

Attachment F

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for
General Plan Update of the Seismic Safety and Safety Element,
Land Use Element, and Conservation Element

Hearing Date: June 30, 2010

Staff Report Date: June 11, 2010

Case No: 10GPA-00000-00001

Supervisory District: All

Environmental Document: 10NGD-00000-00010,

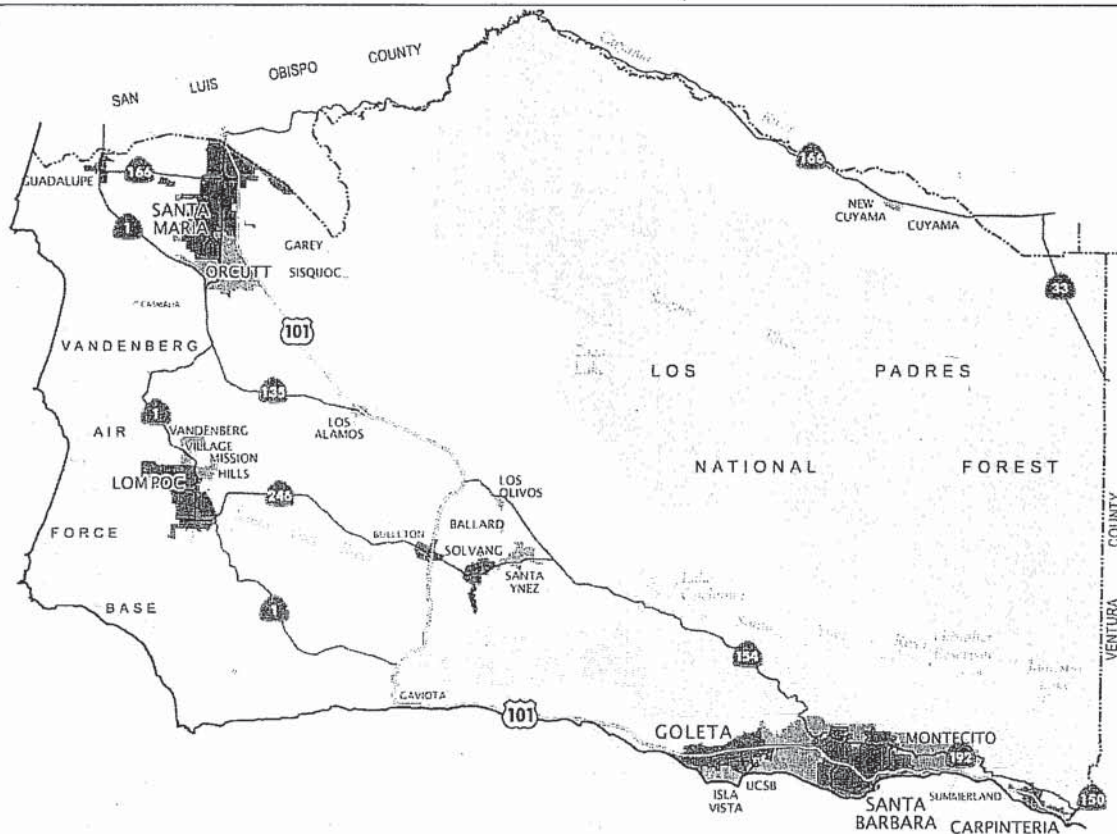
State Clearinghouse No: 2010041065

Director: Derek Johnson

Division: Long Range Planning

Nathan Eady, Senior Planner

Staff Contact: 805-568-2019



1.0 Request

Hearing on the request of the Planning and Development Department to consider Case No. 10GPA-00000-00001 proposing to:

- 1) Amend the Santa Barbara County Comprehensive Plan through adoption of the proposed updates to the Seismic Safety and Safety Element, Land Use Element, and Conservation Element.
- 2) Accept the Final Seismic Safety and Safety Element, Land Use Element, and Conservation Element Update Negative Declaration (10NGD-00000-00010) as adequate environmental review for Case No. 10GPA-00000-00001, pursuant to the State Guidelines for implementation of the California Environmental Quality Act (CEQA).

2.0 Recommendations and Procedures

The Commission's motion should include the following recommendations to the Board of Supervisors:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings;
2. Adopt the Final Negative Declaration (10NGD-00000-00010) (included as Attachment B);
3. Adopt a Resolution (included as Attachment C) approving specific amendments to the Seismic Safety and Safety Element (included as Exhibit A of Attachment C), the Land Use Element (included as Exhibit B of Attachment C), and the Conservation Element (included as Exhibit C of Attachment C) of the Santa Barbara County Comprehensive Plan;
4. Adopt a Resolution (included as Attachment D) confirming that the Board has considered the recommendations made by the State Board of Forestry and Fire Protection in its correspondence dated March 3, 2010 (included as Attachment E) and implemented the recommendations where appropriate. Following the Board action, the County will submit its written response to the State Board of Forestry and Fire Protection (included as Exhibit A of Attachment D).

3.0 Issue Summary

The proposed project includes an update to the County's Comprehensive General Plan

1) Seismic Safety and Safety Element (Safety Element), 2) Conservation Element, and 3) Land Use Element. The primary purpose of the update is to comply with new State laws, including Assembly Bill 162 (AB 162), and to provide updated information needed to protect the Santa Barbara County residents and property from various natural hazards.

AB 162 was signed into law by the Governor of California on October 7, 2007. The requirements of the bill have since been codified within Government Code Section 65302. The code generally requires that when a local jurisdiction updates its Housing Element on or after January 1, 2009, a jurisdiction must also:

Update its Safety Element to:

Identify, among other things, information regarding flood hazards and establish a set of comprehensive goals, policies, and objectives, based on specified information for the protection of the community from, among other things, the unreasonable risks of flooding.

Update its Conservation Element to:

Identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

In response, the proposed project includes updates to the County's Safety and Conservation Elements to establish compliance with AB 162, as well as revisions to the Land Use Element which are intended to keep the County's General Plan internally consistent. These proposed General Plan updates are

summarized below within the context of each individual element. All proposed updates to the Safety Element have been reviewed by the County's Fire Department, Sheriff's Department, and Office of Emergency Services.

4.0 Project Description

Seismic Safety and Safety Element Updates:

The draft Safety Element has been updated to include required information or references related to 1) Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), 2) High Fire Hazard Areas and Maps, 3) fire protection Responsibility Areas, 4) Tsunami Inundation Zones, Flood Control goals and policies, 5) and other information necessary to comply with State law (specifically AB 162 and Government Code §65302). Some updates have been made to the County's Safety Element which exceed the requirements AB 162. For instance, due to the increasing threat of wildfires, the draft Safety Element update also includes a new set of Fire Protection policies and implementation measures. Although AB 162 does not require revisions to the Geologic Hazard section of the Safety Element, the conclusions and recommendations portion of that section has been revised to create a document format which is consistent with the new Fire and Flood Hazard sections. The draft Safety Element update has also removed outdated information regarding various hazards which is no longer considered pertinent or scientifically accurate. This information often dated back to the original adoption of the Safety Element in 1979 and no longer comports with accepted approaches for hazard reduction and avoidance.

Finally, the proposed project also includes the adoption of the County's Multi-jurisdictional Hazard Mitigation Plan (MJHMP) as an addendum to the Safety Element. This action would help establish the Safety Element as a consolidated source for information regarding the potential natural hazards that may occur in the County and specify what actions the County will take to reduce the risks of these hazards. The County's current MJHMP was adopted as an independent document in 2005 and provides risk assessments for various natural hazards similar to the Safety Element.

Land Use Element Updates:

The draft Land Use Element update includes revisions to the Flood Hazard Area Policies section. These revisions are intended to provide consistency with the new flood hazard information included in the Safety Element update. As discussed above, new flood information includes references to FEMA Flood Insurance Rate Maps, new or slightly revised flood policies, and other pertinent information regarding flood hazards.

Conservation Element Updates:

As required by AB 162, the draft Conservation Element update includes a new map of areas which can support groundwater recharge. The draft Conservation Element update also includes a summation of the resources that the County uses (e.g. FEMA FIRMs, California Emergency Management Agency [CAL EMA] flood hazard and dam failure inundation maps, and U.S. Army Corps of Engineers flood hazard maps) during the development review process to ensure that new development avoids and mitigates flood hazards. Lastly, revisions to the Conservation Element's discussion of mineral extraction activities have also been provided. These revisions have been made to recommendations for

policy adoption which were included in the original adopted Conservation Element. One of these recommendations stated that the County should consider adopting the following policy:

No mineral resource extraction should be permitted in the County if significant impacts to air, water, or land environment would result, if flooding and erosion problems would be increased, or if polluting emissions likely to be generated directly or indirectly by the activity in question would result in adopted federal or State environmental quality standards being exceeded. (Conservation Element, Page 169.)

Ultimately, the County never adopted such a policy and has, in limited circumstances, approved mining operations which result in significant environmental impacts (Class I). This recommendation was never adopted and if implemented would directly tie acceptable CEQA impact levels to substantive policy requirements, in effect limiting the County's discretion to review the impacts of individual mining projects under CEQA. To clarify this policy wording, staff proposes to revise the policy recommendation within the Conservation Element as follows:

In addition to the relevant policies within this Element, all proposed surface mining operations shall be required to be consistent with the policies contained in the other elements of the Santa Barbara County Comprehensive General Plan, all relevant sections of the Santa Barbara County Code, and all relevant sections of State law.

As revised, the Conservation Element recommendation would continue to require project consistency with General Plan policy and County Code, but would be stated more broadly to eliminate reference to CEQA impact level as a substantive standard.

5.0 Program Analysis

A. Environmental Review

The project reformats the Safety, Land Use, and Conservation Elements to include new background information and restate existing County policy and ordinance requirements to comply with State law. Given this scope, the Negative Declaration does not identify any significant short-term, long-term, or cumulative environmental impacts.

As analyzed in more detail within the attached Negative Declaration (see Attachment B), the proposed updates to the County's Safety, Land Use, and Conservation Elements are primarily composed of new background information regarding recent fire activity, references to new hazard identification maps, and the incorporation of new geologic, flood, and fire policies.

The project also includes measures for the implementation of the new policies contained within the Safety and Land Use Element updates. These implementation measures have been designed to mirror and provide consistency with existing County, State, and federal requirements or are supportive of requirements already effectuated by local ordinance. Specifically, the new fire policies are derived from the previously adopted County Code Chapters 10 (Building Code) and 15 (Fire Prevention). The Safety Element's newly proposed flood hazard protection policies consist of select portions of the previously adopted County Code Chapters 15A (Flood Plain Management) and 15B (Development

Along Watercourses). Lastly, the new geologic policies are derived from County Code Chapters 10 (Building Code) and 14 (Grading, Erosion, and Sediment Control). Since the proposed implementation measures are primarily effectuated by existing County ordinances, no new physical impacts would result from the adoption of the new Safety Element and Land Use Element Geologic, Fire, and Flood Protection policies. Instead, the incorporation of these policies into the County’s Comprehensive General Plan will establish compliance with State law (specifically Government Code §65302) and will provide a singular source which development review planners and members of the public can refer to for information regarding the avoidance and mitigation of natural hazards.

The project also includes the replacement of a policy recommendation within the Mineral Resources portion of the Conservation Element. As this existing language was only a recommendation, and not an adopted policy, the County is not legally required to enforce the recommended action nor has the County chosen to voluntarily enforce the recommendation. Therefore, the proposed revisions would not result in additional physical impacts to the environment as the County’s existing administrative practice is not expected to change as a result of the project.

The Draft Negative Declaration was circulated to the public as well as various State and local agencies. The 30-day public circulation period extended from April 14, 2010 to May 14, 2010. During this circulation period, the County received five public comments (four written, one oral), the contents of which are summarized in the table below. Full copies of the written correspondence are provided as part of Attachment B to this report.

Commenting Agency/Party	Issue Summary	Staff Response
California Department of Transportation (CalTrans)	CalTrans appreciates the County’s emphasis on flooding impacts upon State Route (SR) 166 within Section 3.16 (Water Resources/Flooding) of the Negative Declaration. Caltrans requests that the County: <ul style="list-style-type: none"> • Acknowledge that Highway 166 maintenance may need to occur within the banks of the Cuyama River in order to preserve the highway’s integrity. • Provide river management goals and actions which would support flood hazard protection policies that include an aggressive prevention program targeting scour potential to SR 166 facilities and other ancillary infrastructure. 	The County recognizes the importance of maintaining functioning circulation systems including State Routes and Highways. The County will support maintenance activities associated with SR 166 through the adoption of <i>Flood Protection Policy 3</i> which states that: <p><i>The County shall maintain the structural and operational integrity of essential public facilities during flooding pursuant to Government Code §65302(3)(g)(2)(iii).</i></p> The County will also continue to work cooperatively with CalTrans to ensure the continued operation of SR 166 through the adoption of <i>Flood Protection Policy 5</i> , which states that: <p><i>The County shall establish cooperative working relationships among public agencies with responsibility for flood protection pursuant to Government Code §65302(3)(g)(2)(v).</i></p>

<p>California Energy Commission (CEC)</p>	<p>The CEC would like to assist in reducing the energy usage associated with the project by drawing attention to Appendix F of the California Environmental Quality Act and by providing access to the CEC's <i>Energy Aware Planning Guide</i>.</p>	<p>The County has an established track record of reducing energy consumption related to development through the continued application of Title 24 regulations and the availability of the County's Innovative Building Review Program (IBRP). The proposed update to the Safety, Land Use, and Conservation Elements is intended to provide compliance with AB 162 and incorporate up-to-date fire hazard information. These revisions to the County's General Plan are not expected to result in any substantive change to local and/or regional energy consumption. However, the County will continue to pursue possibilities for reducing energy consumption through its development of a Climate Action Strategy and other associated efforts.</p>
<p>County of Ventura</p>	<p>Due to the fact that multiple water courses cross the jurisdictional boundary between Ventura and Santa Barbara counties, the County of Santa Barbara should notify Ventura County staff of development projects and/or capital improvements which affect these natural resources.</p>	<p>The County of Santa Barbara routinely notifies adjacent jurisdictions of projects which may have an effect on regional resources and infrastructure. This cooperative process will continue and be further emphasized by the proposed adoption of <i>Flood Protection Policy 5</i>, which states that:</p> <p><i>The County shall establish cooperative working relationships among public agencies with responsibility for flood protection pursuant to Government Code §65302(3)(g)(2)(v).</i></p>
<p>Santa Barbara County Air Pollution Control District (SBCoAPCD)</p>	<p>SBCoAPCD has reviewed the associated Negative Declaration and has no formal comments at this time.</p>	<p>Comment noted.</p>
<p>Santa Ynez Band of Chumash Indians (via staff contact with Mr. Romero on May 5, 2010)</p>	<p>Representatives of the Tribe have reviewed the proposed project and have no objections at this time.</p>	<p>In accordance with Senate Bill 18, the County contacted all local Native American tribes and offered opportunities for consultation prior to the completion of the draft General Plan update. No representatives of the local tribes requested such a consultation.</p>

B. California Geologic Survey Review and Comments

As required by Government Code Section 65302, when the County pursues an update to its Safety Element, the proposed update must be reviewed by a representative of the California Geologic Survey.

In accordance with this requirement, the County submitted the proposed Safety Element update to California Geologic Survey staff for the statutory 30-day review period on January 4, 2010. California Geologic Survey staff provided a review of the proposed Safety Element update and responded to the County on February 2, 2010. This response noted that despite the proposed Safety Element update, the Geologic Hazards portion of the Safety Element remains substantially out-of-date. The California Geologic Survey staff made two recommendations:

- 1) The County should retain a qualified geological consultant, with experience in the field of earthquake hazard evaluation, to update the Geologic Hazards portion of the Safety Element.
- 2) Consider adopting or incorporating the County’s Multi-jurisdictional Hazard Mitigation Plan (MJHMP) as part of the Safety Element. The MJHMP contains valuable geologic hazard analysis, which is more up-to-date than the equivalent information found in the Safety Element.

In response to these recommendations, the County has chosen to adopt the MJHMP as an addendum to the Safety Element. This action will provide a source of updated information regarding the various geologic hazards which are present throughout the County and will have the added benefit of qualifying the County for additional disaster relief funding. Ultimately, the County acknowledges the validity of the California Geologic Survey’s comments. However, the scope of work and corresponding resources for the project were primarily limited to establishing AB 162 compliance. When further County resources become available, staff will consider a more comprehensive update to the Safety Element’s Geologic Hazard Analysis. The County is currently in the process of updating its MJHMP as well and it is expected that when this project is completed (in approximately 12-18 months), it will provide the foundation for an updated Geologic Hazard Analysis in the Safety Element. The County has informed California Geologic Survey staff of this intended course of action and the California Geologic Survey staff has not expressed any opposition.

C. State Board of Forestry and Fire Protection Review and Comments

Pursuant to the requirements of Government Code Section 65302, when the County pursues an update to its Safety Element, the proposed update must be reviewed by the State Board of Forestry and Fire Protection (BOF). In accordance with this requirement, the County submitted the proposed Safety Element update to the BOF for the statutory 60-day review period on January 4, 2010. The BOF responded on March 3, 2010 with a set of recommendations regarding the proposed Safety Element update. This set of 48 standard recommendations is given to all local jurisdictions; the BOF did not provide other recommendations specifically tailored to the County’s General Plan or local fire hazards. Upon staff review, some of these recommended actions have already been taken by the County prior to, and independent of, the current Safety Element update process and some of the State’s recommendations are inapplicable to the County’s unique circumstances and fire hazard conditions. Ultimately, staff has reviewed the State’s proposed recommendations and classified them into four categories as illustrated in the following table.

Proposed Action	Number of Recommendations	Summary of Proposed Action
Previously Implemented	22	This category includes actions which were recommended by the BOF and which the County has already implemented as part of its General Plan policies, local ordinance requirements, or

		administrative practice. Therefore, no further action is necessary.
Fully Implement through Update	19	This category includes actions which were recommended by the BOF and which the County will fully implement as part of the proposed Safety Element update.
Partially Implement through Update	6	This category includes actions which were recommended by the BOF and which the County will partially implement as part of the proposed Safety Element update. However, a portion of the recommended action is inapplicable to the County because of its unique circumstances and practices.
Not Implemented	1	This category includes actions which were recommended by the BOF and which the County should not implement as part of the proposed Safety Element update. These recommended actions are standard BOF recommendations which are distributed statewide. Some BOF recommendations may be appropriate for other local jurisdictions in the State, but are inapplicable to the County because of its unique circumstances and practices.

Greater detail regarding the County’s proposed actions in response to the BOF recommendations is provided in Exhibit A of the Draft Resolution, which is appended to this report as part of Attachment D.

6.0 Summary

The proposed update to the Safety, Land Use, and Conservation Elements and the corresponding proposed Negative Declaration are the products of extensive research, inter-agency cooperation, and professional consultant expertise. The resulting project will update the County’s General Plan policy framework for minimizing the impact of natural hazards to integrate existing County regulation and practice and comply with State law. The project would in particular establish compliance with AB 162. Staff requests that the Planning Commission recommend that the Board adopt the proposed General Plan update as provided in the attachments to this report. In the future, it may be desirable to complete an additional, more comprehensive update to the Safety Element to revisit the outdated Geologic Hazard analysis, which goes beyond the scope of the present project. Such a “Phase 2” Safety Element update could be conducted either as a limited single-Element project update or as part of a comprehensive update to the County’s entire General Plan.

Attachments:

Attachment A- Findings

Attachment B- Negative Declaration (10NGD-000000-00010)

Attachment C- Draft Resolution for proposed General Plan Amendments

Exhibit A- Draft Revisions to the Seismic Safety and Safety Element

Exhibit B- Draft Revisions to the Land Use Element

Exhibit C- Draft Revisions to the Conservation Element

Attachment D- Draft Resolution for Board of Supervisor’s Consideration of BOF Recommendations

Exhibit A- Santa Barbara County’s Written Response to BOF Recommendations

Attachment E- Correspondence from Board of Forestry and Fire Protection, dated March 3, 2010