

ATTACHMENT A

Findings for the New County Jail Facility Final Subsequent Environmental Impact Report (FSEIR)

07EIR-00000-00003

08GOV-00000-00004

07GPA-00000-00011

State Clearinghouse No. 2007111099

This document is a Final Subsequent Environmental Impact Report (FSEIR) that examines the potential effects of constructing a correctional facility of up to 1520 beds and ancillary uses on an approximately 50 acre site in northern Santa Barbara County.

Previously, the County of Santa Barbara certified a Final EIR (SCH No.1997111042) on a new County Jail Facility on October 13, 1998. The 1998 EIR focused its discussion of the environmental impacts of an approximately 100 acre site about 0.5 miles to the south of the currently proposed site. The 1998 site was located on the west side of Black Road approximately 0.5 miles south of the intersection of Black Road and Betteravia Road. The 1998 EIR included an analysis of several other potential sites in the general vicinity of the original site.

The Sheriff's Department has now identified a new site as the preferred location for the project. This 50 acre site was not identified as an alternative site in the 1998 Final EIR. The site discussed in this FSEIR is located at the southwest corner of the intersection of Black Road and Betteravia Road.

The purpose of the FSEIR is to provide a "project level" analysis of the new site that supplements the original analysis. To that end, this FSEIR examines each of the issues considered in the original EIR in adequate depth to allow County decision makers to understand the environmental implications of constructing a correctional facility on the new site. This FSEIR, together with the original EIR, forms the environmental review for the project as required by the California Environmental Quality Act (CEQA).

The CEQA Findings that are provided below have been prepared for the new project description, which would result in the acquisition of property for the development of a new jail facility at the revised project site as described above.

1.0 CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTION 15090 AND 15091

1.1 CONSIDERATION OF THE FSEIR AND FULL DISCLOSURE

The Final Subsequent Environmental Impact Report (07EIR-00000-00003), dated February 27, 2008, has been presented to the Board of Supervisors and all voting members of the Board have reviewed and considered the FSEIR. In addition, all voting Board members have reviewed and considered testimony and additional information presented at or prior to the public hearing on March 11, 2008. The FSEIR reflects the independent judgment of the Board of Supervisors and is adequate.

The Board of Supervisors finds and certifies that the FSEIR dated February 27, 2008 constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board further finds and certifies the FSEIR has been completed in compliance with CEQA.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Gary Kaiser, Supervising Planner, Planning and Development, 624 W. Foster Road, Santa Maria, Ca. 93455.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and mitigation measures, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.4 FINDINGS ADDRESSING THE ISSUES ANALYZED IN THE FINAL SUBSEQUENT EIR

1.4.1 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Subsequent EIR for the acquisition of property for the North County Jail Facility, which is dated February 27, 2008, identified three environmental impacts which cannot be mitigated to a less than significant level. Therefore, those impacts are considered to be significant and unavoidable. Those impacts include the project's generation of solid waste in excess of adopted threshold amounts and water demand which also exceeds the threshold if the project uses onsite groundwater (Public Services), the conversion of 50 acres of irrigated cropland to non-agricultural use (Agricultural Resources) and alteration of the visual character at the site and corresponding alteration of public views (Aesthetics/Visual Resources). The identified impacts would be substantially reduced by the adoption of the mitigation measures set forth below, although in each case the impact cannot be reduced to a less than significant level. Each of the significant and unavoidable (Class I) impacts identified in the Final Subsequent EIR is discussed below, along with the recommended mitigation measures and appropriate findings as required by CEQA Guidelines Section 15091.

1. Public Services (Solid Waste, Groundwater Usage)

The Final Subsequent EIR identified a significant impact that would result from the development of a jail facility resulting from the disposal of solid waste and its impact on landfill capacity. Mitigation measures recommended in the Final Subsequent EIR include the implementation of programs to reduce the amount of solid waste that

would be generated and disposed by a jail facility. These measures include provisions to increase the feasibility of recycling at the project site, minimizing the amount of refuse that is generated by the project, using products that contain recycled materials, and the implementation of a program to monitor the effectiveness or the mitigation measures. It is anticipated that with the implementation of the proposed mitigation measures, waste disposal from the jail facility could be reduced by approximately 50%. With the implementation of a successful recycling/source reduction program, the amount of solid waste that would be disposed of by the first phase of the jail project would be reduced from approximately 984 tons/year to approximately 492 tons per year, which is above the significance threshold of 196 tons per year. With the implementation of proposed mitigation measures, solid waste disposal after buildout of the entire project would be reduced from 1,634 tons/year to approximately 817 tons per year, which would exceed the significance threshold. No additional feasible mitigation measures were identified by the Final Subsequent EIR, nor are any other feasible measures known which could further reduce this impact. This discussion also applies to the mitigation of the project's contribution to cumulative solid waste disposal impacts as referenced within the Final Subsequent EIR.

At buildout, the proposed project would demand an estimated 207.6 acre-feet of water per year (AFY), which is 67.6 AFY more than current agricultural uses onsite. This increase exceeds the County's 25 AFY threshold. Therefore, if the project uses onsite groundwater, the impact would be significant and unavoidable. However, if the project uses State Water through an outside user's agreement from the City of Santa Maria, the impact would be less than significant. However, the Board of Supervisors cannot determine at this time if the acquisition and transportation of State Water at t is feasible. In addition, it should be noted that the Superior Court of California, County of Santa Clara has recently determined in the Santa Maria Groundwater Litigation Case (Lead Case No. 1-97-CV-770214) that the Santa Maria Groundwater Basin is not currently in a state of overdraft as was assumed when the Thresholds of Significance were adopted by the County.

2. Agricultural Resources

The FSEIR found that the development of a jail facility at the new project site would result in the irreversible loss of approximately 50 acres of irrigated land to non-agricultural use. No feasible mitigation measures were identified by the FSEIR, nor are any other feasible measures known which could further reduce project-related impacts to agricultural resources.

3. Aesthetics/Visual Resources.

The Final Subsequent EIR found that the proposed project would alter the predominately rural aesthetic character of the project site resulting in a significant and unavoidable impact. Construction of the new facility would alter the predominately rural character of the site and the institutional character of the jail facility may be considered visually incompatible with surrounding agricultural areas. The implementation of mitigation measures such as Architectural Design Review, Landscape Plan Review, Equipment Screening and Undergrounding of Utilities will minimize the impacts; however the level of the impact will still remain significant and unavoidable.

1.4.2. FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO A LESS THAN SIGNIFICANT WITH CONDITIONS OF APPROVAL/MITIGATION MEASURES

The Final Subsequent EIR identified several environmental issue areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is described below along with the appropriate findings as required by CEQA Guidelines Section 15091:

1.4.2.1 Geology/Drainage

Impacts from geologic processes could occur as a result of ground disturbance and erosion from grading activities, ground shaking during an earthquake, and soil-related hazards such as liquefaction and compressible/collapsible soils. Mitigation measures including implementation of an approved grading plan, drainage and erosion control plan; and designing structures to Uniform Building Code standards, have been found to mitigate potential project-specific and cumulative geologic hazard impacts to a less than significant level.

Development of the project site would cause an increase in storm water runoff, potentially contributing to downstream drainage impacts. Proposed mitigation measures would require the preparation of a Storm Water Pollution Prevention Plan (SWPPP) to reduce the rate of flow of runoff from the project site to minimize the impacts to surface water quality, both on-site and downstream. The implementation of this measure has been found to reduce potential project-specific and cumulative drainage impacts of the project to a less than significant level.

1.4.2.2 Transportation/Circulation

Additional vehicle trips resulting from the development of a jail facility at the new project site would occur along the Betteravia Road corridor. Project-related traffic would affect the following roads intersecting Betteravia Road: Black Road, Mahoney Road, Blosser Road/Skyway Drive and Broadway (State Route 135). With the implementation of funded improvements, these intersections would continue to operate at acceptable levels of service

after the addition of project-specific and cumulative traffic volumes. A mitigation measure that would require the payment of fair-share traffic improvement fees by development related to the proposed jail project would ensure that project-specific and incremental cumulative traffic impacts resulting from project-related traffic remain at a less than significant level.

Development of a jail facility at the revised project site would also result in increased traffic along Black Road. Proposed mitigation to improve Black Road in the vicinity of the project site has been found to reduce this potentially significant impact to a less than significant level.

1.4.2.3 Air Quality/Land Use

Short-term air quality impacts that would result from site grading and construction activities would not be significant, but would have the potential to result in temporary nuisance impacts to surrounding land uses, as well as cumulative increase in fugitive dust. Proposed mitigation measures include provisions to implement a Dust Control Program during grading and construction, and designation of an air quality contact person to monitor the implementation of dust control measures. Additionally, an Ozone Precursor Control Program shall be developed for the project to reduce ozone precursor emissions from project construction. The implementation of these measures have been found to be adequate to ensure that project-specific and cumulative air quality impacts of the proposed project remain at a less than significant level.

1.4.2.4 Archaeological Resources

There are no known cultural resources on the property or in the immediate vicinity of the project site. However, construction of the proposed jail facility could adversely affect unknown and unlikely subsurface cultural resources on the project site. Mitigation requiring work cessation and resource assessment will be implemented if unanticipated cultural resources are found during construction. Any resources found shall be assessed according to applicable County and State laws. The implementation of this measure would ensure that project-specific and cumulative archaeological resource impacts of the proposed project remain at a less than significant level.

1.4.2.5 Public Services (Sewer Infrastructure and Fire Protection)

Buildout of the proposed project would result in a net increase of an estimated 177,690 gallons per day (GPD) of effluent to the Laguna County Sanitation District (LCSD) Wastewater Treatment Plant. Although this increase is within the available capacity of the facility, a sewer line extension would be required. Mitigation measures imposed relating to size of the line and location of this infrastructure expansion will result in a significant but mitigable impact.

The proposed project would not increase response times for the County Fire Department. However, the facility may result in an increased probability for structural fires.

Implementation of mitigation measures required by the Santa Barbara County Fire Department (County Code, Chapter 10, Article XII, High Fire Hazard Areas) and the preparation of a Fire Management and Emergency Response Plan will result in a significant but mitigable impact.

1.4.2.6 Agricultural Resources

Operation of a jail facility at the project site would not restrict the use of pesticides on adjacent agricultural properties. The proposed project incorporates appropriate agricultural buffers, as determined by the Agricultural Commissioner's Office (letter dated February 14, 2008). The project would not have the potential to significantly impact surrounding agricultural operations.

1.4.2.7 Growth Inducing Impacts

Development of a jail facility at the subject site would require extensions of water and waste water infrastructure, thereby removing a potential obstacle to development in the project area. The implementation of mitigation measure G-I-1(a) would require that water and sewer infrastructure extensions serving the project be sized to meet only the demands of the project. This mitigation measure is adequate to reduce the growth-inducing impacts of the proposed project to a less than significant level.

1.4.2.8 Biological Resources

Project implementation could adversely affect the federally threatened California red-legged frog and California tiger salamander through mortality during grading activities, elimination of upland habitat used for movement and winter refuge, and degradation of water quality of off-site breeding habitats. In addition, development of the proposed project could reduce wildlife population sizes and available wildlife habitat, including those of special status animal species not listed as threatened or endangered.

Extensive mitigation measures are proposed to avoid and /or minimize impacts on Biological Resources. Federal, State and County laws and statutes govern the regulatory authority over biological resources. Mitigation measures that comply with these regulations, when correctly applied, will result in significant but mitigable impacts.

1.4.2.9 Hazardous Materials/Risk of Upset

A Phase I Environmental Site Assessment noted an abandoned dry oil well on the site. The well was abandoned in 1976 according to the applicable abandonment standards. Nevertheless, since a portion of proposed structures would be located on top of this abandoned well, venting or other measures may be required to minimize hazards from gas release. Other environmental concerns resulting from soil contamination from the well drilling process would potentially be encountered. Mitigation measures imposed that follow the requirements

of the State Division of Gas and Geothermal Resources (DOGGR) and the Environmental Protection Agency (EPA) regarding soil sampling and conformance with Oil Well Safety Measures will result in significant but mitigable impacts.

1.4.3 FINDINGS THAT CERTAIN IMPACTS WOULD BE LESS THAN SIGNIFICANT

The Final Subsequent EIR for the project identified several environmental issue areas for which the development of a jail facility at the project site would have the potential to result in less than significant environmental impacts. Application of the recommended mitigation measures for each impact will be required.

1.4.3.1 Noise

Short-term noise from construction activities, would not impact nearby residential land uses. The implementation of mitigation measures to limit the hours of construction activities has been found to be adequate to reduce this impact to a less than significant level. Long-term noise impacts resulting from project traffic and on-site project-related activities would not be significant.

1.4.3.2 Public Services

If the project uses water from the State Water Project through a User's Agreement from the City of Santa Maria, the impact will be less than significant. However, the Board of Supervisors cannot determine at this time if the acquisition and transportation of State Water is feasible.

1.4.3.3 Land Use

The development of the jail facility at the revised project site would not result in significant long-term compatibility impacts with nearby agricultural and other land uses adjacent to the site.

1.4.3.4 Energy

Increased use of natural gas and electricity that would result from the development of the proposed project would not be significant.

1.4.4. FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final Subsequent EIR evaluated a reasonable range of alternatives to the proposed project as a method of reducing or eliminating potentially significant environmental impacts of the proposed project, and to promote informed decision-making. The Board of Supervisors finds that the no-project alternative, alternate site orientation and a reduced project size alternative that were evaluated would not be feasible or would result in similar or increased environmental impacts when compared to the proposed project. Specific reasons for rejecting those alternatives are described below.

ON-SITE ALTERNATIVES

1.4.4.1 No Project Alternative

The "no project" alternative would not achieve the basic objective of the proposed project to develop a new jail facility. This alternative would also not achieve compliance with a court order that was issued by the Santa Barbara County Superior Court in 1989 directing the Sheriff's Department to relieve overcrowded conditions in the existing south county jail. The development of a new jail facility in the north county would be the most effective method for complying with the court order as approximately 50 percent of the inmates incarcerated in the south county jail are from northern Santa Barbara County. The development of a jail facility would minimize the need to transport prisoners across the county for court appearances, which would result in beneficial reductions in energy use and air emissions, and would also reduce potential security risks that are associated with inmate transport. For these reasons, the no project alternative is rejected as not being a reasonable alternative to the proposed project.

1.4.4.2 Reduced Project Size

Under this alternative, a jail facility providing for a reduced Phase I of only 200 beds and eliminating future expansions would be developed. This alternative would also include administrative and support uses. The analysis of this alternative determined that it would result in incrementally reduced impacts when compared to the proposed project developed at the project site for the issue areas of public services, traffic, air quality, biology, cultural resources, agriculture and noise.

However, this alternative would not provide adequate facilities to satisfy the immediate requirements for 808 additional beds in Santa Barbara County, and would not be consistent with the objectives of the court order that requires the Sheriff's Department to implement actions to resolve existing overcrowded conditions in the south county jail.

1.4.4.3 Alternate Site Orientation

This alternative would involve reorienting the site plan such that the main facility entrance would be from Betteravia Road, with a secondary entrance and access for the truck court being along Black Road. This proposal would result in greater impacts in the following areas: Biological Resources, Land Use and Agriculture. This alternative is rejected as it results in greater environmental impacts and may require additional land acquisition.

1.4.4.4 Alternative Locations (Detailed Analysis can be found in the 1998 FEIR)

Alternative Site No. 1

Alternative site No. 1 is a 205-acre parcel located west of Black Road and south of Stowell Road. The majority of the site is presently used to raise irrigated row crops and a portion of the site is open space. Impacts that would be associated with the development of the proposed jail facility at this site would be generally similar to the project-related impacts at the original project site, with a decreased potential for impacts to archaeological resources and an increased potential for impacts to agriculture. This alternative site would not avoid any of the significant unavoidable impacts related to visual resources, public services or agriculture. Due to increased impacts to agricultural resources, this alternative site is not considered to be the superior site.

Alternative Site No. 2

Alternative Site No. 2 is a 262-acre parcel located south of and adjacent to State Route 1, approximately 2 miles west of Black Road. The site is presently used as rangeland and to raise row crops. Impacts that would be associated with the development of a jail facility at this site would be similar to those of the proposed project site, with an increased potential for impacts to biological resources and an increased potential for impacts to traffic and visual resources, given its location along a designated scenic highway. This alternative site would not avoid any of the significant unavoidable impacts associated with the proposed project site and indeed would have greater impacts. Therefore, this site is not considered to be the superior site.

Alternative Site No. 3

Alternative Site No. 3 is located approximately one mile southwest of the original project site and has been used by the Laguna County Sanitation District as a spray field for treated effluent. Development of a jail facility at this alternative site would result in increased impacts to traffic, biology, and drainage/geology, when compared to the impacts of the current site. This alternative site would not avoid any of the significant unavoidable impacts associated with the current site and indeed would have greater impacts on biological resources. Therefore, this site is not considered to be the superior site.

Alternative Site No. 4

Alternative Site No. 4 is a 230-acre parcel located at the northwest corner of the intersection of Black Road and State Route 1. The property is used as rangeland and to raise row crops. Development of a jail facility at this alternative site would result in increased impacts to traffic, biology, and drainage/geology, when compared to the impacts of the proposed project site. This alternative would not avoid any of the significant unavoidable solid waste and agriculture impacts and would have greater impacts on visual resources compared to the proposed project site. Therefore, this site is not considered to be the superior site.

Alternative Site No. 5

Alternative Site No. 5 has been used for mining operations as part of the Airox Mine. The site is located along Black Road, approximately one mile south of State Route 1. Development of a jail facility at this alternative site would reduce impacts associated with biology, agriculture, and aesthetics when compared to the original project site. Potential impacts to traffic, land use, toxics, and drainage/geology would be increased. Since Alternative Site No. 5 is not in agricultural production, the Class I impact to agricultural resources associated with the proposed project site would be avoided by this alternative. To develop the proposed jail facility project at this site, however, extensive grading would be required as much of the site topography has been altered by mining operations or is occupied by rolling hills. Also, previous mining operations may contribute to an increased potential for existing soil contamination impacts when compared to the original project site, which could result in extensive and costly remediation requirements. Therefore, due to the need to conduct extensive grading to prepare suitable building locations for a jail facility, and the increased potential for soil contamination, this alternative site was not considered a feasible alternative to the current project site.

Alternative Site No. 6

Alternative Site No. 6 is located on the east side of Black Road, north of Betteravia Road. The site was formerly used for oil producing activities and is now predominately used as rangeland. Development of a jail facility at this alternative site would result in increased impacts to land use, agriculture, toxics, and drainage/geology when compared to the impacts of developing a similar project at the current project site. Potential impacts to biology, archaeology, and growth inducement would be reduced at this site; however, this alternative would not avoid any of the significant unavoidable impacts including those to Public Services and Visual Resources associated with the proposed project site. Therefore, this site is not considered to be the superior site.

Alternative Site No. 7

Alternative Site No. 7 is the site of the County's Foster Road facilities, located just west of State Route 135 on the south side of Foster Road. County facilities located at the site include a Sheriff's substation, medical center, and other government offices. Alternative Site No. 7 is the only alternative site that was considered that was located in the City of Santa Maria.

When compared to the proposed project site, Alternative Site No. 7 would result in reduced environmental impacts for the issue areas of public services (fire protection), agriculture, and growth inducement. Alternative Site No. 7 would avoid the Class I agriculture impact, but would not avoid the Class I impact associated with water resources or the disposal of solid waste. Traffic impacts at Site No. 7 would be somewhat increased when compared to the proposed project site. Additionally, Site No. 7 would have the potential to contribute to have a Class I significant and unavoidable impact on biological resources associated the California tiger salamander and with the loss of roosting sites for raptors. The site would also raise substantial land use compatibility issues. Although this alternative site would reduce many of the environmental impacts compared to the proposed project site, it has since been further developed with other County buildings and can no longer accommodate a new jail facility. Therefore, this site was dropped from consideration as a potentially feasible alternative site.

Alternative Site No. 8

After being suggested as a possible alternative site by public comments on the original Draft Staged EIR, the Santa Barbara County Sheriff's Department requested that Alternative Site No. 8 be considered as the preferred project site, and the Staged EIR was revised to provide an evaluation of this site. Alternative Site No. 8 is located on the east side of Black Road, south of Stowell Road. The site is periodically used for grazing and a portion of the site is used as an automobile salvage yard. The 100-acre parcel is unincorporated, but is located within the City of Santa Maria's Sphere of Influence boundary.

In comparing the impacts that would result from the development of a jail at Alternative Site 8 with the impacts associated with the proposed project site, the Staged EIR determined that Alternative Site 8 would result in reduced impacts related to traffic, biology, land use, aesthetics, drainage/geology, and growth inducement. This site would not avoid the Class I impacts to agriculture, water resources and solid waste that are associated with the current project site. However, impacts to agricultural resources at Alternative Site 8 would be less considered than the current site because the site is presently being used as a salvage yard. Based on an overall comparison of potential impacts associated with the original project site and the impacts that would be associated with Alternative Site No. 8, the Final Staged EIR identified Alternative Site No. 8 as being the environmentally superior site. However, the site was later determined to be heavily contaminated.