

Attachment 1:

Findings

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**ATTACHMENT 1:
FINDINGS FOR THE
ORCUTT COMMUNITY PLAN 2012 AMENDMENTS**

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

1.1 *Certification of the Supplemental Environmental Impact Report*

The Final Supplemental Environmental Impact Report (SEIR) (09EIR-00000-00004) which incorporates the SEIR Revision Document (RV-1) was completed for the Orcutt Community Plan (OCP) 2012 Amendments in compliance with CEQA.

The Final SEIR was presented to the Santa Barbara County Board of Supervisors and all voting members of the Board of Supervisors have reviewed and considered the information contained in the Final SEIR and its appendices prior to project approval. In addition, all voting members of the Board of Supervisors have reviewed and considered testimony and additional information presented at or prior to public hearing on December 4, 2012.

The Final SEIR reflects the independent judgment and analysis of the County of Santa Barbara Board of Supervisors, and has been completed in compliance with the California Environmental Quality Act (CEQA). The Final SEIR, which incorporates the Revision Document and along with the Final EIR for the OCP (95-EIR-01) comprise adequate environmental review for the OCP 2012 Amendments.

1.2 *Supplemental Environmental Document Appropriate (per CEQA Section 15163)*

The Santa Barbara County Board of Supervisors finds that only minor changes and additions would be necessary to make the OCP Final EIR (95-EIR-01) adequate to fulfill the environmental review requirements for the OCP 2012 Amendments (11GPA-00000-00001 and 11GPA-00000-00002). Therefore, the Santa Barbara County Board of Supervisors finds that a Final SEIR is the appropriate environmental document to prepare for the OCP 2012 Amendments.

1.3 *Full Disclosure*

The Santa Barbara County Board of Supervisors finds and certifies that the Final SEIR for the OCP 2012 Amendments, together with the Orcutt Community Plan EIR (95-EIR-01) constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.4 *Mitigation of Project Impacts*

The Santa Barbara County Board of Supervisors finds that in accordance with the environmental impact analysis provided in 09EIR-00000-00004 the OCP 2012 Amendments as approved will not result in new significant environmental effects, or a substantial increase in the severity of previously identified significant impacts that require major revisions to the previously certified OCP EIR.

The Board of Supervisors also finds the previously certified OCP FEIR eliminated or substantially mitigated impacts related to the OCP and that the FSEIR analysis has demonstrated that the OCP 2012 Amendments would not result in any new significant effects that require mitigation. Therefore, the previously certified OCP

FEIR is consistent with CEQA with the minor additions and changes incorporated by the FSEIR. Therefore, additional mitigation measures intended to reduce or avoid significant effects on the environment are not required for this project.

1.5 Environmental Reporting and Monitoring Program

The Addendum to the OCP FEIR included a Mitigation Monitoring and Reporting Plan that was certified by the Santa Barbara County Board of Supervisors in July 1997. The Santa Barbara County Board of Supervisors finds that the FSEIR has demonstrated that the proposed project would not result in significant effects on the environment and therefore a new environmental reporting or monitoring program under the CEQA Guidelines Section 15097 for the OCP 2012 Amendments project is not required.

1.6 Location of Documents

The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Planning and Development Department located at 123 E. Anapamu Street, Santa Barbara, CA 93101.

2.0 ADMINISTRATIVE FINDINGS

2.1 Comprehensive Plan Findings

Government Code Section 65358 requires each comprehensive plan amendment to be in the public interest. The County of Santa Barbara Board of Supervisors finds that the OCP 2012 Amendments are in the public interest for the following reasons:

1. The Santa Barbara County Board of Supervisors finds that the OCP 2012 Amendments revise existing OCP Policy FLD-O-4 and include new development standards FLD-O-4.1 to ensure current best control practices and technology are included in all future projects which would have the potential to cause flooding and impair water quality. Therefore, the implementation of the OCP 2012 Amendments will effectively ensure that the public welfare and property are protected from the impacts from flooding and to water quality associated with buildout of OCP land uses and are consistent with the purposes and goals of *OCP Chapter IV Resources and Constraints, Section C Flooding and Drainage*.
2. The Santa Barbara County Board of Supervisors finds that the OCP 2012 Amendments comply with the court's direction in *Adam Brothers Farming v. County of Santa Barbara* (Super Ct. Santa Barbara County, 2004, No. 1007452) that the County strike the document titled *Vernal Wetlands and Orcutt Creek Wetland Delineation* and any conclusions based in whole or in part on said delineation from OCP and FEIR. Removal of the wetland delineation from the OCP and OCP EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal Clean Water Act or federal, state, or local regulations protecting biological resources and special status species.
3. Further, the Board of Supervisors finds future development proposals or grading on Key Site 22 will be required to demonstrate compliance with all applicable

- federal, state, and county regulatory requirements, including the California Environmental Quality Act (CEQA) and the federal and state Endangered Species Acts (ESA) prior to issuance of any development or grading permit approval. Therefore, the Board of Supervisors finds that the OCP 2012 Amendments are consistent with federal, state, and OCP requirements for species and habitat protection during buildout of OCP land uses and consistent with the purposes and goals of *OCP Chapter IV Resources and Constraints, Section B. Biologic Habitats*.
4. The Santa Barbara County Board of Supervisors finds that the OCP 2012 Amendments level of service standard change for Clark Avenue in Old Town Orcutt to LOS D does not change land uses in the OCP or increase the traffic trips generated by these uses. The Board of Supervisors further finds the amendment reflects a preference to calm traffic and contribute to a pedestrian safe downtown rather than install signalized intersection improvements to keep traffic moving at higher speeds along Clark Avenue to maintain LOS C. By reducing the level of service standard on Clark Avenue to LOS D, the County is seeking to avoid the incidence of vehicles moving at high rates of speed through a busy commercial corridor that could endanger pedestrians and create conflicts with slow moving vehicles that utilize on-street parking along Clark Avenue. Reducing the LOS is consistent with Policy OT-O-2 and implementing programs in the OCP calling for a pedestrian friendly Old Town Orcutt by discouraging high-speeds and accommodating increased destination trips by people who enter Old Town slowly and are looking to park and patronize Old Town Orcutt businesses. Therefore, the Board of Supervisors finds that the OCP 2012 Amendments are consistent with purposes and goals of *OCP Chapter II Community Development, Section D. Land Use – Old Town and Chapter III. Public Facilities and Services, Section H. Transportation*.
 5. The Santa Barbara County Board of Supervisors finds the OCP 2012 Amendments are consistent with the applicable policies of the County of Santa Barbara Comprehensive Plan and the OCP as detailed in the Final SEIR Chapter 5.0, Consistency with Plans and Policies dated July 2012 and included in the Planning Commission staff report dated August 8, 2012.