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BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

2008 MAR -3 PM 2:09

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Department Name: Sheriff Department
Department No.: 032
For Agenda Of: March 11, 2008
Placement: Departmental
Estimated Tme: 20 Minutes
Continued Item: No
If Yes, date from:
Vote Required: 4 Votes

TO: Board of Supervisors
FROM: Department Sheriff Bill Brown (Ext. 4290) *AB*
Director(s) Sheriff Department
Contact Info: Commander Tom Jenkins (Ext. 4249)
Sheriff Custody
SUBJECT: North County Jail Property Acquisition- Agland Venture Capital Group, Inc.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Make CEQA Findings for the project (Attachment A) regarding potential alternatives, mitigation measures and impacts to public services, agricultural resources, and aesthetic/visual resources in the Final Subsequent Environmental Impact Report (SCN: 2007111099); and
- b) Make a Statement of Overriding Consideration for the project (Attachment B) regarding identified impacts to public services, agricultural resources, and aesthetic/visual resources in the Final Subsequent Environmental Impact Report (SCN: 2007111099); and
- c) Accept the Planning Commission's report (Attachment C) showing that acquisition of the proposed site for the 50 acre jail facility is consistent with the Comprehensive Plan of the County of Santa Barbara pursuant to Government Code 65402; and
- d) Adopt the Resolution of Necessity to acquire approximately 50 acres in fee simple interest for the site of the North County jail facility and any related public improvements on a portion of property owned by Agland Venture Capital Group, Inc. and located on portions of two County Assessor Parcel Numbers: 113-210-004 and 113-210-013, in the incorporated area of the County of Santa Barbara, West Santa Maria, near the intersection of Betteravia Road and Black Road in the Fourth Supervisorial District: (4 votes)

Summary Text: For this project at this site, a Subsequent Environmental Impact Report (SEIR) pursuant to the California Environmental Quality Act (CEQA), Findings and a Statement of Overriding Consideration have been prepared and are ready for consideration by the Board. All impacts are discussed in detail in the SEIR which can be found online at <http://www.sbcountyplanning.org/PDF/projects/07EIR-00003/New-County-Jail-SEIR.pdf>.

The Planning Commission consistency report required by Government Code 65402 is being transmitted to the Board in letter form which is attached to this staff report.

The Resolution of Necessity encompasses the site owned by Agland Venture Group, Inc. located in the unincorporated area of Santa Barbara County, west Santa Maria for the new County Jail-Northern Branch jail facility. Upon adoption of this Resolution, County Counsel and Special Legal Counsel of Law Offices of Oliver, Sandifer and Murphy shall commence with the necessary condemnation proceedings in Superior Court.

Background:

The Sheriff's Department and the General Services Department have made several attempts in the past several years to acquire a site for the Santa Barbara County Jail Northern Branch facility. Despite efforts to identify several alternatives, preliminary due diligence and/or negotiations a site has not been acquired.

Recently a site owned by Laguna County Sanitation District has been considered for the new jail facility. That site was not selected due to potential impacts and limitations encountered in the environmental review process and other concerns. However, an adjacent property owner indicated willingness to consider the proposed jail site on a portion of his property ("Proposed Site").

This Proposed Site for the 50 acre jail facility is located at the intersection of Betteravia Road and Black Road being the northeasterly portions of County Assessor Parcel Numbers 113-210-004 and 113-210-013. The site is zoned M2-Industrial and its current agricultural use (row crops) is an interim and secondary agricultural use while holding for eventual industrial development in the future. The County obtained a fair market value real estate appraisal of the Proposed Site from an independent licensed real estate appraiser and a second independent real estate appraiser has reviewed that determination of value. An Environmental Site Assessment has been performed on the property. A title report has been obtained. The Planning Commission has determined that the Proposed Site acquisition for the purposes of a new jail facility is deemed to be in conformity with the Comprehensive Plan of the County pursuant to Government Code Section 65402. Pursuant to the California Environmental Quality Act the Board has certified a Subsequent Environmental Impact Report detailing findings and recommendations for acquiring the Proposed Site and its subsequent development of a new jail facility. A minor amendment to the General Plan will need to occur as the site is developed, as well as a SB 18 consultation.

Title to the Proposed Site is currently held in the name of a California corporation. During our due diligence investigations, a matter between the owner's corporate officers and the State of California effecting title has arisen and must be addressed in order to provide clear marketable title to the Proposed Site. Based on these circumstances, and the County's critical timing on this public project, the use of the County's eminent domain authority is sought.

A final written offer of just compensation has been sent to Agland Venture Capital Group, Inc. owner of the Proposed Site. Despite a period of negotiations and discussions regarding the fair market value of the Proposed Site and matters related to obtaining clear marketable title, the parties have not been able to

Subject: North County Jail Property Acquisition- Agland Venture Capital Group, Inc.

Agenda Date: March 11, 2008

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come to an agreement. Negotiation will continue in order to resolve value and title concerns; however, these matters cannot be resolved in the immediate short term. It is believed that the parties will continue to work on the unresolved matters, and if no agreement is ultimately reached the court will be asked to determine the proper compensation and resolve any unresolved marketable title issues. Although negotiations will continue, proceeding under eminent domain authority is necessary at this time to meet critical project milestones.

Pursuant to Section 1245.235 of the Code of Civil Procedure, a hearing for the owner must be held prior to adoption of a Resolution of Necessity. Notice of the March 11, 2008 hearing was sent to Agland Venture Capital Group by the Office of Real Estate Services as required by said statute.

The proposed project within the proposal has identified impacts to public service and agriculture. The Board must make CEQA Findings and a Statement of Overriding Considerations for this project pursuant to the Final Subsequent Environmental Impact Report (SCN: 2007111099).

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative: The land acquisition will be funded by a release of funds, previously identified for the new jail project, held in designations. Once the compensation amount is finalized, a Budget Revision Request, delineating the sources, will be presented to the Board for approval.

Special Instructions:

Upon approval and execution, the Clerk of the Board should distribute as follows:

- | | |
|--|---|
| 1. Original Resolution | Official File |
| 2. Original Planning Commission Report | Official File |
| 3. Copy of Resolution & Minute Order | Gen Svcs/Real Estate Svcs – Attn: Ronn Carlentine |
| 4. Copy of Resolution & Minute Order | Sheriff Dept./Custody – Attn: Tom Jenkins |

Attachments:

Resolution of Necessity

Planning Commission 65402 Report Letter

Findings and Statement of Overriding Considerations

Final Subsequent Environmental Impact Report (FSEIR)

07EIR-00000-00003

08GOV-00000-00004

07GPA-00000-00011

State Clearinghouse No. 2007111099

Authored by: Ronn Carlentine, Gen. Svcs. Dept./Office of Real Estate Services

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 of 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 this time 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.

ATTACHMENT B

**Statement of Overriding Considerations
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**

The Final Subsequent EIR for the New County Jail facility identified project impacts to public services (solid waste disposal and water resources) aesthetic/visual resources and agricultural resources as being significant environmental impacts which are considered significant and unavoidable. The Planning Commission has reported to the Board of Supervisors that the project is consistent with applicable policies of the County's Comprehensive Plan based on a Public Hearing held by the Planning Commission on February 13, 2008. Having balanced the benefits of the project against its significant and unavoidable environmental effects, the Board of Supervisors hereby determines that the project's significant and unavoidable impacts are acceptable in light of the project's benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact.

1. An extensive selection process was used to identify and screen potential jail facility sites that met minimum criteria outlined by the Sheriff's Department. In all, approximately 275 sites within the project region were considered. The proposed project site is the most suitable site of those considered in terms of location, impact avoidance and reduction, and development feasibility.
2. The Santa Barbara County Sheriff's Department has been directed by a court order that was issued in 1989 to develop additional jail facilities to relieve overcrowded conditions in the existing south county jail. The identification of a feasible development site and the acquisition of that site is a necessary step in complying with the requirements of the court order.
3. During the past ten years, nine Grand Juries have stressed the need for a North County Jail. Those Grand Juries have formally recommended that the Board of Supervisors and the Sheriff's Department take the necessary steps to site, plan, and build a North County Jail.
4. A court ordered cap was placed on the female inmate population of the Main Jail in 1990. Since that time, to comply with the court order, the Sheriff's Department has released numerous female inmates from custody prior to completion of their sentences. On September 22, 1998 the Court ordered the Sheriff's Department to implement a cap on the male inmate population of the Main Jail. It is anticipated that hundreds of male inmates will be released prior to completion of their sentences. The addition of a North County Jail facility will provide beds for inmates that would otherwise be released before their mandated sentences have been complete.

5. Existing overcrowded conditions in the south county jail contribute to safety concerns for inmates and Sheriff personnel. Overcrowded conditions have been identified as a contributing factor to several recent escapes from the south county jail facility.
6. Inmates from the south county jail must be regularly transported to north county courts for appearances. The requirement to transport inmates results in approximately two bus trips each weekday between the north and south county, a round-trip of approximately 140 miles. Implementation of the proposed project would result in the curtailment of bus trips with a corresponding reduction in fuel use and air emissions. A reduction in the need to transport inmates would also minimize potential safety/security risks to Sheriff personnel and the public.
7. Providing additional jail facilities in the north county will minimize the number of vehicle trips that presently occur as a result of inmate visitors who must travel from the north to the south county. Any reduction in visitor-related vehicle trips will result in a corresponding reduction in energy use and air emissions.
8. Regardless of where inmates are incarcerated in Santa Barbara County, they will result in the generation of solid waste that requires landfill disposal. Implementation of the proposed project will not result in an increase in the number of inmates that are housed in Santa Barbara County jails or in the amount of refuse that is generated while they are incarcerated. Therefore, the proposed project would not result in a direct increase in the amount of solid waste that is generated by inmates in Santa Barbara County jails that requires landfill disposal.
9. Solid waste from a north county jail facility that would require landfill disposal would be taken to the City of Santa Maria Landfill. It is estimated that this landfill has sufficient disposal capacity to operate until the year 2013. The incremental contribution of additional waste material from a new jail facility to the Santa Maria landfill would be a minor percentage (approximately 0.37%) of the daily amount of refuse that is currently sent to the landfill, but this contribution is considered significant and unavoidable.
10. The site is currently cultivated with irrigated row crops but soils are non-prime. In addition, the balance of the site not being purchased by the County would continue to be viable for agriculture.
11. The proposed project site has been historically used for agriculture but the site is zoned for industrial use and abuts the Mahoney Ranch which is currently being annexed by the City of Santa Maria for urban development.
12. The proposed project site provides sufficient acreage (approximately 50 acres) to accommodate the proposed jail facility while providing substantial building setbacks and buffer areas from the project site perimeter. For example, the endangered California red-legged frog (CRLF) resides in wetlands to the south of the Jail site but resource agencies concur that impacts can be avoided and reduced to a level of insignificance. Likewise, the Agricultural Commissioner agrees that the

project incorporates suitable agricultural buffers. Therefore, the proposed jail facility would not result in significant impacts to, or conflicts with, surrounding agricultural operations.



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

February 19, 2008

Ronn Carlentine
Real Estate Services Manager
General Services Department
105 E. Anapamu Street, Room 108
Santa Barbara, CA 93101

PLANNING COMMISSION
HEARING OF FEBRUARY 13, 2008

RE: North County Jail Project; 08GOV-00000-00004

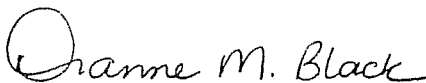
Hearing on the request of Ronn Carlentine, Real Estate Services Manager for the General Services Department and agent for the Sheriff's Department, to consider Case No. 08GOV-00000-00004, [application filed on January 4, 2008], for a determination as to whether acquisition of the subject real property for the purposes of constructing a new County jail facility would be consistent with the Comprehensive Plan of the County of Santa Barbara pursuant to Government Code Section 65402. This site is an approximately 50-acre portion of AP Nos. 113-210-004 and 113-210-013, located on the southwest corner of the intersection of Betteravia Road and Black Roads, in the Santa Maria area, Fourth Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of February 13, 2008, Commissioner Valencia moved, seconded by Commissioner Blough and carried by a vote of 4-0 (Brown absent) to:

1. Determine that the proposed land acquisition for the purposes of constructing a new County jail facility is deemed to be in conformity with the Comprehensive Plan; and
2. Transmit the consistency report required by Government Code Section 65402 to Ronn Carlentine, General Services Department and the Board of Supervisors. The letter reflecting the Planning Commission's action shall constitute the required report.

Sincerely,



Dianne M. Black
Secretary Planning Commission

Project: North County Jail
Folio: 002708
Agent: RC

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF INSTITUTING)
PROCEEDINGS AND MAKING A FINDING)
OF PUBLIC NECESSITY FOR THE)
ACQUISITION OF CERTAIN PROPERTY)
IN THE FOURTH SUPERVISORIAL DISTRICT,)
COUNTY OF SANTA BARBARA, FROM)
AGLAND VENTURE CAPITAL GROUP, INC.)

RESOLUTION NO. _____
(2/3 vote required)

BE IT RESOLVED, that the Board of Supervisors of the County of Santa Barbara, State of California, does hereby find and determine as follows:

A. COUNTY has approved the acquisition of approximately 50 acres on a portion of the Property in connection with a site to build a new Santa Barbara County Jail Northern Branch facility, hereinafter referred to as the "Project" in the real property located in the Fourth Supervisorial District, to wit, County Assessor Parcel No. 113-210-004 and 113-210-013, hereinafter legally described.

B. That the intent is to acquire such real property for all the uses and purposes of constructing a new County jail facility, and for purposes under the authority of:

1. Article I, Section XIX of the California Constitution;
2. Code of Civil Procedure; Section 1240.010, 1240.110, 1240.120, 1230.020 and 1240.020;
3. Government Code Section 25350.5;

C. That such certain real property within the unincorporated territory of the County of Santa Barbara, State of California, is legally described on Exhibits "A," and shown by map depiction on Exhibit "B" and attached hereto and made a part hereof;

D. That the Board of Supervisors recognizes its prior approval of Project and Environmental Impact Report pursuant to California Environmental Quality Act (CEQA) guidelines; and the County has complied with environmental review process under the provisions of CEQA Guidelines adopted by the Secretary of Resources; and

E. That the acquisition of real property to be acquired herein is within the boundaries of the County and hereinafter described as necessary for the benefit of the County as a site for the new Santa Barbara County Jail Northern Branch facility in the County; and

F. That pursuant to Government Code Section 1245.235, notice and an opportunity to be heard was given to the person(s) shown on the last equalized County assessment roll for the real property to be acquired herein and said person(s) was provided with a proper Appraisal Summary Statement and Eminent Domain Process; and

G. That pursuant to Government Code Section 7267.2 the owner(s) of record was offered just compensation for the real property hereinafter described; and

H. That the public interest and necessity require the acquisition of the real property hereinafter described, for public use purposes, namely, for a site for the new Santa Barbara County Jail Northern Branch facility in the County; and

NOW, THEREFORE it is found, determined and resolved by at least two-thirds (2/3) vote of this Governing Board, as follows:

1. The real property and real property interests to be acquired are to be acquired in fee simple interest, and located within the County's boundaries and is described as a portion of Assessor Parcel No. 113-210-004 and 113-210-013, and as more particularly described in Exhibit "A," and shown on Exhibit "B", attached hereto and incorporated by reference herein.

2. The public interest and necessity require the Project, said Project being for the benefit of the County and, therefore, a public use, and the property described in said Exhibit "A," and shown on Exhibit "B" be taken for such public use.

3. The public use to which the real property will be put is for a new Santa Barbara County Jail Northern Branch facility and related and incidental purposes.

4. The property described in the Resolution is necessary for the Project. The staff report of the County is hereby incorporated by reference in support of these findings.

5. The public interest and necessity require the acquisition on said real property described herein and in said Exhibit "A," and the taking of said real property is necessary for the implementation of the Project in that the community is in great need of a site to build a new Santa Barbara County Jail Northern Branch facility, for the citizens of the County and it is hereby directed that said real property described in said Exhibit "A," be acquired by the County by eminent domain proceedings as hereinafter set forth.

6. Said Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; that said Project will benefit the general public in that it will provide a site necessary to build a new Santa Barbara County Jail Northern Branch facility and that no other reasonable means of financing the implementation of the Project are available to the community and that the aforesaid use to

which the property is to be applied, i.e., a site to build a new Santa Barbara County Jail Northern Branch facility is a use authorized by law.

7. The County has complied with the environmental review process under the provisions of CEQA and the State CEQA Guidelines adopted by the Secretary of Resources by the filing with the County of its Environmental Impact Report.

8. The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record.

9. The County Counsel and General Services Departments of the County of Santa Barbara and Special Eminent Domain Counsel, the Law Offices of Oliver, Sandifer, and Murphy are authorized and directed to perform all acts necessary on behalf of the County for the acquisition of said interest in real property, and to do any and all other things in connection with such proceedings as in his/her or their judgment may be necessary or convenient to the successful conclusion of said proceeding or proceedings, including obtaining of an Order for Immediate Possession, the preparation, filing, amendment, dismissal, etc. of all pleadings and stipulations that in the opinion of Special Counsel are necessary for the processing of the litigation.

10. The Sheriff Department is hereby authorized to expend funds available to the County for the acquisition of the real property.

11. The Law Offices of Oliver, Sandifer, and Murphy is hereby authorized and directed to record a certified copy of this Resolution in the Office of the County Recorder of the County of Santa Barbara. It may thereafter be referred to in any acceptance by any of the officers or agents referred to hereinabove with the same effect as though a certified copy of this Resolution were attached to the document accepted.

12. That County Counsel is authorized to make such changes to the Project as he may deem appropriate to reduce any adverse impacts thereof on the owners' properties; make any such reductions in the acquisition as he may deem appropriate, including, without limitations, the authority to abandon, partially abandon, amend, partially amend, dismiss and/or partially dismiss the above-described lawsuit.

BE IT RESOLVED that the interest in the real property described on Exhibit "A," and shown on Exhibit "B" attached hereto be condemned in the name of the County of Santa Barbara for said public purposes, as specified herein and County Counsel of the County of Santa Barbara and its Special Eminent Domain Counsel are hereby authorized, empowered, and directed to prepare and prosecute in the name of the County of Santa Barbara such proceeding or proceedings in the proper Court having jurisdiction thereof, as are necessary for such acquisition, and are authorized, at their discretion are authorized to apply for an order or orders fixing the amount of such security in the way of money deposits as said Court may direct, and for an order or orders permitting said County to take immediate possession and use of said real property for the public purposes.

Project: North County Jail
Folio: 002708
Agent: RC

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day _____, 2008, by the following vote:

AYES;

NOES:

ABSTAINED:

ABSENT:

COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Chair, Board of Supervisors
Salud Carbajal

By: _____
Deputy

APPROVED AS TO FORM:
DANIEL J. WALLACE
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM
ROBERT W. GEIS, C.P.A.
AUDITOR-CONTROLLER

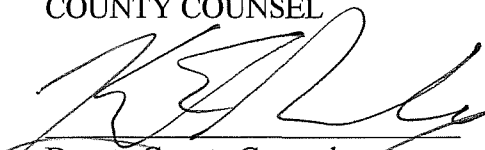

Deputy County Counsel
KEVIN E. READY, SR. DEP. COUNTY COUNSEL



Exhibit A

Legal Description

Being a portion of Subdivision No. 5 as allotted to Isaac Goldtree in the Final Decree of Partition of the Rancho Punta de la Laguna, a copy of which recorded December 7, 1880 in Book W of Deeds, Page 333, in the office the County Recorder, County of Santa Barbara, State of California, more particularly described as follows:

Beginning at a point in the Easterly line of said Subdivision No. 5, said point being the centerline intersection of Black Road and Betteravia Road as shown on the Record of Survey filed in Book 87 of Records of Survey, Page 96, as a set nail and tag marked LS 3485; thence

First S00°41'25"W, along said centerline and said easterly line, 1412.60 feet to a point; thence,

Second N89°18'35"W departing said centerline and said Easterly line, 1627.61 feet to a point of intersection with the southerly prolongation of the easterly line of an existing dirt farm road, as said road exists today; thence,

Third N00°13'32"E along said prolongation, said easterly line of said existing dirt farm road, and its northerly prolongation, 1279.16 feet to a point of intersection with the southerly line of said Betteravia Road, said road is described in the Deed to the County of Santa Barbara recorded August 27, 1947 as Instrument No. 11628 in Book 738 of Official Records, Page 413, in the office of said County Recorder; thence,

Fourth N86°54'11"E along the southerly line of said Betteravia Road as described in said deed, 1611.51 feet to a point of intersection with the westerly line of said Black Road, 60.00 feet wide, said westerly line being 30.00 feet westerly of said centerline of Black Road and 30.00 feet westerly of said Easterly line of said Subdivision No. 5, said point being depicted on said Record of Survey; thence,

Fifth N00°41'25"E along said westerly line, said line being 30.00 feet westerly of and parallel with said Easterly line of Subdivision No. 5 and said centerline of said Black Road, 25.05 feet to Station 138+76.24, the point of beginning for the land described in said deed to the County of Santa Barbara for said Betteravia Road; thence,

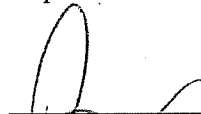
Sixth along the control line described in said deed to the County of Santa Barbara for said Betteravia Road, N86°54'11"E, 30.07 feet to the point of beginning.

Containing 50.00 acres more or less

End of Description

A sketch entitled Exhibit B depicting the above description is attached hereto and by reference incorporated herein.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyor's Act this 20th day of February, 2008.



Jon McKellar
PLS 7578
License Expiration Date: 31 December 2009



Point of Beginning
(738 OR 413)
sta 138+76.24

N 00°41'25" E
25.05'

N 86°54'11" E
30.07'

Betteravia Road

N 86°54'11" E 1611.51'

Southerly line Betteravia
Road per 738 OR 413

Point of Beginning
this description

Existing dirt farm road
(variable width)

25'

60'
30'
30'

Portion of APN 113-210-004 & 013
50.00 acres (gross)

N 00°13'32"E 1279.16'

S 00°41'25"W 1412.60'

Black Road

Easterly line
Subdivision No. 5
& centerline Black
Road per 87 RS
96

N 89°18'35"W 1627.61'

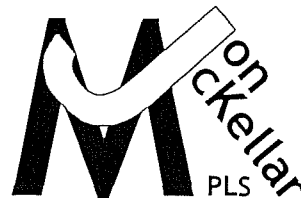


GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

Exhibit B



A Professional Land Surveying & Consulting Company
910 East Stowell Road, Suite 107
Santa Maria, CA 93454
805-680-1895 bus.
805-928-9713 fax
jon@jonmckellar.com
<http://www.jonmckellar.com>