

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: 06/08/05
Department Name: CEO
Department No.: 012
Agenda Date: 06/21/05
Placement: Departmental
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Executive Officer

STAFF CONTACTS: Ron Cortez
Deputy County Executive Officer

John McInnes – 568-3552
Project Manager

SUBJECT: EIR Contract Procedures Review

Recommendation(s):

That the Board of Supervisors:

- a) Consider recommendations regarding the County’s Environmental Impact Report contract procedures;
- b) Approve the Planning Commission’s recommendations for changes to the County’s Environmental Impact Report contract procedures; and
- c) Direct County Counsel and Planning & Development to prepare and present a Resolution to the Board of Supervisors for consideration that will provide for the necessary revisions to the “County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act of 1970, As Amended.”

Alignment with Board Strategic Plan:

This recommendation is primarily aligned with Goal No. 1, An efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

On January 18, 2005, your Board directed that the Planning Commission review the County's Environmental Impact Report (EIR) contract procedures and return to the Board with a report/recommendations. Further, the Board directed that this effort be facilitated by a Project Manager to be assigned by the County Executive Officer (CEO).

The CEO appointed a project manager and formed an Executive Committee to oversee policy issues throughout the work effort. The Executive Committee considered the project background and Board direction and determined the following project purpose:

1. Review current guidelines specifying responsibilities for preparation of environmental documents (*County of Santa Barbara Guidelines For The Implementation of the California Environmental Quality Act of 1970, as Amended, Article IV – Responsibilities for Preparation of Environmental Documents & Article VII – Preparation of EIRs*);
2. Identify and describe alternative process options; and
3. Present options, as appropriate, to the CEO.

Additionally, the Executive Committee established the following project goal:

- Identify and describe viable options for the preparation of environmental impact reports required for public and private projects.

To accomplish this goal, the Executive Committee developed a detailed scope of work that contained the following key components/tasks:

1. Document Mandates and Existing Process Guidelines
2. Gather and Evaluate Related Information From Other Jurisdictions
3. Summarize Procedural Options and Their Implementation Requirements
4. Present Work Product Findings to Executive Committee
5. Develop Final Report and Present Findings

All of the work tasks were successfully completed, the findings of which are explained in the attached report entitled "EIR Contract Procedures Review." In accordance with your Board's direction, the Executive Committee's findings and CEO recommendations were presented to the County Planning Commission and Montecito Planning Commission on May 4, 2005 and May 18, 2005 respectively. Additionally, the County Planning Commission held a special hearing on May 23, 2005 to receive and consider additional testimony. Based on the Executive Committee's findings, CEO's recommendations and related public testimony, the County and Montecito Planning Commissions developed recommendations, which are consistent with one another, for your Board's consideration.

County Planning Commission Recommendations:

At the County Planning Commission hearing of May 23, 2005, the Commission took the following action:

Commissioner Cooney moved, seconded by Commissioner McGinnes and carried by a vote of 5-0 to recommend to the Board of Supervisors that EIR Development Procedures for *private projects* be modified to:

1. Reflect the processes described as Option No. 4 entitled “Lead Agency Contracted or In-House Procedures”; and
2. All communications between the consultant and either the applicant or county staff shall be with the applicant and county staff both participating, and that any communications between the consultant, either county staff or the applicant that results in a change in the administrative draft, shall be memorialized in writing and be made part of the public record.

Commissioner Montgomery moved, seconded by Commissioner Valencia and carried by a vote of 5-0 to recommend to the Board of Supervisors that EIR Development Procedures for **public projects** be modified to:

1. Include a mandatory policy specifying that the development of all EIRs for programs or plans (not physical developments) be directed by a department different from that which developed the program or plan; and
2. The CEO shall appoint an Environmental Coordinator responsible for:
 - a) ensuring that the preparation of the public plan or program EIR by the department that has the principle authority for the project complies with the requirements of CEQA and the County’s CEQA Guidelines; and
 - b) fulfilling the duties of the hearing officer for the respective project.

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.

The CEO would draw upon existing staff resources when appointing an Environmental Coordinator. Therefore, no additional staff positions would be required to perform the associated duties described above.

Finally, Commissioner Cooney moved, seconded by Commissioner Valencia and carried by a vote of 5-0 to recommend to the Board of Supervisors that:

1. EIR Procedures be reviewed regularly by the Board of Supervisors, the first review occurring not later than two years from the date in which they are implemented to determine their effectiveness.

Montecito Planning Commission Recommendations:

At the Montecito Planning Commission hearing of May 18, 2005, the Commission took the following action:

Commissioner Phillips moved, seconded by Commissioner Gottsdanker and carried by a vote of 4-0 (Thielscher absent) to conceptually recommend to the Board of Supervisors language by the CEO that EIR Development Procedures for **private projects** be modified to:

1. Reflect the processes described as Option No. 4 entitled “Lead Agency Contracted or In-House Procedures”; and
2. All communications between the consultant and either the applicant or county staff shall be with the applicant and county staff both participating, and that any

communications between the consultant, either county staff or the applicant that results in a change in the administrative draft, shall be memorialized in writing and be made part of the public record.

To effectively implement the above recommendations, your Board must adopt a resolution authorizing specific revisions to the “County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act of 1970, As Amended.”

Mandates and Service Levels:

No mandates or service levels are affected by this action.

Fiscal and Facilities Impacts:

None.

Special Instructions:

None.

Concurrence:

1. County Counsel
2. Planning and Development Department

Enclosures:

1. Planning Commission action letter, June 1, 2005
2. Montecito Planning Commission action letter, June 7, 2005
3. “EIR Contract Procedures Review - Final Report,” June 21, 2005