmental accident not previously discussed in the OCP EIR.

7.4 Issue Areas Determined Not to be Significant

CEQA Guidelines Section 15128 requires that an EIR include a statement briefly indicating the reasons various issue areas were determined not to be significant and were therefore not discussed in detail.

7.4.1 Geology

The original OCP FEIR identified four potentially significant geology impacts from erosion blowing sand, seismic hazards, and septic constraints in the plan area. Mitigation measures for these impacts were identified and existing policies that address these issues were cited (prohibiting development on slopes, compliance Hillside and Watershed protection policies in the Land Use Element, and conformance with the Uniform Building Code). The OCP EIR concluded that with mitigation, geology related impacts would be less than significant. The OCP ~~2012 2011~~ Amendments do not change land uses or development permits for land uses in the plan area. Therefore, the amendments would not create new significant impacts or change existing geology related impacts identified in the OCP EIR

7.4.2 Public Services and Utilities

The *CEQA Guidelines* Checklist requires a discussion of any project proposals that would result in substantial physical impacts associated with the provision of new or physically altered governmental facilities. Any need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public service including Fire Protection, Police, Parks and Recreation, Schools, Social Services and Libraries must be discussed.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code section 21100(b)(3)). CEQA requires that potentially significant energy implications of a project be considered in an EIR to the extent relevant and applicable to the project. Since the OCP ~~2012 2011~~ Amendments do not propose construction of energy consuming structures or land uses, no discussion has been included in this Supplemental EIR regarding potential for reductions in

energy consumption. Therefore, this Supplemental EIR does not include a discussion of energy conservation.

The OCP Amendments do not change land uses and would not result in increased population that would require the provision of additional electricity generation or natural gas extraction transmission infrastructure or services. Therefore, this Supplemental EIR does not include a discussion of impacts to these systems.

The OCP ~~2012 2011~~ Amendments do not change the land uses in the OCP that were assessed for impacts on governmental services in the OCP EIR. The changes to storm water systems, traffic level of service and removal of a wetlands map will not create an impact to services not previously identified in the OCP EIR. Therefore, this Supplemental EIR does not include a discussion of impacts to these services and facilities.

7.1.5 Parks and Recreation, Schools, and Hazards

The OCP Amendments do not change land uses and would not result in increased population that would require the provision of additional park and recreation facilities and services, impact schools, or hazardous materials/risk of upset. The OCP ~~2012 2011~~ Amendments would not lead to any new demand for parks, schools, or create new or changed impacts from hazardous materials/risk of upset not previously identified in the OCP EIR. Therefore, this Supplemental EIR does not include a discussion of impacts to these services and facilities.

7.5 Cumulative Development

A project's cumulative impacts are the possible environmental effects that may be cumulatively considerable when considered with other reasonably foreseeable projects [Section 15065 (a)(3) of the California Environmental Quality Act (CEQA) Guidelines]. Cumulatively considerable impacts occur when the incremental effects of a particular project or program are significant when viewed in connection with the effects of other past, current, or probable future projects or programs that are not incorporated into baseline or existing conditions.

As defined in Section 15355 of the CEQA Guidelines, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. According to Section 15130 of the CEQA Guidelines, the discussion of cumulative impacts must reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide the level of detail provided for the effects attributable to the project alone.

The cumulative impacts discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impacts to which other identified projects contribute. Focus is not placed on other projects that do not contribute to the cumulative impact and impacts that do not result in part from the project evaluated in the EIR need not be discussed. Since this Supplemental EIR for the OCP ~~2012 2011~~ Amendments does not identify new impacts or changes to the impacts previously assessed in the OCP EIR, the project is not expected to contribute to cumulative impacts beyond those assessed in the OCP EIR.

This Supplemental EIR environmental impacts analysis sections consider the list of projects cumulative impacts described in the OCP EIR and identifies the potential for new or changed impacts related to implementation of the OCP ~~2012 2011~~ Amendments. The impact sections of this Supplemental EIR considers the potential cumulative environmental impacts resulting from the proposed project in association with other planned, pending, and reasonably foreseeable projects in the vicinity of the project area. Other cumulative development in the community of Orcutt includes 1,544 residential units that are currently under construction, approved without entitlement to begin construction, or under permit review in addition to 762,196 square feet of non-residential development. Table 7-1 lists the projects included in this cumulative impact analyses.

The OCP ~~2012 2011~~ Amendments do not change land uses in the OCP. Nor will the amendments analyzed in this Supplemental EIR contribute to or change the cumulative impacts analyzed in the OCP EIR; therefore, no new or changed cumulative impacts will occur.

Table 7.1 Orcutt Area Cumulative Projects List			
Development Information	Land Area	# of Units or Commercial Square Footage	Status
UNDER CONSTRUCTION			
Key Site #6 Marketing Name: Mesa Verde APN: 101-110-003 Zoning: PRD 1.8 units/acre. Location: Southwest of the southerly terminus of Stillwell Road, Orcutt	45.21 acres	64 units	34 occupancy clearances of 64 lots.
Key Site #8 Marketing Name: Harp Springs APN: 103-200-026 Zoning: PRD Location: South of Clark Avenue at the terminus of Harp Road	20.43 acres	44 units	Recorded. Grading Permit issued. 19 occupancy clearances issued of 44 lots.
Key Site #12 Marketing Name: Rice Ranch APN: 101-010-013, -016, -004 Zoning: Planned Development (PD) Location: south side of Stubblefield and Rice Ranch Roads in the southeastern portion of the Orcutt community.	626 acres	725 units 1.2 du/acre	Master Tract Map recorded. Tract Map for Pine Creek and Oaks neighborhoods recorded. 15 occupancy clearances issued of 200 lots.
Key Site #17 Marketing Name: Stonegate APN: 105-330-004 Zoning: SLP (Small Lot Plan) CP - Residential (Multiple), 8 units/acre Location: Rice Ranch Road area, south of Old Town Orcutt	7.91 acres	44 units 5.56 units/acre	Recorded. 11 occupancy clearances issued of 44 lots.

Table 7.1 Orcutt Area Cumulative Projects List			
Development Information	Land Area	# of Units or Commercial Square Footage	Status
Key Site #20 Marketing Name: Old Mill Run APN: 105-020-046 Zoning: Design Residential (DR) 3.3 Location: corner of Blosser Road and Old Mill Road in south Orcutt	19.2 acres	60 units 3.13 du/acre	Recorded. 14 occupancy clearances issued of 60 lots.
Orcutt Union APNs: 105-121-001 105-091-006 District: Fourth Location: Old Town Orcutt Area, at 801 S. Broadway	7.8 acres	66,831 s.f. mixed use (retail, office, restaurant, residential) excluding existing buildings; 6 dwelling units	Approved by Planning Commission. Land Use Permit issued for Phase I (31,041 s.f. of commercial development).
PLANNING ENTITLEMENT PERMITS			
Key Site #18 APN: 105-020-041 Zoning: OT-GC; Pedestrian area overlay core 1 Location: Intersection of Clark Ave. & Foxenwood Ln., Old Town Orcutt	1.25 acres	7,771 s.f. restaurant and office	Land Use Permit Issued

Table 7.1 Orcutt Area Cumulative Projects List			
Development Information	Land Area	# of Units or Commercial Square Footage	Status
Evergreen Shopping Center APNs: 109-200-012, 109-200-013, 109-200-015, 109-200-016 Zoning: C-2 District: Fourth Location: 3400, 3450, 3496, 3500 Orcutt Road, Santa Maria\	4.37 acres	61,598 s.f. retail and office space	Approved by Planning Commission; no appeals. Land Use Permit issued for grading.
DISCRETIONARY APPROVAL PROCESS			
Key Site #1 Marketing Name: Orcutt Marketplace APN: 129-120-024 Zoning: C-2 Retail Commercial, General Commercial Location: near junction of Clark Ave. and US 101	23.9 acres	306,100 s.f.	Approved by PC
Portion of Key Site #3 Focused Rezone Program APN: 129-151-026 Zoning: MR-O Location: South of Clark Road, West of Highway 101.	8.0 acres	160 multi-family units 20 du/acre	Rezone approved by Board of Supervisors. Development plans pending.

Table 7.1 Orcutt Area Cumulative Projects List			
Development Information	Land Area	# of Units or Commercial Square Footage	Status
Key Site #7 Marketing Name: Vintage Ranch APN: 101-010-002 & 103-200-060 Zoning: PRD Location: approximately 0.5 mile south of Clark Avenue, at the terminus of Stubblefield Road	31.52 acres	52 units	Approved. Tentative Map is unrecorded.
Portion of Key Site #10 Orcutt Creek APN: 105-020-046 Zoning: PRD 1.8 Location: Bradley Road	9.28 acres	16 residential lots 1.7 du/acre	Approved 10/11/05. Map Time Extension approved 11/18/09.
Key Site #25 Marketing Name: Orcutt Plaza APN: 107-070-009, 046 & 109-200-029, 033 Zoning: General Location: intersection of Santa Maria Way and College Drive	22.23 acres	220,779 s.f	Approved Commercial C-2
Key Site #29 Marketing Name: Shared Senior Housing, Phase II APN: 107-270-003 Zoning: DR-4.6 Location: East of Hummel Drive at 4454 Hummel Drive, Orcutt area	5.21 acres	20 condos for seniors 1.04 units/acre	Approved; Near Completion

Table 7.1 Orcutt Area Cumulative Projects List

Development Information	Land Area	# of Units or Commercial Square Footage	Status
Orcutt Key Site #30 General Plan Amendment APN: 107-250-008 Zoning: AG-I-40 District: Fourth Location: Approximately 1,600 feet southwest of the intersection of Union Valley Parkway and Bradley Road.	10.6 acres	212 clustered units approved under the MR-O Housing Element Rezone.	Approved by Board of Supervisors.
Hope Community Church APN: 107-150-019 Zoning: CH District: Fourth Location: Located east of Highway 101 at 3920 Highway 101, Santa Maria	10.43 acres	29,373 s.f. church	Approved by Planning Commission.
ENVIRONMENTAL REVIEW			
Key Site #11 English Joseph APN: 103-181-006 District: Fourth Location: near junction of Clark Ave. and State Route 135.	21.43 acres	Multi-use project consisting of 56,806 s.f. of commercial development and 42,000 s.f. of residential. (Thirty (30) 2&3 bedroom apartments.)	Environmental Review in process.

Table 7.1 Orcutt Area Cumulative Projects List			
Development Information	Land Area	# of Units or Commercial Square Footage	Status
Orcutt Key Site #17 General Plan Amendment APNs: 105-134-004; -005 105-330-005; -006 Zoning: SLP District: Fourth Location: Rice Ranch Road area, south of Old Town Orcutt	9.53 acres	General Plan Amendment from Res. 8.0 to Res. 20.0 units/acre. Rezone from SLP to DR-20.	NOP/Scoping Document released for public review.
Orcutt Key Site #30 General Plan Amendment APN: 107-250-008 Zoning: AG-I-40 District: Fourth Location: Approximately 1,600 feet southwest of the intersection of Union Valley Parkway and Bradley Road.	78.73 acres	Multiple rezones including 10-R-1; 8-R-1 SLP; PRD; REC. Project also includes construction of 81 single family homes. (212 clustered units approved under the MR-O Housing Element Rezone, listed under Discretionary Approval Process.)	Scoping document in preparation.
PLANNING REVIEW			
Key Site #4 Clark Avenue Commercial APN: 103-750-038 Zoning: C-2; Retail Commercial Location: Southwest corner of the Clark Avenue / Stillwell Rd. intersection.	1.44 acres	3 structures (2 retail and 1 fast food drive-thru) 12,938 s.f.	Application incomplete.
<i>Source: County of Santa Barbara, December 2009</i>			

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9.0 Response to Comments

Introduction

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, Santa Barbara County, as the lead agency, has reviewed the comments received on the Draft Supplemental Environmental Impact Report (SEIR) for the Orcutt Community Plan (OCP) 2012 Amendments and has evaluated and prepared written responses to the comments received. The Draft SEIR was circulated for a 45-day public review period that began February 25, 2011. The County held a publically noticed environmental comment hearing on March 21, 2011 at the Betteravia Government Center in Santa Maria. The public and agency comments received on the SEIR and responses that address the environmental concerns identified in the comments are included in this section. The responses are provided immediately after each set of public and agency comment letters, email and individual comments and indicate where and how the EIR addresses the environmental issues raised.

The focus of the responses is upon the disposition of environmental issues raised in the comments, as required by CEQA Guidelines Section 15088 (b). Detailed responses to comments on the merits of the proposed project are not provided. Instead, comments not directed to an environmental issue are forwarded to decision-makers for review and consideration. The comments and responses to comments are included in **9.1 Comments on the Draft SEIR** and **9.2 Comments on the SEIR Revision Document (RV-1)** in this section starting on page 9-3 below.

SEIR Revision Document (RV-1)

After the end of the comment period, Santa Barbara County received a letter from the United States Fish and Wildlife Service (USFWS) Ventura Office referencing special status species studies in the OCP area (USFWS Letter, April 19, 2011).

The Planning and Development Department (P&D) reviewed the studies cited in the USFWS letter that document occurrences of several species and habitat designated by the USFWS as threatened or endangered, adjacent to, and on properties identified as Key Site 22 in the OCP. P&D determined the studies contain new environmental setting information not previously available during the scoping and public review period and that the information should be cited in the SEIR.

CEQA Guidelines Section 15088.5 requires that revised sections of an EIR be recirculated for additional public review when inclusion of new information, including environmental setting information, will constitute significant changes to the EIR and to provide the public with a meaningful opportunity to comment.

The SEIR Revision Document (RV-1), which includes SEIR sections containing new environmental setting information was recirculated for a second 45-day public review from April 12, 2012 to May 29, 2012 to enable the public and agencies an opportunity to consider the new environmental setting information. The new information and references are incorporated into this Final SEIR and are shown in underline and strikethrough in **Section 4.3 Biological Resources** and **Chapter 8.0 References and Persons Contacted**.

9.0 Response to Comments

The County received no comments on the SEIR Revision Document (RV-1) during the second 45-day public comment period ending on May 29, 2012, or prior to publication.

The Final SEIR

The SEIR Revision Document (RV-1), this Response to Comments section, and revisions to the Draft SEIR made as a result of the comments collectively comprise the Final SEIR for the OCP 2012 Amendments project. Any changes made to the text of the Draft SEIR correcting information, data or intent, other than minor typographical corrections or minor working changes, are depicted in the Final SEIR using underline for text additions and ~~strike through~~ for text deletions. Revised text clarifying existing permit requirements not included in the Draft SEIR Project Description is shown as double underline.

The focus of the responses to comments is the disposition of environmental issues raised in the comments, as required by Chapter 15088 (c) of the State CEQA Guidelines. In particular, the issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. Detailed responses are not provided to comments on the merits of the proposed project. However, when a comment is not directed to an environmental issue, the response indicates that the comment has been forwarded to decision-makers for review and consideration.

9.1 Comments on the Draft SEIR

During the public review period, four comment letters, one email, and a hearing comment slip on the Draft EIR were submitted by agencies and individuals, in addition to comments presented by speakers at the Draft EIR public hearing held on March 21, 2011. The comments presented in letters and during the public hearing (recorded at the hearing) are numbered sequentially. Letters are categorized by the association of the commenter. Letters designated with an **A** refer to Public Agency comments, and those with a **B** refer to comments from the General Public. Each comment letter is reproduced in its entirety with the individual comments indicated in the margins.

Table 9.1 Draft SEIR Commenters

Letter #	Commenter	Date Received
A1	Carly Wilburton, Santa Barbara County Air Pollution Control District	March 8, 2011
A2	Chris Schaeffer, California Department of Transportation, District 5	April 7, 2011
A3	Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	April 14, 2011
A4	Jeff Phillips, United States Fish and Wildlife Service	April 22, 2011
B1	Chuck Williams, Email Communication	March 23, 2011
B2	Kenneth L. Wolf, Public Meeting Comment Slip Sent via Mail	March 24, 2011



**Santa Barbara County
Air Pollution Control District**

Our Vision  Clean Air

March 8, 2011

Bret McNulty
Santa Barbara County
Planning and Development Department
Long Range Planning Division
123 East Anapamu Street
Santa Barbara, CA 93101

RECEIVED

MAR 09 2011

S.B. COUNTY
PLANNING & DEVELOPMENT

Re: APCD Comments on Orcutt Community Plan 2011 Amendments Draft Supplemental Environmental Impact Report (DSEIR), SCH# 2009121057

Dear Mr. McNulty:

The Air Pollution Control District (APCD) has reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for Orcutt Community Plan (OCP) 2011 Amendments, which recommend revisions to OCP policy and development standards. The County of Santa Barbara Board of Supervisors adopted the Orcutt Community Plan (OCP) in 1997. Since adoption of the OCP, changes in flood control practices, zoning changes in Old Town Orcutt, and a court decision have necessitated amendments to the Plan to ensure internal document consistency and compliance with legal requirements. The amendments will not change permitted land uses, permit requirements, traffic, or land use intensities. The project location is the unincorporated community of Orcutt in northwest Santa Barbara County.

Air Pollution Control District staff offers the following comments on the DSEIR:

1. **Section 4.4.1 Air Quality Standards and Attainment Status, Page 4.4-3:** Please revise the footnote to say "*The SBCAPCD Board adopted the 2010 Clean Air Plan at its January 2011 meeting.*" Currently, the word 'Board' is omitted.
2. **Section 4.4.2 Impacts Analysis, Page 4.4-7:** Please correct the first bulleted item under *Ozone Precursors (NO_x and ROC)* to eliminate the misplaced number "6" at the end of the item.
3. **Section 4.4.2 Greenhouse Gas Emissions Thresholds, Page 4.4-8:** Please define the acronym of "GCC" used in the second paragraph of this page, as it is not defined elsewhere in the document.
4. **Section 4.4.2 Greenhouse Gas Emissions Thresholds, Page 4.4-9:** Please define the acronym of "CDE" used in the Methodology paragraph. It can be deduced that this acronym stands for "carbon dioxide equivalent"; however, the acronym should be defined in the text.
5. **Section 4.4.2 Vehicle Idling, Page 4.4-11:** Please revise the second to the last sentence of the first paragraph under this heading that reads, "*Therefore, SPCAPCD [sic] no longer recommends CO hotspot analysis*" to say "*Therefore, SBCAPCD no longer requires CO hotspot analyses.*" These changes reflect the accurate name of the agency and policies of the agency.

Terence E. Dressler • Air Pollution Control Officer

260 North San Antonio Road, Suite A • Santa Barbara, CA 93110 • www.sbcapcd.org • 805.961.8800 • 805.961.8801 (fax)

6. **Section 4.4.2 Vehicle Idling, Page 4.4-11:** The last sentence of the first paragraph under this heading reads, *"The reason SBCAPCD no longer recommends measuring emissions related to vehicle idling is because they have a nominal contribution to overall vehicle emissions."* The two sentences that precede this statement are accurate and reflect SBCAPCD's reasoning for not requiring CO hotspot analyses; the last sentence, quoted above, does not accurately reflect the reasoning. Therefore, the last sentence should be deleted.
7. **Section 4.4.4 Greenhouse Gas Emissions, Page 4.4-12:** The last sentence of the third paragraph currently reads, *"Therefore, the OCP 2011 Amendments would result in less than significant GHG emissions that would contribute to global warming."* This sentence is potentially misleading; we suggest removing *"...that would contribute to global warming"* to more clearly state that the project would not contribute significantly to global climate change.
8. **Section 4.4.4 Greenhouse Gas Emissions, Page 4.4-12:** The font style appears to be inconsistent throughout the second and third full paragraphs under this heading.

If you have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at cvw@sbcapcd.org.

Sincerely,



Carly Wilburton,
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Project File
TEA Chron File

Carly Willburton, Santa Barbara County Air Pollution Control District
Letter dated March 8, 2011

Letter A1

Response to Comments

Thank you for your comments on the Orcutt Community Plan 2011 Amendments Draft SEIR. Please find our responses below.

- A1-1** This comment notes the Draft SEIR Page 4.4-3 footnote citation omits the word “Board” after the word “SBCAPCD.” The citation on Page 4.4.3 has been revised accordingly.
- A1-2** This comment notes an editorial correction on Draft SEIR Page 4.4-7, last paragraph, first bullet. The misplaced number six (6) has been deleted from the end of the sentence.
- A1-3** This comment notes an undefined acronym “GCC” in the second paragraph on Draft SEIR Page 4.4-8. The word “GCC” has been deleted and replaced with the term “Global Climate Change.”
- A1-4** This comment notes an undefined acronym for Carbon Dioxide Equivalent “CDE” in fourth sentence under Methodology on Draft SEIR Page 4.4-9. “CDE” has been deleted and replaced with “CO₂e,” which is the correct acronym and is defined in the previous sentence.
- A1-5** This comment recommends the second to last sentence in the first paragraph under the heading *Vehicle Idling* on Draft SEIR Page 4.4-11 be revised to replace the word “recommends” with the word “requires,” as it clarifies the regulatory change described. The comment also asks that a typo in the agency name be corrected. The sentence has been revised to clarify former regulatory requirements and to correct the typo.
- A1-6** The comment recommends the last sentence of the first paragraph under Vehicle Idling on Draft SEIR Page 4.4-11 be deleted, as it does not accurately reflect SBCAPCD reasoning for not requiring CO hotspot analyses. The comment also notes that the two sentences preceding this sentence accurately convey the district’s reasoning. The last sentence under Vehicle Idling has been deleted.
- A1-7** This comment suggests deleting the words “...that would contribute to global warming.” from the last sentence on Draft SEIR Page 4.4-12 to clarify that the project would not contribute to Global Climate change. The sentence has been revised as recommended.
- A1-8** This comment notes inconsistent font sizes in the text on Draft SEIR Page 4.4.-12, which have been adjusted in the final document.

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DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

April 7, 2011

Bret McNulty
Santa Barbara County Long Range Planning
30 E. Figueroa St, 2d Floor
Santa Barbara, CA 93101

SB- 1 & 135 - var

Subject: Orcutt Community Plan 2011 Amendments Supplemental Draft Environmental Impact Report

Dear Mr. McNulty:

Thank you for the opportunity to review and comment upon the subject project. In 2008 Caltrans provided comments upon the traffic study which was undertaken in support of 2011 Plan Amendment. Those comments are incorporated in this letter as attachment 1. With respect to the subject Supplemental Draft Environmental Impact Report Caltrans offers the following comments:

1. State Route 1 and Black Road: Caltrans recommends that planning for potential widening of portions of Black Road which are adjacent to and within the County's jurisdiction be incorporated into, added to, or acknowledged by, the OCP amendment. Black Road has the potential to be a significant north-south arterial connecting SR 1 and SR 166. Build out of projects Keysite 22, Mahoney Ranch, and Area 9 will put pressure on expanding the capacity of Black Road.
2. Keysite 22 and Union Valley Parkway, pages 4.1-9 and 4.1-19. Figure 2-10, Revised KS 22 Map, continues to reflect an extension of UVP from SR 1 to the County boundary with the City of Santa Maria. The intent is that UVP will extend easterly to Blosser Road. As part of project approval for the City's UVP extension and the US 101/UVP Interchange the city's circulation element was amended. The amendment removed the segment of UVP extended westerly from Blosser Road.

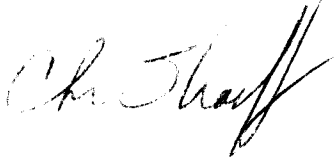
Caltrans recommends that this OCP 2011 Amendment DSEIR thoroughly discuss the effects (if any) of the City's action on the KS 22 proposed UVP.

3. Keysite 22. Paragraphs 1, 2 and 3 of attachment 1 are particularly germane for OCP build out generally and KS 22 build out specifically.

Thank you for the opportunity to review this proposed project. If you have any questions regarding the comments expressed in this letter please call me at (805) 549-3632.

Bret McNulty
April 7, 2011
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Shaeffer". The signature is fluid and cursive, with the first name "Chris" and last name "Shaeffer" clearly distinguishable.

Chris Shaeffer
Caltrans District 5
Development Review

Attachment 1

Cc: L. Newland, CT Planning Branch Chief
M. Streder, CT Regional Planning

DEPARTMENT OF TRANSPORTATION Attachment 1
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3110
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>
OCP 2011 Amendment DSEIR



*Flex your power!
Be energy efficient!*

July 9, 2008

Derek Johnson
Santa Barbara County Long Range Planning
30 E. Figueroa St, 2d Floor
Santa Barbara, CA 93101

Subject: Old Town Orcutt Traffic, Circulation, and Parking Study, February 2008

Dear Mr. Johnson:

Caltrans has reviewed the Old Town Orcutt Traffic, Circulation, and Parking Study and we would like to offer the following observations for your consideration. Regarding:

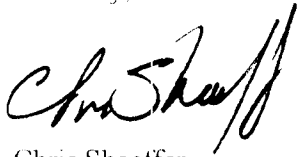
1. State Route 1: Thank you for the long range vision that discusses the future effects upon the highway and need for potential widening between Black Road and Clark Road. Please consider developing a regulatory framework that requires right of way dedication to accommodate the widening as the abutting properties come forward for development entitlements and / or applications.
2. State Route 1: In order to plan for a continuous and consistent route widening, the segment between the 1 / 135 split and Clark Road should also be considered for a widening although the study does not necessarily forecast a poor operating level of service. Please consider requiring development setbacks and usage limitations in the areas that would potentially be required for a widening that would match the widened segment in paragraph one above.
3. Both items 1 and 2 above should include provisions for either a Class I or Class II bike path.
4. Keysite 22 Land use change scenario. The study indicates that if KS 22 is changed to accommodate up to 2000 units that Union Valley Parkway (UVP) will be extended from Blosser Road west to SR 1. Be aware that the US 101 / UVP interchange project is very near to project approval and completion of the Draft environmental document. Current planning on the interchange project indicates that the alternative that may be selected includes and requires a General Plan Circulation Element Amendment that would prohibit extension of UVP from Blosser Road to SR 1. Santa Barbara County staff and decision makers should take this into consideration for plan or study consistency prior to final approval of this traffic study or any follow-on Old Town Orcutt Plan that includes changing KS 22 land use and a further UVP extension.
5. State Route 135 / Clark Ave interchange / Foxenwood Lane / Norris St. The southbound ramp nodes are in close proximity to the Foxenwood Lane / Clark Ave intersection. The traffic study identifies LOS concerns at the Norris St / Clarke Ave intersection. Keysite 18 is designated in large part as open space and any development will be limited to a strip of area fronting Clark Ave. Please consider the efficacy of realigning Foxenwood Lane westerly to

"Caltrans improves mobility across California"

provide a four-approach intersection as a Clark / Norris / Foxenwood intersection. Concepts that could be studied would include signalization, LOS changes for Norris / Clark and Foxenwood / Clark, service improvement for planned commercial use on KS 18, and biological issues (benefit or non-beneficial) if the current Foxenwood alignment were to be abandoned. This concept could reduce future conflicts between the ramp nodes and Foxenwood Lane traffic.

Thank you for the opportunity to review the subject traffic study. If you have any questions regarding the comments expressed in this letter or if you would like to meet with Caltrans staff to discuss the transportation network generally, please call me at (805) 549-3632.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Shaeffer". The signature is stylized with a large, sweeping "C" and a long, horizontal stroke at the end.

Chris Shaeffer
Caltrans District 5
Development Review

Cc: L. Newland, CT Planning Branch Chief

Chris Schaeffer, California Department of Transportation, District 5
Letter dated April 7, 2011

Letter A2

Response to Comments

Thank you for your comments on the Orcutt Community Plan (OCP) 2012 Amendments Draft SEIR. Please find our responses below.

A2-1 This comment recommends that planning for the potential widening of portions of Black Road be incorporated into or acknowledged by the OCP 2012 Amendments. The reason cited is that Black Road has the potential to connect State Route (SR) 1, SR 166 and that potential buildout of Key Site 22 in the OCP plan area, and Mahoney Ranch and Area 9 in the City of Santa Maria general plan area would put pressure on expanding this roadway.

The *Old Town Orcutt Traffic, Circulation, and Parking Study*, Penfield & Smith, 2008 (Traffic Study). Traffic Study cumulative (10-year) and buildout analysis of Old Town Orcutt roadways incorporate both the City of Santa Maria and the Orcutt Traffic Models, which include the OCP and southern City of Santa Maria general plan land uses. The purpose of the OCP 2012 Amendments is to adjust the level of service standard for Clark Avenue in Old Town Orcutt in response to the buildout information in the Traffic Study. The Traffic Study did not identify a need to widen Black Road; therefore, no revisions to the project or the environmental analysis and conclusions in the SEIR are necessary. This comment will be forwarded to the Santa Barbara County Board of Supervisors for their consideration.

A2-2 This comment references the depiction of Union Valley Parkway (UVP) in Figure 2-10 on pages 4.1-9 and 4.1-19 in the Draft SEIR and expresses that the City of Santa Maria amended its circulation element to remove the UVP extension from SR 1 to the County boundary with the City of Santa Maria during their approval of the UVP extension from US 101 to Blosser Road. The comment recommends that the OCP 2012 Amendments Draft SEIR thoroughly discuss the effects of the city's action on the Key Site 22 proposed UVP extension from Blosser Road to SR 1.

The potential extension of UVP from Blosser Road to SR 1, is a reasonably foreseeable project included in the in the Traffic Study analysis as it provides an alternative route for regional traffic currently using Clark Avenue and continues to be a part of the County adopted OCP, which regulates land use in this area. Since extension or removal of the UVP across Key Site 22 is not part of the OCP 2012 Amendments project, the city's action does not necessitate revisions to the environmental analysis and conclusions in this SEIR.

A2-3 This comment expresses that comments 1, 2, and 3 in the Caltrans letter to Santa Barbara County Long Range Planning, dated July 9, 2008, and attached to the April 7, 2011 letter, address buildout of the OCP and Key Site 22. Please see response to comments A2-4, A2-5, and A2-6 below.

A2-4 This comment in the Caltrans July 9, 2008 letter attached to April 7, 2011 letter, thanks the County for considering the potential widening of SR-1 between Black Road and Clark Avenue and asks that the County develop a regulatory framework for requiring right-of-

9.0 Response to Comments

way dedications to accommodate the widening as properties abutting SR-1 come forward for development entitlements.

The OCP 2012 Amendments respond to new information about buildout in the plan area identified in the Traffic Study and act to implement County policy calling for reduced vehicle speeds along Clark Avenue by lowering the LOS from C to D in Old Town Orcutt. The current OCP 2012 Amendments project does not involve land use changes that would affect the future development potential in Old Town Orcutt, along SR-1 or on Key Site 22. Development of a regulatory framework for potential future land uses along SR-1 south of the project area Orcutt is outside the scope of this project and therefore, does not warrant revisions to the environmental analysis and conclusions in this SEIR.

The County appreciates Caltrans concerns that comprehensive planning of the right-of-way occurs as land uses along SR-1 develop in the future. Although the recommendation is outside of the scope of the OCP 2012 Amendments, it will be forwarded to decision-makers for their review and consideration.

- A2-5** This comment asks, the County to consider the widening the SR-1 segment between the SR 1 and SR 135 split and the SR-1 and Clark Avenue intersection and develop a regulatory framework for setbacks and use limitations on land that would potentially be required to widen SR 1 to accommodate the right-of-way dedications described in comment A2-4 above. The comment recommends this action for the purpose of planning a continuous and consistent SR-1, although the traffic study does not forecast a poor operating level of service along the segment.

See Response to Comment A2-4 above regarding the scope of the OCP 2012 Amendments and buildout. Although the recommendation is outside of the scope of the OCP 2012 Amendments, it will be forwarded to decision-makers for their review and consideration.

- A2-6** This comment expresses that a regulatory framework for the right-of-way and land use regulations recommended in Comments A2-4 and A2-5 should include provisions for either Class I or Class II bike paths. See Response to Comment A2-4 and A2-5 above.

Although planning for bike paths along SR-1 is outside the scope of the OCP 2012 Amendments, this comment will be forwarded to decision-makers for their review and consideration.

- A2-7** This comment summarizes Traffic Study inclusion of analysis of potential Key Site 22 land use changes that could potentially result in extension of the Union Valley Parkway UVP from Blosser Road to SR-1. The comment advises that the US 101/UVP interchange project and draft environmental document near completion and approval and notes that the project may include selection of an alternative prohibiting extension of UVP from Blosser Road to SR 1. The comment further recommends consideration of this prior to approval of the Traffic Study, or any Old Town Orcutt Plan that includes changing Key Site 22 land use, or extension of UVP.

The OCP 2012 Amendments do not include land use changes on Key Site 22 or extension of the UVP. See Response to Comment A2-2 and B1-4 regarding inclusion of the extension of Union Valley Parkway.

- A2-8** This comment expresses that the SR-135 southbound ramp are in close proximity to the Foxenwood Lane and Clark Avenue intersection and cites an option in the Traffic Study to relocate the intersection to Norris Street to address future LOS D at the intersection at buildout. The comment also recommends the County study relocation of the intersection, service improvements for Key Site 18, and biological issues related to relocation of the intersection, as this would reduce future conflicts with SR 135 ramp and traffic from Foxenwood Lane.

The purpose of the OCP 2012 Amendments is to adjust the level of service standard for Clark Avenue in Old Town Orcutt in response to information in the Traffic Study that identifies LOS D buildout operation of the Foxenwood Lane/Clark Avenue intersection. The Traffic Study notes that signalization of the Foxenwood Lane and Clark Avenue intersection is not recommended, due to potential conflicts with the SR-135 southbound exit.

The Traffic Study identifies realignment of Foxenwood Lane and installation of a signal on the newly created intersection among the options to address potential future LOS D operation at this intersection. The County has reviewed this option and determined that relocation of Foxenwood Lane would require construction in the Orcutt Creek watershed and create potentially significant impacts to the watershed. The County has elected to implement the Traffic Study recommended LOS change from C to D for the Clark Avenue road segments and intersections in Old Town Orcutt, including this intersection as part of the OCP 2012 Amendments.

The OCP 2012 LOS Amendment implements the Traffic Study recommendation to change the traffic level of service to acknowledge the potential for the OCP allowable land uses to generate traffic at buildout that could reach LOS D at the PM peak traffic hour. Lowering the level of service from the existing LOS C to LOS D is a demand management tool that will support OCP Policy OT-O-2 direction to calm traffic in Old Town Orcutt. The LOS change manages demand by removing the requirement to improve Clark Avenue in Old Town Orcutt to accommodate free flowing, higher speed vehicle travel by non-destination, through trips.

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JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



April 12, 2011

Bret McNulty
Santa Barbara County
123 E. Anapamu Street
Santa Barbara, CA 93110

Subject: Orcutt Community Plan 2011 Amendments
SCH#: 2009121057

Dear Bret McNulty:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 11, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED

APR 14 2011

S.B. COUNTY
LONG RANGE PLANNING

State Clearinghouse Data Base

SCH# 2009121057
Project Title Orcutt Community Plan 2011 Amendments
Lead Agency Santa Barbara County

Type EIR Draft EIR
Description NOTE: Reference SCH# 1995031055.

The Orcutt Community Plan 2010 Amendments to the 1997 Orcutt Community Plan 1) amend Policy FLD 04 and Action FLD-0-4.1 with a revised policy and development standards reflecting current flood control practices; 2) map and text amendments to comply with a court order in the Adam Brothers Farming v. Santa Barbara County et. al. case; and 3) amend Policy CIRC-0-3 to establish a minimum Level of Service (LOS) D for Clark Avenue Roadway segments and intersections between Blosser Road and Foxenwood Lane.

Lead Agency Contact

Name Bret McNulty
Agency Santa Barbara County
Phone (805) 568-3380 **Fax**
email
Address 123 E. Anapamu Street
City Santa Barbara **State** CA **Zip** 93110

Project Location

County Santa Barbara
City
Region
Lat / Long
Cross Streets Clark Avenue/SR 135, SR 1, and Hwy 101
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-101, SR 1 & SR 135
Airports Santa Maria Airport
Railways
Waterways Orcutt Creek Watershed
Schools Orcutt USD
Land Use Land Uses In the Orcutt Community Plan

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Soil Erosion/Compaction/Grading; Traffic/Circulation; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission

Date Received 02/25/2011 **Start of Review** 02/25/2011 **End of Review** 04/11/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Scott Morgan, California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

Letter dated April 12, 2011 via Fax April 14, 2011

Letter A3

Response to Comments

Thank you for your letter on the Orcutt Community Plan 2011 Amendments Draft SEIR. Please find our response below.

A3-1 This letter states that the State Clearinghouse had submitted the DEIR to selected state agencies for review and no state agencies submitted comments by the due date. The letter acknowledges that the County has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. The County of Santa Barbara submitted the Draft EIR to the State Clearinghouse on February 25, 2011.

The letter does not provide a comment on the efficacy of the environmental review in the OCP 2012 Amendments that requires a response.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
81440-2011-TA-0242

April 19, 2011

Bret McNulty, Planner
Long Range Planning Division
Planning and Development Department
123 East Anapamu Street, First Floor
Santa Barbara, California 93101

Subject: Draft Supplemental Environmental Impact Report for the Proposed Orcutt
Community Plan 2011 Amendments, Santa Barbara County, California

Dear Mr. McNulty:

We have reviewed the draft supplemental environmental impact report (SEIR), received in our office on February 28, 2011, for the proposed Orcutt Community Plan (OCP) amendments. Orcutt is an unincorporated community comprised of approximately 14,650 acres in northwest Santa Barbara County, California. The purpose of the SEIR is to update the 1997 Orcutt Community Plan Environmental Impact Report (EIR) to reflect changes in flood control practices, zoning changes in Old Town Orcutt, and to comply with a court order resulting from the *Adam Brothers Farming v. Santa Barbara County et al.* case.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act, and its implementing regulations, prohibit the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultations for projects with Federal involvement pursuant to section 7 of the Act or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.



As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act (CEQA), our comments on the proposed project do not constitute a full review of project impacts. We are providing our comments based upon a review of sections addressing biological resources, project activities that have a potential to affect federally listed species, and our concerns for listed species within our jurisdiction related to our mandates under the Act. Based upon our review, we have the following concerns regarding the proposed project's potential effects on federally listed species and the SEIR's characterization of the project's potential effects.

Key Site 22 Map Revision

We are concerned about the revised map for Key Site 22. While we understand that the revision is a result of the court's finding that all references to a previous wetland delineation be removed from the maps, it is unclear why all references to "significant habitat" were also removed. Based on available information regarding the known and potential occurrences of, and suitable habitat for, federally listed species as described below, the sensitive species habitat designation is still warranted independent of the wetland delineation and should not be removed.

Key Site 22 is within the range of the federally endangered California tiger salamander (*Ambystoma californiense*) and is almost entirely encompassed by designated Critical Habitat Unit 1 (West Santa Maria/Orcutt Unit; 69 Federal Register (FR) 68568) for this species. California tiger salamanders utilize upland habitat to disperse from aquatic breeding habitats. A 5-year study of California tiger salamanders (Orloff 2007) found that the majority of California tiger salamanders studied migrated at least 0.5 mile from breeding ponds. A smaller number of salamanders appeared to be migrating even farther, traveling between 0.75 and 1.3 miles to and from the breeding ponds and upland habitat on adjacent property. Known California tiger salamander breeding ponds SAMA-3 SAMA-4, SAMA-6, SAMA-7, SAMA-21, and vernal pool complex SAMA-2, as indicated on the Service's California tiger salamander habitats map, dated July 2010, and provided to the County of Santa Barbara Planning Department at that time, are within dispersal distance of the subject property. The SAMA-2 vernal pool complex is also one of two remaining vernal pool complexes in the Western Santa Maria metapopulation of California tiger salamanders (Service 2009). In addition, potential California tiger salamander breeding ponds GUAD-7 and SAMA-9 are located within dispersal distance of the Key Site 22 property, as shown on these same Service maps. Upland and wetland habitat on the subject property that supports California tiger salamanders or other endangered species should be identified as significant habitat and potential impacts to it should be recognized as potential significant environmental effects pursuant to CEQA. While we recognize the court's order to not recognize the original EIR's wetland delineation, the absence of the wetland delineation (and the associated development setbacks required subsequent to such delineation) in the SEIR may change the developable area and therefore the impacts to habitat that potentially supports endangered species; this change may represent a new significant environmental effect that requires analysis and mitigation under CEQA and also would require coordination with the Service to ensure compliance with the Act. Therefore, these additional significant environmental effects should be addressed in the SEIR.

The federally threatened California red-legged frog (*Rana draytonii*) has been documented on the Key Site 22 property. There are five California Natural Diversity Database (CNDDB) occurrences on or immediately adjacent to the subject property (CNDDB 2010). A survey conducted on the property in 1999 also found 51 California red-legged frogs over the course of three nights of surveying (Sadinski 1999). Adult California red-legged frogs have been documented to move more than 2 miles during dispersal events (Bulger et al. 2003). Habitat supporting California red-legged frogs on the subject property should be identified as significant habitat in the SEIR.

The federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) occurs 900 feet to the east of the Key Site 22 boundary on the Santa Maria Airport property. The SAMA-2 vernal wetland/sand dune complex that is currently identified on the revised Key Site 22 map is contiguous with this occupied vernal pool fairy shrimp habitat, providing a high likelihood that SAMA-2 is occupied by vernal pool fairy shrimp.

The southern and western portions of the subject property are within designated critical habitat for the federally endangered La Graciosa thistle (*Cirsium loncholepis*) (Santa Maria River-Orcutt Creek Unit; 74 FR 56978). The mesic nature of Orcutt creek and its tributaries also provide suitable habitat for the federally endangered Gambel's watercress (*Rorippa gambelii*) and marsh sandwort (*Arenaria paludicola*). We recommend that surveys for all three plant species be conducted to determine their presence or absence at the site, and in the interim we recommend that effects to the potentially suitable habitat be recognized as potentially significant environmental impacts.

The federally endangered least Bell's vireo (*Vireo bellii pusillus*) nests and forages almost exclusively in riparian woodland habitats. The riparian corridor along Orcutt Creek provides potentially suitable habitat for least Bell's vireo within the Key Site 22 area. Recent survey data indicate that least Bell's vireos are expanding their range due to recovery efforts. Least Bell's vireos have bred in the Santa Maria River watershed and could occur in suitable habitat at Key Site 22. We recommend that surveys be conducted according to Service protocol for this species within the proposed project area, and in the interim we recommend that effects to the potentially suitable habitat be recognized as significant environmental impacts. Survey guidelines are available on our website (http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/).

Orcutt Community Plan EIR Biological Impacts and Mitigation Measures

In general, the mitigation measures listed in Table 4.3.1 of the SEIR are lacking specificity to the level of addressing impacts to federally listed species. For instance, for impact KS22 BIO-1, an elimination of 120 acres of vernal wetland/grassland complex, 37 acres of sandhill chaparral, 90 acres of freshwater marsh, and 451 acres of annual grassland, mitigation is only proposed to entail an open space overlay, road realignment, and a County-implemented habitat protection and restoration program. Because of the potential for take of California red-legged frogs, California tiger salamanders, vernal pool fairy shrimp, and least Bell's vireos at the site resulting from the proposed residential development at Key Site 22, a County-implemented habitat protection

program alone would likely not satisfy the requirements of the Act. We recommend including language discussing coordination with the Service for impacts to listed species, specifically impacts KS22 BIO-1, KS22 BIO-2, KS22 BIO-3, KS22 BIO-4, and KS22 BIO-5.

As noted previously, this letter does not reflect a comprehensive review of the SEIR on our part; however, it is our opinion that development enabled by the Orcutt Community Plan, as proposed, could result in take of the California tiger salamander, California red-legged frog, vernal pool fairy shrimp, and least Bell's vireo. Therefore, we recommend you address these significant effects of the proposed project in your final SEIR. Although such projects may be permitted by the County's ministerial process, they are nonetheless subject to the Act when there is a likelihood of impacts to federally listed species, regardless of the size of the proposed project. Please note that despite the incorporation of any mitigation measures developed pursuant to CEQA, any take of listed species that could result from the proposed project would require exemption pursuant to section 7 or authorization pursuant to section 10 of the Act. In this light, we recommend that all activities implemented under the auspices of the Orcutt Community Plan be reviewed for impacts to federally listed species at every stage of the planning process and before any ground-disturbing activities be permitted to occur.

We appreciate the opportunity to provide comments on the draft Supplemental Environmental Impact Report for the Orcutt Community Plan. We are available to meet with you to discuss the plan further and provide suggestions on how to reduce effects to federally listed species. If you have any questions, please contact Andrea Adams of my staff at (805) 644-1766, extension 318.

Sincerely,

/s/: Jeff Phillips

Jeff Phillips
Deputy Assistant Field Supervisor

cc:

Bruce Henderson, Army Corps of Engineers
Martin Potter, California Department of Fish and Game

REFERENCES

- Bulger, J.B., N.J. Scott, and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs (*Rana aurora draytonii*) in coastal forests and grasslands. *Biological Conservation* 110(2003):85-95.
- California Natural Diversity Database (CNDDDB). 2010. Biogeographic Data Branch, California Department of Fish and Game. Version dated April 2, 2011. Orloff, S. 2007. Migratory Movements of California tiger salamander in upland habitat a five-year study, Pittsburg, California. Prepared for Bailey Estates LLC. 47 + pp.
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Jeff Phillips, United States Fish and Wildlife Service
Letter dated April 19, 2011

Letter A4

Response to Comments

Thank you for your letter on the Orcutt Community Plan 2012 Amendments Draft SEIR. Please find our response below.

A4-1 This comment expresses concern about the Key Site 22 Court Compliance Amendment map revision and the understanding that the purpose of the revision is a result of the court's order. The concern expressed is a lack of clarity as to why the County is also removing references to "significant habitat" from the map. The comment concludes that based on available information the sensitive habitat designation is still warranted independent of the wetland delineation.

The source of the existing significant habitat designation on the Key Site 22 map is the same wetlands delineation the court has ordered removed from the map. The court order explicitly directs removal of all references to the wetlands delineation document. Since no alternative to compliance with a court order is available, the sensitive habitat layer is being removed along with the wetland delineation.

As stated on page 4.3-7 of the SEIR, removal of the wetland delineation references and mapping from the OCP and Final EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal Clean Water Act (CWA) or federal and state regulations protecting special status species (**See Section 4.3.1 Setting**). 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 ESA prior to permit approval. Planning and Development requires a field assessment of properties in this area for the potential for special status species, including CTS. **Biological Resources, Section 4.3.3 OCP 2012 Amendments Impacts Analysis** has been revised to include a list of species, including CTS, and habitat on and in proximity to Key Site 22. The text has also been revised to reference the USFWS April 19, 2011 letter.

While the purpose of the Key Site 22 Court Compliance Amendment is to comply with the Court order, the purpose of this SEIR is to disclose to the public and decision-makers all relevant and available information regarding the amendment. As such, the USFWS letter, dated April 19, 2011, along with this comment and all support information, including mapping and studies cited in the USFWS letter was recirculated for a second 45-day review from April 12, 2012 to May 29, 2012 pursuant to CEQA Guidelines Section 15088.5.

9.0 Response to Comments

A4-2 This comment details how Key Site 22 is located within the range of the federally endangered California tiger salamander (*Ambystoma californiense*) (CTS) and is almost entirely within its designated Critical Habitat Unit 1 (West Santa Maria/Orcutt Unit; 69 Federal Register (FR) 688568). The comment further explains that CTS utilize upland habitat to disperse from their aquatic breeding habitats and discusses the findings of a five (5) year study of CTS behavior in the San Francisco Bay Area summarized in a five (5) year study released by USFWS in November 2009.¹ The comment notes the locations of CTS breeding ponds designated SAMA-3, SAMA-4, SAMA-6, SAMA-7, SAMA-21, and a vernal pool complex designated SAMA-2, that were mapped in July 2010 in proximity to Key Site 22. The comment states the maps were provided to the Santa Barbara County Planning & Development Department at that time. The comment identifies the SAMA-2 vernal pool complex as being one of two remaining vernal pool complexes in the Western Santa Maria metapopulation (regional group of connected species populations) of CTS and that Key Site 22 is located in the dispersal range of the potential CTS breeding ponds designated GUAD-7 and SAMA-9.

Subsequent to receiving the USFWS April 19, 2011 letter, the County obtained the July 2010 USFWS CTS habitat map cited in the letter from USFWS and obtained the studies cited in the letter from their sources. The Planning & Development Department reviewed this information and determined the studies contain new environmental setting information not previously available to the County and during the Draft SEIR scoping and public review periods and that this information should be cited in the SEIR.

Based upon review of the information, the County acknowledges the USFWS determination that CTS disperses from its breeding ponds as part of its normal behavior and that the proximity of such breeding ponds to Key Site 22 leads USFWS to find that Key Site 22 is located within dispersal range of CTS. **Section 4.3 Biological Resources** pages 4.3-1 and **Chapter 8.0 Response to Comments** of this SEIR has been revised to include references to the studies referenced in the USFWS April 19, 2011 letter. The revised SEIR sections were circulated for a second 45-day public review from April 12, 2012 to May 29, 2012 pursuant to CEQA Guidelines Section 15088.5, which requires recirculation of the revised EIR sections when significant new environmental setting information is added to the EIR for which the public has not had a meaningful opportunity to comment.

A4-3 This comment states that upland and wetland habitat on the subject property (Key Site 22) that supports CTS or other endangered species should be identified as significant habitat and that potential impacts to such habitat should be recognized as potential significant impacts pursuant to CEQA.

The purpose of the Key Site 22 Court Compliance Amendment is to comply with the court order to remove all references to a wetlands delineation the court has deemed

¹ U.S. Fish and Wildlife Service, Ventura, California, November 2009. California tiger salamander (*Ambystoma californiense*) Santa Barbara County Distinct Population Segment: 5-year Review: Summary and Evaluation, and Orloff, S. 2007. Migratory movements of California tiger salamander in upland habitat – a five year study, Pittsburg, California. Prepared for Bailey Estates LLC. 47 + pp.

legally deficient. The Key Site 22 Court Compliance Amendment proposes no changes to permitted land uses or permit levels that would lead to physical alteration of existing significant upland or wetland habitat that supports special status species on Key Site 22.

As detailed in **Section 4.3, Biological Resources**, pages 4.3-1 and 4.3-7 of the SEIR, removal of the wetland delineation references and mapping from the OCP and Final EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal CWA, or federal and state regulations protecting special status species. 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 CEQA, the CWA and the federal and state ESA prior to permit approval.

The text in **Section 4.3, Biological Resources**, pages 4.3-1 and 4.3-7 has been revised to reference the studies described in the USFWS April 19, 2011 letter and to clarify that the Santa Barbara County Planning and Development Department requires a field assessment of properties in this area for the potential for special status species, including the following federally designated endangered species: the California Tiger Salamander, California red-legged frog, the vernal pool fairy shrimp, La Graciosa thistle, Gambel's watercress, marsh sandwort, and Least Bell's vireo, all of which have been documented on Key Site 22 or in proximity.

Therefore, since permit standards require project applicants to demonstrate avoidance of impacts to significant habitat or habitat that supports special status species and field verification, removal of the legally deficient wetland delineation from the Key Site 22 map would not lead to a potentially significant impact on habitat that supports special status species.

A4-4 This comment acknowledges the court order to remove the legally deficient wetlands delineation from the Orcutt Community Plan and EIR. The comment further states that removal of the wetlands delineation and its accompanying development setbacks may change the developable area on the site and therefore results in a significant impact to habitat that potentially supports endangered species requiring additional analysis and mitigation in the EIR. The comment additionally states that coordination with USFWS is required in compliance with the federal Endangered Species Act.

As described in **Section 4.3, Biological Resources**, page 4.3-7 of the SEIR, and in Response to Comment A4-4 above, the development potential of the site cannot be adequately determined, nor permits issued for any future development proposals or grading on Key Site 22 until compliance is demonstrated with all applicable federal, state, and county regulatory requirements, including CEQA, the CWA and the federal and state ESA.

The court order created no new development potential by changing land uses or the permit requirements applicable to Key Site 22, and no change to the development potential of Key Site 22 is being considered as part of the Key Site 22 Court Compliance Amendment. Since existing permit standards require future project proponents to demonstrate avoidance of impacts to significant habitat or habitat that supports special status species and field verification prior to issuance of permits, removal of the legally deficient wetland delineation from the Key Site 22 map would not lead to a potentially

9.0 Response to Comments

significant impact on habitat that supports special status species. Therefore, the comment identifies no new significant environmental effects warranting additional environmental review beyond the analysis and conclusions in this SEIR.

The County acknowledges federal ESA requirements cited in this comment that are applicable to proponents of future development proposals, to coordinate with the USFWS regarding actions may result in a significant impact to federally designated special status species. The text on **Section 4.3, Biological Resources**, page 4.3-7 has been revised to include the currently available link to USFWS protocol guides.

- A4-5** This comment expresses that California red-legged frog (CRLF) (*Rana draytonii*), which is designated threatened under the federal ESA, has been documented on Key Site 22 and cites five California Natural Diversity Database (CNDDDB) occurrences either on or immediately adjacent to the site. The comment cites a field survey that recorded 51 occurrences of CRLF on the site (Sadinsky, 1999). The comment further cites another study that documented CRLF moving more than two (2) miles during dispersal events (Bulger et al., 2003) and concludes that habitat that supports CRLF on the subject property should be designated as significant habitat in the SEIR.

The County reviewed the Sadinsky and Bulger CRLF studies referenced in the USFWS April 19, 2011 letter and determined that the studies contain new environmental setting information not previously available during the scoping and public review period and that the information should be cited in the SEIR.

Section 4.3, Biological Resources, pages 4.3-1 and 4.3-7, and **Chapter 8.0 References and Persons Contacted** in the Final SEIR have been revised to include references to the Sadinsky and Bulger studies and the USFWS letter.

As discussed in the Response to Comments A4-3 and A4-4 above, the Key Site 22 Court Compliance Amendment does not change or create development potential on the site and will therefore, not have a direct or indirect impact on significant habitat supporting designated special status species on Key Site 22, including CRLF habitat. Future development is subject to existing mechanisms that require project applicants to demonstrate avoidance of impacts to significant habitat or habitat that supports special status species, including CRLF with field verification following the appropriate regulatory protocols. Therefore, the Key Site 22 Court Compliance Amendment would not lead to a potentially significant impact on habitat that supports special status species.

The County circulated the revised SEIR sections that discuss CRLF studies for a second 45-day review from April 12, 2012 to May 29, 2012.

- A4-6** This comment identifies an occurrence of the federal designated threatened vernal pool fairy shrimp (*Branchinecta lynchi*) 900 feet east of the Key Site 22 boundary on the Santa Maria Airport property. The comment further expresses the likelihood that the SAMA-2 vernal wetland/sand dune complex, depicted on the revised Key Site 22 map in the Draft SEIR, is occupied by vernal pool fairy shrimp since SAMA-2 is located contiguous to occupied vernal pool fairy shrimp habitat.

The County reviewed the USFWS April 19, 2011 letter regarding the potential presence of vernal pool fairy shrimp in the SAMA-2 vernal wetland/sand dune complex and determined that the information is new environmental setting information not

previously available during the scoping and public review period and that the information should be cited in the SEIR.

Section 4.3, Biological Resources, Pages 4.3-1 and 4.3-7, and **Chapter 8.0 References and Persons Contacted** of the SEIR have been revised to discuss the likely presence of the federally designated threatened vernal pool fairy shrimp and reference the USFWS letter.

As discussed in the Response to Comments A4-3, A4-4 and A4-5 above, the Key Site 22 Court Compliance Amendment does not change or create development potential on or adjacent to Key Site 22 and will therefore, not have a direct or indirect impact on significant habitat supporting designated special status species on Key Site 22, including vernal pool fairy shrimp. Future development is subject to existing mechanisms that require project applicants to demonstrate avoidance of impacts to significant habitat or habitat that supports special status species, including vernal pool fairy shrimp with field verification following the appropriate regulatory protocols. Therefore, the Key Site 22 Court Compliance Amendment would not lead to a potentially significant impact on habitat that supports special status species.

The County circulated the revised SEIR sections that discuss the potential presence of vernal pool fairy shrimp for a second 45-day review from April 12, 2012 to May 29, 2012.

- A4-7** The comment references documented occurrences of three federally designated endangered plant species: the La Graciosa Thistle (*Cirsium loncholepis*), Gambel's watercress (*Rorippa gabelii*) and marsh sandwort (*Arenaria paludicola*) on the southern and western portions of Key Site 22 and in Orcutt Creek and its tributaries. The comment recommends surveys be conducted for all three species to determine the presence of these species and that effects to the potentially suitable habitat for these species be recognized in the SEIR as significant.

The County reviewed the USFWS April 19, 2011 letter reference to *Final Rule 56978. Federal Register: November 3, 2009 (Volume 74, Number 211). Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Cirsium loncholepis (La Graciosa Thistle)* and determined that the information is new environmental setting information not previously available during the scoping and public review period and that the information should be cited in the SEIR.

Section 4.3, Biological Resources, pages 4.3-1 and 4.3-7 and **Chapter 8.0 References and Persons Contacted** in the SEIR have been revised to discuss the likely presence of the federally designated threatened La Graciosa Thistle, Gambel's watercress and marsh sandwort referenced the USFWS letter and provides the most current link to USFWS protocol survey guides.

As discussed in the Response to Comments A4-3, A4-4, A4-5 and A4-6 above, the Key Site 22 Court Compliance Amendment does not change or create development potential on or adjacent to Key Site 22 and will therefore, not have a direct or indirect impact on significant habitat supporting designated special status species on Key Site 22, including La Graciosa Thistle, Gambel's watercress and marsh sandwort. Future development is subject to existing permit requirements that require project applicants to demonstrate avoidance of impacts to significant habitat or habitat that supports special status

9.0 Response to Comments

species, including La Graciosa Thistle, Gambel's watercress and marsh sandwort with field verification following the appropriate regulatory protocols. Therefore, the Key Site 22 Court Compliance Amendment would not lead to a potentially significant impact on habitat that supports special status species requiring revisions to the environmental analysis and conclusions in this SEIR.

The County circulated the revised SEIR sections that discuss the potential presence of La Graciosa Thistle, Gambel's watercress and marsh sandwort for a second 45-day review from April 12, 2012 to May 29, 2012.

- A4-8** The comment describes how the federally designated endangered least Bell's vireo (*Vireo bellii pusillus*) nests and forages in riparian woodland habitat like that found along Orcutt Creek within the Key Site 22 area. The comment cites survey data indicating the least Bell's vireo expanding their range due to recovery efforts. The comment further recommends USFWS protocol surveys be conducted in the project area and that potential effects to habitat suitable for special status species be recognized as significant environmental impacts in the SEIR

The County reviewed the USFWS April 19, 2011 letter and determined the USFWS authority regarding federally designated special status species, notwithstanding the lack of specificity regarding the source of referenced survey data, constituted new environmental setting information not previously available during the scoping and public review period and that the information should be cited in the SEIR.

Section 4.3, Biological Resources, pages 4.3-1 and 4.3-7 and **Chapter 8.0 References and Persons Contacted** in the SEIR have been revised to discuss the likely presence of habitat suitable for the federally designated endangered least Bell's vireo referenced in the USFWS letter and provides the most current link to USFWS protocol survey guides.

As discussed in the Response to Comments A4-3, A4-4, A4-5, A4-6 and A4-7 above, the Key Site 22 Court Compliance Amendment does not change or create development potential on or adjacent to Key Site 22 and will therefore, not have a direct or indirect impact on significant habitat supporting designated special status species on Key Site 22, including least Bell's vireo. Future development is subject to existing permit requirements that require project applicants to demonstrate avoidance of impacts to significant habitat or habitat that supports special status species, including least Bell's vireo with field verification following the appropriate regulatory protocols. Therefore, the Key Site 22 Court Compliance Amendment would not lead to a potentially significant impact on habitat that supports special status species requiring revisions to the environmental analysis and conclusions in this SEIR.

The County circulated the revised SEIR sections that discuss the potential presence of least Bell's vireo for a second 45-day review from April 12, 2012 to May 29, 2012.

- A4-9** This comment describes, generally, a lack of specificity in the mitigation measures in the OCP EIR (95-EIR-01) certified by the Board of Supervisors in 1997 and listed in Table 4.3.1 in the SEIR in addressing impacts to federally designated special status species.

The comment cites as an example Impact KS22-BIO-1 that lists the potential for development of 2,000 units on Key Site 22 that would create potentially significant impacts through elimination of 120 acres of vernal wetland/grassland complex, 37 acres

of sandhill chaparral, 90 acres of freshwater marsh, and 451 acres of annual grasslands. The comment expresses that due to potential take of CRLF, CTS, vernal pool fairy shrimp, and least Bell's vireos, the mitigation identified would be insufficient in satisfying the requirements of the federal ESA. The comment also recommends including language discussing coordination with the USFWS for impacts to federally designated special status species, specifically for impacts previously identified on Key Site 22, including KS22 BIO-1, KS22 BIO-2, KS22 BIO-3, KS22 BIO-4, and KS22 BIO-5.

As discussed in the response to Comment A4-4 above, the purpose of the Key Site 22 Court Compliance Amendment is to comply with the court order to remove all references to a wetlands delineation the court has deemed legally deficient. The potential rezoning of Key Site 22 from agricultural to residential use is not part of the project description of the OCP 2012 Amendments. The summary of the previously identified impacts and mitigation measures from the OCP EIR provide program level analysis should such a rezone be proposed in the future.

The Key Site 22 Court Compliance Amendment proposes no changes to permitted land uses or permit levels that would lead to physical alteration of existing significant habitat that supports special status species on Key Site 22 or in proximity requiring revisions to the environmental analysis and conclusions in this SEIR.

As detailed in **Section 4.3, Biological Resources**, pages 4.3-1 and 4.3-7 of the SEIR, removal of the wetland delineation references and mapping from the OCP and Final EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal CWA, or federal and state regulations protecting special status species. Future proposals to rezone, future development or grading proposals on Key Site 22 will be required to demonstrate compliance with all applicable federal, state, and county regulatory requirements, including CEQA, the CWA and the federal and state ESA prior to permit approval. Therefore, since the OCP 2012 Amendments include no change to land use that would permit alteration to land that would result in take of significant habitat or special status species, no revisions to the environmental analysis and conclusions in this SEIR are warranted.

However, the text in **Section 4.3, Biological Resources**, pages 4.3-1 and 4.3-7 has been revised to reference the studies described in the USFWS April 19, 2011 letter and to clarify that the Santa Barbara County Planning and Development Department requires a field assessment of properties in this area for the potential for special status species, including the following federally designated endangered species: the California Tiger Salamander, California red-legged frog, the vernal pool fairy shrimp, La Graciosa thistle, Gambel's watercress, marsh sandwort, and Least Bell's vireo, all of which have been documented on Key Site 22 or in proximity.

The County acknowledges federal ESA compliance requirements cited in this comment that are applicable to proponents of future rezoning and development proposals, to coordinate with the USFWS regarding actions may result in a significant impact to federally designated special status species. The text on **Section 4.3, Biological Resources**, page 4.3-7 has been revised to include the currently available link to USFWS protocol guides.

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- A4-10** This comment expresses that the USFWS letter does not include a comprehensive review of the SEIR by USFWS and that development enabled by the OCP as proposed would result in take of take of CRLF, CTS, vernal pool fairy shrimp, and least Bell's vireo. The comment therefore recommends that these significant effects of the project be addressed in the SEIR.

As discussed in the response to Comments A4-4 and A4-10 above, the OCP 2012 Amendments propose no changes to permitted land uses or permit levels that would lead to physical alteration of existing significant habitat that supports special status species on Key Site 22 or in proximity. Therefore, since no change to land uses is proposed, no additional environmental review beyond the analysis in the SEIR is warranted.

- A4-11** The comment expresses that projects permitted by the County's ministerial process are subject to the federal ESA, when there is a likelihood of impacts to federally designated special status species, regardless of the size of the project. The comment notes that despite incorporation of mitigation measures, developed pursuant to CEQA, any take of federally designated special status species would require exemption pursuant to Section 7 of the ESA, or authorization pursuant to Section 10 of the ESA. The comment, therefore recommends that all activities implemented under the auspices of the OCP be reviewed for impacts to federally designated special status species at every stage of the planning process and before any ground disturbing activities are permitted to occur.

This comment is advisory regarding the applicability of the federal ESA in the OCP area and does not address the efficacy of the analysis or conclusions in the environmental analysis in the SEIR, warranting a change or response. This comment will, however, be forwarded to decision-makers for review and consideration.

From: chuck williams [solomoncreek@verizon.net]
Sent: Wednesday, March 23, 2011 2:07 PM
To: McNulty, Bret; Lackie, David
Cc: SupervisorCarbajal; Gray, Joni; Wolf, Janet; Farr, Doreen; Lavagnino, Steve
Subject: County, Bret David

3/23/11

Bret McNulty, David Lackey CC: supervisors

You requested a written letter addressing my concerns.

Thank you for holding the public meeting with regards to 2011 OCP amendments

I am concerned mainly about Old Town Orcutt. I believe it was Mr. Lackie who asked me to point out flaws in the 2008 traffic study done by Penfield & Smith. The traffic study indicates there is plenty of parking. My question is: Why do patrons have to park in the residential areas, this happens on the week ends, and sometimes at night? Now, this is not a huge problem yet, however, as we get new businesses here, as you know this problem will also grow. I think the car shows and parade we have here is a big asset for the county and local business. However, there is no parking for patrons, other than in front of someone's home or business. Fortunately, this is only a couple of times a year. The traffic study points out existing parking lots, including the US Post Office. Have you ever read the sign in the Post Office Parking lot? Have you ever read the customer parking only signs in nearly every parking lot in OTO, Have you ever asked any of the business owners if they would share their parking lot, or, if they were aware that the county has authorized in their OTO plans the existing business parking lots? Have you ever read the customer parking only signs' in nearly every parking lot, including the new Union Oil Plaza? As a business owner in the past, I do not blame one of these business owners for not sharing their lot. I have spoken with many of those who have the bigger parking lots; most of them were not willing to share when I asked them, and not aware of their parking lots in the OCP being obligated to use by all. Those few, who were willing to share, basically had no parking to share. A few years ago LRP Stephan Peterson, then later, Derek Johnson these same questions; their answer was no they had not spoken with any of the lot owners.

Page 65 OCP Action: OT-O-2.2 includes satellite parking lots, shared off street parking.

The county has implemented the Angled parking. To my knowledge the only people who like this dangerous design are the county and a few business owners including special interest.

The county needs to step up and take care of the Renters, and home owner tax paying people who are living in this town every day. Keep some these cars out of our neighborhoods. Page 65 OCP Action: OT-O-2.2 includes satellite parking lots, shared off street parking. The county needs to start purchasing property for satellite parking lots while it is cheap. There are plenty of properties close to the business district on Clark ave for sale.

To change the level of service between Blosser & Foxenwood lane from LOS C to D is best for residents if this is not done. As business grows, we will get more unwanted traffic on our residential streets. This change will allow more traffic on Clark, defeating one alleged purpose of UVP. UVP will extend through Key site 22 eliminating the need to change the LOS on Clark between Blosser Rd. & Foxenwood lane. We will have to have the proposed signal light at some point on Clark & Gray, and Clark & Broadway. Parking lots on Clark ave first, not in the residential areas.

When Key site 22 is developed along with other developments, and Clark ave has to be restriped to 4 lanes, the angular parking has to be taken out where will patrons park?

Maybe we can get parking lots incorporated into the next union contract?

Thank you,

Chuck Williams.

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Chuck Williams,
Email dated March 23, 2011

Email B1

Response to Comments

Thank you for your comments on the Orcutt Community Plan (OCP) 2011 Amendments Draft SEIR. Please find our responses below.

B1-1 This comment expresses concern about parking in residential areas adjacent to Old Town Orcutt and questions the accuracy of the parking analysis in the Traffic Study referenced in the OCP 2011 Amendments SEIR. The comment notes that as new businesses arrive, the parking problem will grow. The comment expresses support for cars shows and the parade, but cites a lack of parking for patrons except in front of homes adjacent to Old Town. The comment notes that some onsite parking lots are reserved for patrons and not available for parking as cited in the plans for Old Town Orcutt.

The comment does not identify a specific inadequacy in the parking analysis in the Traffic Study, or the analysis and conclusions in the environmental analysis in the SEIR warranting a change or response. This comment will be forwarded to decision-makers for review and consideration.

B1-2 The comment notes OCP Action OT-O-2.2 includes provisions for satellite parking lots, shared parking, and expresses that the angled parking is dangerous and only serves a few business owners and special interest.

The comment does not identify a specific inadequacy in the analysis and conclusions in the environmental analysis in the Draft SEIR warranting a change or response. This comment will be forwarded to decision-makers for review and consideration.

B1-3 This comment states that the County should take care of residents by keeping cars out of neighborhoods and cites OCP Action OT-O-2.2, which identifies satellite parking lots and shared off-street parking as potential options. The comment advises the County to start purchasing land for parking while it is cheap and notes there are plenty of properties close to the Clark Avenue business district that are for sale.

The comment does not identify a specific inadequacy in the analysis and conclusions in the environmental analysis in the Draft SEIR warranting a change or response. This comment will be forwarded to decision-makers for review and consideration.

B1-4 This comment states that the change to the traffic level of service from LOS C to LOS D along Clark Avenue would not be best for residents, result in unwanted traffic on residential streets, and allow more traffic on Clark Avenue, which would defeat the purpose of the UVP extension through Key Site 22. The comment further states that the UVP extension through Key Site 22 would eliminate the need to reduce LOS on Clark Avenue between Foxenwood Lane and Blosser Road. The comment also expresses that a need exists for traffic lights at the Clark Avenue intersections with Gray Street and Broadway and cites a preference for parking lots on Clark Avenue not in residential areas.

9.0 Response to Comments

The change to traffic level of service LOS C to LOS D would allow periodic delays that would serve to discourage incidents of high-speed through traffic trips in Old Town consistent with the OCP, and accommodate destination trips by people who enter Old Town slowly and are looking to park and patronize Old Town Orcutt businesses. As discussed in **Section 4.1, Transportation**, page 4.1-18 of this SEIR, The LOS reduction also reflects a preference, consistent with OCP policy to change the level of service and allow delays to calm traffic flow in Old Town Orcutt, rather than install signalized intersection improvements to keep traffic moving at higher speeds.

No new or changed impact levels were identified in the Traffic Study 10-year and buildout scenarios not previously accounted for in the OCP EIR. The Traffic Study recommends changing the traffic level of service to acknowledge the potential for the land uses already permitted by the OCP to generate traffic at buildout that could reach LOS D at the PM peak traffic hour. The traffic study does not recommend signaling. Lowering the level of service from the existing LOS C to LOS D is a demand management tool that will support OCP Policy OT-O-2 direction to calm traffic in Old Town Orcutt. The LOS change manages demand by removing the requirement to improve Clark Avenue in Old Town Orcutt to accommodate free flowing, higher speed vehicle travel by non-destination, through trips. Since the Clark Avenue LOS Amendment acknowledges future buildout associated with buildout of existing land uses and proposes no changes to land use that would generate additional trips beyond those analyzed in the Traffic Study, no additional analysis or revision to the SEIR is warranted to address this comment.

The future extension of UVP from Blosser Road to SR 1 while identified as a potential alternative route for regional through traffic in the OCP is not currently proposed for development. As discussed in **Section 4.1, Transportation**, page 4.1-19, the OCP EIR identified completion of the Union Valley Parkway (UVP) as a regional circulation improvement to accommodate through traffic generated by land uses in the Plan Area and southern Santa Maria. Recent completion of the extension of UVP north of Old Town Orcutt provides an alternative route for regional through trips currently using Clark Avenue relieving traffic volume on that roadway. Since an alternate route for regional traffic is available, no new impacts to through traffic will be created with the change in the level of service on Clark Avenue to LOS D.

Development of Key Site 22 is not part of the Clark Avenue LOS the Clark Avenue LOS Amendment. The Clark Avenue LOS Amendment addresses future level of service consistent with OCP Policy OT-O-2 without changing land uses that would result in additional trips not previously analyzed in the Traffic Study. Since the Clark Avenue LOS Amendment acknowledges future buildout of land uses in the OCP and considers the potential buildout of Key Site 22 as discussed in the OCP, and proposes no changes to land use that would generate additional trips beyond those analyzed in the Traffic Study, no additional analysis or revision to the SEIR is warranted.

As discussed in **Section 4.1, Transportation**, page 4.1-19, since the changing the traffic level of service will not change the land uses in the OCP or increase the vehicle trips generated by these uses, no new traffic, parking, or circulation system impacts would occur. The County continues to monitor the parking situation in Old Town Orcutt and will implement measures discussed in the OCP to accommodate parking demand should conditions warrant.

- The comment expresses a preference for parking lots along Clark Avenue, but does not identify inadequacy in the parking analysis in the Traffic Study, or the analysis and conclusions in the SEIR warranting a revision. This comment will be forwarded to decision-makers for review and consideration.
- B1-5 The comment notes the opinion that as Key Site 22 and other projects develop, a need would arise to restripe Clark Avenue to four lanes and the existing angled parking would require removal. The Traffic Study analyzed buildout scenarios of the OCP, including the potential for development of Key Site 22, and did not identify an impact that would warrant removal of the existing angled parking to restripe Clark Avenue for four lanes of travel, therefore no additional analysis or revision to the SEIR is warranted.

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Speaker's Slip

Orcutt Community Plan 2011 Amendments

Draft Supplemental EIR Comment Meeting

6:00 p.m. Monday, March 21, 2011

Name(s):

KENNETH L WOLF

Address:

Phone No.:

E-mail: KENNETHLWOLF@MSN.COM

Representing:

☐ Self

☐ Group:

Comment:

Bicycle RACKS THROUGHTOUT OLD ORCUTT
WOULD BE A NICE ADDITION

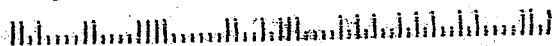
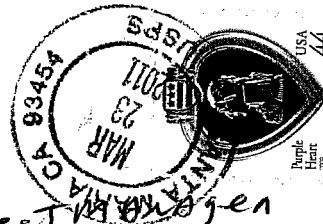
Staff announce when public testimony will be given,
the time allotted for each speaker and call people one at a time.

WOLF
93456-5673

RECEIVED

MAR 24 2011

BRET SAC COUNTY
PLANNING & DEVELOPMENT
COUNTY OF SANTA BARBARA
PLANNING + DEVELOPMENT DEPT
LONG RANGE PLANNING DIVISION
123 E ANAPAMU ST
SANTA BARBARA, CA 93101



Kenneth L. Wolf,
Comment Note received via mail March 24, 2011

Comment Note B2

Response to Comments

Thank you for your comments on the Orcutt Community Plan (OCP) 2012 Amendments Draft SEIR. Please find our responses below.

- B-2-1** The comment notes a preference for additional bicycle racks throughout Old Town Orcutt, but does not identify inadequacy in the parking analysis in the Traffic Study, or the analysis and conclusions in the SEIR warranting a revision. This comment will be forwarded to decision-makers for review and consideration.

9.2 Response to Comments on the Recirculated Draft SEIR

As discussed above, the County received no comments on the SEIR Revision Document (RV-1) during the second 45-day public comment period ending on May 29, 2012, or prior to publication.

9.3 Response to Public Testimony

A publically noticed environmental comment hearing was held on Monday, March 21, 2011 at the Betteravia Government Center in Santa Maria. During public testimony, two speakers presented comments on the topics summarized in Table 9.2-2 below. The response to the speaker comments is provided after the table.

Table 9.2 Public Speaker Topic Summary

Number	Speaker, Affiliation	Summary of Discussion Topics
1	Chuck Williams	<ul style="list-style-type: none"> a. There is a parking problem in Old Town Orcutt that will get worse as more businesses locate there. b. Patrons to Old Town Orcutt businesses should not be allowed to park in front of residences in Old Town c. The County needs to address parking by locating parking lots along Clarke Avenue.
2	Kenneth L. Wolf	<ul style="list-style-type: none"> d. How will biological resources and open space be protected as the Orcutt area develops?

1. Chuck Williams

Thank you for your comments on the Orcutt Community Plan 2012Amendments. Please find our responses below.

- 1a. This comment is addressed in the response to Comment B1-4 above.
- 1b. This comment expresses the preference that patrons of Old Town Orcutt businesses should not be allowed to park in front of residences. The comment does not identify an inadequacy in the parking analysis in the Traffic Study, or the analysis and conclusions in the SEIR warranting a revision. This comment will be forwarded to decision-makers for review and consideration.
- 1c. This comment is addressed in the response to Comment B1-4 above.

2. Kenneth L. Wolf

Thank you for your comments on the Orcutt Community Plan 2011 Amendments. Please find our response below.

- 2a. The Orcutt Community Plan (OCP) and Environmental Impact Report (95-EIR-01) adopted by the Board of Supervisors in 1997 describes allowable land uses and identifies mitigation measures and regulations applicable to future development in OCP Plan Area, including protections for biological resources and open space. As described in **Section 2.0, Project Description**, page 2 of this SEIR, the purpose

9.0 Response to Comments

of the OCP 2012 Amendments SEIR is to supplement the environmental analysis in the OCP EIR to ensure the document remains consistent with current federal, state and county regulations. **Section 4.3-1, Biological Resources** in this SEIR describes the environmental analysis and conclusions regarding potential impacts to biological resources associated with the OCP 2012 Amendments project.

This comment does not identify inadequacy in the analysis and conclusions in the SEIR warranting a revision. This comment will be forwarded to decision-makers for review and consideration.