

ATTACHMENT B: CEQA FINDINGS

Environmental Impact Report SCH# 2003061023

1.1 District Acting as Responsible Agency. As stated in Section 1.5 of the Environmental Impact Report (EIR) for the Legacy Estates/Village Square Subdivision project (Project), the County of Santa Barbara was the lead agency for the Project, with principal responsibility for approving the Project, as well as for “considering the effects, both individual and collective, of all activities involved in [the] project.” (Pub. Res. Code § 21002.1.) The County certified the EIR for the Legacy Estates/Village Square Subdivision project on September 7, 2005. On December 13, 2022, the County approved the Final Map for the Project and determined at that time that subsequent environmental review was not required for the Project.

The Flood Control and Water Conservation District (District) is acting as a responsible agency in considering the proposed Agreement for the Construction and Dedication of Flood Control Improvements (Agreement). As a responsible agency, the District is “responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve.” (Pub. Res. Code § 21002.1.)

1.2 State CEQA Guidelines Section 15162 Determination. The proposed Agreement does not constitute the District’s approval of the Legacy Estates/Village Square Subdivision project as a whole. As lead agency, the County approved the Tentative Map on September 7, 2005 and the Final Map for the Project on December 13, 2022. Instead, the proposed Agreement with the District would carry out a mitigation measure (WQ/FLOOD-1) required by the EIR certified by the County for the Project. This is the only project activity which the District is carrying out through approval of the proposed Agreement, and the District is responsible for considering only the effects of the Agreement, and not those aspects of the Project that are beyond its purview.

The proposed Agreement would provide for the construction and perpetual maintenance of all off-site drainage improvements required for the Project, which will include installation of Class III Reinforced Concrete Pipe storm drains, headwall, cable railing, trash rack, 15 storm drain manholes, concrete overflow weir, v-ditch, and outfall protection at San Antonio Creek.

The approved drainage system was designed to accommodate 25-year on-site storm flows, provide overland escape during a 100-year flood event, residential buildout of approximately 6.54 acres of new impervious surfaces (39% of total project site), as well as intercepting off-site drainage from portions of Calaveras Canyon. The District reviewed and approved the designs of the Legacy Estates Offsite Storm Drain Improvements Plans in 2015. These are the Plans that will be implemented through the proposed Agreement.

Pursuant to State CEQA Guidelines Section 15162, there are no substantial changes to the proposed off-site drainage improvements or the circumstances under which they would be undertaken indicating that they would cause new or substantially increased environmental effects than those considered in the certified EIR. Rather, these improvements are required to mitigate the potential environmental impacts of other aspects of the Project. Also, there is no new information of substantial importance showing that the improvements would cause or

increase any significant environmental effects, or that they would not mitigate the potentially significant Project impacts on drainage and flooding identified in the certified EIR. Because the proposed Agreement for Construction and Dedication of Flood Control Improvements would carry out a mitigation measure required by the EIR for the Project, and there have been no changes to the approved drainage system, or the circumstances under which it would be undertaken, no further environmental review under Section 15162 is required to approve the Agreement.

1.3 Impacts and Mitigation Identified in the EIR (Section 15091(a)). The EIR prepared and certified by the County for the Project identified several potentially significant effects on the environment that would occur if the Project was approved and carried out. Significant and unavoidable impacts were identified in the following impact areas: Aesthetics, Biological Resources, Public Facilities, and Water Resources. Various feasible mitigation measures were identified and applied to the Project to reduce potentially significant environmental impacts to a level of less than significance. Feasible mitigation measures were identified in the following impact areas: Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Drainage/Flooding and Water Quality, Geological Resources, Land Use, Noise, and Public Facilities. The off-site drainage improvements that would be carried out through the proposed Agreement were identified as required mitigation for Project impacts in the area of Drainage/Flooding and Water Quality. With the exception of the drainage improvements to be carried out through the proposed Agreement, and mitigation measure WQ/FLOOD-2 regarding furnished flood elevations, which has already been addressed through the project design, all of the other mitigation measures identified in the EIR are within the responsibility and jurisdiction of a public agency other than the Flood Control and Water Conservation District.

1.4 Location and Custodian of Record of Proceedings. The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody District's Development Review Engineer located at 130 E. Victoria Street; Santa Barbara, CA.