

ATTACHMENT E:
PLANNING COMMISSION STAFF REPORT

SANTA BARBARA COUNTY
Staff Report for Revised Cultural Resources Thresholds of Significance

Hearing Dates: January 10, 2018

Director: Dr. Glenn S. Russell

Staff Report Date: November 21, 2017

Division: Administration

Case No.: 17ORD-00000-00017

Staff Contact: Dr. Glenn S. Russell

**Environmental Document: Exempt
pursuant to CEQA Guidelines sections
15308 and 15378(b)**

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1.0 REQUEST

Hearing on the request of the Santa Barbara County Planning and Development Department (P&D) to consider Case No. 17ORD-00000-00017, and recommend that the Board of Supervisors amend the County of Santa Barbara's *Environmental Thresholds and Guidelines Manual*, by revising thresholds of significance to guide the County's environmental analysis of cultural resources for projects subject to the California Environmental Quality Act (CEQA); and recommend that the Board of Supervisors find the adoption of a revised thresholds is exempt pursuant to CEQA Guideline Sections 15308 and 15378(b).

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and authorize the Chair to execute the attached Resolution, Case No. 17ORD-00000-00017, recommending that the Board of Supervisors adopt a threshold of significance for cultural resources.

Your Commission's motion should include the following:

- d) Recommend that the Board of Supervisors make the required findings for approval of the proposed amendment, including CEQA findings (Attachment A); and
- e) Recommend that the Board of Supervisors determine the project is exempt from CEQA pursuant to CEQA Guideline Sections 15308 and 15378(b) of CEQA, included as Attachment C.
- f) Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 17ORD-00000-00017, amending the County of Santa Barbara's *Environmental Thresholds and Guidelines Manual*, by revising thresholds of significance to guide the County's environmental analysis of cultural resources of a project subject to the CEQA (Attachment B).

Refer back to staff if the County Planning Commission takes other than the recommended action.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on the County of Santa Barbara's *Guidelines for the Implementation of the California Environmental Quality Act of 1970*, §F.3.b (Process for thresholds amendment and adoption), pages 8 – 9, which states in part:

“(1) New or revised thresholds. The Environmental Thresholds and Guidelines Manual shall be periodically amended by the Board of Supervisors, as necessary to reflect new information or changed environmental circumstances; and new thresholds or guidelines for additional topical areas may be adopted by the Board of Supervisors as deemed necessary. In accordance with Board of Supervisors authorization, the Planning Commission will hold noticed public hearings in north and south county locations to consider (1) existing thresholds and the need for refinement or revision, (2) specific proposed changes to thresholds and guidelines, and/or (3) new thresholds and guidelines for additional topics. The public hearings will have the purpose of advising the public of the basis for thresholds, of obtaining public comment on thresholds and revisions, and of gathering relevant data for inclusion in thresholds data bases. The Planning Commission will provide direction for thresholds revisions and development of new thresholds, and will forward new or revised thresholds for final adoption by the Board of Supervisors.”

4.0 ISSUE SUMMARY

CEQA Guidelines define a threshold of significance as:

“... an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which normally will be determined to be less than significant.” (§15064.7(a))

CEQA provides lead agencies with broad discretion with regard to adopting thresholds of significance, provided that adopted thresholds are based on substantial evidence. CEQA Guidelines Section 15064.7 encourages local agencies to adopt and public thresholds of significance.

The existing thresholds, *Cultural Resources Guidelines, Archaeological, Historical, and Ethnic Elements* (Chapter 8 of the Environmental Thresholds and Guidelines Manual), have not been updated since 1992. Since that time, there have been significant changes to numerous sections of CEQA and the State CEQA Guidelines that address cultural resources. For example, the existing thresholds document still references Appendix K of CEQA that, at the time, was the primary source of guidance on the treatment of cultural resources in the CEQA process. Appendix K was removed from CEQA in 1998 and replaced with various new sections in the statute and guidelines that more effectively and accurately address both the determination of significance of cultural resources and the determination of significance of adverse impacts to cultural resources. Since 1998, there have been additional changes to CEQA concerning cultural resources, such as the addition of Tribal Cultural Resources in 2015 as a type of cultural resource that must be considered during CEQA review

The proposed revisions to the cultural resource thresholds incorporate all of these changes to CEQA, as well as some additional sources, to provide clear guidance to planners, consultants, decision makers, and members of the public for the treatment of cultural resources in the CEQA process. In addition, the existing thresholds reference a technical document entitled *Regulations Governing Cultural Resource Projects Undertaken in Conformance with Federal and State Environmental Protection Acts*. This document, which provides guidance on what is required in the preparation of technical cultural resource

documents has been revised and is titled; *Fieldwork and Reporting Guidelines for Cultural Resources*. This document is included as Appendix B of the County *Environmental Thresholds and Guidelines Manual*. Staff requires the use of the *Fieldwork and Reporting Guidelines for Cultural Resources* document because it specifies exactly what information is needed for CEQA review and presents it in a clear and consistent format. However, other report formats approved by staff may also be used. Any deviation from the standard format must be approved by staff and all the required elements must be included. In addition, there are two earlier guidance documents not adopted as part of the Thresholds by the Board of Supervisors. The first, County of Santa Barbara Resource Management Department, *Archaeological Element of the Santa Barbara County Heritage Management Plan, Cultural Resource Guidelines* (1986, Reissued January 1993) provides research design guidance for archaeological research studies in the Santa Barbara region. The second, County of Santa Barbara Resource Management Department, *Cultural Resource Guidelines, Historic Resources Element* (1986, Revised January 1993) similarly provides research design guidance for historic research studies in the Santa Barbara region. Neither of these documents is being revised. Both documents are somewhat outdated but remain available as resources that may be used when formulating research designs.

5.0 PROJECT INFORMATION

5.1 Setting

These revised thresholds (Exhibit A of Attachment B to this staff report) will be applied to prehistoric and historic cultural resources from Santa Barbara County during CEQA review of the permitting of discretionary land use projects. For context, a brief summary of the culture history of Santa Barbara County is provided as Attachment E to this staff report. Although these thresholds are specific to CEQA analysis, there are numerous federal, state and local regulations that apply to cultural resources. These regulations are listed, with links to the text of the regulations, in Attachment G to this staff report.

5.2 Proposed Threshold

Staff prepared updated thresholds for Cultural Resources by revising Chapter 8, and renaming the chapter "Guidelines for Determining the Significance of and Impacts to Cultural Resources-Archaeological, Historic Resources, and Tribal Cultural Resources." The proposed revised thresholds are included in Attachment B. The draft revised thresholds were reviewed by several interested parties, including professional archaeologists, historical architects, Native Americans, and staff planners. Their invaluable comments and suggestions have been incorporated into the thresholds document.

The revised thresholds are divided into three parts. The first part identifies the characteristics or criteria that qualify a resource as a significant archaeological, historic or tribal cultural resource. The second part addresses how to evaluate the severity of potential impacts to those resources, which is key to evaluating if an adverse impact to the resource is substantial and significant. The third part of the document provides a discussion of mitigation approaches, including example mitigation measures, which may avoid or lessen potentially significant impacts.

6.0 PROJECT ANALYSIS

6.1 Comprehensive Plan Consistency

The County's Comprehensive Plan, (including the Coastal Land Use Plan and Community Plans) contains many goals and policies that protect significant cultural resources. They are included as Attachment F to this staff report. The adoption of these thresholds of significance are consistent with those goals and policies because the policies require, if possible, avoidance of cultural resources and the CEQA thresholds require mitigation of any substantial adverse change in the significance of an historical resource, if feasible. CEQA identifies avoidance and preservation in place of the resource as the preferred mitigation. Therefore, the adoption of the recommended threshold of significance is consistent with the Comprehensive Plan.

6.2 Zoning: Compliance with Chapter 35 of the County Code

Among other things, Chapter 35 of the County Code, Zoning (including the Coastal Zoning Ordinance for the Coastal Zone and the Land Use and Development Code for most inland areas), identifies permitting processes for different types of land-uses and development. It differentiates which types of development are exempt from permits, require ministerial approval, or require discretionary approvals. With regard to discretionary approvals, the Zoning Code generally requires environmental review to identify the potential for significant environmental impacts, and feasible mitigation when significant impacts are identified. In addition, the Zoning Code includes specific development standards that require avoidance of cultural sites, if possible, and mitigation of impacts to cultural sites if avoidance is not possible (e.g., LUDC Section 35.60.040). These Zoning Code development standards are included in Attachment D of this staff report. Adoption of the recommended threshold of significance complements those foregoing requirements by prescribing standards to determine the significance of a project's impacts to historical resources and mitigation of those impacts, including avoidance whenever possible. Therefore, the adoption of the recommended threshold of significance is consistent with Chapter 35 of the County Code.

7.0 APPEALS PROCEDURE

Amendments to the County's *Environmental Thresholds and Guidelines Manual* that are recommended for approval or denial are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

ATTACHMENTS

- 2) Findings
- 3) Draft Resolution to the Board of Supervisors with Recommended Threshold as an Exhibit
- 4) CEQA Exemption
- 5) Initial Study Questions for Cultural Resources
- 6) Brief Culture History of Santa Barbara County
- 7) Goals, Policies and Development Standards from the Comprehensive Plan, Community Plans and Zoning Ordinances
- 8) Federal and State Regulations and Standards