

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JUNE 24, 2015

RE: New Projects in the Five-Year Capital Improvement Program Fiscal Years Ending 2015-2020 Comprehensive Plan Conformity Review; 15GOV-00000-00001

Hearing at the request of the Board of Supervisors to analyze the new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020 and to report to the Board of Supervisors as to their conformity with the Comprehensive Plan pursuant to Government Code Sections 65401 and 65402.

Dear Honorable Members of the Board of Supervisors:

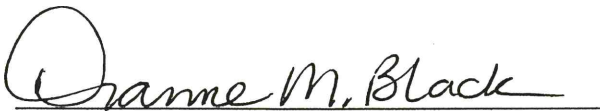
At the Planning Commission hearing of June 24, 2015, Commissioner Brown moved, seconded by Commissioner Ferini and carried by a vote of 4 to 0 (Hartmann absent) to:

1. Review the list of proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020 (Attachments A1 and A2 of the staff report, dated June 16, 2015).
2. Consider the conformity of the proposed new projects with the Comprehensive Plan pursuant to Government Code sections 65401 and 65402.
3. Report to the Board of Supervisors that the County Planning Commission finds:
 - A. For the purposes of Government Code section 65401, the proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, as listed in Attachment B of the staff report, dated June 16, 2015, have been analyzed and found in conformity with the Comprehensive Plan.
 - B. For the purposes of Government Code sections 65401 and, if applicable, 65402, the proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, as listed in Attachment C of the staff report, dated June 16, 2015, will require future analysis for conformity with the Comprehensive Plan.

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- C. For the purposes of Government Code section 65402, the proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, as listed in Attachment D of the staff report, dated June 16, 2015, have been analyzed and found in conformity with the Comprehensive Plan.
4. Determine that the Capital Improvement Program is not a project and is exempt from CEQA pursuant to section 15378(b)(4) of the Guidelines for Implementation of the California Environmental Quality Act (Attachment E of the staff report, dated June 15, 2015).

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 15GOV-00000-00001
Planning Commission File
Dianne M. Black, Assistant Director
Allen Bell, Supervising Planner
Jenna Richardson, Deputy County Counsel
✓ Oksana Buck, Planner

DMB/dmv

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SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for
New Projects in the Five-Year Capital Improvement Program
Fiscal Years Ending 2015-2020
Comprehensive Plan Conformity Review

Hearing Date: June 24, 2015

Staff Report Date: June 16, 2015

Case No.: 15GOV-00000-00001

Environmental Document: CEQA Exempt (15378)

Deputy Director: Matt Schneider

Supervising Planner: Allen Bell

Staff Contact: Oksana Buck

Staff Phone #: (805) 568-3577

1.0 REQUEST

Hearing at the request of the Board of Supervisors to analyze the proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020 and to report to the Board of Supervisors as to their conformity with the Comprehensive Plan pursuant to Government Code sections 65401 and 65402.

2.0 RECOMMENDATION AND PROCEDURES

The Planning and Development Department (P&D) recommends that the County Planning Commission:

1. Review the list of proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020 (Attachments A1 and A2).
2. Consider the conformity of the proposed new projects with the Comprehensive Plan pursuant to Government Code sections 65401 and 65402.
3. Report to the Board of Supervisors that the County Planning Commission finds:
 - A. For the purposes of Government Code section 65401, the proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, as listed in Attachment B, have been analyzed and found in conformity with the Comprehensive Plan.
 - B. For the purposes of Government Code sections 65401 and, if applicable, 65402, the proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, as listed in Attachment C, will require future analysis for conformity with the Comprehensive Plan.
 - C. For the purposes of Government Code section 65402, the proposed new projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, as listed in Attachment D, have been analyzed and found in conformity with the Comprehensive Plan.

4. Determine that the Capital Improvement Program is not a project and is exempt from CEQA pursuant to section 15378(b)(4) of the Guidelines for Implementation of the California Environmental Quality Act (Attachment E).

Please refer the matter to staff if the County Planning Commission takes actions other than those recommended.

3.0 JURISDICTION

Government Code section 65401 requires an annual programmatic level review of proposed new major public works for conformity with the local comprehensive plan. Government Code section 65402 requires specific review of proposed new projects that involve the acquisition or disposal of real property, vacation or abandonment of streets, or construction of public buildings or structures for conformity with the local comprehensive plan.

The County Planning Commission reviews and reports on projects added to the Five-Year Capital Improvement Program (CIP), based on Government Code section 65401, which reads in part as follows:

If a general plan or part thereof has been adopted, ...each county or city officer, department, board, or commission...whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such a coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

The Board of Supervisors took action on January 12, 1999 to designate itself as the “official agency” responsible for preparation of the CIP. The County Planning Commission is the “County planning agency” pursuant to Santa Barbara County Code section 2-25.1. This staff report lists and analyzes proposed new public works projects for the County Planning Commission to review and report to the Board of Supervisors.

In addition, conformity review is conducted where sufficient project information is available for projects subject to Government Code section 65402, including the acquisition or disposal of real property, vacation or abandonment of streets, and construction of public buildings or structures. Government Code section 65402(a) reads in part as follows:

If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street

vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof...

4.0 PROJECT INFORMATION

The CIP is a compilation of proposed projects intended to implement various public projects and plans, including facilities plans and the County Comprehensive Plan (i.e., General Plan). The CIP provides a list of future capital improvements to be carried out during a five-year planning period, together with project descriptions, cost estimates, and the anticipated means and sources of financing for each project. All new projects added to the CIP are subject to review for conformity with the Comprehensive Plan. Specifically, Government Code section 65401 requires a programmatic level review for conformity with the Comprehensive Plan of all new projects recommended for planning, initiation, or construction. Government Code section 65402 requires additional review of a subset of the new projects that involve the acquisition or disposal of real property, vacation or abandonment of streets, and/or construction of public buildings or structures.

On June 2, 2015, the County Executive Office presented the CIP to the Board of Supervisors. The Board of Supervisors received, reviewed, and approved in concept the proposed new projects listed in the CIP (Attachments A1 and A2), and referred the CIP to the County Planning Commission for review of conformity with the Comprehensive Plan. After the County Planning Commission's action regarding the conformity of the proposed new projects with the Comprehensive Plan, the Board of Supervisors will receive and file the Planning Commission's findings and the CEQA Notice of Exemption at a hearing on July 21, 2015.

5.0 PROJECT ANALYSIS

5.1 Environmental Review

CEQA Guidelines section 15060(c) states "An activity is not subject to CEQA if...[t]he activity is not a project as defined in Section 15378." CEQA Guidelines section 15378(b)(4) states "[p]roject" does not include...[t]he creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project..." The CIP serves as a funding mechanism, proposing capital budget appropriations for adoption within the County's Operating Budget. It does not appropriate funds or otherwise commit the County to particular projects. Rather, any appropriations will ultimately be included in the respective departmental budgets as funding becomes available. As a result, the CIP is not considered a "project" and is not subject to CEQA. The enclosed CEQA Notice of Exemption (Attachment E) contains further information.

5.2 Comprehensive Plan Conformity

Government Code Section 65401 Review

P&D reviewed the proposed new projects included in the CIP as to conformity with the Comprehensive Plan for the purposes of Government Code section 65401. The CIP includes 23 proposed new projects, which consist mostly of projects necessary for departmental operations and/or

facility maintenance. Attachment B provides a list of the 23 projects and their associated conformity analysis. For the purposes of Government Code section 65401, staff recommends that 21 of the 23 projects listed in Attachment B be found in conformity with the Comprehensive Plan. The two exceptions are discussed below.

Future Conformity Review

Two of the 23 proposed new projects included in the CIP, Buellton Operations and Administrative Center and Sheriff's Coroner's Bureau, will require future conformity analysis under Government Code sections 65401 and, if applicable, 65402 because there is incomplete project information to make a conformity determination at this time. As discussed in Attachment C, the Buellton Operations and Administrative Center is in this category because the County Fire Department has not identified a project site for the replacement administrative center. The County Planning Commission will determine this project's conformity with the Comprehensive Plan when the County Fire Department selects a project site and finalizes a complete project description. The Sheriff's Coroner's Bureau is in this category because the General Services Department has not determined if improvements to the existing facility are feasible or if construction of a new facility is necessary to meet operational needs. The County Planning Commission will determine this project's conformity with the Comprehensive Plan when the General Services Department determines the extent of the project, finalizes a complete project description, and selects a project site if determined necessary.

Government Code Section 65402 Review

Six of the 23 proposed new projects included in the CIP involve the construction of public buildings or structures and, therefore, are subject to further review as to conformity with the Comprehensive Plan for the purposes of Government Code section 65402. For example, the Mission Canyon Corridor Improvements project will widen and reconstruct the roadway to improve pedestrian, bicycle, and vehicle circulation; the Ballard Canyon/Chalk Hill Road Landfill Remediation project will construct a groundwater treatment system to reduce the concentration of groundwater pollutants; and the Lakeview Road and Foster Road Sidewalk project will construct sidewalk segments to create a continuous sidewalk system. Attachment D provides detailed project descriptions and the associated conformity analyses for the six projects. Staff recommends that the projects listed in Attachment D be found in conformity with the Comprehensive Plan.

ATTACHMENTS

Attachment A1: Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020.

Attachment A2: Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, Addendum, Coroner's Bureau.

Attachment B: New Projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, Government Code section 65401 Comprehensive Plan Conformity Analysis.

Attachment C: New Projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020 that will need future conformity review under Government Code sections 65401 and, if applicable, 65402.

Attachment D: New Projects in the Five-Year Capital Improvement Program for Fiscal Years Ending 2015-2020, Government Code section 65402 Comprehensive Plan Conformity Analysis.

Attachment E: CEQA Notice of Exemption.

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