



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

Submitted on:
(COB Stamp)

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 12/09/08
Placement: Departmental
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:
Vote Required: Majority

20 NOV 21 AM 9:36
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

1209-D1

TO: Board of Supervisors
FROM: Department Director: John Baker, Assistant CEO and Planning & Development Director
Contact Info: John McInnes, Long Range Planning Director
805-568-3552

DEC 09 2008

David Matson, Deputy Director, Long Range Planning
805-568-2068

SUBJECT: 2003-2008 Housing Element Focused Rezone Program

County Counsel Concurrence:

As to form/legality: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Recommended Action(s):

That the Board of Supervisors consider approval of the 2003-2008 General Plan Housing Element Focused Rezone Program, as recommended by the Planning Commission with the concurrence of staff, including associated amendments to the 2003-2008 Housing Element, the Orcutt Community Plan, and the Land Use Development Code. The Focused Rezone Program rezones portions of two sites, designated as Key Site 3 and Key Site 16 in the Orcutt Community Plan area, to the Multi-Family Residential Orcutt (MR-0) zone designation for the purpose of providing 370 units of residential capacity in the County General Plan. Adoption of the Focused Rezone Program allows the County to maintain Housing Element certification through the end of the current State planning period.

Staff recommends that the Board of Supervisors:

1. Certify Attachment A-1, the 2003-2008 Housing Element Focused Rezone Program Environmental Impact Report (08-EIR-00000-00005; SCH#2008061139), including EIR Revision Letters dated October 15, 2008 and November 12, 2008; and, adopt the Mitigation Monitoring and Reporting Program (Attachment C-2, Exhibit 3) and related CEQA Findings and Statement of Overriding Considerations, contained in Attachment A-2.
2. Receive a Planning Commission Action Letter and accompanying Planning Commission Resolution (Attachment B) recommending that the Board of Supervisors approve the Housing Element Focused Rezone Program by amending the Santa Barbara County General Plan Housing Element, Orcutt Community Plan, and the Land Use Development Code as described below.

3. Adopt Attachment C-1, a resolution approving specific amendments to the General Plan Housing Element by inserting a revised Policy 1.10: Action 1 Rezone Program and a new subsection entitled *Appendix E2* that describes the revised Focused Rezone Program.
4. Adopt Attachment C-2, a resolution approving specific amendments to the Orcutt Community Plan by changing land use designations from Residential Ranchette Minimum Parcel Size 10 acres to Residential 20 on a portion of APN 129-151-026 and from General Commercial to Residential 20 on a portion of APN 105-330-001 and APN 105-330-002; by revising development standards for two sites identified in the Orcutt Community Plan as Key Site 3 and Key Site 16; and, by adding Appendix F, the Mitigation Monitoring and Reporting Program.
5. Recommend that the Board of Supervisors adopt Attachment C-3, an ordinance amending the Santa Barbara County Land Use & Development Code by inserting the new Multi-Family Residential-Orcutt zone district and by amending the Santa Barbara County Zoning Map by rezoning a portion of APN 129-151-026, APN 105-330-001, and APN 105-330-002 to apply the new Multi-Family Residential-Orcutt zone.

Please provide direction to staff if the Board of Supervisors takes actions other than those recommended.

Summary:

The Focused Rezone Program is the second of two tasks that the California Department of Housing and Community Development (State HCD) directed Santa Barbara County (County) to complete in order to maintain a State-certified Housing Element (see Attachment D). The deadline for completion of both tasks is January 2009.

The first of these two tasks was completed on September 9, 2008, when the Board of Supervisors (Board) adopted an amendment to the Housing Element analyzing and documenting the realistic number of new housing units that could be built in Isla Vista as a result of the Board's adoption of the Isla Vista Master Plan (IVMP) in August 2007. This amendment reduced the County's Regional Housing Needs Allocation (RHNA) shortfall from 1,235 units to 370 units; it also reduced the scope of the corresponding State-mandated rezone program needed to address the County's RHNA shortfall and comply with State HCD's directed second task. Should the County fail to approve and implement the proposed Focused Rezone Program, State HCD has indicated that they intend to decertify the Housing Element.

Pursuant to Government Code § 65356, the authority to amend the County General Plan rests with the Board of Supervisors. In addition, Government Code § 65358 provides that the General Plan, including the Housing Element and the Land Use Element (Orcutt Community Plan), may be amended no more than four times in a calendar year. On February 12, 2008, the Board established four official "window dates" for amending the General Plan, and December 9, 2008 is the last official "window date" for the calendar year.

Background:

1. HOUSING ELEMENT CHRONOLOGY

The Housing Element was first adopted in March 2004, at which time County staff determined that existing zoning and development standards could not accommodate all of the 6,064-unit RHNA assignment for the 2001-2009 Housing Planning Period. This meant that the County would be required by State law to rezone land to accommodate any RHNA shortfall. Upon review of the adopted Housing Element in July 2004, State HCD found that inadequate information had been provided to accurately quantify the magnitude of this shortfall. State HCD directed the County to include this information via an amendment to the Housing Element, thereby providing increased specificity on the scope of the required rezone program. Given State HCD's comments, the public process of identifying potential rezone sites began.

On November 8, 2005, the Board of Supervisors Ad-Hoc Housing Subcommittee, comprised of 3rd and 2nd District Supervisors Firestone and Rose, and Planning Commissioners Montgomery and McGinnes, recommended to the Board that the County continue with implementation of the Housing Element Action Phase Programs, including any needed rezones, and to continue seeking final certification of the Housing Element from State HCD. This recommendation was followed by the November 30, 2005 Planning Commission hearing, during which ten potential rezone sites were selected for environmental analysis, pending the outcome of adoption hearings by the Board to address this initial set of State HCD's comments in a revised Housing Element.

On May 9, 2006, the Board adopted a revised Housing Element quantifying a RHNA shortfall of 1,235 units, out of the total 6,064-unit RHNA assignment. The initial identification and selection of rezone sites was reaffirmed by the Planning Commission on May 24, 2006. Responding to the County's legislative commitment to move forward with a rezone program, State HCD issued certification of the Housing Element on August 2, 2006. Certification, however, was conditioned upon the County's implementation of Housing Element Policy 1.10: Action 1, which recognized that a rezone program was necessary to reconcile the RHNA shortfall.¹

Environmental review of the rezone program commenced soon thereafter in November 2006, but was halted in August 2007, when the Board adopted the Isla Vista Master Plan (IVMP). At the time, the IVMP, which rezoned 256 acres of land and produced the potential for 1,417 additional units in the unincorporated south coast community of Isla Vista, appeared to satisfy the State's requirements to address the RHNA shortfall. This outcome was reported to the Planning Commission in September 2007 and subsequently to State HCD.

On September 9, 2008, following nine months of dialogue, negotiation, and technical direction from State HCD regarding the IVMP, the Board adopted an amendment to the Housing Element documenting that 865 of the 1,417 additional units could realistically be built in Isla Vista. With this new 865 units added to the County's base land inventory, the County's RHNA shortfall was effectively reduced from 1,235 units to 370 units. In accordance with State HCD's direction, the Focused Rezone Program addresses the remaining 370-unit shortfall.²

¹ Consistent with GC § 65583(c)(A); GC § 65583.2 (h) and (i).

² Pursuant to GC § 65583(c)(1)

During the course of scoping the Environmental Impact Report (EIR) for the Focused Rezone Program, three of the ten potential sites initially identified by the Planning Commission were removed from consideration due to health and public safety issues associated with wastewater capacity identified during the Los Alamos Community Plan update process. The remaining seven sites then formed the basis for analysis in the EIR, which discloses and mitigates to the extent feasible the environmental impacts associated with the Board's adoption of the Focused Rezone Program.

2. OVERVIEW OF THE FOCUSED REZONE PROGRAM

Consistent with the requirements of State law, the Focused Rezone Program is a County-initiated action to address the current RHNA shortfall of 370 units by amending policy, zoning, and development standards for two of the potential rezone sites analyzed in the EIR. To the greatest extent possible, the Focused Rezone Program strives to balance impacts to the environment and neighborhood compatibility with State HCD's direction to provide sufficient residential capacity before the end of the planning period. This balance has been reflected in the new MR-O zone designation and the development standards added to the applicable Key Site descriptions in the Orcutt Community Plan.

New Multifamily Residential-Orcutt (MR-O) Zone District for Rezone Sites

Sites rezoned for the purpose of meeting a RHNA shortfall must meet specific zone standards, including a base residential density of 20 units per acre. In addition, rezoned sites are required to permit both owner-occupied and rental residential use "by right," which means that the County may not require discretionary project approval, once the rezones have been completed.³ Since the County does not currently have a zone that meets these standards, the proposed new MR-O zone designation has been developed. This zone mirrors State requirements and will be applied only to the rezoned portions of the two sites selected for implementation of the Focused Rezone Program. If specific project proposals for these sites include development components for land that is adjacent, but not rezoned to MR-O, these components will be analyzed under a separate decision-making process, and will follow the standard course of the County's discretionary review.

State law does allow the MR-O zone to include a full design review process, whereby both the Board of Architectural Review (BAR) and the Director of Planning & Development (Director) are responsible for ensuring that proposed projects comply with the design components outlined for the Focused Rezone Program. These components have been developed to reflect other County guidelines such as quality design, the provision of open space, energy conservation, and recreational opportunities for residents. The Director is also responsible for ensuring that all standard County project review procedures have been followed, including meeting flood, infrastructure, and public safety requirements. For further reference, the text of the proposed MR-O zone district is included as Attachment C-3.

Planning Commission Deliberations and Recommendation

On October 17, 2008, the County Planning Commission held the first of two hearings to review the Focused Rezone Program, including the associated EIR, CEQA Findings, and the proposed amendments to the Housing Element, Orcutt Community Plan, and Land Use Development Code (LUDC). At this hearing, significant deliberation focused on enhancing the existing design review process and development standards that would apply to the rezoned portion of potential sites. In addition, the Planning Commission discussed the selection of rezone sites and whether the EIR "proposed project,"

³ Consistent with GC § 65583.2 (h)

consisting of two sites identified in the Orcutt Community Plan as Key Site 3 and Key Site 30, would be able to best address community concerns while meeting the requirements of State law.

Deliberations continued on November 12, 2008, where the Planning Commission concurred with the design-related amendments to the Orcutt Community Plan and the LUDC proposed by staff, following the first hearing. In addition, the Planning Commission voted 5-0 to select Key Site 3, modifying the rezone “envelope” slightly to balance environmental and neighborhood compatibility concerns, and to replace Key Site 30 with Key Site 16 as the preferred second rezone site. While the Planning Commission recognized the merits of the “proposed project” in their deliberations, their final recommendation was found to best balance the need to minimize environmental impacts and achieve the underlying project objectives. As noted by the Planning Commission, removal of Key Site 30 from the Focused Rezone Program addressed concerns regarding the proposed multifamily use of the site, as well as the preservation of recreation space for the Orcutt community. Moreover, inclusion of Key Site 16 created the opportunity for enhancing Old Town Orcutt’s pedestrian character and economic vibrancy, while also aligning with new State legislation aimed at reducing greenhouse gases by co-locating residential and commercial uses.

3. PROJECT ENVIRONMENTAL ANALYSIS

An EIR (08-EIR-00005, Attachment A-1) was prepared for the proposed Focused Rezone Program, pursuant to Public Resources Code § 21000 et seq. and the County of Santa Barbara Guidelines for the implementation of the California Environmental Quality Act of 1970. As required by CEQA, the EIR examined the proposed project (Key Sites 3 and 30), as well as five alternatives, including the No Project Alternative.⁴ These alternatives are summarized in the Executive Summary Chapter of the EIR and discussed in greater detail in EIR Section 6.0 Alternatives. To accommodate the Planning Commission’s recommendation, staff drafted an EIR revision letter dated November 12, 2008 that analyzed a hybrid of EIR Alternatives 3 and 4 (see Attachment A-1), consistent with State and County CEQA guidelines. Importantly, replacing Key Site 30 with Key Site 16 did not involve substantial increases in environmental impacts and did not require recirculation of the EIR.

The EIR considered all significant and unavoidable impacts (Class I) and all significant impacts that can be mitigated (Class II) in appropriate levels of detail to facilitate the selection of the “proposed project” or any alternative that is capable of meeting the EIR project objectives. Seven (7) Class I impacts have been identified, which cannot be mitigated to less-than-significant levels. As a result, the Board must adopt a Statement of Overriding Considerations, if the Focused Rezone Program is approved. Nineteen (19) Class II impacts have been identified; however, as required by State law, mitigation measures proposed in the EIR will reduce these to less than significant levels. These mitigation measures are designed to reduce, avoid, minimize, rectify, eliminate, or compensate for the impacts identified in the EIR to the extent feasible.⁵ The full conclusions of the EIR and a summary of all proposed mitigation measures needed to minimize impacts to the physical environment are contained in the Executive Summary of the EIR. Further discussion of Class III impacts, which are considered less than significant, can be found in the technical appendices of the EIR.

⁴ CEQA Guidelines 15126.6

⁵ CEQA Guidelines §§ 15126.4; 15364; 15370

County Staff Conclusions

Based on the EIR analysis, State HCD's direction, and the Planning Commission's recommendation, staff affirms that the adoption of the Focused Rezone Program, inclusive of Key Sites 3 and 16, provides a balanced outcome that achieves the County's objectives and addresses the remaining RHNA shortfall of 370 units.

4. GENERAL PLAN CONSISTENCY

The Focused Rezone Program includes detailed text, map, and development standard amendments to ensure that the Orcutt Community Plan, the Santa Barbara County LUDC, and the County of Santa Barbara Land Use Maps are consistent with the 2003-2008 General Plan Housing Element Update and State law.⁶ Section 5, Policy Consistency of the EIR provides a full discussion of policy consistency related to the Focused Rezone Program.

Fiscal and Facilities Impacts:

Budgeted: Yes No

Fiscal Analysis:

Funding Sources	Current FY Cost:	Annualized Cost:	Total Project Cost
General Fund	\$ 78,276.00		\$ 3,163,372.00
State			
Federal			
Fees			
Other:			
Total	\$ 78,276.00	\$ -	\$ 3,163,372.00

Staffing Impact(s):

Legal Positions:
NA

FTEs:
NA

Special Instructions:

NA

Attachments: (list all)

Attachment A-1: Focused Rezone Program Environmental Impact Report including EIR Revision Letters dated October 15, 2008 and November 12, 2008

⁶ Pursuant to GC § 65300.5

Attachment A-2: Focused Rezone Program Findings and Statement of Overriding Consideration

Attachment B: Planning Commission Action Letter and Resolution

Attachment C-1: Board of Supervisors Resolution

Exhibit 1: Housing Element Policy 1.10: Action 1

Exhibit 2: Housing Element Appendix E2

Attachment C-2: Orcutt Community Plan Amendment

Exhibit 1: Key Site 3 Text and Land Use Designation Map

Exhibit 2: Key Site 16 Text and Land Use Designation Map

Exhibit 3: Mitigation Monitoring and Reporting Program

Attachment C-3: Land Use Development Code Amendment to include MR-O Zone District

Exhibit 1: Key Site 3 County Zoning Map

Exhibit 2: Key Site 16 County Zoning Map

Attachment D: California Department of Housing and Community Development Letter dated June 16, 2008.

Authored by:

David Matson, Deputy Director, Long Range Planning

CC:

OLRP Chron File

Attachment A-1

Focused Rezone Program Environmental Impact Report including EIR Revisions letters dated October 15, 2008 and November 12, 2008

**2003-2008 HOUSING ELEMENT
FOCUSED REZONE PROGRAM
PROPOSED FINAL ENVIRONMENTAL IMPACT REPORT
08EIR-00005**

REVISION LETTER

October 15, 2008

*Case #08GPA-00000-00008&9/08RZN-00000-00008/08ORD-00000-00017
SCH #2008061139*

Prepared by:

County of Santa Barbara
Office of Long Range Planning
Planning & Development Department
30 E. Figueroa Street, 2nd Floor
Santa Barbara, CA 93101

With the assistance of:

Rincon Consultants, Inc.
1530 Monterey Street, Suite D
San Luis Obispo, CA 93401

I. PROJECT DESCRIPTION

The 2003-2008 Housing Element Focused Rezone Program (Focused Rezone Program) consists of amendments to the County of Santa Barbara General Plan Housing Element (Housing Element), Orcutt Community Plan, and the Land Use Development Code to reflect an action to rezone portions of two sites, designated as Key Site 3 and Key Site 30 in the Orcutt Community Plan area, to the Multi-Family Residential Orcutt (MR-0) zone designation. This rezoning action establishes new development capacity on vacant land for 372 housing units affordable to lower income households. Completion of the Focused Rezone Program fulfills the County obligation to plan for the remaining 370 lower income unit portion of the 6,064 unit Regional Housing Needs Allocation (RHNA) for the unincorporated County by the State of California for the 2001-2009 Housing Planning Period. As such, implementation of the Housing Element Rezone Program ensures continued State certification of the 2003- 2008 General Plan Housing Element.

II. BACKGROUND:

A Draft Environmental Impact Report (08-EIR-00005, SCH#2008061139) for the Focused Rezone Program was released for public review on August 5, 2008. A noticed public comment hearing on the Draft EIR was held on September 3, 2008. The public comment period for the Draft EIR closed on September 19, 2008 after a 45-day period. In response to public comments, revisions were made and the Proposed Final EIR was released on October 3, 2008, including written responses to comments received on the draft document. Since release of the Proposed Final EIR and upon further analysis and direction from the Santa Barbara County Air Pollution Control District (APCD), it was determined that minor changes are necessary to update to the Proposed Final EIR. The insignificant modifications documented in this EIR Revision Letter dated October 13, 2008 do not require recirculation of the EIR as they do not deprive the public of a meaningful opportunity to comment.

III. REVISIONS TO THE EIR ANALYSIS:

The California Air Resources Board's (ARB's) *Air Quality and Land Use Handbook: A Community Health Perspective* recommends that sensitive land uses such as residences be sited at least 500 feet from freeways because studies indicate increased health risks, including cancer risk, when such uses are located near freeways. Based on the ARB study and recommendation, the Draft EIR for the Focused Rezone Program identified a Class I, significant and unavoidable, impact related to the potential placement of residential development on the Key Site 3 Rezone Site (which is within 500 feet of U.S. Highway 101).

In conjunction with the preparation of the Final EIR, a Health Risk Assessment (HRA) was conducted for the Key Site 3 property in order to determine whether actual health risks would exceed the APCD threshold of 10 excess cancer cases per one million residences. The HRA concluded that the carcinogenic health risk for lifetime residency is

greater than 10 in one million for portions of the site. However, the HRA identified mitigation measures that would reduce the potential carcinogenic health hazard to a less than significant level (below 10 in one million) by reducing the amount of diesel exhaust particulates that the residents are exposed to in the indoor environment. Therefore, the Class I impact identified in the Draft EIR was reduced to Class II (significant, but mitigable) in the Proposed Final EIR.

Based upon further analysis and consultation with the APCD, it was determined that Impact AQ-3 Hazardous Air Pollutants for Key Site 3 should remain Class I as identified in the Draft EIR. APCD have not expressed disagreement with the findings of the HRA with respect to excess cancer risks or the recommended mitigation measures. However, they believe that the impact related to placement of residential development on Key Site 3 should continue to be classified as significant and unavoidable (Class I) because of uncertainties about the causes and nature of health risks associated with placement of residences near freeways. Specifically, APCD has expressed concern about potential non-cancer risks that are not specifically addressed in the HRA or by the proposed mitigation measures.

Based on this input from the APCD and exercising an abundance of caution, staff recommends retaining the Class I, significant and unavoidable impact classification with respect to hazardous air pollutants at Key Site 3. This is consistent with the determination contained in the Draft EIR that was circulated for public review; therefore, this change to the Final EIR would not represent new information that was not available to the public in its review of the Draft EIR. Also, it should again be emphasized that the finding of a Class I impact represents a cautious approach insofar as the HRA conducted for the project indicates that cancer risks can be reduced to below a level of significance.

The specific recommended changes to the EIR text are indicated below.

Revise the first full paragraph on page 4.7-15 to read as follows:

The ARB's Air Quality and Land Use Handbook: A Community Health Perspective recommends that sensitive land uses be sited at least 500 feet from freeways, urban roads with 100,000 average daily trips (ADT), or rural roads with 50,000 ADT. After cumulative buildout under the Housing Element Rezone Program, U.S. Highway 101 would carry approximately 30,000 average daily trips (ADT). SBCAPCD has recommended against development of residential and other sensitive uses within 500 feet of freeway rights-of-way. Since the Key Site 3 Rezone Site would allow residential development adjacent to U.S. Highway 101 within this 500-foot distance. Rincon Consultants prepared a Health Risk Assessment (HRA) for the Key Site 3 property in September 2008. A copy of this report is included as Appendix J in Volume II of this EIR. The HRA concluded that because the carcinogenic health risk for lifetime residency is greater than 10 in one million for portions of the site, and that the potential effect of exposure to freeway air pollutants is considered significant under CEQA. The HRA identified mitigation measures to reduce the potential carcinogenic health hazard to a less than significant level (below 10 in one million) by reducing the amount of diesel exhaust particulates that the residents are exposed to in the indoor environment. Nevertheless, because of uncertainties regarding the causes and nature of health risks related to freeway exposure, impacts are considered Class I, potentially significant and unavoidable. Impacts are Class II, significant but mitigable.

In addition, revise the discussion of “Significance after Mitigation” on page 4.7-16 to read as follows:

These mitigation actions would provide for the removal of particulates prior to entering into the indoor environment, thereby reducing the overall exposure of individual residents. Although the proposed mitigation measure would reduce excess cancer risks to below the 10 in one million threshold, uncertainties remain with respect to the causes and nature of overall health risks related to freeway exposure. Therefore, impacts at Key Site 3 are considered potentially significant and unavoidable. ~~Resultant impacts would be less than significant.~~

IX. FINDINGS:

It is the finding of the Planning Commission that based on revisions to the Proposed Final EIR as described above, impacts resulting from implementation of the Focused Rezone Program would not otherwise result in a change in the levels of impact identified in the existing CEQA analysis contained in EIR 08EIR-00005. As such, the revisions to the CEQA analysis incorporated into the EIR by this EIR Revision Letter dated October 15, 2008 may be used to fulfill the environmental review requirements for the current project and the information contained herein does not require recirculation pursuant to CEQA Guidelines Section 15088.5.

**2003-2008 HOUSING ELEMENT
FOCUSED REZONE PROGRAM
PROPOSED FINAL ENVIRONMENTAL IMPACT REPORT
08EIR-00005**

REVISION LETTER #2

Adoption of Hybrid Alternative 3 and 4

November 12, 2008

*Case #08GPA-00000-00008&9/08RZN-00000-00008/08ORD-00000-00017
SCH #2008061139*

Prepared by:

County of Santa Barbara
Office of Long Range Planning
Planning & Development Department
30 E. Figueroa Street, 2nd Floor
Santa Barbara, CA 93101

With the assistance of:

Rincon Consultants, Inc.
1530 Monterey Street, Suite D
San Luis Obispo, CA 93401

I. PROJECT DESCRIPTION

The 2003-2008 Housing Element Focused Rezone Program (Focused Rezone Program) consists of amendments to the County of Santa Barbara General Plan Housing Element (Housing Element), Orcutt Community Plan, and the Land Use Development Code to reflect an action to rezone portions of two sites, known as Key Site 3 and 16 in the Orcutt Community Plan area, to the Multi-Family Residential Orcutt (MR-O) zone designation. This rezoning action establishes new development capacity on vacant land for 370 housing units affordable to lower income households. Completion of the Focused Rezone Program fulfills the County obligation to plan for the remaining 370 lower income unit portion of the 6,064 unit Regional Housing Needs Allocation (RHNA) for the unincorporated County by the State of California for the 2001-2009 Housing Planning Period. As such, implementation of the Housing Element Rezone Program ensures continued State certification of the 2003- 2008 General Plan Housing Element.

II. BACKGROUND:

A Draft Environmental Impact Report (08-EIR-00005, SCH#2008061139) for the Focused Rezone Program was released for public review on August 5, 2008. A noticed public comment hearing on the Draft EIR was held on September 3, 2008. The public comment period for the Draft EIR closed on September 19, 2008 after a 45-day period. In response to public comments, revisions were made and the Proposed Final EIR was released on October 3, 2008, including written responses to comments received on the draft document. In addition to the proposed project, the Proposed Final EIR evaluated five project alternatives, as follows: Alternative 1: The Caltrans and Ebbert Rezone Sites Alternative; Alternative 2: The Key Sites 15 and 23 Alternative; Alternative 3: The Key Sites 3 and 16 Alternative; Alternative 4: Alternative Rezone Site Location on Key Site 3; and Alternative 5: the No Project Alternative.

On October 17, 2008, the Santa Barbara County Planning Commission (Planning Commission) considered the project and directed staff to reconsider different rezone locations for Key Site 3 which would provide a greater distance from both Highway 101 and from adjacent residences, generally consistent with Alternative 4 as evaluated in the Proposed Final EIR. The Commission further directed staff to consider minor changes to the development standards contained in the Proposed Orcutt Community Plan Amendment and Land Use Development Code intended to implement the Focused Rezone Program. On November 12, 2008, the Planning Commission recommended that the Board of Supervisors approve a hybrid of Alternative 3 (Key Sites 3 and 16) and Alternative 4 (Alternative Rezone Site Location on Key Site 3) as identified in section 6.1 of the Proposed Final EIR. Under this Hybrid Alternative, the 8.0 acre rezone site on Key Site 3 would be relocated approximately 250 feet to the west and 190 feet to the south in order to provide a greater distance from Highway 101 and the northerly mobile home park. This Hybrid Alternative would also rezone 10.5 acres of Key Site 16 allowing development of 210 units. The combined Hybrid Alternative would allow development of Key Sites 3 and 16 sites at a density of 20 units per acre to accommodate a total of 370 residential units.

This EIR Revision Letter has been prepared to update the Proposed Final EIR to reflect minor changes related to adoption of the Hybrid Alternative to rezone Key Site 16 and the modified rezone location on Key Site 3, and to correct two minor oversights within the Proposed Final EIR. The minor modifications documented in this EIR Revision Letter dated November 12, 2008 do not require recirculation of the EIR as they do not involve substantial increases in impacts and do not deprive the public of a meaningful opportunity to comment.

III. REVISIONS TO THE EIR IMPACT ANALYSIS:

III.A. Modified Rezone Location for Key Site 3

In order to further reduce project impacts related to aesthetic/visual resources, air quality, and noise identified in the Proposed Final EIR and associated concerns raised during public review of the project, the 8.0 acre rezone site on Key Site 3 would be relocated approximately 250 feet to the west in order to provide a greater distance from Highway 101 and 190 feet to the south to provide greater distance from the northerly mobile home park. This modified rezone location is generally consistent with Alternative 4 “Alternative Rezone Site Location on Key Site 3” analyzed in section 6.2 of the Proposed Final EIR with the exception that it provides somewhat greater distance from adjacent residences to the north and west. From a site specific basis, the minor change in location of the rezone site on Key Site 3 serves to incrementally reduce the environmental effects noted above without a substantial change in the orientation of the project and does not entail any substantial changes to the environmental effects addressed within the Proposed Final EIR. The existing environmental conditions which previously applied to both the original rezone site location for Key Site 3 and the rezone site location evaluated as a part of Alternative 4 are substantially the same as the modified Option C rezone location.

III.B. Impacts Associated with the Hybrid Alternative

The Proposed Final EIR identified all significant and unavoidable (Class I) impacts, as well as all significant impacts that can be mitigated (Class II) that would occur as a result of adoption of Hybrid Alternative 3 and 4. Based on this analysis, the EIR proposed a number of mitigation measures that aim to reduce, avoid, minimize, rectify, eliminate, or compensate for the impacts identified in the EIR to the extent feasible.

Class I impacts that cannot be mitigated to less-than-significant levels have been identified. As a result, the Board must adopt a Statement of Overriding Considerations, if the project is approved. These impacts include:

1. Air Quality: Hazardous Air Pollutants – Key Site 3
2. Air Quality: Cumulative Air Quality
3. Utilities: Solid Waste and Disposal – Both Key Sites
4. Utilities: Cumulative Wastewater
5. Utilities: Cumulative Solid Waste
6. Visual and Aesthetic Resources: Visual Character Changes – Key Site 3
7. Visual and Aesthetic Resources: Cumulative Visual Character

Class II impacts have been identified; however, mitigation measures proposed in the EIR will reduce these to less than significant levels. Impacts include:

1. Land Use: Other Long-Term Compatibility Conflicts – Key Site 16
2. Traffic and Circulation: Cumulative Traffic and Circulation Impacts – Both Key Sites
3. Biological Resources: Sensitive Habitats – Both Key Sites
4. Biological Resources: Special Status Plant Species – Key Site 16
5. Biological Resources: Special Status Wildlife Species – Both Key Sites
6. Biological Resources: Wildlife Movement Corridors – Key Site 16
7. Biological Resources: Cumulative Impacts to Biological Resources
8. Fire Hazards: Introduction of Residences to Wildland Fire Hazards – Both Key Sites
9. Air Quality: Temporary Construction Emissions – Both Key Sites
10. Air Quality: Long-Term Regional Emissions – Both Key Sites
11. Noise: Temporary Construction Noise – Both Key Sites
12. Noise: Exposure to Noise Exceeding County Standards – Both Key Sites
13. Seismic, Soil and Landslide Hazards: Erosive Soils – Both Key Sites
14. Seismic, Soil and Landslide Hazards: Expansive Soils – Key Site 16
15. Hydrology and Water Quality: Long-Term Hydrological Impacts – Both Key Sites
16. Hazards and Hazardous Materials: Hazardous Materials – Both Key Sites
17. Cultural Resources: Unknown Historic/Archeological Resources – Both Key Sites
18. Visual and Aesthetic Resources: Visual Character and Scenic Views – Key Site 16
19. Visual and Aesthetic Resources: Increased Light and Glare – Both Key Sites

The Draft and Proposed Final EIR discuss the environmental setting, impacts, mitigation measures and alternatives associated with Alternative 3 (Key Sites 3 and 16) as well as those for Alternative 4 (Alternative Rezone Site Location on Key Site 3). Consequently, the EIR provides sufficient information to analyze the impacts of the Hybrid Alternative (modified rezone location within Key Site 3 and Key Site 16). Further, the EIR identifies feasible mitigation measures to reduce impacts to the extent feasible and the public was able to meaningfully review and comment on these impacts in their current form. As such, recirculation of the EIR is not required. Given the Planning Commission's recommendation for the hybrid alternative that includes Key Site 16, the setting and impact analysis discussion for Alternative 3 in the Proposed Final EIR has been augmented. Several specific recommended changes to the EIR text are presented to provide minor clarifications within the Proposed Final EIR, as indicated below.

Revise the second paragraph under section 6.2.3, *Alternative 3: The Key Sites 3 and 16 Alternative*, to read as follows:

Key Site 16 encompasses about 11.8 acres along Clark Avenue and Marcum Street, at the gateway to the community of ~~in~~ Orcutt. The proposed rezone portion would be 10.5 acres. Full buildout of the Orcutt Key Site 16 rezone site could accommodate up to 210 dwelling units. The property is currently vacant and was used in the past for oil production. It is adjacent to the west of an active petroleum storage tank, pump station, and crude oil pipeline operated by Unocal/Conoco Phillips. Surrounding use consists of Clark Avenue, Mobile Home Park on the north; vacant (residential) on the south; light Industrial use on the east; and vacant industrial use on the west. The site slopes moderately toward the southwest, and is bordered by Graciosa Creek on the west. Onsite habitat is predominately ruderal, with elements of annual grassland and coast dune

scrub habitats, and riparian scrub habitat along Graciosa Creek. The creek, and associated riparian scrub habitat are part of an Open Space Overlay. In addition, an Oil Activities Overlay is applied to the entire site, due to historic oil activities and known contamination.

Revise the following paragraphs under section 6.2.3, *Alternative 3: The Key Sites 3 and 16 Alternative; Impact Analysis*, to read as follows:

Land Use. Overall, potential land use conflicts would be slightly less than the proposed project under Alternative 3. As with the proposed project, development of these two alternative sites would not create additional temporary land use compatibility impacts beyond those addressed and mitigated in the Air Quality and Noise sections discussed below. Unlike the proposed project, neither of these sites are within an airport's safety zone; therefore airport hazards would be less than significant. Development of multi-family housing would be considered a compatible land use on Key Site 16 because it would place residents within walking distance of Old Town Orcutt. A medium density mobile home park is located across Clark Ave. from Key Site 16. In addition, Key Site 16 is adjacent to existing oil facilities, including a Union Oil production facility to the southeast, and the Unocal headquarters across Marcum Road to the east. One of these alternative sites (Key Site 16) would require mitigation similar to that required for Key Site 30, including a buffer or setbacks, architectural guidelines and design review by the Board of Architectural Review (BAR) to reduce potential land use compatibility conflicts with these adjacent land uses to a less than significant level.

Biological Resources. This alternative's impacts to biological resources would be greater than that of the proposed project. Special status species and habitat types would be potentially impacted on Key Site 16, and the overall effect of development on ~~either of these sites 3 and 16~~ would be potentially significant.

The rezone portion of Key Site 16 is similar to Key Site 30 in size (10.5 acres for Key Site 16 as compared to 10.6 acres for Key Site 30). Ruderal habitat makes up most of Key Site 16, while Central Coast Riparian scrub habitat occupies about 1.2 acres along Graciosa Creek. Although Key Site 16 has been previously disturbed; nevertheless, as with Key Site 30 and other alternative sites, several special-status plant species have the potential to occur within the ruderal or riparian scrub habitats. These plant species include Hoover's bent grass, straightawned spineflower, and Blochman's dudleya, Blochman's leafy-daisy, mesa horkelia, seaside birds-beak. The on-site riparian habitat along the Graciosa Creek corridor has potential for La Graciosa thistle and black flowered figwort. In addition, this site is within USFWS designated critical habitat for the federally endangered and state threatened La Graciosa thistle. The nearest occurrence of this species is less than 0.5 mile south of the site. Impacts to special-status plant species and their habitat are potentially significant. Development of the rezone site could also impact two coast live oak trees. The removal of oak trees, especially aging or older coast live oak trees, would reduce roosting habitat for the pallid bat, and the conversion of on-site habitat to development would reduce foraging habitat for the pallid bat. Open areas, California annual grassland, central dune scrub, and central coastal scrub provide suitable habitat for the American badger and ground-nesting birds such as the burrowing owl and horned lark. The California annual grassland habitat has the potential to support three special-status wildlife species: California Tiger Salamander, burrowing owl, and the American badger.

As with the proposed project, potential impacts to these sensitive species require the incorporation of mitigation measures such as special-status species surveys, habitat avoidance and/or restoration, setbacks, and oak tree replacement. With the incorporation of these mitigation measures, impacts would be less than significant. Development of Alternative 3 would also have a greater impact on wildlife movement corridors than the proposed project. Unlike Key Site 30, Key Site 16 is adjacent to areas containing valuable habitats, and currently provides a natural corridor for wildlife movement. Impacts would be less than significant with incorporation of mitigation measures in the form of existing Orcutt Community Plan development standards that require the area extending along Graciosa Creek to remain in natural, undeveloped open space and the associated riparian and other native vegetation to be protected and enhanced. setbacks, wildlife linkages and reduced road widths.

Noise. *Development of this combination of sites would result in similar noise-related impacts in comparison to the proposed project. Noise impacts related to Key Site 3 are discussed in Section 4.8. Construction noise at Key Site 16 would require mitigation similar to that required for the proposed project. As with the proposed project, the increased traffic noise resulting from development under this alternative would be less than significant. While the proposed project would not result in a significant increase in traffic noise, existing noise levels from traffic on Clark Avenue on the northernmost portions of the site nearest Clark Avenue may result in noise that exceeds allowable standards for residential uses. Development at Key Site 16 would require noise mitigation similar to that required for Key Site 3 in order to reduce impacts to a less than significant level.*

Hydrology and Water Quality. *Both temporary and long-term water quality impacts would be similar to the proposed project under this alternative. Potential indirect impacts to Graciosa Creek may occur from sedimentation during storm events, and polluted runoff from the development area. However, as with the proposed project, implementation of standard NPDES permit requirements would reduce construction-related water quality impacts to a less than significant level, and the required SWQMP would ensure that long-term water quality impacts would also be less than significant. Long-term hydrological impacts under this alternative would also be similar to the proposed project, and would exceed allowed surface runoff standards as a result of new impervious surfaces. As with the proposed project, mitigation including further drainage analysis, runoff conveyance and construction of detention basins would reduce impacts to a less than significant level. None of the alternative sites under consideration are within a flood hazard area; therefore flooding-related impacts would be less than significant.*

Hazards and Hazardous Materials. *Overall, impacts related to hazards and hazardous materials would be less than the proposed project under this alternative. Freeway-related hazards would also be less than significant for both sites under this alternative. However, similar to the proposed project, both sites under this alternative contain evidence of potential contamination or a recognized environmental concern. Key Site 16 contains three known locations with contamination related to historic oil activity that would need to be remediated prior to development of residential uses. In addition, numerous abandoned oil pipelines are located along Graciosa Creek, which would be removed as part of any remediation effort. A crude oil pipeline pump station is located immediately east of the property, and an 8-inch oil pipeline runs from the facility along the Marcum Street right-of-way; however, with the application of standard setback*

requirements, these facilities would not present any hazards to future development on Key Site 16. As with the proposed project, further environmental analysis including soil sampling, and groundwater sampling, and remediation may would be required to reduce potential impacts to a less than significant level.

Cultural Resources. *Potential impacts to known historic or archaeological impacts would be similar to the proposed project under this alternative, as no sensitive cultural resources were identified on either of the rezone sites in this alternative. Potential impacts to unknown cultural resources would be similar to the proposed project because grading and construction activities on any undeveloped site, including excavation related to soil remediation, would have some potential to uncover unknown artifacts or remains. As with the proposed project, mitigation requiring work cessation in the event that archaeological resources are encountered during land modification activities would reduce potential impacts to a less than significant level.*

Visual and Aesthetic Resources. *Overall, visual and aesthetic impacts would be slightly reduced under this alternative, in comparison to the proposed project. Visual impacts related to the development of the Key Site 3 rezoning site would occur in this alternative. Development of high density multifamily residential at Key Site 16 would impact both the visual character of the surrounding area and potentially alter scenic views. Key Site 16 is located at the gateway to the community, although it is not officially designated as a “Gateway Parcel” in the Orcutt Community Plan. The housing development on Key Site 16 would be near the Old Town Orcutt area where urban uses have been concentrated with new developments many with relatively high lot coverage and multiple stories. Although development of this site would result in a change in visual character, existing and proposed development standards. However, mitigation measures including architectural guidelines and landscape requirements would reduce potential impacts to a less than significant level. As with the proposed project, potential light and glare impacts on both of these sites would also require mitigation.*

Agricultural Resources. *Impacts related to conversion of agricultural lands or agricultural/urban land use conflicts would be similar to the proposed project under this alternative. Key Site 16 is not currently in agricultural production, nor is it composed of prime soil; however, the majority of the site is designated as Farmland of Statewide Importance. Due to the small size of the rezone portions of both Key Site 16 (10.5 acres) and Key Site 30 (10.6 acres), existing and proposed non-agricultural designation and zoning, and the adjacent urban development, agricultural resource impacts related to conversion of either of these sites would be less than significant. Hence, ~~D~~development at either Key Site 16 or Key Site 30 of these sites would result in less than significant impacts to agricultural resources.*

III.C. Minor Changes to Development Standards

The Planning Commission’s direction to make minor changes to the development standards contained in the proposed amendments to the Orcutt Community Plan and Land Use Development Code are intended to further refine and clarify standards that would apply to development of the selected rezone sites. Even with these minor changes, the development standards contained in the draft amendments are substantially the same as mitigation measures identified in the Proposed Final EIR to reduce impacts to the extent

feasible and the public was able to meaningfully review and comment on these measures in their current form.

III.D. Additional Minor Corrections to Proposed Final EIR

Two other recommended changes to the EIR text are necessary to correct minor oversights within the Proposed Final EIR as indicated below.

Revise the first full paragraph on page 6-20 to read as follows:

***Air Quality.** Air quality impacts under Alternative 4 would be less than those of the proposed project. Development of 372 residential units under this alternative would generate the same number of daily vehicle trips as the proposed project and onsite energy consumption would be the same as well. As with the proposed project, combined operational emissions from buildout of both of these sites would exceed established thresholds. Temporary air pollutant emissions during grading and construction would also be similar. Development under this alternative would also generate similar levels of greenhouse gases, potentially contributing to global climate change. Overall, these air quality impacts would require implementation of standard dust control and diesel particulate matter mitigation measures, transportation control measures, and energy efficiency standards, as required for the proposed project to reduce construction related air quality impacts, operational emission impacts, and global climate change impacts to less than significant levels. The alternative rezone site would result in fewer future residents being exposed to potentially hazardous air pollutants associated with development near the freeway. Portions of the alternative rezone location may be within 500 feet of Highway 101. ~~However,~~ As with the proposed project, mitigation including setbacks and HVAC construction standards, would reduce impacts related to exposure to these emissions to a less than significant level. Nevertheless, because of uncertainties regarding the causes and nature of health risks related to freeway exposure, impacts are considered Class I, significant and unavoidable. As with the proposed project, cumulative air quality impacts would be Class I, significant and unavoidable.*

Revise Response 15A on page 9-103 of the Responses to Comments on the Draft EIR section to read as follows:

Response 15A

Visual resource impacts from development of Key Sites 3 and 30 are discussed in Section 4.14, Visual and Aesthetic Resources. Consistency with applicable Orcutt Community Plan policies, including VIS-O-1 and VIS-O-2, is addressed in Section 5.0, Policy Consistency. As noted therein, the proposed project is potentially inconsistent with these policies; ~~however,~~ The Focused Rezone Program includes consideration of a number of modifications to development standards in the Orcutt Community Plan to meet the project objectives.

IV. FINDINGS:

It is the finding of the Planning Commission that based on revisions to the Proposed Final EIR as described above, impacts resulting from implementation of the Focused Rezone

Program through adoption of Hybrid Alternative 3 and 4 would not otherwise result in a change in the levels of impact identified in the existing analysis contained in 08EIR-00005. As such, the revisions to that analysis incorporated into the EIR by this EIR Revision Letter dated November 12, 2008 along with the Revision Letter dated October 15, 2008 may be used to fulfill the environmental review requirements for the current project and the information contained herein does not require recirculation pursuant to CEQA Guidelines Section 15088.5.

Attachment A-2

Focused Rezone Program Findings and Statement of Overriding
Consideration

**Findings and Statement of Overriding Considerations
2003-2008 Housing Element Focused Rezone Program
State Clearinghouse No. 2008061139**

I. PROJECT DESCRIPTION

The project consists of the adoption of the 2003-2008 Housing Element Focused Rezone Program (Focused Rezone Program) through amendments to the County of Santa Barbara General Plan Housing Element (Housing Element), Orcutt Community Plan, and the Land Use Development Code to reflect an action to rezone two sites, designated as Key Site 3 and Key Site 16 in the Orcutt Community Plan area, to the Multi-Family Residential Orcutt (MR-0) zone designation. This rezoning action establishes new development capacity on vacant land for 370 housing units affordable to lower income households. Completion of the Focused Rezone Program fulfills the County obligation to plan for the remaining 370 lower income unit portion of the 6,064 unit Regional Housing Needs Allocation (RHNA) for the unincorporated County by the State of California for the 2001-2009 Housing Planning Period. As such, implementation of the Housing Element Rezone Program ensures continued State certification of the 2003- 2008 General Plan Housing Element.

II. PROCEDURAL HISTORY

The Board of Supervisors finds that the Focused Rezone Program was prepared pursuant to the following process:

- A. The Housing Element is a mandated element of each county and city general plan and is required under State law to be updated on a statutorily prescribed schedule, generally every five years [Government Code § 65588(a) and (b)]. The Housing Element identifies the amount and condition of existing housing stock for all economic segments of the community; analyzes housing needs; and establishes County goals, programs, policies, and actions to address the County's housing shortage.
- B. On May 9, 2006, the Board of Supervisors adopted the Housing Element to amend the General Plan with policies, standards, and implementation measures within the County of Santa Barbara.
- C. On August 2, 2006, the Housing Element was reviewed and conditionally certified by the State Department of Housing and Community Development (State HCD), indicating that it has been determined to be in compliance with State Housing Element law and otherwise consistent with State Planning and Zoning Law, contingent on implementation of the County's Housing Element Policy 1.10: Action 1, Rezone Program that would accommodate the lower-income component of the Regional Housing Needs Allocation (RHNA).
- D. The Board of Supervisors adopted the Isla Vista Master Plan on August 21, 2007, which provided the realistic capacity for an additional 865 residential units during the planning

period above the density of 20 units per acre identified by California Government Code Section 65583.2(c)(3)(B)(iii) as appropriate for lower income households, effectively reducing the County's Regional Housing Needs Allocation shortfall from 1,235 lower income units to 370 lower income units.

- E. On June 16, 2008, State HCD directed the County to amend the Housing Element land inventory to reflect a change in capacity made possible by the Board of Supervisor's adoption of the Isla Vista Master Plan and to concurrently proceed with a rezone program to address the remaining RHNA shortfall. As a result, the Rezone Program was focused in order to accommodate the remaining RHNA shortfall by rezoning two sites to provide at least 370 affordable multi-family housing units.
- F. A Notice of Preparation (NOP) for the Focused Rezone Program Environmental Impact Report (EIR) was issued on June 27, 2008 for a 30-day public and agency EIR scoping period. During this period, staff conducted a noticed public scoping meeting on July 22, 2008.
- G. The Santa Barbara County Planning Commission held a noticed public hearing on August 27, 2008 where they considered a technical amendment to the 2003-2008 Housing Element to reflect the residential development capacity made available through approval of the Isla Vista Master Plan. This technical amendment was considered and adopted by the Board of Supervisors on September 9, 2008.
- H. A Draft Environmental Impact Report (08-EIR-00005, SCH#2008061139) for the Focused Rezone Program was released for public review on August 5, 2008. A noticed public comment hearings on the Draft EIR was held on September 3, 2008. The public comment period for the Draft EIR closed on September 19, 2008 after a 45-day period.
- I. In response to public comments, revisions were made and the Proposed Final EIR was released on October 3, 2008, including written responses to comments received on the draft document.
- J. The Santa Barbara County Planning Commission held noticed public hearings on the Focused Rezone Program on October 17 and November 12, 2008 where they considered the Focused Rezone Program, the Proposed Final EIR, staff recommendations, and public testimony. The Commission recommended that the Board of Supervisors certify the Final EIR and EIR Revision Letters dated October 15 and November 12, 2008 and adopt amendments to the County of Santa Barbara General Plan Housing Element, Orcutt Community Plan, and the Land Use Development Code to implement the Focused Rezone Program.
- K. On December 9, 2008, the Board of Supervisors adopted the Focused Rezone Program along with various related amendments to the Santa Barbara County General Plan Housing Element, Orcutt Community Plan and Land Use Development Code, certified the Final EIR dated October 3, 2008 and EIR Revision Letters dated October 15 and November 12, 2008, approved a Mitigation Monitoring & Reporting Plan, adopted findings and statement of overriding consideration and approved Resolution _____ adopting the Focused Rezone Program.

III. PLANNING FINDINGS: GENERAL

The Board of Supervisors finds that:

A. The Focused Rezone Program and its implementing amendments are in the interest of the general community welfare.

1. The Housing Element is one of seven mandated components of a local jurisdiction's General Plan. Housing element law was enacted in 1969. It mandates that local governments plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. The County's Housing Element has been developed in consideration of the need to provide decent and affordable housing for all segments of the community. It provides a series of policies and programs which will ensure that the housing needs of all economic segments of society are addressed while protecting the County's resources and ensuring that such development is consistent with the overall goals and policies of the County's General Plan. The Housing Element includes an array of housing policies and programs and provides for the avoidance and mitigation of adverse effects to the maximum feasible and legal extent. In doing so, the Plan respects service, resource, and infrastructure capacities and constraints while accommodating housing development to a degree, and in a manner, which provides the greatest community welfare with the least public and private harm.
2. The County's Housing Element provides mechanisms (through policies, programs and action items) that address the housing need identified in the Regional Housing Needs Allocation (RHNA). The County's RHNA specifies the number of new housing units that are needed to meet the State's projected demand for housing from 2003-2008. The actions identified in the Housing Element are designed to facilitate the construction of new residential units to meet the demand of all economic segments of the community.
3. The Focused Rezone Program involves implementing the actions identified in the Housing Element which are necessary to accomplish the goals of the plan and to comply with State HCD conditions necessary to maintain certification of the 2003-2008 Housing Element. The Focused Rezone Program would implement Housing Element Policy 1.10: Action Item 1, requiring the rezoning of land to accommodate the lower-income need of the 2001-2008 RHNA assignment. The Housing Element identified a shortage of land zoned at densities necessary to facilitate production of housing that would be considered affordable-by-design. Specifically, the County sought to rezone enough land to accommodate 370 dwelling units at a density of 20 units/acre. The Focused Rezone Program has been designed to provide incentives to developers so that construction of new affordable units can be realized. The Focused Rezone Program selected two specific sites for development of multifamily housing because of their generally low to moderate environmental constraints and sufficient room to accommodate an appropriate number of

residential units and to allow proper site design to avoid constraints. By providing specific means by which affordable housing is allowed and encouraged, the Focused Rezone Program would fulfill State requirements for the provision of affordable housing within Santa Barbara County and would comply with State HCD conditions necessary to maintain certification of the 2003-2008 Housing Element.

4. The Focused Rezone Program would ensure that an appropriate and balanced portion of housing for all segments of the unincorporated County workforce is provided in the North County by selecting rezone sites in the North County. This takes into consideration the adoption of the Isla Vista Master Plan, which increased the residential capacity on the South Coast and raised the RHNA allocation for very low and low income housing that is accommodated on the South Coast to 70 percent.

B. The Focused Rezone Program has been prepared pursuant to good land use planning and zoning practice, and is consistent with the requirements of the State planning and zoning law, the County of Santa Barbara General Plan and all of its elements, and the Land Use Development Code.

1. The Focused Rezone Program has been determined to be consistent with all applicable policies of the General Plan Housing and Land Use Elements. There are numerous policies in the Housing Element designed to promote the development of new housing to meet the needs of all economic segments of the community. This program serves to further these policies by facilitating development of multifamily housing that is affordable-by-design.
2. The Draft EIR identified two potential inconsistencies with the Orcutt Community Plan (OCP) through adoption of the original proposed rezone sites on Orcutt Key Sites 3 and 30. One of these potential inconsistencies pertained to the potential exposure of residents on portions of the Key Site #3 Rezoning Site to noise levels that exceed County Noise Element standards. Additional technical information on the feasibility of mitigating noise exposure has been developed since the release of the Draft EIR in the form of a September 2008 Sound Level Assessment for the Townhomes on Key Site 3 (45dB.com, September 2008). This supplemental noise exposure study identifies mitigation measures that would result in compliance with County Noise Element standards. The second potential inconsistency identified in the Draft EIR was in respect to visual policies in the OCP, as the development of multi-family housing would affect visual character of the sites and lead to view impairment of important viewsheds that were identified in the OCP. The rezone site location on Key Site 3 has been relocated to the west to provide greater distance from Highway 101 to further reduce impacts related to aesthetic/visual resources, air quality, and noise. While the development of the housing site on Key Site 3 would lead to some alteration of views from Highway 101 across this OCP-designated gateway property, several unobstructed view corridors along the properties frontage would remain, allowing the protection of significant scenic and visual natural resources. In addition, mitigation measures have been identified (AES-1(a)-(c) and AES-3(a)-(b)) that would reduce visual impacts. Development standards related to site layout and design would also apply and be reviewed during processing of future development projects on the rezone sites to ensure that the semi-rural character of the OCP area is protected.

3. Implementation of the Focused Rezone Program requires amendments to the Housing Element, Orcutt Community Plan, and the Land Use Development Code. These changes relate to the adoption of the new Multi-Family Residential – Orcutt (MR-O) zone district and rezoning of the two selected sites to this zone designation, minor amendments to the Housing Element, and amendments to the Orcutt Community Plan to incorporate new development standards for the rezone sites. With adoption of these amendments to the General Plan and Land Use Development Code, the Focused Rezone Program is consistent with all County goals and policies.

IV. CEQA FINDINGS: GENERAL

- A. The degree of specificity in the Focused Rezone Program EIR corresponds to the specificity of the general or program level policies and development standards and the effects that may be expected to follow from the adoption of the Focused Rezone Program and implementing amendments. To the extent possible, the EIR provides site-specific analysis of the two sites that would be rezoned to accommodate affordable multiple-family housing.
- B. The California Environmental Quality Act (CEQA) requires analysis of potential direct impacts, but also of potential indirect impacts or secondary effects which the proposed project may reasonably result in, even though later in time or farther removed in distance. In light of these principles, the EIR discussed and classified the potential indirect, secondary effects resulting from the proposed amendments and from cumulative and regional development that may subsequently occur during the life of the program.
- C. The Focused Rezone Program mitigates the environmental impacts to the maximum extent feasible, as discussed in the following findings made herein.
- D. The EIR identified mitigation measures to reduce potentially significant impacts which may occur as a result of development allowed by the Focused Rezone Program and implementing amendments. The Board of Supervisors adopts all mitigation measures identified in the EIR. During the process of incorporating these mitigation measures into the Focused Rezone Program, two types of actions were taken.
 1. The mitigation measure has been incorporated into a section of the amended Orcutt Community Plan;
 2. The mitigation measure has been included in the Mitigation Monitoring and Reporting Program and will apply to future developments under the rezoning program.
- E. The Board of Supervisors has reviewed and considered the Final EIR (08-EIR-00005) and EIR Revision Letters dated October 15 and November 12, 2008 and certifies that these documents have been prepared in compliance with the requirements of CEQA and hereby confirms that these documents taken together constitute a complete, accurate, adequate and good faith effort in full disclosure under CEQA, in addition to reflecting the independent judgment of the Board of

Supervisors. Revisions to the proposed project and the Final EIR have not changed the conclusions in the EIR and have not triggered recirculation under CEQA Guideline section 15162.

- F. The Board also finds that the Final EIR contains analysis of a range of reasonable alternatives to the project description, including a No Project alternative.
- G. The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, California 93101.
- H. A Mitigation Monitoring and Reporting Plan for the Focused Rezone Program has been adopted pursuant to the requirements of the Public Resources Code Section 21081.6 to ensure implementation of the adopted mitigation measures to reduce significant impacts on the environment, and is included as Attachment C-2 Exhibit 3.
- I. The EIR represents a document that provides decision-makers with information that enables them to make a decision that intelligently takes account of environmental consequences. Pursuant to CEQA Guidelines Section 15151, the document represents a good faith effort at full disclosure of the environmental consequences of the Focused Rezone Program.

V. FINDINGS THAT CLASS I SIGNIFICANT UNAVOIDABLE IMPACTS ARE MITIGATED TO THE EXTENT FEASIBLE

The Environmental Impact Report for this project identified several significant environmental impacts that cannot be fully mitigated and are therefore considered unavoidable. These impacts are related to: 1) Air Quality; 2) Utilities; and 3) Visual and Aesthetic Resources. To the extent that these impacts remain significant and unavoidable; such impacts are acceptable when weighed against the overriding social, economic, legal, technical and other considerations set forth in the Statement of Overriding Considerations, included in Section VIII in this document. The "Class I" impacts identified in the EIR are discussed below, along with the appropriate findings per CEQA Guidelines Section 15091.

A. Air Quality

Impacts: The EIR identified two significant impacts associated with hazardous air pollutants on Key Site 3 (Impact AQ-3) and cumulative air quality impacts related to inconsistency with the 2007 Clean Air Plan (Impact AQ-4).

Impact AQ-3

Mitigation Measure: The EIR identified one mitigation measure that would partially mitigate Impact AQ-3. The following mitigation measure would be required.

Mitigation AQ-3 (Indoor Air Pollution): The mitigation actions listed below would apply to the first row of residences west of the freeway.

- Forced air ventilation with filter screens on outside air intake ducts shall be provided for all residences within 300 feet of the centerline of US Highway 101. The filter screens shall be capable of removing at least 85% of the particulate matter including fine particulate matter (PM<2.5 micron).
- A brochure notifying the future residents of the need for maintaining the filter screens shall be prepared and provided at the time of ownership exchange. In addition, a notice of the diesel particulates risk hazard and the need for screen maintenance shall be placed in the property title.
- Windows and doors shall be fully weatherproofed with caulking and weather-stripping that is rated to last at least 20 years.

FINDINGS: A site-specific quantitative Health Risk Assessment (HRA) was conducted in September 2008 by Rincon Consultants as part of the environmental review of the SB Clark, LLC proposed development of the Key Site 3 property. The assessment concluded that while air toxics for portions of the Focused Rezone Program development on the Key Site 3 resulted in potentially significant impacts, measures to mitigate air toxics risk are feasible and if implemented would reduce impacts to a less than significant level.

The ARB's *Air Quality and Land Use Handbook: A Community Health Perspective* recommends that sensitive land uses be sited at least 500 feet from freeways, urban roads with 100,000 average daily trips (ADT), or rural roads with 50,000 ADT. After cumulative buildout under the Housing Element Rezone Program, U.S. Highway 101 would carry approximately 30,000 average daily trips (ADT) which does not approach the 100,000 ADT standard for application of this setback. APCD has recommended against development of residential and other sensitive uses within 500 feet of freeway rights-of-way. While APCD has not expressed disagreement with the findings of the HRA with respect to excess cancer risks or the recommended mitigation measures, they believe that the impact related to placement of residential development on Key Site 3 should continue to be classified as significant and unavoidable (Class I) because of uncertainties about the causes and nature of health risks associated with placement of residences near freeways. Specifically, APCD has expressed concern about potential non-cancer risks, such as respiratory and eye irritation and changes to lung function that are not specifically addressed in the HRA or by the proposed mitigation measures. Based on this input from APCD and exercising an abundance of caution, impacts are considered significant and unavoidable.

Mitigation measures have been identified in the EIR and adopted here which lessen the significant environmental effects as identified in the Final EIR and EIR Revision Letters dated October 15 and November 12, 2008 to the greatest extent feasible; however, even with the proposed mitigation measures, the project's impacts with respect to hazardous air pollutants at Key Site 3 would remain potentially significant and unavoidable from the perspective of the APCD. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Focused Rezone Program discussed in Section VIII of these Findings.

Impact AQ-4

Mitigation Measures: The EIR identified two mitigation measures that would partially mitigate Impact AQ-4. The following mitigation measures would be required.

AQ-2(a) On-site Transportation Control Measures. All applicable on-site TCMs from the CAP shall be addressed by the program to the maximum extent feasible. The developer of a project under the Focused Rezoning Program shall coordinate with APCD and P&D to determine appropriate on-site mitigation. This may include:

- The use of design features to encourage alternate transportation modes, such as:
 - For pedestrians: sidewalks; safe street and parking lot crossings; shade trees; off street breezeways, alleys, and over crossings; placement of parking lots and building entrances to favor pedestrians rather than cars.
 - For transit riders: all of the above plus safe, sheltered transit stops with convenient access to building entrances.
 - For bicyclists: theft proof and well-lighted bicycle storage facilities with convenient access to building entrance; on-site bikeways between buildings or uses.
- Providing onsite services to reduce the need for offsite travel, such as childcare, telecommuting center(s), and/or postal machines.
- Providing on-site services to encourage alternative transportation modes, such as rideshare matching, augmented transit services, and/or transit education.

AQ-2(b) Off-site Transportation Control Measures. The developer of a project under the Focused Rezone Program shall coordinate with APCD and P&D to determine appropriate off-site mitigation. This may include funding contributions for:

- Transit service enhancements to serve the project, such as shuttle buses, express bus service, and bike racks on buses.
- Bikeway improvements that would extend the existing bikeway network to provide better access to the Focused Rezone Program housing sites.
- Pedestrian improvements that would serve the project area, such as the addition of sidewalks to improve access to the rezone sites, pedestrian crossings, and overhead or underground walkways.
- Public education for residents of the rezone sites to explain the benefits of alternative transportation. This may consist of public service announcements, pamphlets, newsletters, and/or posting of such information on community bulletin boards.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which lessen the significant environmental effects as identified in the Final EIR to the greatest extent feasible; however, even with the proposed mitigation measures, the project's contribution to cumulative air quality impacts would remain significant and unavoidable. The Board finds that residual significant

impacts are acceptable due to the overriding considerations that support adoption of the Focused Rezone Program discussed in Section VIII of these Findings.

B. Utilities

Impacts: The EIR identified significant impacts related to solid waste and disposal (Impact U-1), cumulative wastewater impacts (Impact U-2), and cumulative solid waste impacts (Impact U-3).

Impact U-1

Mitigation Measures: The EIR identified one mitigation measure that would partially mitigate Impact U-1. The following mitigation measure would be required:

Mitigation U-1 (Solid Waste Management Program): The applicant for future development of housing under the Focus Rezone Program shall develop and implement a Solid Waste Management Program to be reviewed and approved by Public Works Resource Recovery Division. The program shall identify the amount of waste generation projected during processing of the project and specific waste reduction strategies. The program shall include (but not be limited to) the following components:

- Provision of space and/or bins for storage of recyclable materials within the project site.
- Implementation of a curbside recycling program to serve the new development.
- Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County sponsored programs).
- Development of Source Reduction Measures, indicating method and amount of expected reduction.
- Implementation of a backyard composting yard waste reduction program.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which lessen the significant environmental effects as identified in the Final EIR to the greatest extent feasible. However, the estimated volume of waste generated by the proposed project automatically takes into account area-wide waste diversion efforts (69% reduction), so it is reasonable to assume that even with the proposed mitigation measure, the project's solid waste generation impacts would remain significant and unavoidable. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Focused Rezone Program discussed in Section VIII of these Findings.

Impact U-2

Mitigation Measures: The EIR identified two mitigation measures that would partially mitigate Impact U-2. The following mitigation measures would be required:

Mitigation U-4(a) (Interior Water Conservation): Indoor water use shall be limited through the following measures:

- Installation of low flow toilets
- All hot water lines shall be insulated.
- Recirculating, point-of-use, or on-demand water heaters shall be installed.
- Water efficient clothes washers and dishwashers shall be installed.
- Self regenerating water softening shall be prohibited in all structures.

Mitigation U-4(b) (Exterior Water Conservation): Outdoor water use shall be limited through the measures listed below.

- Landscaping shall be with native and/or drought tolerant species.
- Drip irrigation or other water-conserving irrigation shall be installed.
- Plant material shall be grouped by water needs.
- Turf shall constitute less than 20% of the total landscaped area.
- No turf shall be allowed on slopes of over 4%.
- Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction.
- Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
- Permeable surfaces such as turf block or intermittent permeable surfaces such as french drains shall be used for all parking areas and driveways.
- Separate landscape meters shall be installed.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which lessen the significant environmental effects as identified in the Final EIR to the greatest extent feasible. Mitigation measures would also result in less wastewater generated by the proposed development; however, the rezone project's contribution to cumulative wastewater impacts would remain significant and unavoidable. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Focused Rezone Program discussed in Section VIII of these Findings.

Impact U-3

Mitigation Measures: Mitigation Measure U-1 would reduce the Focused Rezone Program's contribution to cumulative solid waste impacts to the extent feasible. No additional mitigation is available.

FINDINGS: The above referenced mitigation measure has been identified in the EIR and adopted here which lessen the significant environmental effects as identified in the Final EIR to the greatest extent feasible. As Mitigation Measure U-1 is insufficient to fully mitigate short-term solid waste and disposal impacts, it would also be insufficient to fully mitigate cumulative solid waste impacts, therefore impacts would remain significant and unavoidable. The Board finds that residual significant

impacts are acceptable due to the overriding considerations that support adoption of the Focused Rezone Program discussed in Section VIII of these Findings.

C. Visual and Aesthetic Resources

Impacts: The EIR identified a significant impact associated with visual character changes (Impact AES-1) and cumulative visual character impacts (AES-4) for Key Site 3.

Impact AES-1

Mitigation Measures: The EIR identified three measures that would partially mitigate the above-described impacts. The following mitigation measure would be required:

Mitigation AES-1(a) (Architectural Guidelines): The measure as presented in the EIR has been modified and incorporated into the Orcutt Community Plan as follows:

DevStd KS3-14: Future residential development shall, at minimum, include the components listed below:

Roofing and Feature Color and Material. Development shall include darker, earth tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the natural visual backdrop of the area, as applicable. Roof materials shall match the prevailing materials used in the surrounding vicinity in order to preserve, to the extent feasible, current visual characteristics. Natural-appearing building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

Compatibility with Adjacent Uses. The design and character of the project architecture shall be compatible with the existing development adjacent to the site, to the extent feasible.

Masonry Walls and Sound Walls. All masonry walls, including sound walls, shall provide color in tones compatible with surrounding terrain, using textured materials or construction methods that generate a textured effect. Clinging vines and/or native vegetation planting shall be provided directly adjacent to any walls to soften the visual effect. Vegetation that is planted along walls adjoining habitable structures shall be consistent with the requirements of an approved fire/vegetation management plan (refer to measure FH-1(a) in Section 4.6, *Fire Hazards*).

Mitigation AES-1(b) (Architectural Compatibility and Elevations): The measure as presented in the EIR has been substantially incorporated into the Orcutt Community Plan as follows:

DevStd KS3-15: All front, side and rear elevations for all structures visible from public viewpoints shall incorporate design features that avoid long, unarticulated facades.

Mitigation AES-1(c) (Entrance Monuments): The measure as presented in the EIR has been incorporated into the Orcutt Community Plan as follows:

DevStd KS3-16: Project entrance monuments that may be provided shall be visually compatible with surrounding development, shall be consistent with the natural character of the area, and shall only be illuminated with hooded and downward-directed lighting of the lowest intensity that provide adequate lighting. Excessive lighting intensity shall not be permitted.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which lessen the significant environmental effects as identified in the Final EIR to the greatest extent feasible. Consideration of site layout and existing topography and the need to provide appropriate landscaping for screening would reduce the visual contrast that would be presented in the absence of such considerations. Review of architecture, including design of entrance monuments; building materials and style; and any proposed or required sound walls, would reduce compatibility impacts. However the proposed mitigation would not fully prevent the conversion of these scenic open sites to high density residential uses. Impacts would remain significant and unavoidable. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Focused Rezone Program discussed in Section VIII of these Findings.

Impact AES-4

Mitigation Measures: Mitigation measures AES-1(a) through AES-1(c) would help reduce cumulative impacts related to visual character changes. While these mitigation measures would reduce project-specific impacts, as discussed above, these measures do not effectively reduce the project's contribution to cumulative impacts on visual character changes. No additional mitigation measure would be required.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which lessen the significant environmental effects as identified in the Final EIR to the greatest extent feasible. Alteration of the fundamental character of the Orcutt community cannot be avoided by additional urban and suburban development, even through careful review of design and compliance with existing policies of the Orcutt Community Plan and the above mitigation measures; therefore, this impact would remain significant and unavoidable. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Focused Rezone Program discussed in Section VIII of these Findings.

VI. FINDINGS THAT CLASS II SIGNIFICANT BUT MITIGABLE MPACTS ARE MITIGATED TO A LEVEL OF INSIGNIFICANCE

CEQA Guidelines Section 15091 (a) requires that where feasible, all significant adverse impacts be reduced to a level of insignificance based on thresholds in the *County of Santa Barbara Environmental Thresholds and Guidelines Manual* and CEQA Appendix G. The EIR identified potentially significant impacts, which are mitigated to a less-than-significant level through the

incorporation of mitigation measures in the areas of: A) Land Use; B) Traffic and Circulation; C) Biological Resources; D) Fire Hazards; E) Air Quality ; F) Noise; G) Seismic, Soil, and Landslide Hazards; H) Hydrology and Water Quality; I) Hazards and Hazardous Materials; J) Cultural Resources; and K) Visual and Aesthetic Resources. The “Class II” impacts identified in the EIR are discussed below along with the appropriate findings per CEQA Section 15091.

A. Land Use

Impact: The EIR identified potentially significant but mitigable impacts to land use with respect to long-term compatibility conflicts (Impact LU-2).

Impact LU-2

Mitigation Measures: The EIR identified one measure that would Impact LU-2 to a less than significant level. The following mitigation measures would be required:

Mitigation LU-2 (Compatibility of Land Use in Design): The measure as presented in the EIR has been substantially incorporated into the Orcutt Community Plan as follows:

DevStd KS30-16; DevStd KS16-18: Future development proposals for the rezone site shall be designed in a manner that avoids potential privacy impacts through the use of one or more of the following measures, as appropriate:

- Use of building setbacks from existing development and/or landscaping to increase privacy and reduce potential nuisance noise impacts;
- Adherence to lower height buildings for components of the development closest to existing neighborhoods;
- Ensuring that any proposed balconies and proposed third story windows do not present privacy issues such as having line of sight views into rear yards and other private areas of adjacent existing development.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here and incorporated as Development Standards into the Orcutt Community Plan which mitigate or avoid the significant effects on the environment to a level of insignificance.

B. Traffic and Circulation

Impact: The EIR identified two potentially significant but mitigable impacts to traffic and circulation with respect to cumulative traffic and circulation system impacts (Impact TC-2) for Key Site 3 and 16.

Impact TC-2

Mitigation Measures: The EIR identified two mitigation measures that would mitigate Impact TC-2 to a less than significant level. The following mitigation measures would be required:

Mitigation TC-2 (Key Site 3 - 101 Ramps/Clark Avenue Traffic Signal): Future applicants shall pay fair share fees to install a traffic signal at the intersection of Highway 101 Ramps and Clark Avenue, consistent with the Orcutt Transportation Improvement Plan (OTIP). Signalization at this intersection would result in LOS B operations under Cumulative + Project conditions.

Mitigation TC-2 (Key Site 16): Future applicants shall pay fair share fees for area circulation improvements, if deemed necessary, consistent with the Orcutt Transportation Improvement Plan (OTIP).

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

C. Biological Resources

Impacts: The EIR identified potentially significant but mitigable impacts to biological resources, related to sensitive habitats (Impact BIO-1), special status plant species (Impact BIO-2), special status wildlife species (Impact BIO-3), wildlife movement corridors, and cumulative impacts to biological resources (Impact BIO-4).

Impact BIO-1

Mitigation Measures: The EIR identified one measure that would mitigate Impact BIO-1 to a less than significant level. The following mitigation measures would be required for Key Site 3:

Mitigation BIO-1(b) (Wetland Delineation): A wetland delineation shall be conducted in accordance with standards set forth by the Corps and the state of California in order to determine the regulatory status of the potential wetland within the rezone site of Key Site 3. If the wetland delineation determines that this area is not within the defined criteria established by the Corps, RWQCB, CDFG or County, no mitigation shall be required. If the wetland delineation determines that the area is definable as a wetland within the jurisdiction of one of these regulatory agencies, a permit shall be obtained from the appropriate agency prior to issuance of zoning clearance. If it is determined that there will be impacts to wetland habitat, a Wetland Mitigation and Monitoring Plan shall be developed by a qualified biologist. This plan shall specify that development will be designed to reduce or eliminate impacts to wetlands to the greatest extent feasible consistent with established thresholds of significance employed by the County of Santa Barbara, RWQCB, and CDFG. The plan shall demonstrate a wetland replacement ratio of at least 1:1 (habitat restored to habitat lost) prior to issuance of zoning clearance in order to ensure no net loss of wetlands. Depending on the requirements of other regulatory agencies (Corps, RWQCB, CDFG), the required replacement ratio may be as high as 5:1.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the

Focused Rezone Program would incorporate the above noted mitigation measures. In addition, existing Orcutt Community Plan development standards that require protection and enhancement of the area extending along Graciosa Creek would mitigate or avoid Impact BIO-1 and impacts to wildlife movement corridors associated with Key Site 16.

Impact BIO-2

Mitigation Measures: The EIR identified measures that would mitigate Impacts BIO-2 to a less than significant level. The following mitigation measures would be required for Key Site 16:

BIO-2(a) Seasonally-Timed Rare Plant Surveys: A County-approved botanist shall conduct seasonally timed directed floral surveys based on the target list of plant species identified in Table D-1. Surveys shall be completed during the appropriate season to determine the presence or absence of these species. Up to three separate survey visits may be required to capture the flowering period of all target species. The location and extent of any rare plant occurrences observed on the site shall be documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs. If special status plant species are identified, the approved botanist shall submit written proof that the County and CDFG have been contacted. If federally listed plant species are identified, then the USFWS must also be contacted [refer to Measure BIO-3(b)] and measures BIO-2(b) and BIO-2(c) shall be implemented.

BIO-2(b) Special Status and Rare Plant Buffer : If special status plant species are identified during surveys conducted in accordance with Mitigation Measure BIO-2(a), site development plans shall be modified to avoid such occurrences with a minimum buffer of 50 feet. The occurrence and buffer areas shall be fenced. If feasible, the applicant shall establish conservation easements for such preserved areas, prior to issuance of the first grading permit, and the proposed project shall be amended to place these areas formally into open space.

BIO-2(c) Special Status Plant Species Mitigation Plan : If total avoidance of the special status species occurrences is economically or technologically infeasible, a mitigation program shall be developed by a County-approved qualified botanist under contract to the applicant. The special status plant species mitigation program shall include the following:

- a. The overall goal and measurable objectives of a no-net loss of special status species in the mitigation and monitoring plan;
- b. Specific areas proposed for re-vegetation and their size. Potential sites for mitigation would be any suitable site within proposed open space, depending on the species, that is appropriately buffered from development.
- c. Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the special status plant species. (i.e., annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of special status plant species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and

seasonally-timed seed and/or topsoil collection, propagation, and reintroduction of special status plant species into specified receiver sites);

d. A minimum five-year annual monitoring program to ensure successful establishment of mitigation plantings with an adaptive management program that addresses both foreseen and unforeseen circumstances;

e. Success criteria based on the goals and measurable objectives to ensure a viable population(s) on the project site in perpetuity;

f. An education program to inform the public of the presence of special status plant species and sensitive biological resources on-site, and to provide methods that residents can employ to reduce impacts to these species/resources in protected open space areas;

g. Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and Funding mechanism.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

Impact BIO-3

Mitigation Measures: The EIR identified seven mitigation measures that would mitigate Impact BIO-3 to a less than significant level. The following mitigation measures would be required:

Mitigation BIO-3(a) (California Tiger Salamander (CTS) and Vernal Pool Fairy Shrimp (VPFS) Habitat Assessment and Protocol Surveys): Prior to grading and construction on the Key Site 3 and 16 Rezone Site, the applicant shall hire a County-approved qualified biologist to conduct a formal CTS and VPFS habitat assessment of the property to submit to the USFWS. If the biologist and USFWS concur that suitable habitat is present, USFWS protocol surveys shall be conducted in all potential CTS and/or VPFS habitat. The surveys shall be conducted using appropriate survey protocol developed by the USFWS with input by the CDFG. A report consistent with current Federal, State, and local reporting regulations shall be prepared to document the methods and results of surveys. Should CTS and/or VPFS be determined to occur on-site during survey efforts, a map identifying locations in which special status species were found shall be prepared and BIO-3(b) through BIO-3(d) shall be implemented.

Mitigation BIO-3(b) (Federal Endangered Species Act (FESA) Consultation): The project applicant for the Key Site 3 and 16 Rezone Site shall consult with the USFWS regarding the Federally-listed CTS and VPFS. As part of any Section 404 permitting application that may be required, the Corps would coordinate with the USFWS regarding possible impacts to the two species. Procedural recommendations of the USFWS shall be implemented. The project applicant shall implement measures that minimize the potentially adverse effects development may have on CTS and/or VPFS. Measures protecting CTS and/or VPFS within the Programmatic Biological Opinion regarding CTS

and VPFS that covers all Nationwide Permits shall be met. Subject to concurrence by and coordination with USFWS, required measures shall include the following:

Before any construction activities begin within the site, a County- and USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CTS and VPFS and their habitat, the importance of the CTS and VPFS and their habitat, the general measures that are being implemented to conserve the CTS and VPFS as they relate to the project. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

A County- and USFWS-approved biologist shall be present at the work site until such time as all removal of CTS and/or VPFS, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CTS and/or VPFS. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.

During project related activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from any riparian habitat or water body. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the proposed project's goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.

Development and implementation of CTS and/or VPFS construction protocols and Best Management Practices to avoid and minimize take and potential water quality impacts on breeding sites from siltation. To minimize the potential for direct impacts to dispersing individuals, ground disturbance activities shall be completed in the dry season, between April 1 and November 1.

A managed grazing program for upland CTS and/or VPFS habitat conservation areas shall be designed and implemented to minimize further introduction of invasive exotic species and to maintain the grassland habitat conducive to ground squirrels and gophers.

Mitigation BIO-3(c) (California Tiger Salamander (CTS) and Vernal Pool Fairy Shrimp (VPFS) Habitat Avoidance): Buffers around potential CTS and VPFS habitat shall be established to reduce the encroachment of humans and urban uses on breeding habitat, including protecting CTS and VPFS from visual disturbances from human activities. The applicant as directed by the USFWS shall establish an appropriate buffer area around water bodies with confirmed occurrences of CTS and/or VPFS. Construction activities and other improvements shall be prohibited within these buffer areas. The buffer areas shall contain a conservation easement overlay, deed restriction, or some other form of protection in perpetuity, for the protection and conservation of CTS and VPFS and their habitat.

Final project grading shall focus all potential project runoff within the limits of project footprint and will not flow into areas outside of the designated area.

Mitigation BIO-3(d) (Pesticide Minimization): To prevent primary or secondary poisoning of CTS and other amphibian and special status species, if found to occur on-site, a landscape management plan shall be developed that will identify operational procedures to be employed to maintain a healthy landscape with minimum application of fertilizers and pesticides.

No rodent control, pesticides, or herbicides shall be used within the non-disturbance buffer zones around breeding pools or in any drainage features that drains into the pools. Operation and management of the landscape program will be designed to contain the distribution of management chemicals within the project area.

Mitigation BIO-3(e) (Legless and Horned Lizard Capture and Relocation): Immediately prior to the initiation of construction, capture and relocation efforts shall be conducted for the silvery legless lizard and coast horned lizard within the limits of grading on the rezone sites on Key Sites 3 and 16. Designated areas in permanent open space shall be identified within the project site for release of captured legless lizards and coast horned lizards.

Surveys shall be conducted by a County-approved biologist, and shall include the following minimum requirements:

1. Raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of eight inches.
2. In addition to raking, "coverboards" shall be used to capture silvery legless lizards and coast horned lizards. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles and amphibians. Coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards shall be placed in the survey area two weeks before surveys begin

and will be checked once a week during raking surveys. Captured lizards will be placed immediately into containers containing sand or moist paper towels and released in designated release areas no more than three hours after capture.

3. During all grading activities, a qualified biologist shall be on-site to recover any silvery legless lizards or coast horned lizards that may be excavated/unearthed with native material. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be turned over to a County approved specialist until they are in a condition to be released into the designated release area.

Mitigation BIO-3(f) (Bird Pre-Construction Survey): To ensure avoidance of impacts to nesting bird species and raptors including the ground-nesting species, on each of the rezone sites, pre-construction surveys for active nests within the limits of grading shall be conducted by a qualified biologist within and adjacent to all anticipated development areas at most two weeks prior to any construction activities. If active nests are located, all construction work must be conducted outside a buffer zone to be determined by the biologist and the CDFG (typically 200 feet). No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction.

Mitigation BIO-3(g) (Badger Avoidance): To confirm whether badgers are present within the rezone areas of Key Site 3 and 16 at the time grading is proposed, and to prevent any badgers found to be present from becoming trapped in burrows during grading and construction, three activities are required:

1. A pre-construction survey for active badger dens shall be conducted at most one month prior to any ground disturbance activities within the anticipated development area by a County approved biologist. In order to avoid the potential direct take of adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by a County approved biologist between March 1 and June 30.

Construction activities during July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:

2. A County-approved biologist shall conduct a biological survey of the anticipated development areas between 2 weeks and 4 weeks of the start of ground clearing or grading activity. The survey shall cover the entire area proposed for development. Surveys shall focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other acceptable method) shall be used to assess the presence of badgers. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
3. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3

to 5 days. Access to the den shall be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the development area, the dens shall be hand-excavated with a shovel to prevent re-use. The County-approved biologist shall be present during the initial clearing and grading activity. If badger dens are found, all work shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

Impact BIO-4

Mitigation Measures: Implementation of Mitigation Measures identified under Impacts BIO-1, BIO-2 and BIO-3 above would reduce the Focused Rezone Project's contribution to cumulative biological resource impacts to a less than significant level. No additional mitigation is required.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

D. Fire Hazards

Impacts: The EIR identified one potentially significant but mitigable impact to fire hazards, related to the introduction of residences to wildland fire hazards (Impact FH-1).

Impact FH-1

Mitigation Measures: The EIR identified six measures that would mitigate Impact FH-1 to a less than significant level. The following mitigation measures would be required for Key Site 3 and 16:

Mitigation FH-1(a) (Fire/Vegetation Management Plan): Future applicants for rezone program residential development within designated high fire hazard areas shall prepare fire/vegetation management plans that meet the County Fire Development Standards. The vegetation management plan shall describe all actions that will be taken to prevent fire from being carried toward the structure(s). The plan shall include:

- A copy of the site plan that indicates topographic reference lines
- A copy of the landscape plan
- Methods and timetables for controlling, changing or modifying areas on the property (elements of the plan shall include removal of dead vegetation, litter, vegetation that may grow into overhead electrical lines, certain ground fuels, and ladder fuels as well as the thinning of live trees)

- A maintenance schedule for the landscape/vegetation management plan

Mitigation FH-1(b) (Fire Prevention Construction Techniques): Future applicants for rezone program residential development within high fire hazard areas shall abide by the following construction standards:

- All proposed residential units that require a building permit in fire hazard areas must comply with the requirements of the County Building Code, California Fire Code, and Santa Barbara County Fire Department Development Standards.
- Decks, gazebos, patio covers, etc. must not overhang slopes and must be one-hour construction (e.g., by using 2 x 4's). Front doors shall be solid core, minimally 1 ¾ inch thick. Garage doors shall be non-combustible. Wooden or plastic fences or vegetation growing on fences for lots along the project site perimeter shall not be used.
- All new power lines shall be installed underground in order to prevent fires caused by arcing wires.
-

Mitigation FH-1(c) (Access Roads): Access roads constructed within any project site shall provide unhindered fire department access and maneuvering during an emergency. This road system must meet the requirements that are outlined and detailed within the County Fire Department Standards.

Mitigation FH-1(d) (Emergency Vehicle Access (EVA) Roads): Secondary internal EVA roads shall be designed according to County Fire Department Development Standards including all weather type (per County Fire Code). These EVA roads shall be provided at acceptable (by Fire Department standards) intervals within the proposed development and extend to the perimeter of the vegetation management zones. These roads may be gated with a Fire Department KNOX key (a rapid entry system that provides non-destructive emergency access to commercial and residential property.) Fire hydrants shall be located on the street near the entrance to the EVA roads.

Mitigation FH-1(e) (Structure Access): Project applicants shall provide reflective, non-combustible structural address numbers that are 4 inches in height, as well as non-combustible street signs and lights on all streets.

Mitigation FH-1(f) (Street Name Review): Project applicants shall submit proposed street names for review by the P&D to prevent duplication of street names.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

E. Air Quality

Impacts: The EIR identified two potentially significant but mitigable impacts to air quality, related to temporary construction emissions (Impact AQ-1) and long-term regional emissions (Impact AQ-2).

Impact AQ-1

Mitigation Measures: The EIR identified two mitigation measures that would mitigate Impact AQ-1 to a less than significant level. The following mitigation measure would be required for Key Site 3 and 16:

Mitigation AQ-1 (Fugitive Dust (PM₁₀) Control): Fugitive Dust (PM₁₀) Control shall include measures designed to reduce particulate matter (PM₁₀) emissions from project construction. Controls shall include, but not be limited to, the following measures:

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, recycled water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
- If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for finish grading for the structure.
- Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

AQ-1(b) Equipment Exhaust: The following shall be adhered to during project construction to reduce NO_x and PM_{2.5} emissions from construction equipment:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR permitted by the District by September 18, 2008.
- Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite shall be equipped with two to four degree timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating onsite.
- Diesel powered equipment shall be replaced by electric equipment wherever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
- Construction worker trips should be minimized by requiring carpooling and providing lunch onsite.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

Impact AQ-2

Mitigation Measures: The EIR identified two mitigation measures that would mitigate Impact AQ-2 to a less than significant level. The following mitigation measures would be required for Key Site 3 and 16:

Mitigation AQ-2(a) (On-site Transportation Control Measures): All applicable on-site TCMs from the CAP shall be addressed by the program to the maximum extent feasible. The developer of a project under the Focused Rezoning Program shall coordinate with APCD and P&D to determine appropriate on-site mitigation. This may include:

- The use of design features to encourage alternate transportation modes, such as:
 - For pedestrians: sidewalks; safe street and parking lot crossings; shade trees; off street breezeways, alleys, and over crossings; placement of parking lots and building entrances to favor pedestrians rather than cars.
 - For transit riders: all of the above plus safe, sheltered transit stops with convenient access to building entrances.
 - For bicyclists: theft proof and well-lighted bicycle storage facilities with convenient access to building entrance; on-site bikeways between buildings or uses.
- Providing onsite services to reduce the need for offsite travel, such as childcare, telecommuting center(s), and/or postal machines.
- Providing on-site services to encourage alternative transportation modes, such as rideshare matching, augmented transit services, and/or transit education.

Mitigation AQ-2(b) (Off-site Transportation Control Measures): The developer of a project under the Focused Rezone Program shall coordinate with APCD and P&D to determine appropriate off-site mitigation. This may include funding contributions for:

- Transit service enhancements to serve the project, such as shuttle buses, express bus service, and bike racks on buses.
- Bikeway improvements that would extend the existing bikeway network to provide better access to the Focused Rezone Program housing sites.
- Pedestrian improvements that would serve the project area, such as the addition of sidewalks to improve access to the rezone sites, pedestrian crossings, and overhead or underground walkways.
- Public education for residents of the rezone sites to explain the benefits of alternative transportation. This may consist of public service announcements, pamphlets, newsletters, and/or posting of such information on community bulletin boards.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

F. Noise

Impacts: The EIR identified two potentially significant but mitigable impacts to noise, related to temporary construction noise (Impact N-1), exposure to noise exceeding County thresholds (Impact N-2).

Impact N-1

Mitigation Measures: In addition to compliance with existing Building Code standards, the EIR identified one mitigation measure that would mitigate Impact N-1 to a less than significant level. The following mitigation measure would be required for Key Site 3 and 16:

Mitigation N-1 (Construction Noise Within 1,600 Feet of a Sensitive Receptor): Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

Impact N-2

Mitigation Measures: The EIR identified one mitigation measure that would mitigate Impact N-2 to a less than significant level. The following mitigation measure would be required:

Mitigation N-2 (Noise Attenuation): An acoustical engineer shall be consulted during project design to incorporate construction/design specifications that would result in an ambient noise environment where all residents would be exposed to noise of less than 65 dBA Ldn in exterior usable spaces and 45 dBA Ldn in interior spaces. Typical design features that would be incorporated may include but are not limited to the following.

- Construction of berms and/or sound walls.
- Implementation of a building setback to remove dwelling units from unacceptable noise levels.
- Orientation of non-sensitive uses such as parking/garages and roadways closest the noise source.
- Orientation of buildings such that the first row of buildings has 90% linear coverage parallel to the noise source. For a building of 30 feet in height, in an ambient noise environment in excess of 70 dBA, building shielding would be anticipated to provide attenuation of 20 dBA.
- Windows and sliding glass doors facing the noise source with a minimum Standard Transmission Class (STC) of 39 that are properly installed, weather stripped, and insulated.
- Exterior doors facing the noise source with a minimum STC of 39 and insulated in conformance with Title 24 requirements.

- Exterior wall facing material designed for a minimum STC of 39 (this can typically be achieved by adding absorptive insulation [i.e., fiberglass batts] in the wall cavity).
- Roof or attic vents either facing away from the noise source or baffled.
- Air conditioning or a mechanical ventilation system so that windows and doors may remain closed.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

G. Seismic, Soil, and Landslide Hazards

Impacts: The EIR identified one potentially significant but mitigable impact to seismic, soil, and landslide hazards, related to erosive soils (Impact GEO-1).

Impact GEO-1

Mitigation Measures: The EIR identified one measure that would mitigate Impact GEO-1 to a less than significant level. The following mitigation measure would be required for Key Site 3 and 16:

Mitigation GEO-1(a) (Soil Erosion and Expansion Control): Prior to issuance of a building permit, soil samples of final cut slopes and building pads shall be analyzed to determine their susceptibility to erosion and appropriate erosion control techniques meeting building code requirements shall be incorporated into final grading and construction plans. At a minimum, the grading and construction plans will include the following requirements:

- The top and faces of all cut slopes shall be protected from sheet flow by installation of back drains and down drains pursuant to building code requirements.
- All manufactured slopes shall be protected from excessive erosion through proper landscape design. The landscape design shall include appropriate use of drip irrigation, drought tolerant plants, and netting or some other form of protection to ensure the slopes remain stable pending the establishment of the plantings.

FINDINGS: Mitigation measure have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

H. Hydrology and Water Quality

Impacts: The EIR identified one potentially significant but mitigable impact to hydrology and water quality, related to long-term hydrological impacts (Impact HWQ-1).

Impact HWQ-1

Mitigation Measures: In addition to compliance with standard County requirements, the EIR identified three measures that would mitigate the Impact HWQ-1 to a less than significant level. The following mitigation measures would be required for Key Site 3 and 16:

Mitigation HWQ -1(a) (Drainage Report): The applicant for the proposed project shall have a drainage report prepared by a County-approved engineering firm in order to thoroughly analyze potential drainage impacts as they relate to increased surface flows, peakflow and flooding. The report shall also identify specific methods to reduce peak storm water discharges from the rezone site to 0.07 cfs or lower for a 25-year storm event. Specific methods that project applicants may use to meet this standard include the use of onsite detention basins, drainage swales, and pervious paving materials, or some combination thereof.

Mitigation HWQ -1(b) (Runoff Conveyance): All runoff water from impervious areas shall be conveyed by impervious conduits via energy dissipaters to existing or new drainage channels in a non-erosive manner.

Mitigation HWQ -1(c) (Detention Recharge Basin Design): Percolation basins shall be designed in accordance with applicable Santa Barbara Flood Control District standards. The design must consider the volume of water that the basin is expected to store, as well as operation and maintenance of the basins.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

I. Hazards and Hazardous Materials

Impacts: The EIR identified one potentially significant but mitigable impact to hazards and hazardous materials, related to hazardous materials exposure (Impact HAZ-1).

Impact HAZ-1

Mitigation Measures: The EIR identified two measures that would mitigate Impact HAZ-1 to a less than significant level. The following mitigation measures would be required for Key Site 3 and 16:

Mitigation HAZ-1(a) (Soil Sampling and Remediation): Soil sampling for contaminants shall be conducted by a qualified professional on the rezone portion of Key Site 3 and 16 prior to any ground moving activities associated with development of the site under the Focused Rezone Program. The results of the soil sampling shall be forwarded to the local regulatory agency, FPD, RWQCB, or DTSC. The oversight agency shall review the data and either sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. If concentrations of contaminants warrant site remediation, contaminated materials shall be remediated either prior to construction of structures or concurrent with construction. The

contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory oversight agency, such as the (FPD, RWQCB, or the DTSC) and shall remediate contamination levels to below the regulatory action level of the designated oversight agency. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.

Mitigation HAZ-1(b) (Groundwater Sampling and Remediation): If, during the soil sampling, groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the applicant shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, or if the contaminants exceed health risk standards such as Preliminary Remediation Goals, one in one million cancer risk, or a health risk index above 1, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (FPD, RWQCB, or the DTSC). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

J. Cultural Resources

Impacts: The EIR identified one potentially significant but mitigable impacts to cultural resources, related to impacts to unknown historic or archaeological resources (Impact CR-2).

Impact CR-2

Mitigation Measures: The EIR identified one mitigation measure that would mitigate Impact CR-2 to a less than significant level. The following mitigation measure would be required for Key Site 3 and 16:

Mitigation CR-2 (Work Cessation and Additional Assessment and Mitigation): In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Cultural Resource Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

K. Visual and Aesthetic Resources

Impacts: The EIR identified three potentially significant but mitigable impacts associated with visual character changes (Impact AES-1), alteration of scenic views (AES-2), and increased light and glare (Impact AES-3).

Impact AES-1 and AES-2

Mitigation Measures: The EIR identified three measures that would mitigate Impact AES-1 and AES-2 to a less than significant level. The following mitigation measures would be required for Key 16:

Mitigation AES-1(a) (Architectural Guidelines): The measure as presented in the EIR has been modified and incorporated into the Orcutt Community Plan as follows:

DevStd KS16-11: Future residential development shall, at minimum, include the components listed below:

Roofing and Feature Color and Material. Development shall include darker, earth tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the natural visual backdrop of the area, as applicable. Roof materials shall match the prevailing materials used in the surrounding vicinity in order to preserve, to the extent feasible, current visual characteristics. Natural-appearing building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

Compatibility with Adjacent Uses. The design and character of the project architecture shall be compatible with the existing development adjacent to the site, to the extent feasible.

Masonry Walls and Sound Walls. All masonry walls, including sound walls, shall provide color in tones compatible with surrounding terrain, using textured materials or construction methods that generate a textured effect. Clinging vines and/or native vegetation planting shall be provided directly adjacent to any walls to soften the visual effect. Vegetation that is planted along walls adjoining habitable structures shall be consistent with the requirements of an approved fire/vegetation management plan (refer to measure FH-1(a) in Section 4.6, *Fire Hazards*).

Mitigation AES-1(b) (Architectural Compatibility and Elevations): The measure as presented in the EIR has been incorporated into the Orcutt Community Plan as follows:

DevStd KS16-12: All front, side and rear elevations for all structures visible from public viewpoints shall incorporate design features that avoid long, unarticulated facades.

Mitigation AES-1(c) (Entrance Monuments): The measure as presented in the EIR has been incorporated into the Orcutt Community Plan as follows:

DevStd KS16-13: Project entrance monuments that may be provided shall be visually compatible with surrounding development, shall be consistent with the natural character of the area, and shall only be illuminated with hooded and downward-directed lighting of the lowest intensity that provide adequate lighting. Excessive lighting intensity shall not be permitted.

Impact AES-3

Mitigation Measures: The EIR identified two measures that would mitigate Impact AES-3 to a less than significant level. The following mitigation measures would be required for Key Site 3 and 16:

Mitigation AES-3(a) (Lighting): The measure as presented in the EIR has been incorporated into the Orcutt Community Plan as follows:

DevStd KS3-19, DevStd KS16-15: New lighting shall be oriented away from sensitive uses, and should be hooded, shielded, and located to direct light pools downward and prevent glare. The following standards shall also be implemented:

- All exterior lighting shall be designed as part of the overall architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the County.
- Lighting shall be used for safety and security to illuminate building entrances, parking and loading areas, and pedestrian walkways.
- Light fixtures with exposed light bulbs shall generally be avoided.
- All light fixtures shall be shielded or of a type fitted with lenses to confine the cone of light to the extent feasible.
- Lighting sources shall not cast stray light beyond the property line on which they are installed.

Mitigation AES-3(b) (Low Glare Materials): The measure as presented in the EIR has been incorporated into the Orcutt Community Plan as follows:

DevStd KS3-20, DevStd KS16-16: Finish materials, including glazing, shall be of a low reflectivity to minimize glare. Development shall include low reflectivity glass, subdued colors for building materials in high visibility areas, and the use of plant material along the perimeter of the structures to soften views.

Mitigation AES-3(c) (Street Light Limitations): The measure as presented in the EIR has been incorporated into the Orcutt Community Plan as follows:

DevStd KS3-21, DevStd KS16-17: Streetlights located within the development shall be pedestrian in scale, and range in height from 12 feet to 25 feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination. High mast street lighting shall be shielded and decorative to be compatible with the rural character of Orcutt.

FINDINGS: Mitigation measures have been identified in the EIR and adopted here which mitigate or avoid the significant effects on the environment to a level of insignificance. Future development under the Focused Rezone Program would incorporate the above noted mitigation measures.

VII. FINDINGS REGARDING PROGRAM ALTERNATIVES

CEQA Guidelines Section 15126.6 requires that an EIR analyze alternatives which would feasibly obtain most of the objectives of the project, focusing on alternatives “which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The CEQA Guidelines further state that the alternatives examined in an EIR should be governed by the “rule of reason,” which requires the inclusion of “only those alternatives necessary to permit a reasoned choice.” In addition, CEQA Guidelines Section 15091(a)(3) precludes a public agency from approving a project for which an EIR has been certified which identifies one or more significant environmental effects unless the public agency makes a finding that “specific economic, legal, social, technological, or other considerations...make infeasible the mitigation measures or project alternatives identified in the final EIR.”

The specified objectives of the project are to:

- comply with the provisions of State Housing law;
- comply with State HCD conditions necessary to maintain certification of the 2003-2008 Housing Element;
- implement the direction from the Santa Barbara County Planning Commission to consider and analyze up to ten potential rezone sites in the North County for the sole purpose of complying with State law;
- ensure that an appropriate and balanced portion of housing for all segments of the unincorporated County workforce be increased in the North County by directing remaining rezones to the North County;
- ensure that there are sufficient public services and infrastructure to support development of rezones sites; and
- ensure that Housing Element program objectives are met prior to the end of the deadline prescribed by State HCD (January, 2009) by prioritizing projects that are realistically and feasibly attainable.

The alternatives analyzed in the EIR are:

1. The Mission Hills (Caltrans) and Vandenberg Village (Ebbert) Alternative
2. The Key Sites 15 and 23 Alternative
3. The Key Sites 3 and 16 Alternative
4. The Alternate Rezone Site Location on Key Site 3 and Key Site 30 Alternative
5. The No Project Alternative

Alternative 1 – Caltrans and Ebbert Rezone Sites, involves the rezoning of 9.3 acres of the Caltrans site and 9.2 acres of the Ebbert site to MR, allowing for a total of 370 residential units at 20 units per acre. **Alternative 2** – Key Sites 15 and 23, involves the rezoning of 5 acres of Key Site 15 and 13.5 acres of Key Site 23 to MR, allowing for a total of 370 residential units at 20 units per acre. **Alternative 3** – Key Sites 3 and 16, involves the rezoning of 8.0 acres of Key Site 3 and 10.5 acres of Key Site 23 to MR, allowing for a total of 370 residential units at 20 units per acre. **Alternative 4** – Alternative Rezone Site Location on Key Site 3 involves the same combination of rezone sites as the proposed project, except the proposed rezone area on Key Site 3 would be located northwest of the proposed rezone location, along the northern boundary of the site, adjacent to the mobile home park. As with the proposed project, a total of 372 residential units at a density of 20 units per acre is evaluated, with 160 units being developed on the alternate location on Key Site 3, and 212 units on Key Site 30. **Alternative 5** – No Project, would assume that the Focused Rezone Program would not be implemented, and that the project sites would not be rezoned to MR.

The following discussion gives the reasons the Board has rejected each of the alternatives.

Alternative 1: The Caltrans and Ebbert Rezone Sites Alternative

Alternative 1 is environmentally inferior to the proposed project. Unlike the proposed project, neither of these sites is within an airport's safety zone, and therefore airport hazards would be reduced from Class I to Class II. However, this alternative would result in new Class I impacts to water supply and cumulative water supply, and would present public safety and circulation issues at the Caltrans site as a result of a disjointed residential development surrounding this intersection. In addition, portions of the Caltrans site are presently under negotiations for sale to the State Department of Fish and Game, who would add the site to their 5,200 acre Burton Mesa Ecological Preserve, which currently surrounds the Caltrans site to the north, east and west. This purchase would render the site infeasible to meet project objectives at this location. For these reasons, the Board of Supervisors rejects Alternative 1.

Alternative 2: The Key Sites 15 and 23 Alternative

Alternative 2 would result in fewer Class I, *significant and unavoidable* impacts as compared to the proposed project and is environmentally superior. As with the proposed project, Alternative 2 presents Class I impacts in cumulative air quality, solid waste, cumulative solid waste and disposal, and cumulative wastewater treatment and disposal. This alternative would avoid the Class I impacts to airport-related land use compatibility and aesthetic resources generated by the proposed project. However, both Key Sites 15 and 23 contain biological habitat, and the potential for special status species. In particular, Key Site 23 is more constrained than the proposed project due to the presence

of significant biological resources. Such constraints may be extensive enough so as to render this alternative technically infeasible due to a lack of sufficient buildable area to provide for the 370 new dwelling units described in the project description and objectives. As noted above, Key Site 23 contains known occurrences of California tiger salamander (CTS), and California red-legged frog (CRLF) has been recorded in the immediate vicinity of the site. Further development of Key Site 23 would result in potentially significant and unavoidable (Class I) impacts to special status species and their habitat. In addition, development of Alternative 2 would have a greater impact on wildlife movement corridors than the proposed project. Both of these sites are surrounded by areas containing valuable habitats, and currently provide a natural corridor for wildlife movement. While such impacts would be less than significant on Key Site 15 with incorporation of mitigation measures that require setbacks, wildlife linkages, and reduced road widths, overall, in consideration of the development on both of these sites, impacts would be Class I, *significant and unavoidable*.

Impacts related to wildland fire hazards would also be greater in this alternative. The exposure of residents to wildland fire hazards under this alternative would be greater than under the proposed project. Both Key Sites 15 and 23 are located in County-designated High Fire Hazard areas, whereas under the proposed project, only Key Site 3 presented wildland fire hazards. Impacts on either of these alternative rezone sites would be potentially significant; however mitigation similar to that required under the proposed project for Key Site 3 would reduce potential impacts from this alternative to a less than significant level.

Because of the introduction of significant and unavoidable impacts to special species and their habitats as well as to wildlife movement corridors, Alternative 2 is environmentally superior to the proposed project, but environmentally inferior to Alternative 4. However, the provision of biological mitigation measures may result in a smaller development footprint that provides fewer housing units than the proposed project; therefore the project objectives associated would not be as effectively realized. Because the reduced number of units precludes meeting the principle objective of the project, the Board of Supervisors rejects Alternative 2.

Alternative 3: The Key Sites 3 and 16 Alternative

Alternative 3, which combines housing on Key Sites 3 and 16, presents a similar level of environmental impacts as the proposed project, as the environmental sensitivity of Key Site 16 is similar to the sensitivity of Key Site 30. Despite a generally similar level of impact, Alternative 3 would reduce the proposed project's Class I impact related to airport land use conflicts to Class III.

Issue areas for which impacts would change include fire hazards, where impacts would be greater than under the proposed project, and land use, hazardous materials, and visual and aesthetic resources, where impacts would be less than the proposed project. The exposure of residents to wildland fire hazards under this alternative would be greater than under the proposed project. Key Site 16 is located in County-designated High Fire Hazard areas, whereas Key Site 30 does not present wildland fire hazards. Mitigation similar to that required under the proposed project for Key Site 3 would reduce potential impacts from this alternative to a less than significant level. Impacts to Land Use would be reduced under this alternative because neither of these sites are within an airport's safety zone; therefore airport hazards would be less than significant. Impacts related to

hazards and hazardous materials would be less than the proposed project under this alternative due to a reduction in freeway-related hazards for both sites under this alternative. Visual and aesthetic impacts would be slightly reduced under this alternative, in comparison to the proposed project. Development of high density multifamily residential at Key Site 16 would impact both the visual character of the surrounding area and potentially alter scenic views. However, mitigation measures including architectural guidelines and landscape requirements would reduce potential impacts to a less than significant level.

Overall, this alternative is environmentally similar to the proposed project, but environmentally inferior to Alternative 4. For this reason, the Board of Supervisors adopts a hybrid alternative that combines the Planning Commission recommended rezone location on Key Site 3 analyzed in Alternative 4 with Key Site 16 as analyzed in Alternative 3.

Alternative 4: Alternative Rezone Site Location on Key Site 3

Alternative 4 would result in fewer Class I, *significant and unavoidable* impacts as compared to the proposed project. This alternative could be considered superior to the greatest extent and is identified as the Environmentally Superior Alternative among the development alternatives. This determination is primarily because the greater setback from Highway 101 in this alternative would avoid the Class I impact related to scenic view alteration for travelers on this major transportation route. The alternative rezone location on Key Site 3 would also incrementally reduce impacts related to noise and hazardous vehicle emissions exposure to future residents, because this alternative site is farther from Highway 101.

However, the alternate rezone site location on Key Site 3 presents a greater degree of land use compatibility conflicts, due to its proximity to the mobile home park to the north. This Land Use impact is significant but mitigable in Alternative 4; whereas this is a less than significant impact for the proposed project. Development of high density multi-family residential at heights of 40 to 50 feet or three stories adjacent to the single-story mobile home park residences to the north would create land use compatibility issues with the existing residents, including privacy issues and solar access issues. Such impacts could be mitigated to a less than significant level. These impacts have been further reduced through adoption of a modified rezone location which moves the building envelop approximately 190 feet to the south of the mobile home park. Implementation of this alternative is more desirable than the proposed project since it would avoid the Class I impact related to scenic view alteration and incrementally reduce impacts related to noise and hazardous vehicle emissions exposure to future residents while minimizing compatibility conflicts with surrounding residences. For these reasons, the Board of Supervisors adopts a hybrid alternative that combines the Planning Commission recommended rezone location on Key Site 3 analyzed in Alternative 4 with Key Site 16 as analyzed in Alternative 3.

Alternative 5: No Project

Alternative 5 (No Project) assumes that the Focused Rezone Program would not be implemented, and that the project sites would not be rezoned to MR. No development of affordable housing would occur under this alternative. Under No Project Scenario A, no physical changes to the environment

would occur and, therefore, all of the impacts associated with the proposed project would be avoided. Thus, the potentially significant, but mitigable (Class II) impacts relating to traffic/circulation, biological resources, fire hazards, noise, seismic/soil/landslide hazards, hydrology/water quality, hazards/hazardous materials, and cultural resources would not occur. In addition, the significant and unavoidable (Class I) impacts relating to land use (airport compatibility), air quality (cumulative), utilities (solid waste and wastewater), and visual and aesthetic resources (visual character, alteration of scenic views) would not occur.

Under No Project Scenario B, the project sites would build out in accordance with the existing zoning for the two rezone sites. This alternative would have lower physical impacts to the environment, and the condition of the project sites would remain largely unchanged, with the potential for the development of one single-family residence on each rezone site, lowering the combined number of residences on the two rezone sites from 370 to 2. Consequently, impacts would be substantially reduced for all issue areas.

The No Project Alternative (Alternative 5) is considered environmentally superior overall, since no MR rezoning action on either of these sites would occur, and no high-density housing would be constructed on these sites under the proposed program. Future development proposed for these Key Sites would be expected to adhere to the land use designation and zoning within the Orcutt Community Plan, as well as any pertinent development standards. Future development of Key Site properties would be expected to have a lower number of residential units on the portions of the key sites considered for MR zoning under the proposed project. Hence environmental impacts would be substantially reduced.

However, under the No Project Alternative, the County would not be able to maintain certification of the 2003-2008 Housing Element, and hence would not achieve the basic objectives of the project. In addition, if affordable housing units are not developed in close proximity to areas of employment, such as the Santa Maria Valley, workers could have a longer commute, potentially resulting in additional vehicle miles traveled. Therefore, the Board of Supervisors rejects the No Project Alternative.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15092(b)(2) of the CEQA Guidelines provides that a public agency may not approve a project that will have a significant effect on the environment unless the agency has:

- A. Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091; and
- B. Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Section 15093 of the CEQA Guidelines addresses the requirements for a “Statement of Overriding Considerations,” as follows:

- “(a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve a project. If the benefits of a proposed project outweigh the unavoidable environmental effects, the adverse environmental effects may be considered ‘acceptable.’
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.”

Based upon the data, analyses, conclusions of the Final EIR and EIR Revision Letters dated October 15 and November 12, 2008, and information in the administrative record and having reduced the effects of the proposed project by adopting a Hybrid of Alternative 3 and Alternative 4 and incorporating feasible mitigation measures into the OCP and the Focused Rezone Program’s Mitigation Monitoring and Reporting Program, the project’s impacts could still exceed significant impact thresholds in the areas of air quality, utilities, and visual and aesthetic resources. As discussed in the Findings and the Final EIR, there is no feasible mitigation available that would reduce these impacts to a less than significant level. In addition, the benefits of the project outweigh the unavoidable adverse environmental effects and the adverse environmental effects are considered acceptable.

Although unavoidable significant impacts would ensue, they are acceptable because the following economic, legal, social, technological or other benefits of the proposed project outweigh the adverse environmental effects, as supported by substantial evidence in the EIR:

- *The Focused Rezone Program will allow the County to comply with State Housing and Community Development (HCD) conditions necessary to maintain certification of the County of Santa Barbara’s 2003-2008 Housing Element that was adopted in May 2006.*
- *The Focused Rezone Program will allow the County to complete the implementation of Housing Element Policy 1.10: Action 1 Rezone Program, by identifying, selecting, and rezoning sites sufficient to accommodate an additional capacity for 370 lower income dwelling units of by-right affordable multifamily housing in the unincorporated County.*
- *The Focused Rezone Program will implement the direction from the Santa Barbara County Planning Commission on November 30, 2005, and reaffirmed on May 24,*

2006, to consider and analyze up to ten potential rezone sites in the North County for the sole purpose of complying with State law.

- *The Focused Rezone Program will ensure that Housing Element program objectives are met prior to the end of the deadline prescribed by State HCD (January, 2009) by prioritizing projects that are realistically and feasibly attainable, including projects already submitted for County permit review and projects under the ownership and control of the County.*
- *The Focused Rezone Program will ensure that an appropriate and balanced portion of housing for all segments of the unincorporated County workforce be increased in the North County by directing remaining rezones to the North County. This accounts for the following:*
 - *The adoption of the Isla Vista Master Plan increased the residential capacity on the unincorporated South Coast by 865 potential units, which are zoned at densities identified by State Housing law as being appropriate to accommodate very low and low income housing. This is an increase from the capacity for 29 such units previously identified for the South Coast.*
 - *38% of the County's total RHNA for the current State planning period, and 70% of the remaining need for very low and low income housing has been accommodated on the South Coast.*
- *The Focused Rezone Program will result in both short-term and long-term economic benefits to the County of Santa Barbara and its residents. The project will increase contribution to County property taxes. The project will indirectly provide for a number of jobs relating to construction of and maintaining approximately 370 new homes and related improvements. The project will increase the countywide available housing stock by 370 units.*

The Board of Supervisors has determined that with implementation of the identified mitigation measures, the project is consistent with all policies of the General Plan. Having balanced the benefits of the project against its significant and unavoidable effects, the Board of Supervisors hereby determines that the benefits of the project outweigh the unavoidable adverse effects and the adverse environmental effects are considered acceptable in light of the fact that the project would allow the County to maintain certification of the 2003-2008 Housing Element. The Board of Supervisors therefore adopts the above Statement of Overriding Considerations, which warrant adoption of the amended Housing Element Focused Rezone Program notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Guidelines Section 15043, 15092, and 15093, any remaining significant effects on the environment are acceptable due to these individual and collective overriding considerations.

Attachment B

Planning Commission Action Letter and Resolution 08-11

Additional attachments to the Planning Commission Action Letter can be found in this report as follows:

Attachment A-2

Focused Rezone Program Findings and Statement of Overriding Consideration

Attachment C-1

Board of Supervisors Resolution

Exhibit 1: Housing Element Policy 1.10: Action 1

Exhibit 2: Housing Element Appendix E2

Attachment C-2

Orcutt Community Plan Amendment

Exhibit 1: Key Site 3 Text and Land Use Designation Map

Exhibit 2: Key Site 16 Text and Land Use Designation Map

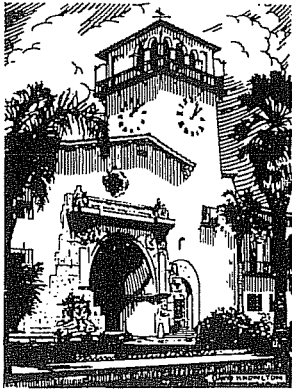
Exhibit 3: Mitigation Monitoring and Reporting Program

Attachment C-3

Land Use Development Code Amendment to include MR-O Zone District

Exhibit 1: Key Site 3 County Zoning Map

Exhibit 2: Key Site 16 County Zoning Map



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

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

PLANNING COMMISSION
HEARING OF NOVEMBER 12, 2008

**RE: 2003-2008 General Plan Housing Element Focused Rezone Program;
08GPA-00000-00008, 08GPA-00000-00009, 08RZN-00000-00009, 08ORD-00000-00009**

Hearing on the request of the Office of Long Range Planning that the County Planning Commission recommend that the Board of Supervisors certify the 2003-2008 Housing Element Focused Rezone Program Environmental Impact Report (08EIR-00000-00005), and adopt project findings and related CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; adopt a resolution recommending that the Board of Supervisors approve the Housing Element Focused Rezone Program by amending the Santa Barbara County General Plan Housing Element, Orcutt Community Plan, the Land Use Development Code, and the Santa Barbara County Zoning Map; recommend that the Board of Supervisors adopt a resolution approving specific amendments to the General Plan Housing Element by inserting a revised Policy 1.10: Action 1 Rezone Program and a new subsection entitled *Appendix E2* that describes the revised Focused Rezone Program; recommend that the Board of Supervisors adopt a resolution approving specific amendments to the Orcutt Community Plan and by changing land use designations from Residential Ranchette Minimum Parcel Size 10 acres to Residential 20 on a portion of APN 129-151-026; and from Agriculture 1 to Residential 20 on a portion of APN 107-250-008; and by revising development standards for two sites identified in the Orcutt Community Plan as Key Site #3 and Key Site #30; and recommend that the Board of Supervisors adopt an ordinance amending the Santa Barbara County Land Use & Development Code to establish a new Multi-Family Residential-Orcutt zone district and by amending the Santa Barbara County Zoning Map to rezone AP No. 129-151-026 from RR-10 and AP No. 107-250-008 from AG-I-40 to Multi-Family Residential-Orcutt zone.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of November 12, 2008, Commissioner Valencia moved, seconded by Commissioner Blough and carried by a vote of 5-0 to:

1. Recommend that the Board of Supervisors certify Attachment A-1, as revised in the staff memorandum, dated October 15, 2008, the 2003-2008 Housing Element Focused Rezone Program Environmental Impact Report (08-EIR-00000-00005; SCH#2008061139) and adopt

the Mitigation Monitoring and Reporting Program (Attachment C-2 Exhibit 3) and related CEQA Findings and Statement of Overriding Considerations, contained in Attachment A-2, as revised at the hearing of November 12, 2008;

2. Adopt Attachment B of the staff report, dated October 3, 2008, a resolution of the Planning Commission recommending that the Board of Supervisors approve the Housing Element Focused Rezone Program by amending the Santa Barbara County General Plan Housing Element, Orcutt Community Plan, and the Land Use Development Code as described below;
3. Recommend that the Board of Supervisors adopt Attachment C-1 of the staff report, dated October 3, 2008, a resolution approving specific amendments to the General Plan Housing Element by inserting a revised Policy 1.10: Action 1 Rezone Program and a new subsection entitled *Appendix E2* that describes the revised Focused Rezone Program;
4. Amend staff's recommendation by recommending that the Board of Supervisors adopt Attachment C-2 of the staff report, dated October 3, 2008, a resolution approving specific amendments to the Orcutt Community Plan by changing land use designations from Residential Ranchette Minimum Parcel Size 10 acres to Residential 20 on a portion of APN 129-151-026 known as Option C; and from General Commercial to Residential 20 on APNs 105-330-001 and 105-330-002; and by revising development standards for two sites identified in the Orcutt Community Plan as Key Site 3 and Key Site 16; and
5. Amend staff's recommendation by recommending that the Board of Supervisors adopt Attachment C-3 of the staff report, dated October 3, 2008, an ordinance amending the Santa Barbara County Land Use & Development Code by inserting the new Multi-Family Residential-Orcutt zone district and by amending the Santa Barbara County Zoning Map by rezoning APN 129-151-026, APN 105-330-001, and APN 105-330-002 to apply the new Multi-Family Residential-Orcutt zone.

Sincerely,



Dianne M. Black
Secretary Planning Commission

Cc: Case File: 08GPA-00000-00008, 08GPA-00000-00009, 08RZN-00000-00009, 08ORD-00000-00009
Planning Commission File
Dianne M. Black, Director Development Review
David Matson, Deputy Director, Long Range Planning
Joy Hufschmid, Deputy Director, Long Range Planning
Rachael Van Mullem, Deputy County Counsel

Attachments:	Attachment A-2:	Focused Rezone Findings and Statement Overriding Consideration
	Attachment B:	Planning Commission Resolution
	Attachment C-1:	Board of Supervisors Resolution
	Attachment C-2:	Orcutt Community Plan Amendment
	Attachment C-3:	Land Use Development Code Amendment to include MR-O Zone District

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING)
APPROVAL OF A REVISED AND FOCUSED) RESOLUTION NO.: 08-11
HOUSING ELEMENT REZONE PROGRAM BY,)
AMENDING THE SANTA BARBARA COUNTY)
GENERAL PLAN HOUSING ELEMENT, ORCUTT)
COMMUNITY PLAN, LAND USE)
DEVELOPMENT CODE, AND COUNTY ZONING)
MAP)

WITH REFERENCE TO THE FOLLOWING:

WHEREAS, California Government Code Section 65302 (c) requires that localities adopt a General Plan Housing Element that complies with the State’s standards as set forth in Government Code Section 65580 et seq.; and,

WHEREAS, California Government Code Section 65583(c)(1) requires that local government identify actions that will be taken to make sites available during the Housing Element planning period with zoning and development standards to accommodate that portion of the jurisdiction’s Regional Housing Need Allocation for each income level that could not be accommodated on sites identified in the Housing Element inventory of land; and,

WHEREAS, California Government Code Section 65583.2(c)(2) enables localities to amend the Housing Element land inventory and capacity analysis to adjust for changes in land use controls and the removal of constraints that occurred during the planning period for purposes of accommodating the jurisdiction’s Regional Housing Needs Allocation; and,

WHEREAS, on December 20, 1980, by Resolution No. 80-566, the County of Santa Barbara Board of Supervisors adopted a General Plan, and on March 29, 2004 by Resolution No. 04-078 the County of Santa Barbara Board of Supervisors adopted an updated General Plan Housing Element; and,

WHEREAS, on May 20, 2005, the County Board of Supervisors appointed an Ad Hoc Housing Subcommittee consisting of two Board members and two Planning Commissioners that provided guidance and direction to staff to continue actions to gain certification of the Housing Element from the California Department of Housing and Community Development (State HCD) and for continuing to work with the community toward completing the Action Phase of the Housing Element; and,

WHEREAS, on November 2 2005, in a report to the County of Santa Barbara Planning Commission, the Ad Hoc Housing Subcommittee recommended that the County pursue State HCD certification and identify rezone sites in North County since community planning efforts in the communities of Goleta and Isla Vista were expected to address rezones needed in the unincorporated areas of the South Coast; and,

WHEREAS, on November 30, 2005, the County of Santa Barbara Planning Commission selected ten sites for study in an Environmental Impact Report for potential rezoning along with the concurrent review of sites in the unincorporated communities of Isla Vista and Santa Ynez in the Isla Vista Master Plan and Santa Ynez Valley Community Plan processes which would reduce the amount of acreage necessary to rezone countywide; and,

WHEREAS, on May 9, 2006, the Santa Barbara County Board of Supervisors adopted the 2003-2008 Housing Element which identified a shortage of land in the unincorporated County zoned to accommodate units to satisfy the Regional Housing Needs Allocation (RHNA) issued to the County by the State of California; and,

WHEREAS, on August 2, 2006, State HCD conditionally certified the 2003-2008 Housing Element. The State conditioned the certification on the implementation of the Rezone Program in Policy 1.10: Action 1, which identified actions to address an identified shortfall of land with sufficient capacity and zoning to accommodate the portion of RHNA affordable to lower income households; and,

WHEREAS, on August 21, 2007, by Resolution No. 07-258, the County of Santa Barbara Board of Supervisors adopted the Isla Vista Master Plan and certified an Environmental Impact Report (03-EIR-08, SCH#2003101095) to revitalize the community of Isla Vista by changing land use controls and removing constraints to the development of housing; and,

WHEREAS, the changes accompanying the adoption of the Isla Vista Master Plan, and the subsequent amendment to the Housing Element approved by the County of Santa Barbara Board of Supervisors on September 9, 2008 identified the realistic capacity for an additional 865 residential units during the planning period above the density of 20 units per acre identified by California Government Code Section 65583.2(c)(3)(B)(iii) as appropriate for lower income households, effectively reducing the County's Regional Housing Needs Allocation shortfall from 1,235 lower income units to 370 lower income units; and,

WHEREAS, on June 16, 2008, State HCD verified that the IVMP rezones created sufficient capacity to accommodate a portion of the RHNA shortfall and directed the County to accommodate the remaining shortfall by completing the 2003-2008 Housing Element Rezone Program in Policy 1.10: Action 1, prior to January 2009. As a result, the Rezone Program was focused in order to accommodate the remaining RHNA shortfall by rezoning two sites to provide at least 370 affordable multi-family housing units; and,

WHEREAS, a Notice of Preparation (NOP) for the Focused Rezone Program Environmental Impact Report (EIR) was issued on June 27, 2008 for a 30-day public and agency EIR scoping period. During this period, staff conducted a noticed public scoping meeting on July 22, 2008; and,

WHEREAS, the Santa Barbara County Planning Commission held a noticed public hearing on August 27, 2008 where they considered a technical amendment to the 2003-2008 Housing Element to reflect the residential development capacity made available through approval of the IVMP. This technical amendment was considered and adopted by the Board of Supervisors on September 9, 2008 pursuant to California Government Code Sections 65358 and 65580 et seq. according to the adopted procedure; and,

WHEREAS, pursuant to Public Resources Code Sections 21092 and the State CEQA Guidelines § 15087, a Notice of Availability of a Draft Environmental Impact Report (08-EIR-00005, SCH#2008061139) for the Focused Rezone Program was released for public review on August 5, 2008. A noticed public comment hearing on the Draft EIR was held on September 3, 2008. The public comment period for the Draft EIR closed on September 19, 2008 after a 45-day period; and,

WHEREAS, pursuant to State CEQA Guidelines § 15088, in response to public comments, revisions were made and the Proposed Final EIR was released on October 3, 2008, including written responses to comments received on the draft document; and,

WHEREAS, the Santa Barbara County Planning Commission held noticed public hearings on the Focused Rezone Program on October 17, 2008, and November 12, 2008, during which they considered the Focused Rezone Program, the Proposed Final EIR, findings and statement of overriding consideration, staff recommendations, and public testimony. The Commission recommended that the Board of Supervisors certify the Final EIR and adopt amendments to the County of Santa Barbara General Plan Housing Element, Land Use Element, Orcutt Community Plan, and the Land Use & Development Code intended to implement the Focused Rezone Program; and,

WHEREAS, it is now deemed in the interest of orderly development of the County and important to the preservation of health, safety, and general welfare of the residents of said County, and in the interest of following the requirements of Government Code § 65583 et seq. that the Planning Commission recommend that the County Board of Supervisors approve the Housing Element Focused Rezone Program by amending the Santa Barbara County General Plan Housing Element; Orcutt Community Plan; Land Use & Development Code; and the County Zoning Map.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Government Code Sections 65354 and 65855, the Planning Commissions recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, accept the above mentioned recommendation of this Commission to approve the Housing Element Focused Rezone Program by amending the Santa Barbara County General Plan Housing Element; Orcutt Community Plan; Land Use & Development Code; and the County Zoning Map
3. A copy of this Resolution shall be transmitted to the County Board of Supervisors along with said proposed draft amendments.

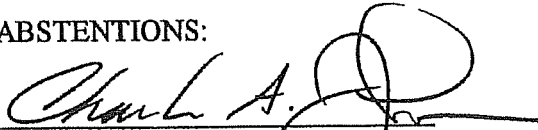
PASSED, APPROVED, AND ADOPTED by the Planning Commission of the County of Santa Barbara, State of California, this 12th day of November, 2008, by the following vote:

AYES: Cooney, Brown, Jackson, Valencia, Blough

NOES:

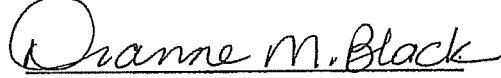
ABSENT:

ABSTENTIONS:



CHARLES JACKSON, Chair
County Planning Commission, County of Santa Barbara

ATTEST:



DIANNE BLACK
Secretary of the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By 

Deputy County Counsel

Attachment C-1

Board of Supervisors Resolution

Exhibit 1: Housing Element Policy 1.10: Action 1

Exhibit 2: Housing Element Appendix E2

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

IN THE MATTER OF AMENDING THE GENERAL)
PLAN HOUSING ELEMENT TO INCLUDE TEXT) RESOLUTION NO. 08-
CHANGES AND THE ADDITION OF THE FOCUSED)
REZONE PROGRAM)

Case No. 08GPA-00000-00008

WITH REFERENCE TO THE FOLLOWING:

WHEREAS, California Government Code Section 65302 (c) requires that localities adopt a General Plan Housing Element that complies with the State's standards as set forth in Government Code Section 65580 et seq.; and,

WHEREAS, California Government Code Section 65583.2(c)(2) enables localities to amend the Housing Element land inventory and capacity analysis to adjust for changes in land use controls and the removal of constraints that occurred during the planning period for purposes of accommodating the jurisdiction's Regional Housing Needs Allocation; and,

WHEREAS, on May 9, 2006, the Board of Supervisors adopted the General Plan Housing Element (hereinafter "Housing Element") to amend the General Plan with policies, standards, and implementation measures within the County of Santa Barbara; and,

WHEREAS, the Housing Element has been reviewed and conditionally certified on August 2, 2006, by the State Department of Housing and Community Development, indicating that it has been determined to be in compliance with State Housing Element law and otherwise consistent with State Planning and Zoning Law, contingent on implementation of the County's Housing Element Policy 1.10: Action 1, Rezone Program that would accommodate the lower-income component of the Regional Housing Needs Allocation (RHNA); and,

WHEREAS, on June 16, 2008 the California Department of Housing and Community Development directed the County to amend the Housing Element land inventory to reflect a change in capacity made possible by the Board adoption of the Isla Vista Master Plan and to concurrently proceed with a rezone program to address the remaining RHNA shortfall; and,

WHEREAS, on August 5, 2008, the County circulated for public review a Environmental Impact Report (EIR), under the provisions of the California Environmental Quality Act (CEQA), for the Focused Rezone Program. The public comment period for the EIR was from August 5, 2008 to September 18, 2008; and,

WHEREAS, on September 9, 2008, the Board of Supervisors amended the Housing Element to reflect an updated land inventory that effectively reduced both the size and scope of the rezone program from the 1,235 units described in Housing Element to 370 units; and,

WHEREAS, on October 17, 2008, and November 12, 2008, the Planning Commission held noticed public hearings on the Focused Rezone Program during which they considered the information provided in the EIR. The Planning Commission recommended that the Board of Supervisors certify the Final EIR and EIR Revision Letter dated October 15, 2008 and adopt amendments to the Santa Barbara County General Plan Housing Element; and,

WHEREAS, the Board of Supervisors has reviewed and considered the information provided in the EIR and EIR Revision Letters cited above and finds that the EIR is complete, in compliance with CEQA, and that it represents the independent judgment of the Board of Supervisors. The Board of Supervisors hereby certifies 08-EIR-00005 (SCH#2008061139) including EIR Revision Letters dated October 15, 2008 and November 12, 2008; and

WHEREAS, it is now deemed in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the General Plan Housing Element, as set forth in Exhibit 1 and Exhibit 2 contained herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitation is true and correct.
2. The County shall:
 - a. Amend the General Plan Housing Element by inserting a revised Policy 1.10: Action 1 Rezone Program.
 - b. Amend the General Plan Housing Element by adding a new subsection describing the revised Focused Rezone Program entitled Appendix E2.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 9th day of December, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk-Recorder

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: _____
Deputy County Counsel

Exhibit 1

Exhibit 1

Accommodate Fair Share Housing Needs

Policy 1.10: The county shall ensure adequate sites zoned at densities that accommodate the county's "fair share" housing needs for the current planning period (January 2001-July 2008) at all income levels and in all HMAs as defined by the Regional Housing Needs Assessment (RHNA) for Santa Barbara County (adopted December 2002).

<p>Action 1: Within one year of the adoption of this Element the county shall rezone sufficient sites to accommodate the remaining affordable housing need identified in Section VII, Table 57. 62 acres of land to facilitate the development of for-sale and rental multifamily housing at a minimum of 20 dwelling units per acre, commensurate with the county's 2003-2008 housing allocation for lower income households. Each site shall be capable of accommodating at least 20 dwelling units per acre and 16 units per site and permit processing procedures shall be established for the rezoned sites in conformity with the requirements of Government Code Section 65583.2 (h) and (i).</p>	<p>Timing: May 2007</p> <p>Responsible Department(s): P&D</p>
<p>Action 2: Within one year of adoption of this Element, the county shall apply an overlay to appropriate sites which would establish a minimum allowed density for those sites to increase certainty and consistency in the level of development permitted on residential land as required to meet the county's RHNA allocation.</p>	<p>Timing: May 2007</p> <p>Responsible Department(s): P&D</p>
<p>Action 3: Within one year of the adoption of this Element, the county shall adopt zoning ordinance amendments to implement a variable density program to encourage the construction of greater numbers of smaller units.</p>	<p>Timing: May 2007</p> <p>Responsible Department(s): P&D</p>
<p>Action 4: The Isla Vista Master Plan will address potential rezones to accommodate current and future housing needs in the Isla Vista Planning Area. The plan has been initiated and is expected to be adopted by the county by Fall 2006.</p>	<p>Timing: Fall 2006</p> <p>Responsible Department(s): P&D</p>
<p>Action 5: The Santa Ynez Community Plan will address potential rezones to accommodate current and future housing needs in the Santa Ynez Community Planning Area. The community plan is expected to be adopted by the county by Fall 2006.</p>	<p>Timing: Fall 2006</p> <p>Responsible Department(s): P&D</p>

Exhibit 2

APPENDIX E2: FOCUSED REZONE PROGRAM

SUMMARY

The Focused Rezone Program was necessary to comply with State HCD's direction and to maintain certification of the 2003-2008 Housing Element by creating capacity for additional units that are zoned at densities identified by State Housing Law as being appropriate to accommodate low and very low income categories. More specifically, the Focused Rezone Program was designed to implement Housing Element Policy 1.10: Action 1, by identifying, selecting, and rezoning vacant sites sufficient to accommodate an additional capacity for 370 lower income units of affordable multifamily housing in the unincorporated County. The Focused Rezone Program amended the existing zoning, policy, and development standards for the identified sites as well as removed government constraints for the purpose of facilitating by-right construction of multifamily residential units at a density not less than 20 units per acre. Implementation of the Focused Rezone Program was completed in December 2008, thereby ensuring the additional residential capacity was made available prior to the August 31, 2009 end of the 2001-2009 state housing planning period.

Two sites identified in the Orcutt Community Plan as Orcutt Key Sites 3 and 16, were selected by the County and rezoned to accommodate 370 units of multifamily housing. Consistent with state housing law (Table E2-1), multi-family housing on these sites is affordable-by-design under the density established by the new zone district. Both sites were among the ten specific sites identified by the Planning Commission on May 24, 2006 for inclusion in the Housing Element Rezone Program.

The 370 lower income units provided for in the Focused Rezone Program are an addition to the 865 potential units in the Isla Vista Planning Area as identified in *Section VII: Isla Vista Master Plan Land Inventory and Housing Capacity*. The combined 1,235 units fulfill the County's remaining obligation to provide sufficient capacity to accommodate the RHNA of 6,064 units for the 2001-2009 housing planning period.

Table E2-1 Housing Sites Identified in the Focused Rezone Program

Site	Current Zoning	Proposed Zoning	Total Acreage of Property	Potential Acreage to be Rezoned to 20 units per acre (maximum)	Potential Units
Key Site 3	RR-10	MR-O	146.5	8.0	160
Key Site 16	S/C	MR-O	11.8	10.5	210
Total			157	18.5	370

Attachment C-2

Orcutt Community Plan Amendment

Exhibit 1: Key Site 3 Text and Land Use Designation Map

Exhibit 2: Key Site 16 Text and Land Use Designation Map

Exhibit 3: Mitigation Monitoring and Reporting Program

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

IN THE MATTER OF APPROVING SPECIFIC)
AMENDMENTS TO THE ORCUTT COMMUNITY)
PLAN SECTION OF THE GENERAL PLAN BY)
CHANGING TEXT AND LAND USE DESIGNATIONS)
TO BE CONSISTENT WITH THE GENERAL PLAN) RESOLUTION NO. 08-
HOUSING ELEMENT FOCUSED REZONE PROGRAM)

Case No. 08GPA-00000-00009

WITH REFERENCE TO THE FOLLOWING:

WHEREAS, California Government Code Section 65302 (c) requires that localities adopt a General Plan Housing Element that complies with the State's standards as set forth in Government Code Section 65580 et seq.; and,

WHEREAS, California Government Code Section 65583.2(c)(2) enables localities to amend the Housing Element land inventory and capacity analysis to adjust for changes in land use controls and the removal of constraints that occurred during the planning period for purposes of accommodating the jurisdiction's Regional Housing Needs Allocation; and,

WHEREAS, on July 22, 1997, the Board of Supervisors adopted the Orcutt Community Plan (hereinafter referred to "OCP") section of the County General Plan to amend the General Plan with policies, standards, and implementation measures within the County of Santa Barbara; and,

WHEREAS, on August 5, 2008, the County circulated for public review an Environmental Impact Report (EIR), under the provisions of the California Environmental Quality Act (CEQA), for the Focused Rezone Program. The public comment period for the EIR was from August 5, 2008, to September 19, 2008; and,

WHEREAS, on October 17, 2008, and November 12, 2008, the Planning Commission held noticed public hearings on the Focused Rezone Program during which it considered the information provided in the EIR. The Planning Commission recommended that the Board of Supervisors certify the Final EIR and EIR Revision Letter dated October 15, 2008 and approve the Focused Rezone Program by adopting amendments to the Orcutt Community Plan; and,

WHEREAS, The Board of Supervisors has reviewed and considered the information provided in the EIR and EIR Revision Letters cited above and finds that the EIR is complete, in compliance with CEQA, and that it represents the independent judgment of the Board of Supervisors. The Board of Supervisors hereby certifies 08-EIR-00005

(SCH#2008061139) including EIR Revision Letters dated October 15, 2008 and November 12, 2008; and,

WHEREAS, it is now deemed in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Orcutt Community Plan, as set forth in Exhibit 1, Exhibit 2, and Exhibit 3 contained herein, the Board of Supervisors hereby adopts the OCP section of the General Plan identified as Case No. 08GPA-00000-00009.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitation is true and correct.
2. The County shall:
 - a. Amend the Orcutt Community Plan by changing land use designations from Residential Ranchette Minimum Parcel Size 10 acres to Residential 20 (portion of APN 129-151-026) and General Commercial to Residential 20 (portion of APN 105-330-001 and 105-330-002) and by revising development standards for two sites identified in the Orcutt Community Plan as Key Site #3 (Exhibit 1) and Key Site #16 (Exhibit 2).
 - b. Amend the Orcutt Community Plan by adding Appendix F - Housing Element Focused Rezone Mitigation Monitoring and Reporting Program (Exhibit 3).

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 9th day of December, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk-Recorder

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: _____
Deputy County Counsel

Exhibit 1

Orcutt Community Plan Amendment – Exhibit 1

KEY SITE 3 (Smith)

This 146.49 acre site (APN 129-151-26) is located in the southeastern section of the Orcutt Planning Area. It is bounded by Highway 101 on the northeast, the Sunny Hills mobile home park on the north, 5-20 acre ranchettes to the west, and the undeveloped Solomon Hills to the south (Figure KS3-1). The site is vacant and a portion is currently used for cattle and horse grazing. It contains approximately 43 acres on a level northern mesa and approximately 45 acres in a central low lying area. These areas are separated by a steep bluff which drops 30-50 feet from north to south. Orcutt Creek and its floodplain extend from east to west through the site along the base of the Solomon Hills, with the floodplain extending over approximately 37 acres of the central low lying area. South of the creek, approximately 60 acres of the site rise close to 200 feet to the foothills from the lower mesa. These areas are characterized by steep slopes (many in excess of 30%) and erosional features including deep gullies. A plugged and abandoned dry hole is located in the SW corner of the site.

Vegetation on the site varies greatly. The northern mesa contains non-native grasslands currently used for livestock grazing. The central low lying area has been re-colonized by coyote bush and non-native grasses. Orcutt Creek supports a rich and diverse riparian community dominated by large oak trees. Another small segment of the creek crosses the northern portion of the site. The portions of the site which extend into the foothills south of the creek are densely vegetated with coastal sage scrub, chaparral, oak/sage complexes, oak woodland and other vegetation. Seven large eucalyptus trees are scattered along the site's boundary with Highway 101.

The site serves as a visual "gateway" as it is plainly visible to surrounding developed properties and both north and southbound travelers on Highway 101. The existing views experienced by residents of the adjacent developments include the Solomon Hills to the south and east, and undeveloped open space to the east. Residents of the ranchettes to the southwest enjoy a view of the valley between the bluff and the Solomon Hills as well as the Orcutt Creek riparian corridor. High noise levels from US Highway 101 affect the eastern property boundary. The entire site lies within a County Fire Department designated "High Fire Hazard" area.

Land use and zoning designations for Site 3 are Residential Ranchette/RR-10 and Multi-Family Residential – Orcutt/MR-O with all development limited to the northern mesa; the remainder of the site is to remain in open space. The MR-O zoned portion of the property allows for 20 residential units/acre by right as a result of the General Plan Housing Element Focused Rezone Program. If the owner/developer dedicates the areas identified as "Open Space" on Figure KS3-1 to a public agency and agrees to pay the revised school fee (as outlined in Action SCH-O-1.3), the land use and zoning for the portion of the site zoned RR-10 may be changed to PD/PRD 125 units. Under this alternative scenario, potential projects within the developable area could consist of single family dwellings, multiple family dwellings (townhouses, condominiums, etc.), or a combination of these

housing types.

Constraints on this site are related to flood hazards and aesthetic qualities of Orcutt Creek, visual resources, compatibility with adjoining uses, limited access, noise, fire hazards, and archaeological resources. Development standards for Key Site 3 require development to be concentrated on the northern portion of the site due to the presence of Orcutt Creek, the riparian corridor and the flood hazard area (see Figure KS3-1). The northern portion of the site is most suitable for higher density development due to its level terrain and proximity to the high density mobile home park to the north.

Key Site 3 does not have direct access to any existing public roadway. Primary access would be via easement from an existing access road which originates at the northeast corner of the site and continues as a Highway 101 "frontage road" to Clark Avenue. Secondary, emergency-only access could be from Oakbrook Lane to the west.

Site 3 is the eastern terminus for the Orcutt Creek Open Space Corridor, with open space covering the area extending from the "neck" in the parcel to the southern parcel boundary, and a 75-foot strip of land along the eastern boundary with Highway 101. A 2,000 foot segment of Class I bikepath/multi-use public trail would parallel the northern bank of Orcutt Creek across the site. Hiking trails are proposed along the entire length of the site's boundary with Highway 101 and along the western boundary from the southern bank of Orcutt Creek, near the terminus of Chancellor Drive, to the southern site boundary. The latter trail would include a 1/8-acre rest area which overlooks the Santa Maria Valley.

KEY SITE 3 DEVELOPMENT STANDARDS

Policy KS3-1: Key Site 3 (APN 129-151-26) is designated Res Ranch and Res. 20.0 and zoned RR 10 and MR-O. Any proposed development on Key Site 3 shall comply with the following development standards.

Policy KS3-2: The County shall consider redesignating/rezoning portions of Key Site 3 to PD/PRD 125 units only if:

- A. The areas identified as "Open Space" on Figure KS3-1 have been dedicated to the County or other County-approved group or agency, and
- B. The property owner has demonstrated compliance with Action SCH-O-1.3.

Any proposed development on Key Site 3 shall comply with the following development standards.

- DevStd KS3-1:** Development of the site shall be limited to the northern mesa as designated on Figure KS3-1 (north of the "neck" created by the NE corner of the lots on Chancellor Street).
- DevStd KS3-2:** In order to provide compatibility with existing adjacent development, density shall transition from "lower" at the southern and western perimeters of the mesa to "higher" for the internal development. The area extending from the top of the bluff to the southern site boundary, and a 75 foot strip along the entire eastern site boundary shall remain in natural, undeveloped open space. No development except bikepaths, hiking trails, rural landscaping, the proposed rest area and other passive recreational areas (e.g., seating areas) shall be permitted within this area.
- DevStd KS3-3:** If it is determined that a weir or retention basin is needed onsite to control runoff, such a facility shall be sited within the proposed open space area (shown on Figure KS3-1) in coordination with SBCFCD and P&D, and designed to minimize impacts to riparian and/or oak woodlands. Peak runoff shall be controlled consistent with County Flood Control District and appropriate National Pollution Discharge Elimination Systems permits.
- DevStd KS3-4:** Drought tolerant landscape screening such as oaks and other trees and shrubs shall be planted on the southwest facing slope leading down to Chancellor Street and on the southern slope between development and the proposed open space area.
- DevStd KS3-5:** The bike path, hiking trails, rest area, and secondary access roads shall be located to minimize loss of significant vegetation.
- DevStd KS3-6:** No development other than a secondary access road from Oakbrook Lane shall occur within 100 feet of the dripline of the vegetation in the southwest corner of the northern mesa, or within a 25-foot buffer from the top of bluff of the canyon in the northeast corner of the site.
- DevStd KS3-7:** Primary access to the site shall be from the frontage road along US Hwy 101. The existing easement over Site 2 shall be renegotiated to accommodate development of Site 2 and to align with the "preferred access point" intersection. The developer shall coordinate with P&D, Public Works Transportation Division and the Fire Department to ensure appropriate secondary access from Oakbrook Lane.
- DevStd KS3-8:** The developer shall construct access road improvements along the eastern boundary of Sunny Hills Mobile Home Park in coordination with development on Site 2. Improvements shall include standard County

Roadway frontage improvements, landscape screening from US Hwy 101, and a separated, public off-road trail. Through the Infrastructure Financing Program, the County shall establish a reimbursement mechanism to allow road improvement costs to be shared on a pro-rata basis with the developer of Site 2. In addition, once the access road to Site 3 enters the developable area, it should be located away from US Hwy 101.

DevStd KS3-9: Development setbacks shall be applied to identified archeological resources (see EIR, Vol. III). The areas within the identified setbacks shall be incorporated into the project design and designated on construction drawings as "Undevelopable Open Space." These areas shall be seeded with shallow-rooted vegetation.

DevStd KS3-10: The developer shall dedicate an easement for, and construct, a flood control/emergency access route along Orcutt Creek which can also be used as a Class I bike path as well as hiking trails through Key Site 3, with appropriate links to new onsite development.

DevStd KS3-11: Homes located on the northern, western and southern mesa boundaries adjacent to existing residential development that are not zoned MR-O shall be limited to one story in height to reduce visual impacts on these existing residences. In addition, on the northern site boundary, the developer shall install a 25-foot wide rural landscape buffer. Taller buildings within the MR-O zone shall be located away from the edge of the zone district to the maximum extent feasible.

DevStd KS3-12: Development on the site shall be consistent with the "gateway policies" in the Visual Resources section (IV.H).

DevStd KS3-13: Development on the portion of the property designated Res. 20.0 and zoned MR-O shall be constructed at a minimum and maximum of 20 dwelling units/acre by right, excluding private and public right-of-way.

DevStd KS3-14: Future residential development shall, at minimum, include the design components listed below:

- 1. *Roofing and Feature Color and Material.*** Development shall include darker, earth tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the natural visual backdrop of the area, as applicable. Roof materials shall match the prevailing materials used in the surrounding vicinity in

order to preserve, to the extent feasible, current visual characteristics. Natural-appearing building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

2. *Compatibility with Adjacent Uses.* The design and character of the project architecture shall be compatible with the existing development adjacent to the site, to the extent feasible.

3. *Masonry Walls and Sound Walls.* All masonry walls, including sound walls, shall provide color in tones compatible with surrounding terrain, using textured materials or construction methods that generate a textured effect. Clinging vines and/or native vegetation planting shall be provided directly adjacent to any walls to soften the visual effect. Vegetation that is planted along walls adjoining habitable structures shall be consistent with the requirements of an approved fire/vegetation management plan.

DevStd KS3-15: All front, side and rear elevations for all structures visible from public viewpoints shall incorporate design features that avoid long, unarticulated facades.

DevStd KS3-16: Project entrance monuments that may be provided shall be visually compatible with surrounding development, shall be consistent with the natural character of the area, and shall only be illuminated with hooded and downward-directed lighting of the lowest intensity that provide adequate lighting. Excessive lighting intensity shall not be permitted.

DevStd KS3-17: Signs shall be constructed of high quality materials and are encouraged to have borders, trim, and be recessed into their frames. Lettering style and colors shall be consistent with the rural character of Orcutt.

DevStd KS3-18: Future development proposals for the MR-O portion of the site shall be designed in a manner that avoids potential privacy impacts through the use of one or more of the following measures, as appropriate:

- Use of building setbacks from existing development and/or landscaping to increase privacy and reduce potential nuisance noise impacts;

- Adherence to lower building heights for components of the development closest to existing neighborhoods;
- Ensuring that any proposed balconies and proposed third story windows do not present privacy issues such as having line of sight views into rear yards and other private areas of adjacent existing development.

DevStd KS3-19: New lighting shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare. The following standards shall also be implemented:

- All exterior lighting shall be designed as part of the overall architectural concept.
- Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the County.
- Lighting shall be used for safety and security to illuminate building entrances, parking and loading areas, and pedestrian walkways.
- Light fixtures with exposed light bulbs shall generally be avoided.
- All light fixtures shall be shielded or of a type fitted with lenses to confine the cone of light to the extent feasible.
- Lighting sources shall no cast stray light beyond the property line on which they are installed.

DevStd KS3-20: Finish materials, including glazing, shall be of a low reflectivity to minimize glare. Development shall include low reflectivity glass, subdued colors for building materials in high visibility areas, and the use of plant material along the perimeter of the structures to soften views.

DevStd KS3-21: Streetlights located within the development shall be pedestrian in scale, and range in height from 12 feet to 25 feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination. High mast street lighting shall be shielded and decorative to be compatible with the rural character of Orcutt.

Mitigation Program: Development of Key Site 3 shall also be subject to additional mitigation measures prior to final zoning clearance. Refer to the Mitigation

Monitoring and Reporting Program (MMRP) in Appendix F for additional requirements related to development of the site.

EXHIBIT 1
Residential 20.0 Land Use on Key Site 3

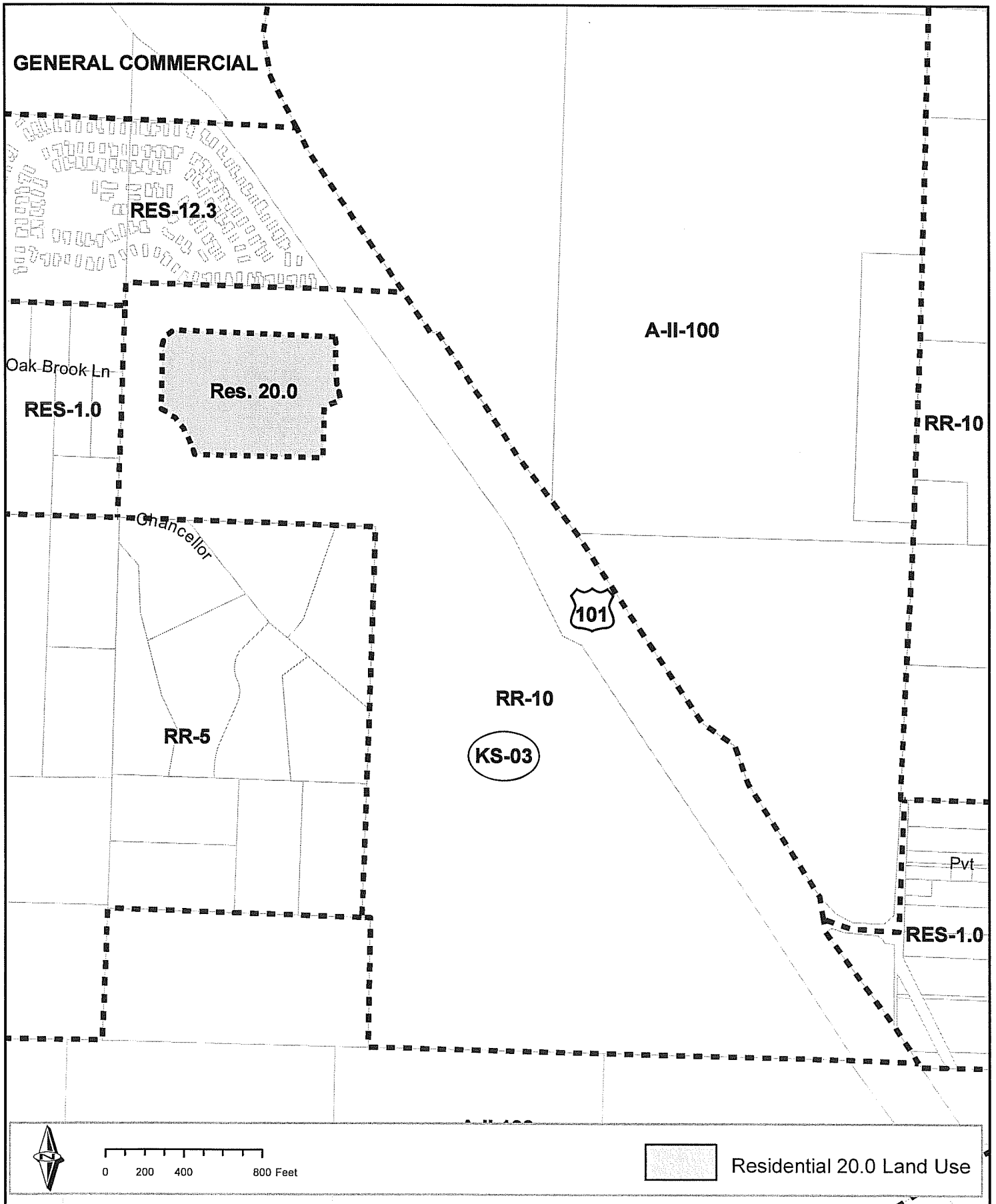


Exhibit 2

Orcutt Community Plan Amendment – Exhibit 2

KEY SITE 16 (Union Oil Clark/California)

This 11.77 acre site, APN 105-330-01 (9.29 ac) and 105-330-02 (2.48 ac), is located on the south side of Clark Avenue at Marcum Road, just west of California Boulevard. Surrounding land uses include Clark Avenue and residential development to the north; a Union Oil production facility to the southeast; Marcum Road and the Unocal Headquarters to the east; and undeveloped land (Key Site 15) to the south and west (Figure KS16-1).

Key Site 16, in combination with Key Site 15 (which extends west and south of the site) serve as a visual gateway into Old Town Orcutt. The site's topography gently slopes to the southwest. Graciosa Creek flows from southeast to northwest along the western site boundary and several abandoned oil pipelines are located within the creek corridor. Vegetation onsite consists primarily of non-native grasses, ice-plant and mustard. Scattered willows and coastal dune scrub are also present along portions of Graciosa Creek.

The entire site was heavily disturbed by previous oil production activity. A large oil storage tank was located near the northeastern corner of the site but has been removed. The Orcutt Pump Station, an active oil production facility, is located near the southeast corner of the site adjacent to Marcum Road and immediately south of the oil storage tank's former location. The site's northern boundary is exposed to high noise levels (65-69 dB) from traffic on Clark Avenue.

Due to its location to Old Town, proximity to existing and future residential areas, and lack of significant environmental or physical constraints, the site is a prime location for pedestrian oriented high density residential development. Land use designation/zoning for the site is Residential 20.0/MR-O. Access could be from Clark Avenue, Marcum Road, and/or the unnamed road at the center of the northern border. Any development along Graciosa Creek would require a minimum 50 foot setback along with mitigation measures to restore the creek's degraded riparian habitat. Some planning issues for this site, such as setbacks, parking, and architectural styles will be addressed in the Old Town Implementation Study.

OPA policies and development standards require that future residential development on the site be consistent with the visual character of the Old Town area, located immediately to the east. Additionally, projects on the site shall not detract from Clark Avenue's value as a gateway to the Old Town area.

KEY SITE 16 DEVELOPMENT STANDARDS

Policy KS16-1: **Key Site 16 (APN 105-330-01 and -02) is designated Residential 20.0 and zoned Multifamily Residential - Orcutt (MR-O). Any proposed**

development on Key Site 16 shall comply with the following development standards.

- DevStd KS16-1:** To the extent feasible, Site 15 and 16 shall be designed in coordination to provide the most appealing gateway development. Such coordination shall include design, scale, architectural style and color of development.
- DevStd KS16-2:** The area extending along Graciosa Creek shall remain in natural, undeveloped open space as shown on Figure KS16-1. No development except hiking trails, a footbridge or a park shall be permitted within the open space. The eastern boundary of the open space area shall be delineated by a low fence and planting of native trees and shrubs. As part of development on this site, a foot trail shall be constructed along Graciosa Creek as shown on Figure KS16-1, linking with the trail on Site 15 to the south. Riparian and other significant native vegetation within this open space shall be protected and enhanced and the Creek shall be incorporated wherever feasible into the design of the site.
- DevStd KS16-3:** Development of the site shall include installation of an average 35 foot wide landscaped buffer along Clark Avenue. The buffer shall be landscaped with a sufficient density of drought-tolerant trees and shrubs to entirely screen all parking areas from this roadway and to break-up/partially obscure, building masses. Trees shall be planted along Clark which reach a minimum height of 35-50 feet at maturity with a sufficiently large canopy to partially extend over Clark Avenue.
- DevStd KS16-4:** Landscaped buffer areas along the perimeter of the development shall include decorative masonry walls and/or landscaped berms to break up views of parking areas and building masses onsite. In addition, landscaping on this site shall screen views from the site of the pump station and oil tanks on the adjoining property to the southeast. All screening walls shall be planted with fast growing vines and shrubs along the base.
- DevStd KS16-5:** Development of the site shall include attractively landscaped pedestrian entries from adjacent roadways and the footbridge from Site 15, with attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the site's own internal pedestrian circulation.
- DevStd KS16-6:** No parking shall be allowed on the northward (Clark Ave.) frontage of this site. To the greatest degree feasible, parking areas shall provide pedestrian linkage to other areas of Old Town.

DevStd KS16-7: In order to minimize automobile traffic and provide for alternative transportation, the project shall provide frontage and construct a bus pull-out on Clark Avenue. If deemed necessary, the project shall also construct a bus stop shelter on Clark Avenue.

DevStd KS16-8: Development on this site shall be reviewed for gateway landscaping along Clark Avenue, including pedestrian access and landscaping on the frontage and consideration of the need for a center median on Clark Ave. if appropriate. If a median is deemed necessary, the entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to County Public Works and P&D, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient size and spacing to provide a partial canopy over Clark Avenue. The developer shall be responsible through a bond for maintaining the new landscaping for a period of 3 years or until such time as the County determines it is "established" or adopts a landscape maintenance district or other method for median maintenance, whichever occurs first.

DevStd KS16-9: Development on the site shall be consistent with the "gateway policies" in the Visual Resources section of this Plan (Section IV. H).

DevStd KS16-10: Residential development shall be constructed at a minimum and maximum of 20 dwelling units/acre by right, excluding private and public right-of-way.

DevStd KS16-11: Future residential development shall, at minimum, include the components listed below:

1. **Roofing and Feature Color and Material.** Development shall include darker, earth tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the natural visual backdrop of the area, as applicable. Roof materials shall match the prevailing materials used in the surrounding vicinity in order to preserve, to the extent feasible, current visual characteristics. Natural-appearing building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.
2. **Compatibility with Adjacent Uses.** The design and character of the project architecture shall be compatible

with the existing development adjacent to the site, to the extent feasible.

3. **Masonry Walls and Sound Walls.** All masonry walls, including sound walls, shall provide color in tones compatible with surrounding terrain, using textured materials or construction methods that generate a textured effect. Clinging vines and/or native vegetation planting shall be provided directly adjacent to any walls to soften the visual effect. Vegetation that is planted along walls adjoining habitable structures shall be consistent with the requirements of an approved fire/vegetation management plan (refer to measure FH-1(a) in Section 4.6, *Fire Hazards*).

DevStd KS16-12: All front, side and rear elevations for all structures visible from public viewpoints shall incorporate design features that avoid long, unarticulated facades.

DevStd KS16-13: Project entrance monuments that may be provided shall be visually compatible with surrounding development, shall be consistent with the natural character of the area, and shall only be illuminated with hooded and downward-directed lighting of the lowest intensity that provide adequate lighting. Excessive lighting intensity shall not be permitted.

DevStd KS16-14: Signs shall be constructed of high quality materials and are encouraged to have borders, trim, and be recessed into their frames. Lettering style and colors shall be consistent with the rural character of Old Town Orcutt.

DevStd KS16-15: New lighting shall be oriented away from sensitive uses, and should be hooded, shielded, and located to direct light pools downward and prevent glare. The following standards shall also be implemented:

- All exterior lighting shall be designed as part of the overall architectural concept.
- Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the County.
- Lighting shall be used for safety and security to illuminate building entrances, parking and loading areas, and pedestrian walkways.

- Light fixtures with exposed light bulbs shall generally be avoided.
- All light fixtures shall be shielded or of a type fitted with lenses to confine the cone of light to the extent feasible.
- Lighting sources shall no cast stray light beyond the property line on which they are installed.

DevStd KS16-16: Finish materials, including glazing, shall be of a low reflectivity to minimize glare. Development shall include low reflectivity glass, subdued colors for building materials in high visibility areas, and the use of plant material along the perimeter of the structures to soften views.

DevStd KS16-17: Streetlights located within the development shall be pedestrian in scale, and range in height from 12 feet to 25 feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination. High mast street lighting shall be shielded and decorative to be compatible with the rural character of Orcutt.

DevStd KS16-18: Future development proposals for the MR-O portion of the site shall be designed in a manner that avoids potential privacy impacts through the use of one or more of the following measures, as appropriate:

- Use of building setbacks from existing development and/or landscaping to increase privacy and reduce potential nuisance noise impacts;
- Adherence to lower building heights for components of the development closest to existing neighborhoods;
- Ensuring that any proposed balconies and proposed third story windows do not present privacy issues such as having line of sight views into rear yards and other private areas of adjacent existing development.

Mitigation Program: Development of Key Site 16 shall also be subject to additional mitigation measures prior to final zoning clearance. Refer to the Mitigation Monitoring and Reporting Program (MMRP) in Appendix F for additional requirements related to development of the site.

EXHIBIT 2
Residential 20.0 Land Use on Key Site 16

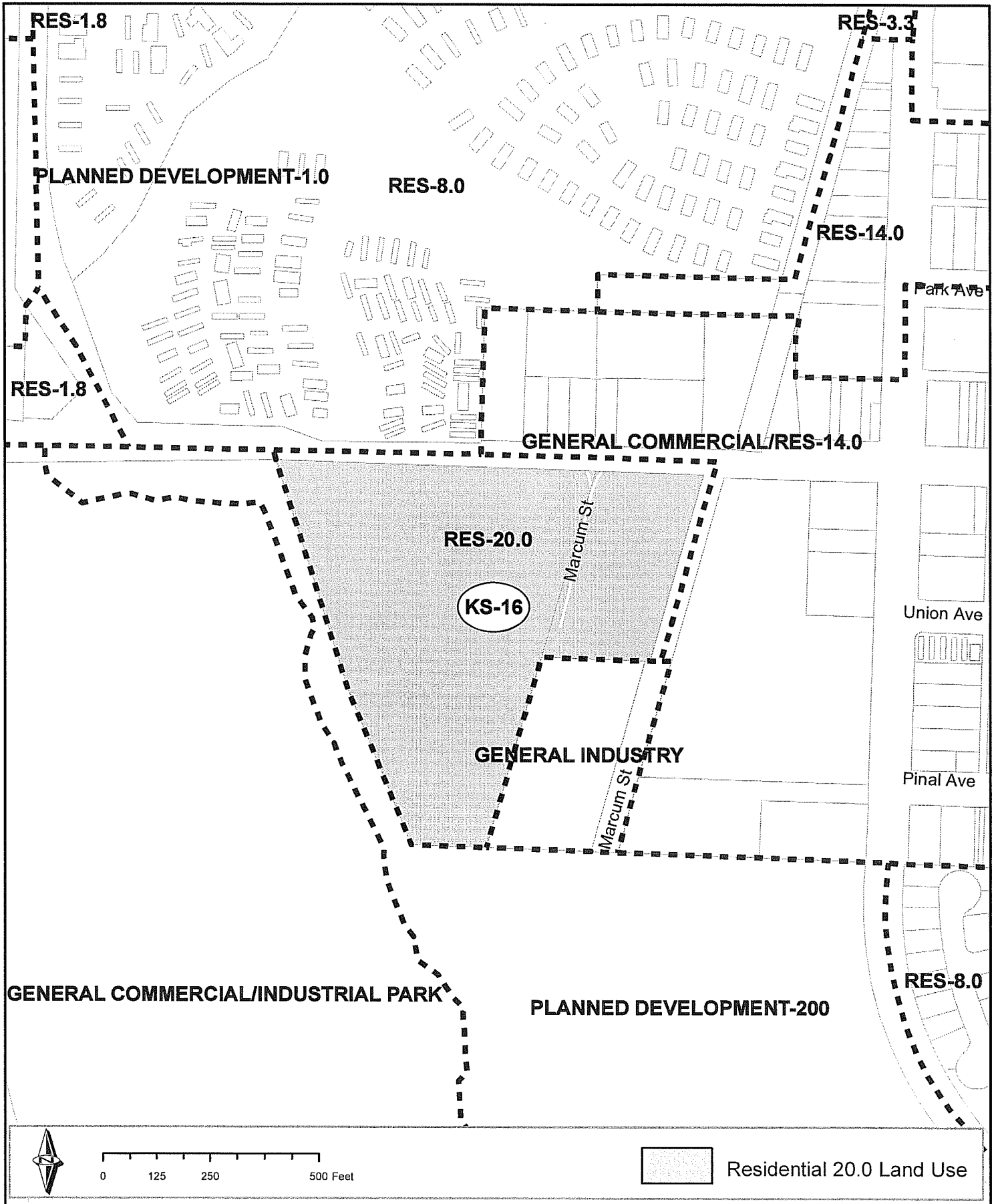


Exhibit 3

10.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in this Environmental Impact Report, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP).

In order to implement this MMRP, the County of Santa Barbara shall designate a Project Mitigation Monitoring and Reporting Coordinator (“Coordinator”). The coordinator shall be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. Further, the coordinator will distribute copies of the MMRP to those responsible agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure shall not in any way prevent the lead agency from implementing the proposed project.

The following list shall be used as the coordinator’s checklist to determine compliance with required mitigation measures for each of the proposed rezone sites. The list is broken down into mitigation measures that apply to the Key Site 3 Rezone Site, followed by mitigation measures that apply to the Key Site 16 Rezone Site. The numbering of the mitigation measures pertains to the associated impact discussion, so numbered mitigation measures in the list may skip numbers if the impact was not found to be significant for the particular site. Where mitigation is recommended, rather than required, this is indicated in parentheses following the measure name.



Mitigation Measures Required for the Rezone Portion of Key Site 3

Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date
TRAFFIC AND CIRCULATION				
TC-2 U.S. 101 Ramps/Clark Avenue Traffic Signal. Future applicants shall pay fair share fees to install a traffic signal and other related interchange improvements, if deemed necessary along with the signal, at the intersection of Highway 101 Ramps and Clark Avenue, consistent with the Orcutt Transportation Improvement Plan (OTIP). Signalization at this intersection would result in LOS B operations under Cumulative + Project conditions.	The applicant shall contribute fair share fees toward the installation of the improvements prior to occupancy clearance.	County Public Works shall ensure payment of fees prior to occupancy clearance.		
TC-4 SMAT Consultation (recommended measure). The applicants of Key Site 3 should contact SMAT officials to determine if the existing transit service would accommodate the site's transit demands and to assess the appropriate bus stop locations/amenities in the vicinity of the site.	The applicant should receive SMAT approval and incorporate any SMAT recommendations prior to zoning clearance.	Planning & Development (P&D) should verify SMAT approval and incorporation of recommendations prior to zoning clearance.		
BIOLOGICAL RESOURCES				
BIO-1(b) Wetland Delineation: A wetland delineation shall be conducted in accordance with standards set forth by the Corps and the state of California in order to determine the regulatory status of the potential wetland within the rezoned site of Key Site 3. If the wetland delineation determines that this area is not within the defined criteria established by the Corps, RWQCB, CDFG or County, no mitigation shall be required. If the wetland delineation determines that the area is definable as a wetland within the jurisdiction of one of these regulatory agencies, a permit shall be obtained from the appropriate agency prior to issuance of zoning clearance. If it is determined that there will be impacts to wetland habitat, a Wetland Mitigation and Monitoring Plan shall be developed by a qualified biologist. This plan shall specify that development will be designed to reduce or eliminate impacts to wetlands to the greatest extent feasible. The plan shall demonstrate a wetland replacement ratio of at least 1:1 (habitat restored to	The applicant for development of the rezoned site on Key Site 3 shall conduct or fund the wetland delineation and submit the results of the delineation prior to approval of zoning clearance for grading and clearing activities. If it is determined that wetland habitat will be impacted by proposed development, permits (as applicable) shall be obtained from the appropriate regulatory agency and the Wetland Mitigation and Monitoring	Planning and Development shall monitor impacts to wetland habitats during construction activities and implementation of the Wetland Mitigation and Monitoring Plan.		

Mitigation Measures Required for the Rezone Portion of Key Site 3

Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date
<p>habitat lost) prior to issuance of zoning clearance in order to ensure no net loss of wetlands. Depending on the requirements of other regulatory agencies (Corps, RWQCB, CDFG), the required replacement ratio may be as high as 5:1.</p>	<p>Plan shall be prepared. The applicant shall file copies of the permits and the plan with Planning and Development prior to approval of zoning clearance.</p>			
<p>BIO-3(a) California Tiger Salamander (CTS) and Vernal Pool Fairy Shrimp (VPFS) Habitat Assessment and Protocol Surveys: Prior to grading and construction on the Key Site 3 Rezone Site, the applicant shall hire a County-approved qualified biologist to conduct a formal CTS and VPFS habitat assessment of the property to submit to the USFWS. If the biologist and USFWS concur that suitable habitat is present, USFWS protocol surveys shall be conducted in all potential CTS and/or VPFS habitat. The surveys shall be conducted using appropriate survey protocol developed by the USFWS with input by the CDFG. A report consistent with current Federal, State, and local reporting regulations shall be prepared to document the methods and results of surveys. Should CTS and/or VPFS be determined to occur on-site during survey efforts, a map identifying locations in which special status species were found shall be prepared and BIO-3(b) through BIO-3(d) shall be implemented.</p>	<p>Prior to issuance of grading permits, the applicants for the rezoning shall coordinate with USFWS, and other resource agencies as applicable. The applicants shall present written confirmation from USFWS to Planning and Development that the proposed project complies with the applicable requirements of FESA. Planning and Development staff shall verify that USFWS has completed Section 7 consultation and prepared a Biological Opinion for the proposed project.</p>	<p>Planning and Development shall retain a qualified USFWS permitted biologist to monitor all construction activities to ensure compliance with permit requirements.</p>		
<p>BIO-3(b) Federal Endangered Species Act (FESA) Consultation: The project applicant for the Key Site 3 Rezone Site shall consult with the USFWS regarding the Federally-listed CTS and VPFS. As part of any Section 404 permitting application that may be required, the Corps would coordinate with the USFWS regarding possible impacts to the two species. Procedural recommendations of the USFWS shall be implemented. The project applicant shall implement measures that minimize the potentially adverse effects</p>	<p>Prior to approval of any residential project under the rezoning program, Planning and Development shall coordinate with USFWS, and other resource agencies as applicable. The applicants shall present written</p>	<p>Planning and Development shall retain a qualified USFWS permitted biologist to monitor all construction activities to ensure compliance with the final special status plant mitigation and monitoring plan.</p>		



Mitigation Measures Required for the Rezone Portion of Key Site 3

Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date Comments
<p>development may have on CTS and/or VPFS. Measures protecting CTS and/or VPFS within the Programmatic Biological Opinion regarding CTS and VPFS that covers all Nationwide Permits shall be met. Subject to concurrence by and coordination with USFWS, required measures shall include the following:</p> <p>Before any construction activities begin within the site, a County- and USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CTS and VPFS and their habitat, the importance of the CTS and VPFS and their habitat, the general measures that are being implemented to conserve the CTS and VPFS as they relate to the project. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.</p> <p>A County- and USFWS-approved biologist shall be present at the work site until such time as all removal of CTS and/or VPFS, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CTS and/or VPFS. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.</p> <p>During project related activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following</p>	<p>confirmation from USFWS to Planning and Development that the proposed project complies with the applicable requirements of FESA. Planning and Development staff shall verify that USFWS has completed Section 7 consultation and prepared a Biological Opinion for the proposed project.</p>			

Mitigation Measures Required for the Rezone Portion of Key Site 3

Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date Comments
<p>construction, all trash and construction debris shall be removed from the work areas. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from any riparian habitat or water body. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p> <p>The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the proposed project's goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.</p> <p>Development and implementation of CTS and/or VPFS construction protocols and Best Management Practices to avoid and minimize take and potential water quality impacts on breeding sites from siltation. To minimize the potential for direct impacts to dispersing individuals, ground disturbance activities shall be completed in the dry season, between April 1 and November 1.</p> <p>A managed grazing program for upland CTS and/or VPFS habitat conservation areas shall be designed and implemented to minimize further introduction of invasive exotic species and to maintain the grassland habitat conducive to ground squirrels and gophers.</p>				
<p>BIO-3(c) California Tiger Salamander (CTS) and Vernal Pool Fairy Shrimp (VPFS) Habitat Avoidance: Buffers around potential CTS and VPFS habitat shall be established to reduce the encroachment of humans</p>	<p>Prior to issuance of grading permits, the applicant shall submit the above changes in plans</p>	<p>Planning and Development shall check plans for compliance and shall site inspect during</p>		



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<p>and urban uses on breeding habitat, including protecting CTS and VPFS from visual disturbances from human activities. The applicant as directed by the USFWS shall establish an appropriate buffer area around water bodies with confirmed occurrences of CTS and/or VPFS. Construction activities and other improvements shall be prohibited within these buffer areas. The buffer areas shall contain a conservation easement overlay, deed restriction, or some other form of protection in perpetuity, for the protection and conservation of CTS and VPFS and their habitat.</p> <p>Final project grading shall focus all potential project runoff within the limits of project footprint and will not flow into areas outside of the designated area.</p>	<p>for approval by the Planning and Development.</p>	<p>construction of the development for compliance.</p>		
<p>BIO-3(d) Pesticide Minimization. To prevent primary and secondary poisoning of CTS and other amphibian and special status species, if found to occur on-site, a landscape management plan shall be developed that will identify operational procedures to be employed to maintain a healthy landscape with minimum application of fertilizers and pesticides.</p> <p>No rodent control, pesticides, or herbicides shall be used within the non-disturbance buffer zones around breeding pools or in any drainage features that drains into the pools. Operation and management of the landscape program will be designed to contain the distribution of management chemicals within the project area.</p>	<p>Prior to zoning clearance, the applicant shall submit the above plans for approval by the Planning and Development.</p>	<p>Planning and Development shall check plans for compliance and shall site inspect during construction of the development for compliance.</p>		
<p>BIO-3(e) Legless and Horned Lizard Capture and Relocation: Immediately prior to the initiation of construction, capture and relocation efforts shall be conducted for the silvery legless lizard and coast horned lizard within the limits of grading on the rezoned sites on Key Sites 3 and 16. Designated areas in permanent open space shall be identified within the project site for release of captured legless lizards and</p>	<p>Prior to issuance of a grading permit, the County approved biologist shall submit the results of the pre-construction surveys for approval by the Planning and Development. During</p>	<p>Planning and Development shall receive a survey summary report from the approved biologist that indicates that all salvage measures were adhered.</p>		

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<p>coast horned lizards.</p> <p>Surveys shall be conducted by a County-approved biologist, and shall include the following minimum requirements:</p> <ol style="list-style-type: none"> 1. Raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of eight inches. 2. In addition to raking, "coverboards" shall be used to capture silvery legless lizards and coast horned lizards. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles and amphibians. Coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards shall be placed in the survey area two weeks before surveys begin and will be checked once a week during raking surveys. Captured lizards will be placed immediately into containers containing sand or moist paper towels and released in designated release areas no more than three hours after capture. 3. During all grading activities, a qualified biologist shall be on-site to recover any silvery legless lizards or coast horned lizards that may be excavated/unearted with native material. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be turned over to a County approved specialist until they are in a condition to be released into the designated release area. <p>BIO-3(f) Bird Pre-Construction Survey: To ensure avoidance of impacts to nesting bird species and</p>	<p>construction, a qualified biologist shall perform surveys in accordance with the measures above, and report the results to Planning and Development if lizards are found/relocated.</p>			
	<p>Prior to approval of grading permits for any</p>	<p>The County-approved biologist shall be</p>		



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<p>raptors, including the ground-nesting species, on each of the rezoned sites, pre-construction surveys for active nests within the limits of grading shall be conducted by a qualified biologist within and adjacent to all anticipated development areas at most two weeks prior to any construction activities. If active nests are located, all construction work must be conducted outside a buffer zone to be determined by the biologist and the CDFG (typically 200 feet). No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction.</p>	<p>development under the rezoning program, the applicant shall hire a County approved biologist. The biologist shall submit survey results to Planning and Development. After clearing and/or grading have been started, the biologist shall submit a report to Planning and Development detailing the results of the monitoring efforts</p>	<p>responsible for monitoring activities. Planning and Development shall review the final report.</p>		
<p>BIO-3(g) Badger Avoidance: To confirm whether badgers are present within the rezoned areas of Key Site 3 and 30 at the time grading is proposed, and to prevent any badgers found to be present from becoming trapped in burrows during grading and construction, three activities are required:</p> <ol style="list-style-type: none"> 1. A pre-construction survey for active badger dens shall be conducted at most one month prior to any ground disturbance activities within the anticipated development area by a County approved biologist. In order to avoid the potential direct take of adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by a County approved biologist between March 1 and June 30. <p><i>Construction activities during July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:</i></p>	<p>The applicant shall hire the biologist and submit survey results prior to approval of grading permits. After clearing and/or grading have been started, the biologist shall submit a report to Planning and Development detailing the results of the monitoring.</p>	<p>The County-approved biologist shall be responsible for monitoring activities. Planning and Development shall review the final report.</p>		



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<p>2. A County-approved biologist shall conduct a biological survey of the anticipated development areas between 2 weeks and 4 weeks of the start of ground clearing or grading activity. The survey shall cover the entire area proposed for development. Surveys shall focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other acceptable method) shall be used to assess the presence of badgers. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.</p> <p>3. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den shall be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the development area, the dens shall be hand-excavated with a shovel to prevent re-use. The County-approved biologist shall be present during the initial clearing and grading activity. If badger dens are found, all work shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.</p>				
FIRE HAZARDS				
<p>FH-1(a) Fire/Vegetation Management Plan. Future applicants for rezone program residential development within designated high fire hazard areas shall prepare fire/vegetation management plans that meet the County Fire Development Standards. The vegetation management plan shall describe all actions that will be</p>	<p>A Fire/Vegetation Management Plan that, at a minimum, contains the above listed components shall be submitted to the Fire Department and</p>	<p>Permit compliance and/or the Fire Department shall inspect to verify landscaping is in compliance with the plan once prior to issuance of</p>		



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<p>taken to prevent fire from being carried toward the structure(s). The plan shall include:</p> <ul style="list-style-type: none"> • A copy of the site plan that indicates topographic reference lines • A copy of the landscape plan • Methods and timetables for controlling, changing or modifying areas on the property (elements of the plan shall include removal of dead vegetation, litter, vegetation that may grow into overhead electrical lines, certain ground fuels, and ladder fuels as well as the thinning of live trees) • A maintenance schedule for the landscape/vegetation management plan. 	<p>Planning and Development (P&D) for review and approval prior to approval of grading permits for the first project phase.</p>	<p>occupancy permits and once each year to monitor landscape maintenance.</p>		
<p>FH-1(b) Fire Prevention Construction Techniques. Future applicants for rezone program residential development within high fire hazard areas shall abide by the following construction standards:</p> <ul style="list-style-type: none"> • All proposed residential units that require a building permit in fire hazard areas must comply with the requirements of the County Building Code, California Fire Code, and Santa Barbara County Fire Department Development Standards. • Decks, gazebos, patio covers, etc. must not overhang slopes and must be one-hour construction (e.g., by using 2 x 4's). Front doors shall be solid core, minimally 1 ¾ inch thick. Garage doors shall be non-combustible. Wooden or plastic fences or vegetation growing on fences for lots along the project site perimeter shall not be used. • All new power lines shall be installed underground in order to prevent fires caused by arcing wires. 	<p>Where appropriate, all of the structural safeguards described above shall be graphically depicted on building plans submitted prior to issuance of a building permit. Facilities shall be installed prior to occupancy.</p>	<p>County Fire Department inspectors shall inspect the site prior to issuance of the occupancy permit and annually to ensure compliance.</p>		



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<p>FH-1(c) Access Roads. Access roads constructed within any project site shall provide unhindered fire department access and maneuvering during an emergency. This road system must meet the requirements that are outlined and detailed within the County Fire Development Standards.</p>	<p>Prior to approval of zoning clearance, the applicant shall submit plans subject to the review and approval by the County Fire Department. The revised plans shall illustrate the roadways and site accesses graphically and incorporate the requirements described in the development standards. Primary access for each project shall be installed during initial grading.</p>	<p>The Fire Department shall verify that road standards and access meet the necessary response standards.</p>		
<p>FH-1(d) Emergency Vehicle Access (EVA) Roads. Secondary internal EVA roads shall be designed according to County Fire Department Development Standards including all weather type (per County Fire Code). These EVA roads shall be provided at acceptable (by Fire Department standards) intervals within the proposed development and extend to the perimeter of the vegetation management zones. These roads may be gated with a Fire Department KNOX key (A rapid entry system that provides non-destructive emergency access to commercial and residential property). Fire hydrants shall be located on the street near the entrance to the EVA roads.</p>	<p>Prior to approval of zoning clearance, the applicant shall submit plans subject to the review and approval by the County Fire Department. The plans shall illustrate the roadways and site accesses graphically and incorporate the requirements described above. Primary access shall be installed during initial grading.</p>	<p>The Fire Department shall verify that road standards and access meet the necessary response standards.</p>		
<p>FH-1(e) Structure Addresses. Project applicants shall provide reflective, non-combustible structural address numbers that are 4 inches in height, as well as non-combustible street signs and lights on all streets.</p>	<p>The structural address design described above shall be described on building plans submitted prior to approval of zoning clearance. Addresses</p>	<p>Fire Department inspectors shall inspect the site prior to occupancy to ensure compliance.</p>		



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<p>FH-1(f) Street Name Review. Project applicants shall submit proposed street names for review by the P&D to prevent duplication of street names.</p>	<p>shall be installed prior to occupancy. Prior to approval of zoning clearance, the applicant shall submit written verification from P&D that proposed street names do not duplicate existing County street names.</p>	<p>Prior to occupancy, P&D shall inspect and verify correct street names.</p>		
<p>AIR QUALITY</p>				
<p>AQ-1(a) Fugitive Dust (PM₁₀) Control. Fugitive Dust (PM₁₀) Control shall include measures designed to reduce particulate matter (PM₁₀) emissions from project construction. Controls shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> • <i>During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, recycled water should not be used in or around crops for human consumption.</i> • <i>Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.</i> • <i>Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.</i> • <i>If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more</i> 	<p>Planning & Development (P&D) shall review grading and building plans for all project components prior to grading and construction.</p>	<p>Permit Compliance inspectors shall perform periodic spot checks during construction to ensure compliance with requirements. APCD inspectors shall respond to nuisance complaints</p>		

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<p>than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.</p> <ul style="list-style-type: none"> After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for finish grading for the structure. Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.. 				
<p>AQ-1(b) Equipment Exhaust: The following shall be adhered to during project construction to reduce NO_x and PM_{2.5} emissions from construction equipment:</p> <ul style="list-style-type: none"> All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR permitted by the District by September 18, 2008. Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty 	<p>Planning & Development (P&D) shall review grading and building plans for all project components prior to grading and construction.</p>	<p>Permit Compliance inspectors shall perform periodic spot checks during construction to ensure compliance with requirements. APCD inspectors shall respond to nuisance complaints.</p>		

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<p>diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.</p> <ul style="list-style-type: none"> The engine size of construction equipment shall be the minimum practical size. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction equipment shall be maintained in tune per the manufacturer's specifications. Construction equipment operating onsite shall be equipped with two to four degree timing retard or pre-combustion chamber engines. Catalytic converters shall be installed on gasoline-powered equipment, if feasible. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating onsite. Diesel powered equipment shall be replaced by electric equipment wherever feasible. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible. Construction worker trips should be minimized by requiring carpooling and providing lunch onsite. <p>AQ-2(a) On-site Transportation Control Measures. The developer of a project under the Focused Rezoning Program shall coordinate with APCD and P&D to determine appropriate on-site mitigation. This may include:</p>				
	<p>The applicant shall incorporate applicable TCMS into development plans prior to approval of zoning clearance for</p>	<p>P&D shall review and approve proposed TCMS prior to approval of zoning clearance, and shall ensure compliance</p>		

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<ul style="list-style-type: none"> The use of design features to encourage alternate transportation modes, such as: <ul style="list-style-type: none"> <i>For pedestrians:</i> sidewalks; safe street and parking lot crossings; shade trees; off street breezeways, alleys, and over crossings; placement of parking lots and building entrances to favor pedestrians rather than cars. <i>For transit riders:</i> all of the above plus safe, sheltered transit stops with convenient access to building entrances. <i>For bicyclists:</i> theft proof and well-lighted bicycle storage facilities with convenient access to building entrance; on-site bikeways between buildings or uses. Providing onsite services to reduce the need for offsite travel, such as childcare, telecommuting center(s), and/or postal machines. Providing on-site services to encourage alternative transportation modes, such as rideshare matching, augmented transit services, and/or transit education. 	<p>development under the Focused Rezoning Program.</p>	<p>during field inspections.</p>		
<p>AQ-2(b) Off-site Transportation Control Measures. The developer of a project under the Focused Rezone Program shall coordinate with APCD and P&D to determine appropriate off-site mitigation. This may include funding contributions for:</p> <ul style="list-style-type: none"> <i>Transit service enhancements to serve the project, such as shuttle buses, express bus service, and bike racks on buses.</i> <i>Bikeway improvements that would extend the existing bikeway network to provide better access to the Focused Rezone Program housing sites.</i> <i>Pedestrian improvements that would serve the</i> 	<p>The applicant shall implement or help fund any required off-site Transportation Control Measures prior to approval of zoning clearance for development under the Focused Rezone Program.</p>	<p>P&D shall review and approve the proposed TCMS prior to approval of zoning clearance and shall ensure implementation of applicant requirements.</p>		

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<p><i>project area, such as the addition of sidewalks to improve access to the rezone sites, pedestrian crossings, and overhead or underground walkways.</i></p> <ul style="list-style-type: none"> <i>Public education for residents of the rezone sites to explain the benefits of alternative transportation. This may consist of public service announcements, pamphlets, newsletters, and/or posting of such information on community bulletin boards.</i> 				
<p>AQ-3 Indoor Air Pollution. The mitigation actions listed below would apply to the first row of residences west of the freeway.</p> <ul style="list-style-type: none"> <i>Forced air ventilation with filter screens on outside air intake ducts shall be provided for all residences within 300 feet of the centerline of US Highway 101. The filter screens shall be capable of removing at least 85% of the particulate matter including fine particulate matter (PM<2.5 micron).</i> <i>A brochure notifying the future residents of the need for maintaining the filter screens shall be prepared and provided at the time of ownership exchange. In addition, a notice of the diesel particulates risk hazard and the need for screen maintenance shall be placed in the property title.</i> <i>Windows and doors shall be fully weatherproofed with caulking and weather-stripping that is rated to last at least 20 years.</i> 	<p>The above-noted emissions avoidance measures shall be incorporated into the project and shown on the plans submitted for zoning clearance. Prior to occupancy, particulate pollution concentrations in the most affected residences and exterior usable spaces shall be verified as below the thresholds by SBCAPCD. Emissions avoidance reduction measures incorporated into the site plans shall also be submitted to SBCAPCD for review prior to approval of zoning clearance. A report documenting the post-construction particulate pollution concentrations in the most affected residences and exterior usable spaces shall be</p>	<p>P&D, in consultation with SPCAPCD, shall review the hazard avoidance measures prior to issuance of zoning clearance and confirm acceptable particulate pollution concentrations prior to issuance of occupancy clearance.</p>		

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<p>AQ-5 Operational Phase Mitigation to Reduce Fuel Usage and thus Greenhouse Gases. The following energy efficiency and green building techniques shall be implemented for development under the Focused Rezone Program:</p> <ul style="list-style-type: none"> The applicant shall increase building energy efficiency ratings by at least 20% above what is required by Title 24 requirements. Energy consumption reduction measures that would aid in meeting this energy efficiency goal include, but are not limited to: <ul style="list-style-type: none"> Using roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs and/or installing photovoltaic roof tiles; Using high efficiency gas or solar water heaters; Using built-in energy efficient appliances; Installing double-paned windows; Installing door sweeps and weather stripping if more efficient doors and windows are not available; Installing low energy interior lighting; Using low energy street lights (i.e. sodium); and Installing high efficiency or gas space heating. Green Building techniques that would aid in minimizing greenhouse gas emissions include: <ul style="list-style-type: none"> The siting of proposed buildings to eliminate or minimize the development's heating and cooling needs (e.g., solar 	<p>submitted prior to issuance of occupancy permits.</p> <p>The applicant shall incorporate some or all of the listed provisions into building plans or shall submit proof of infeasibility prior to issuance of grading permits.</p>	<p>P&D shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.</p>		

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<p>orientation);</p> <ul style="list-style-type: none"> - Install solar systems to reduce energy needs (e.g., solar panels); - Install solar water heaters; - Plant native, drought resistant landscaping; - Use locally-produced building materials; - Use renewable or reclaimed building materials; - Use materials which are resource efficient, recycled, with long life cycles and manufactured in an environmentally friendly way. <ul style="list-style-type: none"> • The applicant shall provide for a kiosk or bulletin board in one or more common open spaces to provide education on energy efficiency, alternative transportation options, and area public transportation services. 				
<p>NOISE</p> <p>N-1 Construction Noise within 1,600 feet of a Sensitive Receptor. Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.</p>	<p>A minimum of two signs stating these restrictions shall be provided by the applicant and posted on site to alert onsite workers. Each homebuilder shall sign a contract agreeing to comply with this condition prior to approval of zoning clearance. Signs shall be in place prior to beginning of and throughout grading and construction activities. Agreements shall be submitted by the project developer prior to</p>	<p>Planning & Development (P&D) shall review signage and contract prior to issuance of grading permits and site inspect during construction.</p>		

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<p>N-2 Noise Attenuation. An acoustical engineer shall be consulted during project design to incorporate construction/design specifications that would result in an ambient noise environment where all residents would be exposed to noise of less than 65 dBA Ldn in exterior usable spaces and 45 dBA Ldn in interior spaces. Typical design features that would be incorporated may include but are not limited to the following.</p> <ul style="list-style-type: none"> • Construction of berms and/or sound walls. • Implementation of a building setback to remove dwelling units from unacceptable noise levels. • Orientation of non-sensitive uses such as parking/garages and roadways closest the noise source. • Orientation of buildings such that the first row of buildings has 90% linear coverage parallel to the noise source. For a building of 30 feet in height, in an ambient noise environment in excess of 70 dBA, building shielding would be anticipated to provide attenuation of 20 dBA. • Windows and sliding glass doors facing the noise source with a minimum Standard Transmission Class (STC) of 39 that are properly installed, weather stripped, and insulated. • Exterior doors facing the noise source with a minimum STC of 39 and insulated in conformance with Title 24 requirements. • Exterior wall facing material designed for a minimum STC of 39 (this can typically be 	<p>zoning clearance. Violations may result in suspension of permits. An acoustical report shall be submitted to Planning and Development (P&D) that details construction and design specifications incorporated into the project and shown on the plans, which would result in attenuation of noises such that future residents are not exposed to noise in excess of the 65 dBA Ldn exterior standard and the 45 dBA Ldn interior standard. Prior to occupancy, noise levels in the most affected residences and exterior usable spaces shall be verified as below the 45 dBA Ldn interior and 65 dBA Ldn exterior standards by sound measurements. A report documenting the results shall be submitted to P&D. The acoustical report and plans shall be submitted to the P&D for review and approval prior to issuance of building permits. A report documenting the post construction noise levels in the most affected</p>	<p>P&D shall review the acoustical report prior to issuance of grading permits and site inspect prior to issuance of occupancy clearance.</p>		

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<p>achieved by adding absorptive insulation [i.e., fiberglass batts] in the wall cavity).</p> <ul style="list-style-type: none"> Roof or attic vents either facing away from the noise source or baffled. Air conditioning or a mechanical ventilation system so that windows and doors may remain closed. 	<p>residences and exterior usable spaces shall be submitted prior issuance of occupancy permits.</p>			
SEISMIC, SOIL, AND LANDSLIDE HAZARDS				
<p>GEO-1 Soil Erosion Control. Prior to issuance of a building permit, soil samples of final cut slopes and building pads shall be analyzed to determine their susceptibility to erosion and appropriate erosion control techniques meeting building code requirements shall be incorporated into final grading and construction plans. At a minimum, the grading and construction plans will include the following requirements:</p> <ul style="list-style-type: none"> The top and faces of all cut slopes shall be protected from sheet flow by installation of back drains and down drains pursuant to building code requirements. All manufactured slopes shall be protected from excessive erosion through proper landscape design. The landscape design shall include appropriate use of drip irrigation, drought tolerant plants, and netting or some other form of protection to ensure the slopes remain stable pending the establishment of the plantings. 	<p>Soil sampling shall be conducted prior to on-site construction and erosion control requirements shall be incorporated into final grading and construction plans.</p>	<p>Public Works shall review and approve the soil study as well as final grading and construction plans prior to any on-site construction. A P&D building inspector shall review the study and grading/construction plans and inspect the site during and after construction of each project component.</p>		
UTILITIES				
<p>U-1 Solid Waste Management Program. The applicant for future development of housing under the Focused Rezone Program shall develop and implement a Solid Waste Management Program to be reviewed and approved by Public Works Resource Recovery</p>	<p>The applicant shall submit a Solid Waste Management Program to Public Works for review and approval prior to</p>	<p>Prior to zoning clearance, Planning & Development (P&D) shall verify review and approval by County</p>		



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<p>Division. The program shall identify the amount of waste generation projected during processing of the project. The program shall include (but not be limited to) the following components:</p> <ul style="list-style-type: none"> • <i>Provision of space and/or bins for storage of recyclable materials within the project site.</i> • <i>Implementation of a curbside recycling program to serve the new development.</i> • <i>Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County sponsored programs.)</i> • <i>Implementation of a backyard composting yard waste reduction program.</i> 	<p>issuance of zoning clearance. Program components shall be implemented prior to occupancy clearance or throughout the life of the project.</p>	<p>Public Works.</p>		
<p>U-4(a) Interior Water Conservation (recommended measure). Indoor water use shall be limited through the following measures:</p> <ul style="list-style-type: none"> • Installation of low flow toilets • All hot water lines shall be insulated. • Recirculating, point-of-use, or on-demand water heaters shall be installed. • Water efficient clothes washers and dishwashers shall be installed. • Self regenerating water softening shall be prohibited in all structures. 	<p>Prior to zoning clearance, the applicant shall submit construction plans indicating all proposed water conservation measures for review and approval by Planning and Development (P&D)</p>	<p>Prior to occupancy clearance, Planning & Development (P&D) shall verify installation of the appropriate water conservation features and measures.</p>		
<p>U-4(b) Exterior Water Conservation (recommended measure). Outdoor water use shall be limited through the measures listed below.</p> <ul style="list-style-type: none"> • Landscaping shall be with native and/or drought tolerant species. • Drip irrigation or other water-conserving irrigation shall be installed. • Plant material shall be grouped by water 	<p>Prior to zoning clearance, the applicant shall submit landscape plans indicating all proposed water conservation measures for review and approval by Planning and Development (P&D)</p>	<p>Prior to occupancy clearance, Planning & Development (P&D) shall verify installation of the appropriate water conservation features and measures.</p>		

Mitigation Measures Required for the Rezone Portion of Key Site 3

Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification		
			Initial	Date	Comments
<ul style="list-style-type: none"> Turf shall constitute less than 20% of the total landscaped area. No turf shall be allowed on slopes of over 4%. Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction. Soil moisture sensing devices shall be installed to prevent unnecessary irrigation. Permeable surfaces such as turf block or intermittent permeable surfaces such as french drains shall be used for all parking areas and driveways. Separate landscape meters shall be installed. 					
HYDROLOGY AND WATER QUALITY					
<p>HWQ-1(a) Drainage Report. The applicant for the proposed project shall have a drainage report prepared by a County-approved engineering firm in order to analyze potential drainage impacts as they relate to increased surface flows, peakflow and flooding. The report shall also identify specific methods to reduce peak storm water discharges from the rezoned site to 0.07 cfs or lower for a 25-year storm event. Specific methods that project applicants may use to meet this standard include the use of onsite detention basins, drainage swales, and pervious paving materials, or some combination thereof.</p> <p>HWQ-1(b) Runoff Conveyance. All runoff water from impervious areas shall be conveyed by impervious conduits via energy dissipaters to existing or new drainage channels in a non-erosive manner.</p>	<p>The above measures, as detailed in a drainage report to be prepared by the project applicant, shall be reviewed and approved by the Santa Barbara County Flood Control District prior to issuance of a grading permit.</p> <p>A drainage plan which incorporates the above maintenance and inspection program to ensure proper functioning shall be submitted prior to recordation of any tract map by an applicant to</p>	<p>The Flood Control District shall review and approve the selected stormwater management option as outlined in the final drainage report.</p> <p>Planning & Development (P&D) and the Flood Control District shall review and approve the drainage plans.</p>			

Mitigation Measures Required for the Rezone Portion of Key Site 3

Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date Comments
	P&D, and the Flood Control District for review and approval. The applicant shall enter into a maintenance agreement with the Flood Control District to ensure that the stormwater control and conveyance system is maintained in a proper manner.			
HWQ-1(c) Detention/Recharge Basin Design. Percolation basins shall be designed in accordance with applicable Santa Barbara Flood Control District standards. The design must consider the volume of water that the basin is expected to store, as well as operation and maintenance of the basins.	A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be prepared for review prior to approval of zoning clearance. Review and approval of the plans shall be performed by P&D and the Flood Control District.	P&D and the Flood Control District shall review the drainage plans		
HAZARDS AND HAZARDOUS MATERIALS				
HAZ-1(a) Soil Sampling and Remediation. Soil sampling for contaminants shall be conducted by a qualified professional on the rezoned portion of Key Site 3 prior to any ground moving activities associated with development of the site under the Focused Rezone Program. The results of the soil sampling shall be forwarded to the local regulatory agency, FPD, RWQCB, or DTSC. The oversight agency shall review the data and either sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. If concentrations of contaminants warrant site remediation, contaminated	Prior to approval of zoning clearance, the applicant shall submit the site assessment or if necessary remediation results to the Santa Barbara County Fire Department and Planning & Development (P&D) for approval.	P&D shall verify with the FPD that appropriate sampling and if required, remediation has been completed. Following verification of regulatory compliance, P&D shall complete a permit compliance inspection of the site.		

Mitigation Measures Required for the Rezone Portion of Key Site 3

Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date
<p>materials shall be remediated either prior to construction of structures or concurrent with construction. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory oversight agency (such as the FPD, RWQCB, or the DTSC) and shall remediate contamination levels to below the regulatory action level of the designated oversight agency. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.</p>				
<p>HAZ-1(b) Groundwater Sampling and Remediation. If, during the soil sampling, groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the applicant shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, or if the contaminants exceed health risk standards such as Preliminary Remediation Goals, one in one million cancer risk, or a health risk index above 1, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (FPD, RWQCB, or the DTSC). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary.</p>	<p>Prior to approval of building permits, the applicant shall submit the site assessment or if necessary remediation results to the Santa Barbara County Fire Department and P&D for approval.</p>	<p>P&D shall verify with the FPD that appropriate sampling and if required, remediation has been completed. Following verification of regulatory compliance, P&D shall complete a permit compliance inspection of the site.</p>		
CULTURAL RESOURCES				
<p>CR-2 Work Cessation and Additional Assessment and Mitigation. In the event archaeological remains</p>	<p>This condition shall be printed on all building and</p>	<p>P&D shall check plans prior to approval of</p>		



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Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date
<p>are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Cultural Resource Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.</p>	<p>grading plans</p>	<p>zoning clearance and shall spot check in the field.</p>		

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Applicable Mitigation Measure	Plan Requirements and Timing	Monitoring	Compliance Verification	
			Initial	Date
TRAFFIC AND CIRCULATION				
TC-2 Cumulative Traffic. Future applicants shall pay fair share fees for area circulation improvements, if deemed necessary, consistent with the Orcutt Transportation Improvement Plan (OTIP).	The applicant shall contribute fair share fees toward the installation of the improvements prior to occupancy clearance. The applicant should receive SMAT approval and incorporate any SMAT recommendations prior to issuance of land use permits.	County Public Works shall ensure payment of fees prior to occupancy clearance.		
TC-4 SMAT Consultation (recommended measure). The applicants of Key Site 30 should contact SMAT officials to determine if the existing transit service would accommodate the site's transit demands and to assess the appropriate bus stop locations/amenities in the vicinity of the site.		Planning & Development (P&D) should verify SMAT approval and incorporation of recommendations prior to issuance of land use permits.		

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BIOLOGICAL RESOURCES			
<p>BIO-2(a) Seasonally-Timed Rare Plant Surveys: A County-approved botanist shall conduct seasonally timed directed floral surveys based on the target list of plant species identified in Table D-1. Surveys shall be completed during the appropriate season to determine the presence or absence of these species. Up to three separate survey visits may be required to capture the flowering period of all target species. The location and extent of any rare plant occurrences observed on the site shall be documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs. If special status plant species are identified, the approved botanist shall submit written proof that the County and CDFG have been contacted. If federally listed plant species are identified, then the USFWS must also be contacted [refer to Measure BIO-3(b)] and measures BIO-2(b) and BIO-2(c) shall be implemented.</p>	<p>The applicant shall hire a botanist and submit survey results to Planning and Development prior to approval of grading permits. If special status plant species are identified and will be impacted by a project, mitigation measures BIO-2(b – e) shall be implemented. Following approval of the mitigation and monitoring plan from all applicable resource agencies, Planning and Development may issue project grading and building permits.</p>	<p>Planning and Development shall retain a qualified botanist to monitor all construction activities to ensure compliance with the final special status plant mitigation and monitoring plan. After clearing and/or grading have been started, the botanist shall submit a report to Planning and Development detailing the results of the monitoring and if applicable, any relocation efforts. The botanist shall be responsible for all monitoring activities as they pertain to special status plant species. Planning and Development shall review the final compliance report.</p>	
<p>BIO-2(b) Special Status and Rare Plant Buffer : If special status plant species are identified during surveys conducted in accordance with Mitigation Measure BIO-2(a), site development plans shall be modified to avoid such occurrences with a minimum buffer of 50 feet. The occurrence and buffer areas shall be fenced. If feasible, the applicant shall establish conservation easements for such preserved areas, prior to issuance of the first grading permit, and the proposed project shall be amended to place these areas formally into open space.</p>	<p>Prior to final land use clearance, the applicant shall submit for approval by Planning and Development and CDFG/USFWS that the habitat containing special status species has been properly fenced.</p>	<p>Planning and Development shall conduct a site visit to evaluate the site for compliance prior to grading and periodically monitor the site during construction.</p>	

Mitigation Measures Required for the Rezone Portion of Key Site 16

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<p>BIO-2(c) Special Status Plant Species Mitigation Plan : If total avoidance of the special status species occurrences is economically or technologically infeasible, a mitigation program shall be developed by a County-approved qualified botanist under contract to the applicant. The special status plant species mitigation program shall include the following:</p>	<p>a. The overall goal and measurable objectives of a no-net loss of special status species in the mitigation and monitoring plan;</p> <p>b. Specific areas proposed for re-vegetation and their size. Potential sites for mitigation would be any suitable site within proposed open space, depending on the species, that is appropriately buffered from development.</p> <p>c. Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the special status plant species. (i.e., annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of special status plant species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed seed and/or topsoil collection, propagation, and reintroduction of special status plant species into specified receiver sites);</p> <p>d. A minimum five-year annual monitoring program to ensure successful establishment of mitigation plantings with an adaptive management program that addresses both foreseen and unforeseen circumstances;</p> <p>e. Success criteria based on the goals and measurable objectives to ensure a viable population(s) on the project site in perpetuity;</p> <p>f. An education program to inform the public of the presence of special status plant species</p>	<p>Prior to issuance of grading permits, the applicant shall submit the mitigation plan for approval by Planning and Development.</p>	<p>Planning and Development shall review the plan in coordination with CDFG and/or USFWS, as appropriate, and conduct a site visit to evaluate the site for compliance prior to issuance of grading permits.</p>

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<p>and sensitive biological resources on-site, and to provide methods that residents can employ to reduce impacts to these species/resources in protected open space areas;</p> <p>g. Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and Funding mechanism.</p>			
<p>BIO-3(a) California Tiger Salamander (CTS) and Vernal Pool Fairy Shrimp (VPFS) Habitat Assessment and Protocol Surveys: Prior to grading and construction on the Key Site 16 Rezone Site, the applicant shall hire a County-approved qualified biologist to conduct a formal CTS and VPFS habitat assessment of the property to submit to the USFWS. If the biologist and USFWS concur that suitable habitat is present, USFWS protocol surveys shall be conducted in all potential CTS and/or VPFS habitat. The surveys shall be conducted using appropriate survey protocol developed by the USFWS with input by the CDFG. A report consistent with current Federal, State, and local reporting regulations shall be prepared to document the methods and results of surveys. Should CTS and/or VPFS be determined to occur on-site during survey efforts, a map identifying locations in which special status species were found shall be prepared and BIO-3(b) through BIO-3(d) shall be implemented.</p>	<p>Prior to issuance of grading permits, the applicants for the rezone site shall coordinate with USFWS, and other resource agencies as applicable. The applicants shall present written confirmation from USFWS to Planning and Development that the proposed project complies with the applicable requirements of FESA. Planning and Development staff shall verify that USFWS has completed Section 7 consultation and prepared a Biological Opinion for the proposed project.</p>	<p>Planning and Development shall retain a qualified USFWS permitted biologist to monitor all construction activities to ensure compliance with permit requirements.</p>	
<p>BIO-3(b) Federal Endangered Species Act (FESA) Consultation: The project applicant for the Key Site 16 Rezone Site shall consult with the USFWS regarding the Federally-listed CTS and VPFS. As part of any Section 404 permitting application that may be required, the Corps would coordinate with the USFWS regarding possible impacts to the two species. Procedural recommendations of the USFWS shall be implemented. The project applicant shall implement measures that minimize the potentially adverse effects</p>	<p>Prior to approval of any residential project under the rezoning program, Planning and Development shall coordinate with USFWS, and other resource agencies as applicable. The applicants shall present written</p>	<p>Planning and Development shall retain a qualified USFWS permitted biologist to monitor all construction activities to ensure compliance with the final special status plant mitigation and monitoring plan.</p>	



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<p>development may have on CTS and/or VPFS. Measures protecting CTS and/or VPFS within the Programmatic Biological Opinion regarding CTS and VPFS that covers all Nationwide Permits shall be met. Subject to concurrence by and coordination with USFWS, required measures shall include the following:</p> <p>Before any construction activities begin within the site, a County- and USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CTS and VPFS and their habitat, the importance of the CTS and VPFS and their habitat, the general measures that are being implemented to conserve the CTS and VPFS as they relate to the project. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.</p> <p>A County- and USFWS-approved biologist shall be present at the work site until such time as all removal of CTS and/or VPFS, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CTS and/or VPFS. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.</p> <p>During project related activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be</p>	<p>confirmation from USFWS to Planning and Development that the proposed project complies with the applicable requirements of FESA. Planning and Development staff shall verify that USFWS has completed Section 7 consultation and prepared a Biological Opinion for the proposed project.</p>		



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<p>removed from the work areas. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from any riparian habitat or water body. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p> <p>The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the proposed project's goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.</p> <p>Development and implementation of CTS and/or VPFS construction protocols and Best Management Practices to avoid and minimize take and potential water quality impacts on breeding sites from siltation. To minimize the potential for direct impacts to dispersing individuals, ground disturbance activities shall be completed in the dry season, between April 1 and November 1.</p> <p>A managed grazing program for upland CTS and/or VPFS habitat conservation areas shall be designed and implemented to minimize further introduction of invasive exotic species and to maintain the grassland habitat conducive to ground squirrels and gophers.</p>			
<p>BIO-3(c) California Tiger Salamander (CTS) and Vernal Pool Fairy Shrimp (VPFS) Habitat Avoidance: Buffers around potential CTS and VPFS habitat shall be established to reduce the encroachment of humans and urban uses on breeding habitat, including protecting CTS and VPFS from visual disturbances</p>	<p>Prior to issuance of grading permits, the applicant shall submit the above changes in plans for approval by the Planning and Development.</p>	<p>Planning and Development shall check plans for compliance and shall site inspect during construction of the development for compliance.</p>	

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<p>from human activities. The applicant as directed by the USFWS shall establish an appropriate buffer area around water bodies with confirmed occurrences of CTS and/or VPFS. Construction activities and other improvements shall be prohibited within these buffer areas. The buffer areas shall contain a conservation easement overlay, deed restriction, or some other form of protection in perpetuity, for the protection and conservation of CTS and VPFS and their habitat.</p> <p>Final project grading shall focus all potential project runoff within the limits of project footprint and will not flow into areas outside of the designated area.</p>				
<p>BIO-3(d) Pesticide Minimization. To prevent primary or secondary poisoning of CTS and other amphibian and special status species, if found to occur on-site, a landscape management plan shall be developed that will identify operational procedures to be employed to maintain a healthy landscape with minimum application of fertilizers and pesticides.</p> <p>No rodent control, pesticides, or herbicides shall be used within the non-disturbance buffer zones around breeding pools or in any drainage features that drains into the pools. Operation and management of the landscape program will be designed to contain the distribution of management chemicals within the project area.</p>	<p>Prior to zoning clearance, the applicant shall submit the above plans for approval by the Planning and Development.</p>	<p>Planning and Development shall check plans for compliance and shall site inspect during construction of the development for compliance.</p>		
<p>BIO-3(e) Legless and Horned Lizard Capture and Relocation: Immediately prior to the initiation of construction, capture and relocation efforts shall be conducted for the silvery legless lizard and coast horned lizard within the limits of grading on the rezoned sites on Key Sites 3 and 16. Designated areas in permanent open space shall be identified within the project site for release of captured legless lizards and coast horned lizards.</p> <p>Surveys shall be conducted by a County-approved</p>	<p>Prior to issuance of a grading permit, the County approved biologist shall submit the results of the pre-construction surveys for approval by the Planning and Development. During construction, a qualified biologist shall perform surveys in accordance</p>	<p>Planning and Development shall receive a survey summary report from the approved biologist that indicates that all salvage measures were adhered.</p>		



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<p>biologist, and shall include the following minimum requirements:</p>	<p>with the measures above, and report the results to Planning and Development if lizards are found/relocated.</p>			
<p>4. Raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of eight inches.</p> <p>5. In addition to raking, "coverboards" shall be used to capture silvery legless lizards and coast horned lizards. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles and amphibians. Coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards shall be placed in the survey area two weeks before surveys begin and will be checked once a week during raking surveys. Captured lizards will be placed immediately into containers containing sand or moist paper towels and released in designated release areas no more than three hours after capture.</p> <p>6. During all grading activities, a qualified biologist shall be on-site to recover any silvery legless lizards or coast horned lizards that may be excavated/uneearthed with native material. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be turned over to a County approved specialist until they are in a condition to be released into the designated release area.</p>				
<p>BIO-3(f) Bird Pre-Construction Survey: To ensure avoidance of impacts to nesting bird species and raptors, including the ground-nesting species, on each of the rezoned sites, pre-construction surveys for active nests within the limits of grading shall be conducted by a qualified biologist within and adjacent to all anticipated development areas at most two weeks prior</p>	<p>Prior to approval of grading permits for any rezoning program, the applicant shall hire a County approved biologist. The biologist</p>	<p>The County-approved biologist shall be responsible for monitoring activities. Planning and Development shall review the final report.</p>		

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<p>to any construction activities. If active nests are located, all construction work must be conducted outside a buffer zone to be determined by the biologist and the CDFG (typically 200 feet). No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction.</p>	<p>shall submit survey results to Planning and Development. After clearing and/or grading have been started, the biologist shall submit a report to Planning and Development detailing the results of the monitoring efforts</p>		
<p>BIO-3(g) Badger Avoidance: To confirm whether badgers are present within the rezoned areas of Key Site 3 and 16 at the time grading is proposed, and to prevent any badgers found to be present from becoming trapped in burrows during grading and construction, three activities are required:</p> <ol style="list-style-type: none"> 4. A pre-construction survey for active badger dens shall be conducted at most one month prior to any ground disturbance activities within the anticipated development area by a County approved biologist. In order to avoid the potential direct take of adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by a County approved biologist between March 1 and June 30. <p><i>Construction activities during July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:</i></p> <ol style="list-style-type: none"> 5. A County-approved biologist shall conduct a biological survey of the anticipated development areas between 2 weeks and 4 weeks of the start of ground clearing or grading activity. The survey shall cover the entire area proposed for development. 	<p>The applicant shall hire the biologist and submit survey results prior to approval of grading permits. After clearing and/or grading have been started, the biologist shall submit a report to Planning and Development detailing the results of the monitoring.</p>	<p>The County-approved biologist shall be responsible for monitoring activities. Planning and Development shall review the final report.</p>	

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<p>Surveys shall focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other acceptable method) shall be used to assess the presence of badgers. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.</p> <p>6. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den shall be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the development area, the dens shall be hand-excavated with a shovel to prevent re-use. The County-approved biologist shall be present during the initial clearing and grading activity. If badger dens are found, all work shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.</p>			
<p>FIRE HAZARDS</p> <p>FH-1(a) Fire/Vegetation Management Plan. Future applicants for rezone program residential development within designated high fire hazard areas shall prepare fire/vegetation management plans that meet the County Fire Development Standards. The vegetation management plan shall describe all actions that will be taken to prevent fire from being carried toward the structure(s). The plan shall include:</p> <ul style="list-style-type: none"> • A copy of the site plan that indicates topographic reference lines • A copy of the landscape plan • Methods and timetables for controlling, changing or modifying areas on the property 	<p>A Fire/Vegetation Management Plan that, at a minimum, contains the above listed components shall be submitted to the Fire Department and Planning and Development (P&D) for review and approval prior to approval of grading permits for the first project phase.</p>	<p>Permit compliance and/or the Fire Department shall inspect to verify landscaping is in compliance with the plan once prior to issuance of occupancy permits and once each year to monitor landscape maintenance.</p>	

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<p>(elements of the plan shall include removal of dead vegetation, litter, vegetation that may grow into overhead electrical lines, certain ground fuels, and ladder fuels as well as the thinning of live trees)</p> <ul style="list-style-type: none"> A maintenance schedule for the landscape/vegetation management plan. 			
<p>FH-1(b) Fire Prevention Construction Techniques. Future applicants for rezone program residential development within high fire hazard areas shall abide by the following construction standards:</p> <ul style="list-style-type: none"> All proposed residential units that require a building permit in fire hazard areas must comply with the requirements of the County Building Code, California Fire Code, and Santa Barbara County Fire Department Development Standards. Decks, gazebos, patio covers, etc. must not overhang slopes and must be one-hour construction (e.g., by using 2 x 4's). Front doors shall be solid core, minimally 1 3/4 inch thick. Garage doors shall be non-combustible. Wooden or plastic fences or vegetation growing on fences for lots along the project site perimeter shall not be used. All new power lines shall be installed underground in order to prevent fires caused by arcing wires. 	<p>Where appropriate, all of the structural safeguards described above shall be graphically depicted on building plans submitted prior to issuance of a building permit. Facilities shall be installed prior to occupancy.</p>	<p>County Fire Department inspectors shall inspect the site prior to issuance of the occupancy permit and annually to ensure compliance.</p>	
<p>FH-1(c) Access Roads. Access roads constructed within any project site shall provide unhindered fire department access and maneuvering during an emergency. This road system must meet the requirements that are outlined and detailed within the County Fire Development Standards.</p>	<p>Prior to approval of zoning clearance, the applicant shall submit plans subject to the review and approval by the County Fire Department. The revised plans shall illustrate the roadways and site accesses graphically and</p>	<p>The Fire Department shall verify that road standards and access meet the necessary response standards.</p>	



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	incorporate the requirements described in the development standards. Primary access for each project shall be installed during initial grading.		
FH-1(d) Emergency Vehicle Access (EVA) Roads. Secondary internal EVA roads shall be designed according to County Fire Department Development Standards including all weather type (per County Fire Code). These EVA roads shall be provided at acceptable (by Fire Department standards) intervals within the proposed development and extend to the perimeter of the vegetation management zones. These roads may be gated with a Fire Department KNOX key (A rapid entry system that provides non-destructive emergency access to commercial and residential property). Fire hydrants shall be located on the street near the entrance to the EVA roads.	Prior to approval of zoning clearance, the applicant shall submit plans subject to the review and approval by the County Fire Department. The plans shall illustrate the roadways and site accesses graphically and incorporate the requirements described above. Primary access shall be installed during initial grading.	The Fire Department shall verify that road standards and access meet the necessary response standards.	
FH-1(e) Structure Addresses. Project applicants shall provide reflective, non-combustible structural address numbers that are 4 inches in height, as well as non-combustible street signs and lights on all streets.	The structural address design described above shall be described on building plans submitted prior to approval of zoning clearance. Addresses shall be installed prior to occupancy.	Fire Department inspectors shall inspect the site prior to occupancy to ensure compliance.	
FH-1(f) Street Name Review. Project applicants shall submit proposed street names for review by the P&D to prevent duplication of street names.	Prior to approval of zoning clearance, the applicant shall submit written verification from P&D that proposed street names do not duplicate existing County street names.	Prior to occupancy, P&D shall inspect and verify correct street names.	
AQ-1(a) Fugitive Dust (PM₁₀) Control. Fugitive Dust	Planning & Development	Permit Compliance	



Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification	
<p>(PM₁₀) Control shall include measures designed to reduce particulate matter (PM₁₀) emissions from project construction. Controls shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> • <i>During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, recycled water should not be used in or around crops for human consumption.</i> • <i>Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.</i> • <i>Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.</i> • <i>If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.</i> • <i>After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.</i> • <i>The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as</i> 	<p>(P&D) shall review grading and building plans for all project components prior to grading and construction.</p>	<p>inspectors shall perform periodic spot checks during construction to ensure compliance with requirements. APCD inspectors shall respond to nuisance complaints</p>	

Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification	
<p>necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for finish grading for the structure.</p> <ul style="list-style-type: none"> • Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.. 			
<p>AQ-1(b) Equipment Exhaust: The following shall be adhered to during project construction to reduce NO_x and PM_{2.5} emissions from construction equipment:</p> <ul style="list-style-type: none"> • All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR permitted by the District by September 18, 2008. • Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible. • The engine size of construction equipment shall be the minimum practical size. • The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. • Construction equipment shall be maintained in tune per the manufacturer's specifications. • Construction equipment operating onsite shall be equipped with two to four degree timing 	<p>Planning & Development (P&D) shall review grading and building plans for all project components prior to grading and construction.</p>	<p>Permit Compliance inspectors shall perform periodic spot checks during construction to ensure compliance with requirements. APCD inspectors shall respond to nuisance complaints.</p>	

Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification		
<p><i>retard or pre-combustion chamber engines.</i></p> <ul style="list-style-type: none"> • <i>Catalytic converters shall be installed on gasoline-powered equipment, if feasible.</i> • <i>Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating onsite.</i> • <i>Diesel powered equipment shall be replaced by electric equipment wherever feasible.</i> • <i>Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.</i> • <i>Construction worker trips should be minimized by requiring carpooling and providing lunch onsite.</i> 				
<p>AQ-2(a) On-site Transportation Control Measures. The developer of a project under the Focused Rezoning Program shall coordinate with APCD and P&D to determine appropriate on-site mitigation. This may include:</p> <ul style="list-style-type: none"> • The use of design features to encourage alternate transportation modes, such as: <ul style="list-style-type: none"> ○ <i>For pedestrians:</i> sidewalks; safe street and parking lot crossings; shade trees; off street breezeways, alleys, and over crossings; placement of parking lots and building entrances to favor pedestrians rather than cars. ○ <i>For transit riders:</i> all of the above plus safe, sheltered transit stops with convenient access to building entrances. ○ <i>For bicyclists:</i> theft proof and well-lighted bicycle storage facilities with convenient access to building entrance; on-site bikeways between buildings or uses. • Providing onsite services to reduce the need 	<p>The applicant shall incorporate applicable TCMS into development plans prior to approval of zoning clearance for development under the Focused Rezoning Program.</p>	<p>P&D shall review and approve proposed TCMS prior to approval of zoning clearance, and shall ensure compliance during field inspections.</p>		



Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification	
<p>for offsite travel, such as childcare, telecommuting center(s), and/or postal machines.</p> <ul style="list-style-type: none"> Providing on-site services to encourage alternative transportation modes, such as rideshare matching, augmented transit services, and/or transit education. 			
<p>AQ-2(b) Off-site Transportation Control Measures. The developer of a project under the Focused Rezone Program shall coordinate with APCD and P&D to determine appropriate off-site mitigation. This may include funding contributions for:</p> <ul style="list-style-type: none"> <i>Transit service enhancements to serve the project, such as shuttle buses, express bus service, and bike racks on buses.</i> <i>Bikeway improvements that would extend the existing bikeway network to provide better access to the Focused Rezone Program housing sites.</i> <i>Pedestrian improvements that would serve the project area, such as the addition of sidewalks to improve access to the rezoned sites, pedestrian crossings, and overhead or underground walkways.</i> <i>Public education for residents of the rezoned sites to explain the benefits of alternative transportation. This may consist of public service announcements, pamphlets, newsletters, and/or posting of such information on community bulletin boards.</i> 	<p>The applicant shall implement or help fund any required off-site Transportation Control Measures prior to approval of zoning clearance for development under the Focused Rezone Program.</p>	<p>P&D shall review and approve the proposed TCMs prior to approval of zoning clearance and shall ensure implementation of applicant requirements.</p>	
<p>AQ-5 Operational Phase Mitigation to Reduce Fuel Usage and thus Greenhouse Gases. The following energy efficiency and green building techniques shall be implemented for development under the Focused Rezone Program:</p> <ul style="list-style-type: none"> The applicant shall increase building energy efficiency ratings by at least 20% above what 	<p>The applicant shall incorporate some or all of the listed provisions into building plans or shall submit proof of infeasibility prior to issuance of grading permits.</p>	<p>P&D shall site inspect to ensure development is in accordance with approved plans prior to occupancy clearance.</p>	

Mitigation Measures Required for the Rezone Portion of Key Site 16

			Compliance Verification
<p>is required by Title 24 requirements. Energy consumption reduction measures that would aid in meeting this energy efficiency goal include, but are not limited to:</p> <ul style="list-style-type: none"> - Using roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs and/or installing photovoltaic roof tiles; - Using high efficiency gas or solar water heaters; - Using built-in energy efficient appliances; - Installing double-paned windows; - Installing door sweeps and weather stripping if more efficient doors and windows are not available; - Installing low energy interior lighting; - Using low energy street lights (i.e. sodium); and - Installing high efficiency or gas space heating. <ul style="list-style-type: none"> • Green Building techniques that would aid in minimizing greenhouse gas emissions include: <ul style="list-style-type: none"> - The siting of proposed buildings to eliminate or minimize the development's heating and cooling needs (e.g., solar orientation); - Install solar systems to reduce energy needs (e.g., solar panels); - Install solar water heaters; - Plant native, drought resistant landscaping; - Use locally-produced building materials; - Use renewable or reclaimed building materials; - Use materials which are resource efficient, recycled, with long life cycles 			

Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification		
<p>and manufactured in an environmentally friendly way.</p> <ul style="list-style-type: none"> The applicant shall provide for a kiosk or bulletin board in one or more common open spaces to provide education on energy efficiency, alternative transportation options, and area public transportation services. 				
<p>NOISE</p>				
<p>N-1 Construction Noise within 1,600 feet of a Sensitive Receptor. Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.</p>	<p>A minimum of two signs stating these restrictions shall be provided by the applicant and posted on site to alert onsite workers. Each homebuilder shall sign a contract agreeing to comply with this condition prior to approval of zoning clearance. Signs shall be in place prior to beginning of and throughout grading and construction activities. Agreements shall be submitted by the project developer prior to zoning clearance. Violations may result in suspension of permits.</p>	<p>Planning & Development (P&D) shall review signage and contract prior to issuance of grading permits and site inspect during construction.</p>		
<p>N-2 Noise Attenuation. An acoustical engineer shall be consulted during project design to incorporate construction/design specifications that would result in an ambient noise environment where all residents would be exposed to noise of less than 65 dBA Ldn in exterior usable spaces and 45 dBA Ldn in interior spaces. Typical design features that would be incorporated may include but are not limited to the following.</p>	<p>An acoustical report shall be submitted to Planning and Development (P&D) that details construction and design specifications incorporated into the project and shown on the plans, which would result in attenuation of noises such that future residents</p>	<p>P&D shall review the acoustical report prior to issuance of grading permits and site inspect prior to issuance of occupancy clearance.</p>		



Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification		
<ul style="list-style-type: none"> • Construction of berms and/or sound walls. • Implementation of a building setback to remove dwelling units from unacceptable noise levels. • Orientation of non-sensitive uses such as parking/garages and roadways closest to the noise source. • Orientation of buildings such that the first row of buildings has 90% linear coverage parallel to the noise source. For a building of 30 feet in height, in an ambient noise environment in excess of 70 dBA, building shielding would be anticipated to provide attenuation of 20 dBA. • Windows and sliding glass doors facing the noise source with a minimum Standard Transmission Class (STC) of 39 that are properly installed, weather stripped, and insulated. • Exterior doors facing the noise source with a minimum STC of 39 and insulated in conformance with Title 24 requirements. • Exterior wall facing material designed for a minimum STC of 39 (this can typically be achieved by adding absorptive insulation [i.e., fiberglass batts] in the wall cavity). • Roof or attic vents either facing away from the noise source or baffled. • Air conditioning or a mechanical ventilation system so that windows and doors may remain closed. 	<p>are not exposed to noise in excess of the 65 dBA Ldn exterior standard and the 45 dBA Ldn interior standard. Prior to occupancy, noise levels in the most affected residences and exterior usable spaces shall be verified as below the 45 dBA Ldn interior and 65 dBA Ldn exterior standards by sound measurements. A report documenting the results shall be submitted to P&D. The acoustical report and plans shall be submitted to the P&D for review and approval prior to issuance of building permits. A report documenting the post construction noise levels in the most affected residences and exterior usable spaces shall be submitted prior issuance of occupancy permits.</p>			
<p>SEISMIC, SOIL, AND LANDSLIDE HAZARDS</p>				
<p>GEO-1 Soil Erosion and Expansion Control. Prior to issuance of a building permit, soil samples of final cut slopes and building pads shall be analyzed to determine their susceptibility to expansion and erosion and appropriate erosion control techniques meeting</p>	<p>Soil sampling shall be conducted prior to on-site construction and erosion control requirements shall be incorporated into final</p>	<p>Public Works shall review and approve the soil study as well as final grading and construction plans prior to any on-site</p>		

Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification	
<p>building code requirements shall be incorporated into final grading and construction plans. At a minimum, the grading and construction plans will include the following requirements:</p> <ul style="list-style-type: none"> • <i>The top and faces of all cut slopes shall be protected from sheet flow by installation of back drains and down drains pursuant to building code requirements.</i> • <i>All manufactured slopes shall be protected from excessive erosion through proper landscape design. The landscape design shall include appropriate use of drip irrigation, drought tolerant plants, and netting or some other form of protection to ensure the slopes remain stable pending the establishment of the plantings.</i> 	<p>grading and construction plans.</p>	<p>construction. A P&D building inspector shall review the study and grading/construction plans and inspect the site during and after construction of each project component.</p>	
UTILITIES			
<p>U-1 Solid Waste Management Program. The applicant for future development of housing under the Focused Rezone Program shall develop and implement a Solid Waste Management Program to be reviewed and approved by Public Works Resource Recovery Division. The program shall identify the amount of waste generation projected during processing of the project. The program shall include (but not be limited to) the following components:</p> <ul style="list-style-type: none"> • <i>Provision of space and/or bins for storage of recyclable materials within the project site.</i> • <i>Implementation of a curbside recycling program to serve the new development.</i> • <i>Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up programs.)</i> • <i>Implementation of a backyard composting</i> 	<p>The applicant shall submit a Solid Waste Management Program to Public Works for review and approval prior to issuance of zoning clearance. Program components shall be implemented prior to occupancy clearance or throughout the life of the project.</p>	<p>Prior to zoning clearance, Planning & Development (P&D) shall verify review and approval by County Public Works.</p>	

Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification	
<p><i>yard waste reduction program.</i></p>			
<p>U-4(a) Interior Water Conservation (recommended measure). Indoor water use shall be limited through the following measures:</p> <ul style="list-style-type: none"> • Installation of low flow toilets • All hot water lines shall be insulated. • Recirculating, point-of-use, or on-demand water heaters shall be installed. • Water efficient clothes washers and dishwashers shall be installed. • Self regenerating water softening shall be prohibited in all structures. 	<p>Prior to zoning clearance, the applicant shall submit construction plans indicating all proposed water conservation measures for review and approval by Planning and Development (P&D)</p>	<p>Prior to occupancy clearance, Planning & Development (P&D) shall verify installation of the appropriate water conservation features and measures.</p>	
<p>U-4(b) Exterior Water Conservation (recommended measure). Outdoor water use shall be limited through the measures listed below.</p> <ul style="list-style-type: none"> • Landscaping shall be with native and/or drought tolerant species. • Drip irrigation or other water-conserving irrigation shall be installed. • Plant material shall be grouped by water needs. • Turf shall constitute less than 20% of the total landscaped area. • No turf shall be allowed on slopes of over 4%. • Extensive mulching (2" minimum) shall be used in all landscaped areas to improve the water holding capacity of the soil by reducing evaporation and soil compaction. • Soil moisture sensing devices shall be installed to prevent unnecessary irrigation. • Permeable surfaces such as turf block or intermittent permeable surfaces such as french drains shall be used for all parking areas and driveways. • Separate landscape meters shall be installed. 	<p>Prior to zoning clearance, the applicant shall submit landscape plans indicating all proposed water conservation measures for review and approval by Planning and Development (P&D)</p>	<p>Prior to occupancy clearance, Planning & Development (P&D) shall verify installation of the appropriate water conservation features and measures.</p>	

Mitigation Measures Required for the Rezone Portion of Key Site 16

HYDROLOGY AND WATER QUALITY			Compliance Verification
<p>HWQ-1(a) Drainage Report. The applicant for the proposed project shall have a drainage report prepared by a County-approved engineering firm in order to analyze potential drainage impacts as they relate to increased surface flows, peakflow and flooding. The report shall also identify specific methods to reduce peak storm water discharges from the rezoned site to 0.07 cfs or lower for a 25-year storm event. Specific methods that project applicants may use to meet this standard include the use of onsite detention basins, drainage swales, and pervious paving materials, or some combination thereof.</p>	<p>The above measures, as detailed in a drainage report to be prepared by the project applicant, shall be reviewed and approved by the Santa Barbara County Flood Control District prior to issuance of a grading permit.</p>	<p>The Flood Control District shall review and approve the selected stormwater management option as outlined in the final drainage report.</p>	
<p>HWQ-1(b) Runoff Conveyance. All runoff water from impervious areas shall be conveyed by impervious conduits via energy dissipaters to existing or new drainage channels in a non-erosive manner.</p>	<p>A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to recordation of any tract map by an applicant to P&D, and the Flood Control District for review and approval. The applicant shall enter into a maintenance agreement with the Flood Control District to ensure that the stormwater control and conveyance system is maintained in a proper manner.</p>	<p>Planning & Development (P&D) and the Flood Control District shall review and approve the drainage plans.</p>	
<p>HWQ-1(c) Detention/Recharge Basin Design. Percolation basins shall be designed in accordance with applicable Santa Barbara Flood Control District standards. The design must consider the volume of water that the basin is expected to store, as well as</p>	<p>A drainage plan which incorporates the above and includes a maintenance and inspection program to</p>	<p>P&D and the Flood Control District shall review the drainage plans</p>	



Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification		
operation and maintenance of the basins.	ensure proper functioning shall be prepared for review prior to approval of zoning clearance. Review and approval of the plans shall be performed by P&D and the Flood Control District.			
<p>HAZARDS AND HAZARDOUS MATERIALS</p> <p>HAZ-1(a) Soil Sampling and Remediation. Soil sampling for contaminants shall be conducted by a qualified professional on the rezoned portion of Key Site 16 prior to any ground moving activities associated with development of the site under the Focused Rezone Program. The results of the soil sampling shall be forwarded to the local regulatory agency, FPD, RWQCB, or DTSC. The oversight agency shall review the data and either sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. If concentrations of contaminants warrant site remediation, contaminated materials shall be remediated either prior to construction of structures or concurrent with construction. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory oversight agency (such as the FPD, RWQCB, or the DTSC) and shall remediate contamination levels to below the regulatory action level of the designated oversight agency. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.</p>	<p>Prior to approval of zoning clearance, the applicant shall submit the site assessment or if necessary remediation results to the Santa Barbara County Fire Department and Planning & Development (P&D) for approval.</p>	<p>P&D shall verify with the FPD that appropriate sampling and if required, remediation has been completed. Following verification of regulatory compliance, P&D shall complete a permit compliance inspection of the site.</p>		



Mitigation Measures Required for the Rezone Portion of Key Site 16

		Compliance Verification		
<p>HAZ-1(b) Groundwater Sampling and Remediation. If, during the soil sampling, groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the applicant shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, or if the contaminants exceed health risk standards such as Preliminary Remediation Goals, one in one million cancer risk, or a health risk index above 1, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (FPD, RWQCB, or the DTSC). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary.</p>	<p>Prior to approval of building permits, the applicant shall submit the site assessment or if necessary remediation results to the Santa Barbara County Fire Department and P&D for approval.</p>	<p>P&D shall verify with the FPD that appropriate sampling and if required, remediation has been completed. Following verification of regulatory compliance, P&D shall complete a permit compliance inspection of the site.</p>		
CULTURAL RESOURCES				
<p>CR-2 Work Cessation and Additional Assessment and Mitigation. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Cultural Resource Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.</p>	<p>This condition shall be printed on all building and grading plans</p>	<p>P&D shall check plans prior to approval of zoning clearance and shall spot check in the field.</p>		

Attachment C-3

Land Use Development Code Amendment to include MR-O Zone District

Exhibit 1: Key Site 3 County Zoning Map

Exhibit 2: Key Site 16 County Zoning Map

ATTACHMENT C-3

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 35-1 THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE: CHAPTER 35 (ZONING), ARTICLE 35.1 (DEVELOPMENT CODE APPLICABILITY), ARTICLE 35.2 (ZONES AND ALLOWABLE LAND USES), ARTICLE 35.3 (SITE PLNNING AND OTHER PROJECT STANDARDS), ARTICLE 35.4 (STANDARDS FOR SPECIFIC LAND USES), ARTICLE 35.8 (PLANNING PERMIT PROCEDURES) AND AMENDING THE COUNTY ZONING MAP BY REZONING CERTAIN LOTS TO APPLY THE NEW MULTIFAMILY RESIDENTIAL - ORCUTT ZONE (MR-O) TO COMPLY WITH THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (STATE HCD) REQUIREMENTS TO DEMONSTRATE CAPACITY TO PROVIDE ADDITIONAL AFFORDABLE HOUSING OPPORTUNITIES NECESSARY TO MAINTAIN CERTIFICATION OF THE 2003-2008 HOUSING ELEMENT.

Case Nos. 08ORD-00000-00017; 08RNZ-00000-00009

The Board of Supervisors of the County of Santa Barbara ordain as follows:

SECTION 1:

ARTICLE 35.1, Development Code Applicability, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, is amended to update Chapter 35.14, Zoning Map and Table 1-1 (Zones) of Section 35.14.020 (Zoning Map and Zones), to add a new zone in the Residential Zones section as follows:

Table 1-1 - Zones

Zone Symbol	Name of Zone	Applicable Code Chapter
Residential Zones		
<u>MR-O</u>	<u>Multi-Family Residential- Orcutt</u>	35.23

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.23.020 (Purposes of Residential Zones), of Chapter 35.23, Residential Zones, to add a new Subsection M (MR-O Multi-Family Residential-Orcutt zone), to read as follows:

M. MR-O (Multi-Family Residential – Orcutt) zone. The MR-O zone is applied to areas located within the Orcutt Community Plan that are appropriate for new high quality multi-family residential opportunities at densities considered by state law to be affordable by design to very low and low-income households. The regulations will ensure projects located in this zone will provide safe, aesthetically pleasing and desirable new residential neighborhoods that are compatible with existing developments. To achieve these purposes, this zone incorporates a number of basic, self-mitigating design components that promote quality design and efficient land use, the provision of open space, energy conservation, and recreational opportunities for residents and families. In addition, the regulations provide certainty to property owners, developers, and neighbors about the type of development and density allowed on these two sites. The

application of the MR-O zone to Orcutt Community Plan Key Sites 3 and 16 will allow the development of no less than 370 multi-family housing units. The minimum residential density within the MR-O zone shall be equal to the maximum allowed residential density of 20 units per acre, excluding private and public rights-of-way and except as required by state law.

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection E (Accessory structures and uses) of Section 35.23.030 (Residential Zones Allowable Land Uses), of Chapter 35.23, Residential Zones, to read as follows:

- E. Accessory structures and uses.** Each use allowed by Tables 2-7, 2-8, and 2-9 (Allowed Land uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the accessory structures and uses are:
1. Within the R-1/E-1, EX-1, R-2, DR, MR-O, SLP, SR-M and SR-H zones, when accessory to dwellings are for the exclusive use of the residents of the site and their guests and do not involve a commercial enterprise on the site; and
 2. In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.42 (Standards for Specific Land Uses).

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-8, Allowed Land Uses and Permit requirements for Residential Zones, of Section 35.23.030 (Residential Zones Allowable Land Uses), of Chapter 35.23, Residential Zones, to add a new column titled MR-O Land Uses), and to add in the table heading a new permit type “ZC Zoning Clearance” to read as follows:

<p>Table 2-8</p> <p>Allowed Land Uses and Permit Requirements for Residential Zones</p>	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	<u>ZC</u>	<u>Zoning Clearance</u>				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MR-O					

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	=					
Animal keeping (except equestrian facilities - see RECREATION)	S					35.42.060
Aquaculture	=					
Cultivated agriculture, orchard, vineyard	=					
Greenhouse, 300 sf or less	=					
Greenhouse, 300 sf to 800 sf	=					
Greenhouse, 800 sf or more	=					
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	=					

Mining - Surface, less than 1,000 cubic yards	—						
Mining - Surface, 1,000 cubic yards or more	—						
Oil and gas uses	—						

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Community center	—						
Conference center	—						
Country club	—						
Equestrian facilities	—						
Fairgrounds	—						
Golf course	—						
Golf driving range	—						
Library	—						
Meeting facility, public or private	—						
Meeting facility, religious	—						
Meeting room accessory to organizational house	—						
Museum	—						
Park, playground - Commercial	—						
Park, playground - Private	—						
Park, playground - Public	—						
Private residential recreation facility	ZC						
School	—						
School - Business, professional or trade	—						
Sports and outdoor recreation facilities	—						

Key to Zone Symbols

MR-O	Multi-family Residential - Orcutt		
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use or Coastal Permit required (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	ZC	Zoning Clearance
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations
	MR-O	

RESIDENTIAL USES

Dwelling, one-family	—					
Dwelling, two-family	—					
Dwelling, multiple	ZC					
Emergency shelter	—					
Guesthouse or artist studio	—					
Home occupation	P					35.42.190
Mobile home park	CUP					
Monastery	—					
Organizational house (sorority, monastery, etc.)	—					
Residential accessory use or structure	ZC					35.42.020
Residential project convenience facilities	ZC					35.42.220
Residential second unit	—					
Special care home, 7 or more clients	MCUP					35.42.090

RETAIL TRADE

Agricultural product sales, on-site production only	—						35.42.050
Convenience store	—						
Drive-through facility, accessory to permitted use	—						
Visitor-serving, commercial	—						

Key to Zone Symbols

MR-O	Multi-family Residential - Orcutt
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit (Section 35.82.110) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

<p>Table 2-8 - Continued</p> <p>Allowed Land Uses and Permit Requirements for Residential Zones</p>	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use or Coastal Permit required (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	<u>ZC</u>	<u>Zoning Clearance</u>
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	MR-O	Specific Use Regulations

SERVICES

Cemetery	—						
Charitable or philanthropic organization	—						
Large family day care home	—						35.42.090
Small family day care home	<u>E</u>						35.42.090
Child care center, Non-residential	—						35.42.090
Child care center, Non-residential, accessory	<u>ZC</u>						35.42.090
Child care center, Residential	—						35.42.090
Drive-through facility, accessory to permitted use	—						
Lodging - Hostel	—						
Lodging - Hotel or motel	—						
Mausoleum	—						
Medical services - Clinic	—						
Medical services - Extended care	—						
Medical services - Hospital	—						
Mortuary	—						35.42.120
Mortuary, accessory to cemetery	—						35.42.120
Music recording studio	—						
Personal services	—						
Resort visitor-serving	—						

Key to Zone Symbols

MR-O	Multi-family Residential - Orcutt
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Where allowed by the Coastal Land Use Plan

<p>Table 2-8 - Continued</p> <p>Allowed Land Uses and Permit Requirements for Residential Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>P Permitted use, Land Use or Coastal Permit required (2)</p> <p>MCUP Minor Conditional Use Permit required</p> <p>CUP Conditional Use Permit required</p> <p><u>ZC</u> <u>Zoning Clearance</u></p> <p>S Permit determined by Specific Use Regulations</p> <p>— Use Not Allowed</p>
LAND USE (1)	PERMIT REQUIRED BY ZONE
MR-O	Specific Use Regulations

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	—					
Airstrip, private and temporary	—					
Airstrip, temporary	—					
Drainage channel, water course, storm drain, less than 20,000 sf	<u>P</u>					
Drainage channel, water course, storm drain, 20,000 sf or more	<u>MCUP</u>					
Electrical substation - Minor (3)	<u>MCUP</u>					
Electrical substation - Major	—					
Electrical transmission line (4) (5)	<u>CUP</u>					
Flood control project, less than 20,000 sf total area (6)	<u>P</u>					
Flood control project, 20,000 sf or more total area (6)	<u>MCUP</u>					
Heliport	—					
Parking facility, commercial, for residential use	—					
Pipeline - Oil and gas	—					
Public utility facility	<u>CUP</u>					
Public works or private service facility	<u>MCUP</u>					
Road, street, less than 20,000 sf total area (6)	<u>P</u>					
Road, street, 20,000 sf or more total area (6)	<u>P</u>					
Sea wall, revetment, groin, or other shoreline structure	—					
Telecommunications facility	<u>S</u>					35.44
Utility service line with less than 5 connections (4)	—					
Utility service line with 5 or more connections (4)	—					
Wind turbines and wind energy systems	—					

Key to Zone Symbols

MR-O	Multi-family Residential - Orcutt
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Use is subject to the standards of the PU Zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use or Coastal Permit required (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	ZC	<u>Zoning Clearance</u>
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	MR-O	Specific Use Regulations

WATER SUPPLY & WASTEWATER FACILITIES

Bulk water importation facilities	—					
Desalination facility, less than 15 connections	—					
Desalination facility, 15 to less than connections	—					
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P(3)					
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or greater	P(3)					
Reservoir, less than 20,000 sf of total development	—					
Reservoir, 20,000 sf to less than 50,000 sf total development	—					
Reservoir, 50,000 sf or more of total development	—					
Wastewater treatment system, individual, alternative	—					
Wastewater treatment system, individual	—					
Wastewater treatment facility, less than 200 connections	—					
Water diversion project	—					
Water extraction, commercial	—					
Water or sewer system pump or lift station (4)	—					
Water system with 1 connection	—					
Water system with 2 to less than 5 connections	—					
Water system with 5 or more connections (5)	—					
Water trucking facility, commercial	—					
Water well, agricultural	—					

Key to Zone Symbols

MR-O	Multi-family Residential - Orcutt
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Limited to wastewater pipelines; see Article 35.5 for development standards.
- (4) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.
- (5) In the Coastal Zone, limited to less than 200 connections.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-10, Minimum Lot Size and Minimum Building Site Area, of Section 35.23.040, Residential Zones Lot Standards, of Chapter 35.23, Residential Zones, to add a new column titled MR-O, Multi-family Residential - Orcutt, to read as follows:

Table 2-10 - Minimum Lot Sizes and Minimum Building Site Area

Zoning Map Symbol	Minimum Lot and Building Site Area	Minimum Lot Width	Zoning Map Symbol	Minimum Lot and Building Site Area	Minimum Lot Width
RR-5	5 acres gross	250 ft gross	1.5-EX-1	1.5 acres gross	150 ft gross (1)
RR-10	10 acres gross	250 ft gross	2.5-EX-1	2.5 acres gross	200 ft gross (1)
RR-15	15 acres gross	250 ft gross	3.5-EX-1	3.5 acres gross	225 ft gross (1)
RR-20	20 acres gross	250 ft gross	7-R-2	7,000 sf net	65 ft net
RR-40	40 acres gross	250 ft gross	8-R-2	8,000 sf net	75 ft net
RR-100	100 acres gross	250 ft gross	10-R-2	10,000 sf net	80 ft net
7-R-1	7,000 sf net	65 ft net	12-R-2	12,000 sf net	80 ft net
8-R-1	8,000 sf net	75 ft net	15-R-2	15,000 sf net	90 ft net
10-R-1	10,000 sf net	80 ft net	20-R-2	20,000 sf net	100 ft net
12-R-1	12,000 sf net	80 ft net	30-R-2	30,000 sf net	110 ft net
15-R-1	15,000 sf net	90 ft net	DR (2)	Determined by Final Development Plan	
20-R-1	20,000 sf net	100 ft net	PRD	None; see 35.23.100	
1-E-1	1 acre gross	120 ft net	SLP	4,000 sf net	50 ft net
2-E-1	2 acres gross	150 ft net	SR-M	7,000 sf net	65 ft net
3-E-1	3 acres gross	210 ft net	SR-H	7,000 sf net	65 ft net
5-E-1	5 acres gross	270 ft net	MHP	See Section 35.23.080	
10-E-1	10 acres gross	380 ft net	MHS	See Section 35.23.090	
			MR-O	See Section 35.23.130	

Notes:

- (1) Lot width is defined differently for the EX-1 zone than other zones. See the definition of “Lot Width, Gross” in Article 35.11 (Glossary).
- (2) The DR zoning map symbol is accompanied by a number that specifies the allowable number of units per gross acre, see Table 2-12 (DR Zone Maximum Density).

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-11, Residential Zones Development Standards, of Section 35.23.050, Residential Zones Development Standards, of Chapter 35.23, Residential Zones, to add a new column titled MR-O, Multi-family Residential - Orcutt, to read as follows:

Table 2-11 - Residential Zones Development Standards

Development Feature	Requirement by Zone		
	MR-O Multi-family Residential - Orcutt		
Minimum lot size Area, width	<i>Minimum area and width for lots proposed in new subdivisions.</i>		
	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).		
	See Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		
Setbacks Front - Primary	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		

Development Feature	Requirement by Zone		
	MR-O Multi-family Residential - Orcutt		
Front - Secondary	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		
Side	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		
Rear	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).		
Building separation	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>		
Maximum coverage	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards)		
Landscaping	See Chapter 35.34 (Landscaping Standards)		
Parking	See Chapter 35.36 (Parking and Loading Standards)		
Signs	See Chapter 35.38 (Sign Standards)		

SECTION 7:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35.23.130 (MR-O Zone Standards), to Chapter 35.23, Residential Zones, to read as follows:

Section 35.23.130 - MR-O Zone Standards

Proposed development within the MR-O zone shall comply with the following standards in addition to those in Section 35.23.050 (Residential Zones Development Standards).

A. Application processing.

- 1. Additional discretionary review, environmental review and public hearings not required; exception.** Uses allowed by the issuance of a Zoning Clearance in compliance with Section 35.82.210, as shown in Table 2-8, above, have already complied with the requisite discretionary approval and environmental review process and public hearings before the Commission and the Board concurrent with the processing of the 2003-2008 Housing Element Focused Rezone Program. In compliance with Government Code Section 65580 et seq., no further environmental review, public hearing, or discretionary approval is required for projects that only require the issuance of a Zoning Clearance in compliance with Section 35-82.210 and conform to the regulations in this Section. All projects, inclusive of rezone applications that have not been specifically initiated by the County for the purpose of complying with Government Code Section 65580 et seq., are required to

proceed through additional discretionary review, inclusive of environmental review and all required public hearings.

2. Predevelopment Review. Predevelopment consultation with the Director shall be required prior to acceptance of a formal development application for sites within this zoning district. Prior to these meetings, applicants shall be advised that the project is subject to ministerial review and the MR-O zone regulations.

a. Predevelopment Review Submittal Requirements. Applicants shall review the Multi Family Residential Zone Design Principles in Subsection H, below, prior to scheduling a predevelopment appointment with the Director and incorporate the principles into the concept plan. An application for predevelopment review by the Director shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall include at a minimum the following materials.

- (1) Preliminary site plans with conceptual building footprints, parking, and site circulation identified.
- (2) General open space and landscaping concept plans.
- (3) Exterior building elevation examples with conceptual design features illustrated.

3. Development application requirements. Applications for Zoning Clearance shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall include at a minimum the following materials:

- a. Proposed site, parking, grading, and drainage plans.
- b. Proposed landscaping plan and a list of proposed plants.
- c. Proposed lighting plans with manufacturer cutsheets and photometric calculations showing the locations of all outdoor luminaries (including site, parking lot, parking canopies, walkways/sidewalks, building-mounted, under-under canopies, architectural, landscape, flagpole, external signage lighting, etc.) demonstrating the elimination of glare offsite and at the building facades. This includes all normal and emergency outdoor lighting.
- d. Building materials board, and color plates with examples for each proposed building in the development.
- e. Building identification and traffic sign design examples and colors.
- f. Elevation drawings depicting the proposed project's context with adjacent buildings.

4. Prior to issuance of a Zoning Clearance in compliance with Section 35.82.210, the Director shall verify that the project incorporates, to the extent feasible, the design principles referenced in Subsection H below.

B. Setbacks.

1. Perimeter setback. All structures shall be set back a minimum of 10 feet from the perimeter of the entire development.

2. Interior setbacks. The following shall apply to all lots within the development:

- a. **Front.** Each lot shall provide an average setback of 10 feet from all public and private street rights-of-way. Balconies, decks, entryways, landings, patios and porches may encroach within the front setback.
- b. **Side.** None.
- c. **Rear.** Each lot shall provide an average setback of 10 feet from the rear property line.

3. Parking.

- a. **Off-Street Parking.** Covered or uncovered off-street parking shall be located a minimum of 10 feet from any public or private street right-of-way line and a minimum of five feet to any other property line and shall be made available throughout the project

C. Minimum distance between opposing garages. 20 feet.

D. Distance between buildings on same building site. The minimum distance between a building containing dwelling units and any other detached building shall be 5 feet.

E. Height limit. The height limit of any structure is 50 feet, except that within 100 feet of any preexisting street located adjacent to the perimeter of the development the height limit is 40 feet.

F. Open space. A minimum of 25 percent of the net site area shall be reserved for the life of the project as open space.

- 1. A minimum of 60 percent of the total open space requirement shall be provided as common open space areas such as greenways, landscaping, outdoor dining and cooking areas, play areas, picnic, swales and walkways.
- 2. A maximum of 40 percent of the total open space requirement may be provided as private open space.
- 3. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be conveyed to a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the County the rights to develop such property with anything except open space, non-commercial recreational facilities, common parking areas, and private streets. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to the areas.

G. Density. The minimum residential density within the MR-O zone shall be equal to the maximum allowed residential density of 20 units per acre, excluding private and public rights-of-way and except as required by state law.

H. Design. Design requirements are detailed in the Orcutt Community Plan as development standards applicable to Key Sites with MR-O zoning. The primary purpose of the MR-O zone design requirement is to establish self-mitigating design components that minimize the potential negative aesthetic impacts of any proposed project. The secondary purpose of the design requirement is to ensure continuity and compatibility with inter-related design components found in other residential zone districts in the Orcutt Community Plan. A verification of feasible compliance with the Design Components by the County Board of Architectural Review (BAR) and the Director is required prior to issuance of Zoning Clearance in compliance with Section 35.82.210 and guarantees fast-track project processing.

I. Additional Requirements for Condominiums, Stock Cooperatives, or Community Apartments. The following requirements shall apply to condominiums, stock cooperative, and community apartments:

1. Individual metering for utilities shall be provided for each unit, unless metering would be in conflict with an innovative energy-efficient or resource conserving utility system designed for the project.
2. Individual or shared enclosed trash collection areas shall be provided sufficient to serve each housing unit and building in the development.
3. In the case of cluster development, the perimeter of the development shall be landscaped with a minimum strip of 10 feet except for access to adjacent streets.
4. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas, consistent with the project landscape plan.

SECTION 8:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Subsection C. (Multi-family Residential - Orcutt) to Section 35.34.060 (Residential Zones Landscaping Requirements) of Chapter 35.34, Landscaping Standards, to read as follows, and to renumber existing Subsection C through Subsection E as Subsection D through F:

- C. Multi-family Residential - Orcutt (MR-O) zone. A landscape plan shall be approved for all development within the MR-O zone. The landscape plan shall include, at a minimum, the following:
1. Perimeter setback areas that are part of the common open space shall be landscaped.
 2. Unightly areas within the development (e.g., common parking areas, trash storage areas) shall be thoroughly screened by landscaping.
 3. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.

SECTION 9:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Subsection G. (Multi-family Residential - Orcutt) to Section 35.36.100 (Standards for Residential Zones and Uses), of Chapter 35.36, Parking and Loading Standards, to read as follows, and to renumber existing Subsection G through Subsection I as Subsection H through J:

G. Multi-family Residential - Orcutt (MR-O) zone.

1. Parking shall be located in compliance with Section 35.23.130 (Multi-family Residential - Orcutt).
2. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas).

SECTION 10:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 4-4 of Section 35.42.060 (Animal Keeping), of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

Table 4-4		E	Allowed use, no permit required (Exempt)	
		P	Permitted Use, Land Use or Coastal Permit Required	
		MCUP	Minor Conditional Use Permit	
		CUP	Conditional Use Permit required	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
Animal Keeping in Residential Zones: R-2, R-2 CZ, DR, DR CZ, MR-O, PRD, PRD CZ				
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)		Maximum Number of Animals per Lot (2)	
			Additional Regulations	
Animal husbandry project	R-2	E	1 large hoofed animal per 20,000 sf, with a maximum of 3 swine or 5 other animals per lot; 1 small hoofed animal (not including cattle or horses) if lot is a minimum of	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (3)	R-2	E	1 animal per 20,000 sf; maximum 5 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Commercial boarding and raising of animals for members of the public	R-2	—		
	DR	—		
	MR-O	—		
	PRD	—		
Commercial livestock feed or sales yard	R-2	—		
	DR	—		
	MR-O	—		
	PRD	—		
Dogs	R-2	E	3	
	DR	E		
	MR-O	—		
	PRD	—		
Goats and sheep (3)	R-2	E	1 animal per 20,000 sf; maximum 5 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Hogs and swine (3)	R-2	E	1 animal per 20,000 sf; maximum 3 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Household pets	R-2	E	None	35.42.060.F.1
	DR	E		
	MR-O	E		
	PRD	E		
Kennel, commercial	R-2	CUP	None	
	DR	CUP		
	MR-O	—		
	PRD	—		
Kennel, non-commercial (3)	R-2	MCUP	None	
	DR	MCUP		
	MR-O	—		
	PRD	—		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	R-2	E	None	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Wildlife species rehabilitation	R-2	E	None	35.42.060.F.4
	DR	E		
	MR-O	—		
	PRD	E		

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I and AG-I CZ).

(2) See Subsection 35.42.060.G (Multiple animal types) above.

(3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

SECTION 11:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 4. (Development Plan required) of Subsection D. (Processing) of Section 35.82.210 (Zoning Clearances), of Chapter 35.82, Permit Review and Decisions, to read as follows:

4. **Development Plan required.** Except for projects that only require the approval of a Zoning Clearance in compliance with Section 35.23.130 (Multi-family Residential - Orcutt), ~~the~~ approval of a Development Plan in compliance with Section 35.82.080 (Development Plans) shall be required before the issuance of any Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 square feet or more of gross floor area or is an attached, or detached addition that, together with the existing structures on the lot will total 20,000 square feet or more of gross floor area.

SECTION 12:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35. Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 13:

Except as amended by this Ordinance, Article 35.1, Article 35.2, Article 35.3, Article 35.4, and Article 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 14:

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on a portion of Assessor's Parcel Number 129-151-026 from Rural Residential (RR-10) and Assessor's Parcel Numbers 105-330-001 and 105-330-002 from Shopping Center (SC) to Multi-Family Residential – Orcutt (MR-O), as shown on Exhibits 1 and 2.

SECTION 15:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibits 1 and 2 to show that said map has been adopted by this Board.

SECTION 16:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

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

AYES:
NOES
ABSENT:
ABSTAIN:

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

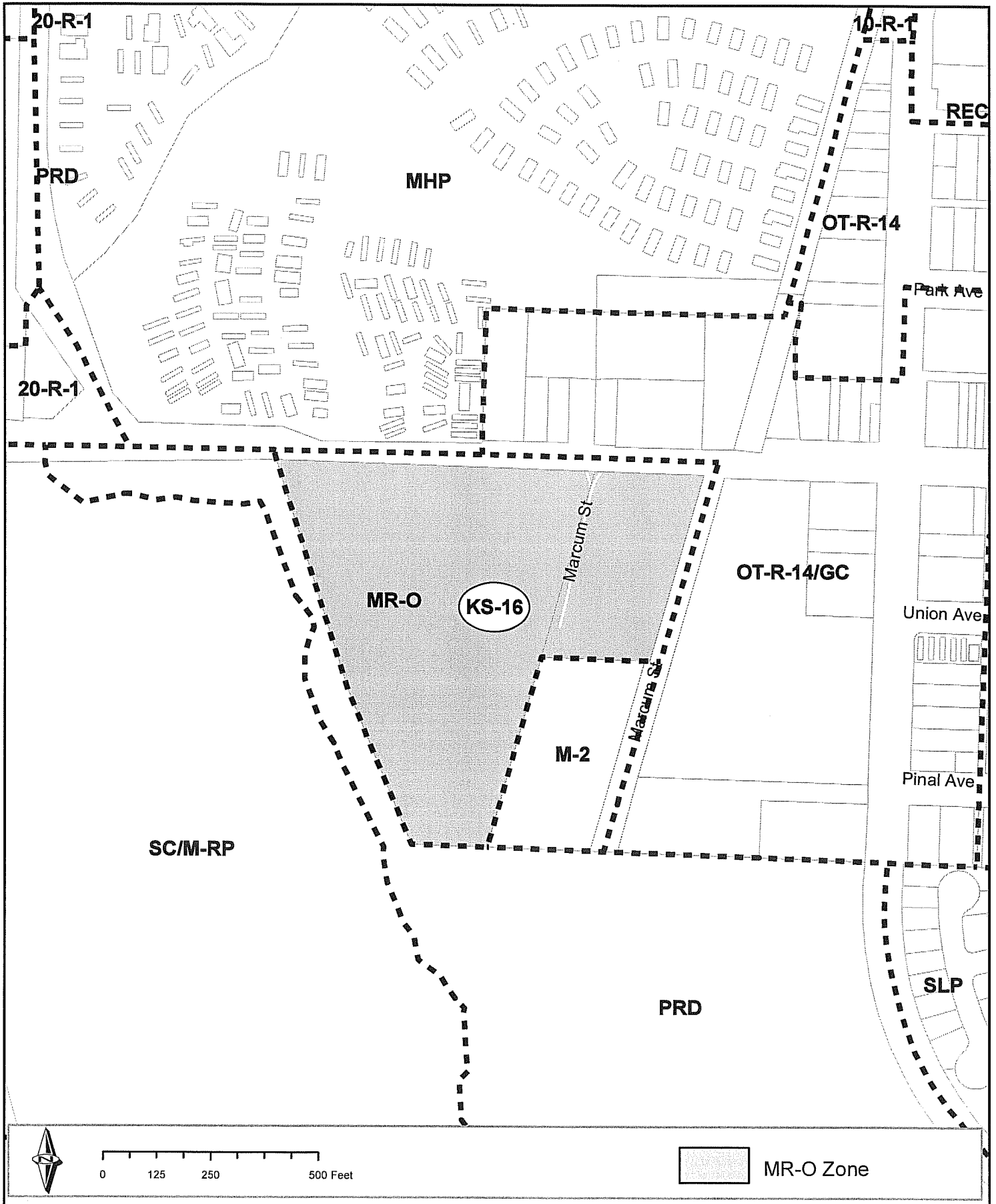
DENNIS MARSHALL
County Counsel

By _____
Deputy County Counsel

EXHIBIT 1
MR-O Zone on Key Site 3



EXHIBIT 2
MR-O Zone on Key Site 16



Attachment D

June 16, 2008 Letter to Santa Barbara County from the California State
Department of Housing and Community Development

~~STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY~~

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643

~~ARNOLD SCHWARZENEGGER, Governor~~



June 16, 2008

Mr. John McInnes, Director
Office of Long Range Planning
County of Santa Barbara
30 East Figueroa
Santa Barbara, CA 93101

Dear Mr. McInnes:

RE: Compliance Status of County of Santa Barbara's Adopted Housing Element

This letter responds to the County's request regarding alternative sites strategies to accommodate the County's share of the regional housing need and comply with Policy 1.10, Action 1 in the adopted element. In addition, the County has requested written direction on continuing with the County's rezone program accounting for residential capacity in the Isla Vista Master Plan (IVMP), or alternatively amending the housing element to identify sites in the IVMP and continuing the rezone program based on the capacity identified in the element. As the element does not identify sites in the IVMP and does not include analysis to demonstrate their suitability and availability during the planning period, the County should amend its housing element to reflect the potential capacity in the IVMP and demonstrate adequate sites to accommodate the County's share of the regional housing need. In addition, the County should proceed with its rezone program (Policy 1.10, Action 1) concurrently and reflecting the realistic capacity identified in the IVMP.

As you are aware, the Department's August 2, 2006 finding of compliance was conditioned on Policy 1.10, Action 1 to demonstrate adequate sites and rezone a minimum of 62 acres to a designation allowing at least 20 dwelling units per acre by the end of May 2007. On May 10, 2007, the Department received a written request to extend the completion date and granted an extension to December 31, 2007. In August 2007, the County submitted information regarding revision of the adequate sites strategy. Rather than rezone the vacant opportunity sites identified, generally ranging from 1-10 acres in size, the County indicated it would utilize redevelopment sites in the IVMP, mostly comprised of small, nonvacant sites. The County suggested the adopted IVMP provides redevelopment opportunities for 1,415 multiple family units, ranging in densities between 25-45 dwelling units per acre.

Mr. John McInnes, Director
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However, as discussed with County staff, the IVMP strategy must demonstrate compliance with by-right and size requirements pursuant to Government Code Section 65583.2 (h) and (i). The County has since proposed using only a portion of the capacity in the IVMP and to continue the rezone program of identified opportunity sites to address the County's remaining share of the regional housing need.

Since the adequate sites strategy has been revised, the County should amend its housing element to identify and analyze the suitability and availability of sites in the IVMP. Specifically, the element should demonstrate how the sites in the IVMP comply with statutory requirements for adequate sites pursuant to Government Code Section 65583(a)(3) and 65583.2, including:

- **Sites Inventory** - Identify sites by parcel number or unique reference, zoning, general plan designation, size, calculation of capacity and existing uses for nonvacant sites. The listing of existing uses should be sufficiently detailed to demonstrate the likelihood for redevelopment in the planning period.
- **Realistic Capacity** - Analyze the realistic capacity of sites, accounting for land use controls and the extent to which other uses are allowed on the identified sites. This analysis should also address the preponderance of smaller sites in the IVMP and demonstrate their potential for more intense residential development capacity in the planning period, including the potential for lot consolidation. The element could evaluate development trends to facilitate this analysis. This is particularly important given the necessary economies of scale to facilitate development of housing affordable to lower-income households. For example, assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units.
- **Nonvacant Sites** - Analyze the suitability of nonvacant sites based on the extent to which existing uses may impede development, market conditions, development trends and regulatory incentives.

The amendment to the housing element should include appropriate revision of the County's rezone program. Please see the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements*, including information on the adequate sites requirement at http://www.hcd.ca.gov/hpd/housing_element/index.html.

Pursuant to the County's request, the Department granted an extension to complete the necessary rezones until December 31, 2007. As of this date, the required rezones have not been completed and the element does not demonstrate adequate sites to accommodate the County's share of the regional housing need. Given the recent shift in the adequate sites strategy, the County should amend its element to demonstrate the adequacy of sites within the IVMP within 90 days and should concurrently continue the rezone program pursuant to the schedule (Attachment 4) outlined in the County's March 27, 2008 correspondence.