



BOARD OF SUPERVISORS AGENDA LETTER

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

Agenda Number:

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: 5/4/10
Placement: Set Hearing
Estimated Time: 25 min on 5/18/10
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Planning Director
Director(s)
Staff Contact Derek Johnson, Director, Long Range Planning
Info: 568-3380
SUBJECT: Environmental Coordinator Requirements – Amendment to the County of Santa Barbara
Guidelines for the Implementation of the California Environmental Quality Act

County Counsel Concurrence

As to form: Yes

Other Concurrence: **N/A**

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

1. Set a hearing for May 18, 2010 to adopt by resolution the necessary amendments to the County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act regarding selection of the environmental coordinator and hearing officer for public projects.
2. On May 18, 2010 take the following actions:
 - a) Adopt a Resolution amending the *County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act* regarding the environmental coordinator and hearing officer requirements for public projects (Attachment A); and,
 - b) Find that these amendments are exempt from the California Environmental Quality Act pursuant to Section 15378(b) (5) of the Guidelines for Implementation of CEQA (Attachment B – Notice of Exemption).

Summary Text:

On March 2, 2010, the Board requested that the Planning and Development Department review the County CEQA Guidelines for designating an Environmental Coordinator for public projects, and return to the Board with a report/recommendations.

Background:

On January 18, 2005, the Board of Supervisors directed the following: 1) the County Planning Commission to review the County's EIR contract procedures; and, 2) a Project Manager be assigned by the County Chief Executive Officer (CEO) to facilitate this effort. The CEO's Project Manager subsequently convened an Executive Committee to assist in the effort, developed a draft report and recommendations, and presented all findings to the County and Montecito Planning Commissions, and the Board.

On November 22, 2005, the Board considered the recommended changes to the EIR contract procedures for private and public projects and adopted a resolution amending the County CEQA Guidelines. With respect to EIR's prepared for public projects, the Board adopted the following language defining the role of the Environmental Coordinator.

“The Environmental Coordinator shall not be an employee or officer of the department that is charged with the preparation of the public plan or program EIR.” (County CEQA Guidelines - Article III-Definitions, I)

This amendment has meant that County departments preparing public plans or program EIR's have had to request Environmental Coordinators from other County departments or hire external consultants to fulfill this role. Inter-departmental requests for staff to serve as Environmental Coordinator are typically filled by Planning and Development, Public Works, or Parks Department staff which have the needed CEQA experience.

Because of the scope and complexity of many Planning and Development projects, the department has had to contract with external consultants to provide Environmental Coordinator services. The Housing Element, Santa Ynez Community Plan, and Los Alamos Community Plan Environmental Impact Reports (EIRs) have all required retention of outside consultants because inter-departmental Environmental Coordinators were not available. Planning and Development Department expenditures for external Environmental Coordinator services totaled \$214,284 between December 2005 and January 2010.

Proposed County CEQA Guidelines Amendment

Planning and Development Department recommends the Board consider amending the Environmental Coordinator definition in the County CEQA Guidelines (Attachment A - Exhibit 1, page 2) to provide County departments the option to use a departmental, inter-departmental, or external Environmental Coordinator when preparing a public project or plan. County departments can then select the appropriate qualified Environmental Coordinator based on project complexity, staff availability, project timelines, and budgetary considerations. Departments can achieve efficiencies and cost savings with no loss of independent and objective review. County departments, together with oversight from County Counsel, will ensure the environmental document is adequate, that it complies with CEQA, and adopted County CEQA Guidelines.

Environmental Review to Adopt Amendments

The proposed amendments to the County's CEQA Guidelines are determined to be exempt from environmental review pursuant to Section 15378(b) (5) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15378(b) (5) states that when an action is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment, it is not considered a project subject to CEQA. Amending the Environmental Coordinator definition is an administrative activity that will not result in a direct or reasonably foreseeable indirect change in the physical environment, or change permitting requirements or standards in the County's zoning ordinances. Rather, the proposed definition will clarify County process for designating the Environmental Coordinator for public projects. Therefore, this amendment to the County CEQA Guidelines is not considered a project under CEQA and therefore, CEQA is not applicable.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

If the Board approves the amendment, County departments preparing a public plan or program EIR will need to budget a fractional allocation of time at the Supervising Planner level or above if they choose to select a departmental or inter-departmental Environmental Coordinator rather than hiring an external consultant for these services.

Staffing Impacts:

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| Legal Positions: | FTEs: |
| N/A | N/A |

Special Instructions:

- c) Clerk of the Board to provide legal ad notice 10 days prior to the hearing on May 18, 2010.
- d) Clerk of the Board to post Notice of Exemption within five days after Board of Supervisors approval. The Notice of Exemption shall remain posted for a period of 30 days, and then returned to Planning and Development Department, Office of Long Range Planning.

Attachments:

- A. Resolution amending the *County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act*
 - Exhibit 1: County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act, (Revised May 18, 2010)
- B. Notice of Exemption

Authored by:

David Lackie, Supervising Planner, Long Range Planning Division

cc: Clerk of the Board
Sharon Friedrichsen, Assistant to the CEO
Ed Yates, County Counsel
Dianne Black, Director of Development Services
Derek Johnson, Director Long Range Planning