

## Attachment 7

Planning Commission Staff Report – Dated July 20, 2012

PAGE INTENTIONALLY BLANK

**Deputy Director: Jeffrey S. Hunt, AICP**  
**Division: Long Range Planning**  
**Supervising Planner: David Lackie**  
**Staff Contact: Bret McNulty, Planner**  
**Planner's Phone #: 884-8060**  
**Supervisorial District: 4th District**



1. Amend the Santa Barbara County Comprehensive Plan through adoption of the Orcutt Community Plan (OCP) 2012 Amendments.
  - a. Adoption of the OCP 2012 Amendments entails specific map and text amendments to the Land Use Element and text amendments to the Circulation Element of the Santa Barbara County Comprehensive Plan.
2. Certify the Supplemental Environmental Impact Report (SEIR) to the OCP EIR (95-EIR-1) as adequate environmental review for Case Nos. 11GPA-00000-00001 and 11GPA-00000-00002 pursuant to the

California Public Resources Code and State Guidelines for Implementation of the California Environmental Quality Act (CEQA).

## **2.0 RECOMMENDATIONS AND PROCEDURES**

That the Planning Commission recommends that the Board of Supervisors:

1. Make the required findings, including CEQA findings, for adoption of the Orcutt Community Plan Amendments (Attachment B);
2. Certify the Final SEIR (09EIR-00000-00004) (Attachment A); and
3. Adopt a resolution recommending adoption of specific text and map amendments to the Land Use Element (Attachment C) of the Santa Barbara County Comprehensive Plan by adoption of the OCP 2012 Amendments, and
4. Adopt a resolution recommending adoption of specific text amendments to the Circulation Element (Attachment D) of the Santa Barbara County Comprehensive Plan by adoption of the OCP 2012 Amendments.

Please provide direction to staff if the Planning Commission takes actions other than those recommended for appropriate findings and conditions.

## **3.0 JURISDICTION**

The OCP 2012 Amendments are being considered by the County Planning Commission based on Section 35.100.040.B.2 of the Santa Barbara County Land Use and Development Code which states: the County Planning Commission's review authority for Comprehensive Plan amendments is to make project recommendations to the Santa Barbara County Board of Supervisors.

## **4.0 PROJECT DESCRIPTION**

The project involves the following three amendments to the OCP and minor additions and changes to OCP FEIR (95-EIR-01).

1. Regional Basins Policy Amendment. This amendment replaces the OCP regional basins program requirements with new policies consistent with current County flood control and surface water pollution prevention standards. Existing OCP Policy FLD-O-4, Action FLD-O-4.1, and development standard Dev Std-O-4.2 will be deleted and replaced with new Policy FLD-O-4 and development standard Dev Std FLD-O-4.1 that integrate compliance with the County Floodplain Management Ordinance requirements and application of standardized Best Management Practices (BMP) and Low-Impact Development (LID) flood control measures.
2. Key Site 22 Wetlands Delineation Removal. This amendment complies with the court's direction in *Adam Brothers Farming, Inc. v. County of Santa Barbara, et al.* that all references to the wetland delineation for Key Site 22 be removed from the OCP and OCP FEIR.
3. Clark Avenue Level of Service Reduction. This amendment lowers level of service (LOS) for the roadway segments and intersections along Clark Avenue in Old Town Orcutt between Blosser Road and Foxenwood Lane from LOS C to LOS D. The amendment responds to updated traffic volume data

which reflects existing network conditions and future traffic volumes for projected buildout of OCP land uses.

Proposed OCP policy and FEIR text and map amendments are detailed in the resolutions in Attachments C and D.

#### **4.1 Amendment #1: Regional Basins Policy Amendment**

Existing OCP Policy FLD-O-4 directs the use of regional basins, where feasible, to address flood control impacts related to construction of Plan Area land uses. FLD-O-4 requires all development to contribute a proportionate share toward the implementation and cost of maintenance of a regional basin.

Since OCP adoption, implementation of the regional basins program has been completed to the extent possible with two regional basins constructed and in use, but further implementation of the program has proven infeasible due to several factors.

- The cost of building the basins was intended to be spread among several properties to be served by the basin. A single project is typically not able to carry the cost of constructing and maintaining a basin.
- Cost contributions from adjacent properties would be necessary, and while feasible under the land use categories in the OCP, is speculative, and may never be realized.
- The conveyance facilities may prove impossible to construct due to grade or elevation constraints.
- The conveyance facilities may have to cross private property; therefore, the sites in the OCP identified potential locations for the basins that may require condemnation of private property in some cases.

#### ***Policy, Action and Development Standard to be Removed from the OCP***

**Policy FLD-O-4:** ~~The County shall construct and maintain a regional retention basin system in Orcutt as depicted in Figure 31, if feasible. Where feasible, these retention basins should be designed to accommodate recreational uses consistent with reasonable natural resource protection.~~

**Action FLD-O-4.1:** ~~The County should coordinate with developers and the public to establish a Mello Roos District to provide for the construction and maintenance of regional retention basins. All regional retention basins shall be owned and maintained by this District, if formed.~~

**DevStd FLD-O-4.2:** ~~Developers shall purchase capacity in and connect to the planned regional retention basins, if feasible. If participation in the Mello Roos district for the regional retention basin system is determined by Flood Control to be infeasible, the developer may construct on-site retention facilities with sufficient capacity to reduce offsite runoff in accordance with Flood Control District standards.~~

#### ***New Flood Control Policy and Development Standard (Revised text clarifying existing permit requirements not included in environmental review project description shown as double underline below and in the SEIR.)***

**Policy FLD-O-4:** All applications for development within the Orcutt Community Plan area shall comply with applicable County development standards regarding drainage, floodplain management and stream setbacks.

**Dev Std FLD-O-4.1:** The Santa Barbara Flood Control and Water Conservation District shall review all site and grading plans that are subject to County Floodplain Management and Stream Setback

ordinances and verify conformance to all applicable County development requirements to ensure proposed drainage and water conveyance systems are designed to meet District standards and are directed into a District approved watercourse or drainage facility.

Project Plans shall be prepared to incorporate the most current Standard Conditions for Project Plan Approval and include Water Quality Best Management Practices that meet or exceed current County of Santa Barbara Project Clean Water and Drainage Ordinance standards.

The new policy and development standard will be implemented on a case-by-case basis consistent with County standards and General Permit issued under the National Pollutant Discharge Elimination System (NPDES) program.

Project applicants will continue to be required to submit detailed plans to the Flood Control and Water Conservation District for review demonstrating how the project will comply with drainage and NPDES standards. The District prepares a letter of recommended conditions identifying the appropriate control measures for each project during development and verification by the Planning & Development Department prior to the issuance of a grading permit. Depending on the project and its location, applicants will be required to provide onsite mitigation features, install onsite detention facilities, or connect to an existing basin, as directed by the Flood Control District.

The Regional Basins Map, Figure 31, Page 207 of the OCP will also be revised to show the location of the existing regional basins and deletion of the remaining proposed sites (Attachment C, Exhibit A of this staff report). Flood control Basin B (Harp Springs) and Basin D (Rice Ranch) have been constructed and will remain a functioning part of the flood control system.

#### **4.2 Amendment #2: Key Site 22 – Wetlands Delineation Removal**

In 2000, Adam Brothers Farming Inc. and a related company filed a lawsuit in Santa Barbara Superior Court against the County and individuals involved in preparing the wetlands delineation as a part of the OCP. In 2004, the court ordered the County to remove all references to the Key Site 22 wetlands delineation<sup>1</sup> and strike or modify any maps incorporating the wetlands delineation in the OCP and OCP FEIR and the jury awarded damages to the plaintiff. The decision was appealed to the California Court of Appeal, who affirmed the decision to strike the wetlands delineation but dismissed the damage award.<sup>2</sup> The plaintiff then sought recovery in the United States District Court which dismissed the case on the ground the plaintiff failed to demonstrate it sought and was denied just compensation under state law.<sup>3</sup> Plaintiff appealed the decision to the Ninth Circuit Court which affirmed the District Court dismissal on the ground the claim was barred by the application of res judicata based on the prior state court decision.<sup>4</sup>

Removal of the wetlands delineation from the OCP and OCP FEIR does not remove legal requirements for property owners to comply with wetlands regulations in the federal Clean Water Act or federal and state regulations protecting special status species. 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 permit approval. Planning and Development requires a field assessment of properties in this area for the potential for special status species, such as the California Tiger Salamander which was listed by the U.S.

---

<sup>1</sup> Vernal Wetlands and Orcutt Creek Wetlands Delineation, K. Rindlaub Biological Consulting, September 1, 1995.

<sup>2</sup> *Adam Bros. Farming Inc. v. County of Santa Barbara* 2008 Cal.App.Unpub. LEXIS 1831.

<sup>3</sup> *Adam Bros. Farming, Inc. v. County of Santa Barbara* (Sept. 16, 2002, B152770).

<sup>4</sup> *Adam Bro. Farming Inc. v. County of Santa Barbara* (9th Cir. 2012) 604 F 3d 1142.



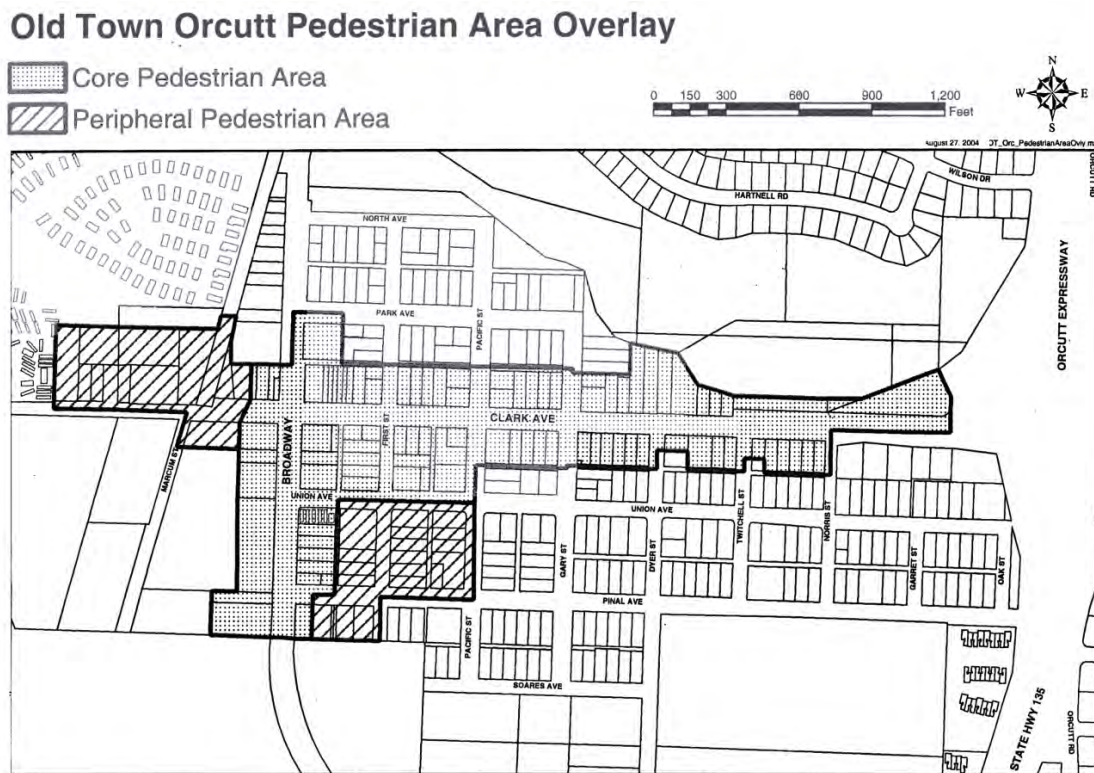
Fish and Wildlife Service as an Endangered Species on August 4, 2004, and has been documented in proximity to the site.

The wetlands delineation to be removed from Key Site 22 is depicted on three figures in the OCP, with two of the three figures represented in the Final EIR. These maps are the Map of Orcutt Significant Vegetation (Attachment C, Exhibit C), Biological Habitat Map West (Attachment C, Exhibit D), and the Key Site # 22 Map (Attachment C, Exhibit E). For comparison, the existing and amended versions of these maps are included in SEIR pages 2-15 through 2-25. OCP and OCP FEIR text amendments striking references to the wetland delineation are listed in Attachment C, Exhibits F and G.

#### 4.3 Amendment #3: Clark Avenue Level of Service Reduction (LOS D)

Since the OCP was adopted in 1997, the County of Santa Barbara Board of Supervisors has implemented several OCP policies calling for creation of a revitalized pedestrian friendly downtown in Old Town Orcutt. These actions have included creation of a new Pedestrian Area-Old Town Orcutt (PA-OTO) Overlay zone to reduce development and parking requirements; travel lanes on Clark Avenue were reduced from four to two lanes and striped for angle-in parking; and the Board adopted the Old Town Orcutt Design Guidelines and Streetscape Concept Plan. The Old Town Orcutt Pedestrian Area Overlay is shown in Figure 1 below.

Figure 1



*The Old Town Orcutt Traffic, Circulation, and Parking Study,*

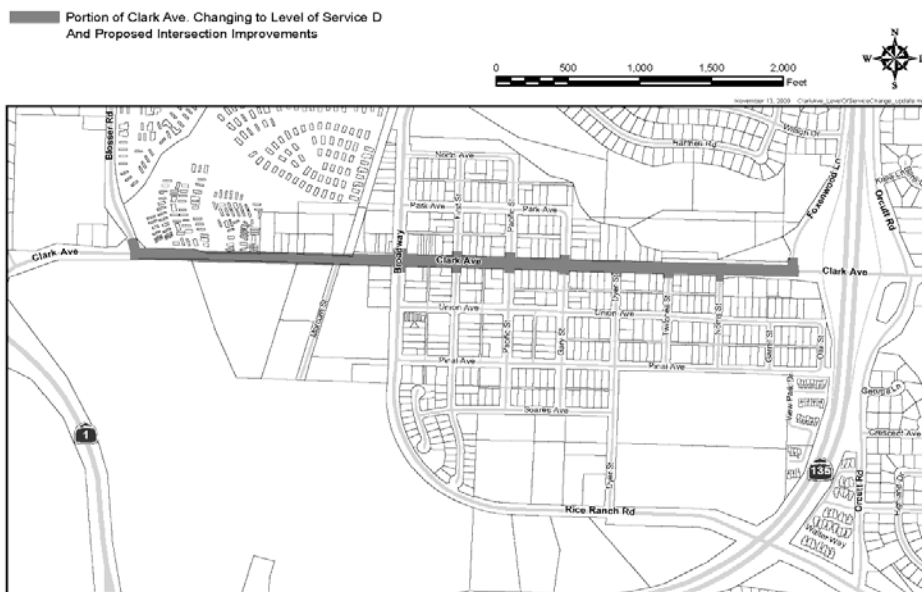
Penfield & Smith, 2008 (Traffic Study)<sup>5</sup> identified the potential for roadway and intersection level of service along Clark Avenue between Blosser Road and Foxenwood Lane to exceed the existing LOS C standard at buildout. The study recommended changing the level of service from LOS C to LOS D to accommodate future traffic volumes for projected buildout of OCP land uses. The traffic study also determined that vehicle speeds along Clark Avenue (Old Town Orcutt's Main Street) regularly exceed the posted 30 mph and 40 mph limits.

OCP Policy CIRC O-3 (Attachment D) will be amended to establish a minimum Level of Service (LOS) D for Clark Avenue roadway segments and intersections between Blosser Road and Foxenwood Lane (Figure 2). The LOS reduction reflects a preference to calm traffic and contribute to a pedestrian friendly downtown rather than install signalized intersection improvements to keep traffic moving at higher speeds to maintain LOS C. By reducing the level of service standard on Clark Avenue to LOS D, the County is seeking to reduce the incidence of high-speed through-traffic trips in Old Town Orcutt and accommodate increased destination trips by people who enter Old Town slowly and are looking to park and patronize Old Town Orcutt businesses.

As the mix of residential and commercial uses continues to emerge in Old Town Orcutt, opportunities for residents to live near jobs, goods, and services will further reduce vehicle trips generated by land uses in Old Town Orcutt. Average household trip reductions between 5 to 12 percent have been demonstrated in communities where walking and bicycles become a viable alternative to the automobile. A 25 percent lowering of vehicle miles travelled (VMT) has been observed where alternative transportation is combined with higher employment concentrations, public transit, mixed uses, and other supportive demand management measures (National Research Council, 2009). The VMT reduction in Old Town Orcutt along with completion of UVP as alternative route is expected to contribute to traffic calming and a safer Clark Avenue for pedestrians and bicycle users

**Figure 2**

**Clark Avenue Roadway Segments and Intersections - Traffic Calming**



<sup>5</sup> The traffic study is available for review at the Planning and Development Department offices located at 123 East Anapamu Street, Santa Barbara, CA and 624 West Foster Road, Santa Maria, CA and online at <http://longrange.sbcountyplanning.org/planareas/orcutt/documents/Old%20Town%20Orcutt/Old%20Town%20Orcutt%20Report.pdf>



## **5.0 PROJECT ANALYSIS**

### **5.1 Public and Agency Outreach**

Planning & Development staff conducted outreach to the community and contacted groups interested in OCP related issues, including the Old Town Orcutt Revitalization Association (OTORA), Orcutt Area Advisory Group (OAAG) and members of the group formerly known as Residents for Old Town Orcutt Preservation (ROTOP) in fall 2009. Staff held a public information meeting on September 9, 2009 to discuss the proposed amendments with the community and inform issues identification and environmental review of the project. An ad was placed in the Santa Maria Times advertising the meeting and email notices sent to the Orcutt Planning Area interested parties list

A hearing was held on March 21, 2011 to receive public comments on the draft Supplemental Environmental Impact Report (SEIR). An ad was placed in the Santa Maria Times advertising the meeting and email notices sent to the Orcutt Planning Area interested parties list. Issues identified during outreach included concerns over adequate parking in Old Town, traffic, and protection of biological resources.

### **5.2 Environmental Review**

#### **A. Supplemental EIR (SEIR)**

The Final SEIR (Attachment A) has been prepared for the OCP 2012 Amendments pursuant to Section 15163 of the State Guidelines for the implementation of the California Environmental Quality Act (CEQA) and the County of Santa Barbara CEQA Guidelines. State CEQA Guidelines Section 15163 allows preparation of a SEIR when new information of substantial importance, which was not known at the time the previous EIR was prepared, and only minor additions or changes would be necessary to make the previously certified EIR (95-EIR-1) adequately apply to the current project.

The draft SEIR was released for a 45-day comment period on February 25, 2011. A Draft Supplemental EIR comment hearing was held on March 21, 2011 at the Betteravia Government Center in Santa Maria. Public comment was received until the end of the comment period on April 11, 2011.

The County, as the lead agency, has reviewed comments on the Draft SEIR and prepared responses (Final SEIR Section 9.0, Response to Comments) in accordance with CEQA Guidelines Section 15088. The County received and responded to a total of four (4) letters and one (1) email with one (1) written comments in addition to four (4) verbal comments from two speakers received at the draft SEIR comment hearing. Responses to the comments address the environmental concerns raised by public agencies and private citizens and the responses indicate where and how the Final SEIR has addressed pertinent environmental issues including resultant Final SEIR text and map changes.

#### **B. SEIR Recirculation**

Subsequent to the close of the public comment period, the County received a letter from the United States Fish and Wildlife Service (USFWS) Ventura Office providing references to special status species studies in the OCP area (USFWS Letter, April 19, 2011).

The Planning & Development Department (P&D) reviewed the citations in the USFWS letter, which document occurrences of several species and habitat designated by the USFWS as threatened or endangered adjacent to, and on properties identified as Key Site 22 in the OCP. P&D determined the studies contain new environmental setting information not previously available during the scoping and public review period and that the information should be cited in the SEIR.

CEQA Guidelines Section 15088.5 requires an EIR to be recirculated for additional public review when significant new information is added to the EIR in order to provide the public with a meaningful opportunity to comment.

The new environmental setting information and references were incorporated into SEIR Sections 4.3 Biology and 8.0 References and Persons Contacted and shown in underline and ~~strike-through~~. A SEIR Revision Document (RV 01) detailing the changes to the SEIR was circulated for a second 45-day public review from April 12, 2012 to May 29, 2012 to provide the public and agencies an opportunity to consider the new environmental setting information. The County did not receive any public or agency comments on the SEIR Revision Document (RV-01).

### C. Summary of Environmental Analysis

The SEIR reviews the following resource areas for potential changed or new impacts: Transportation; Flooding and Drainage; Biological Resources; Air Quality; Aesthetics/Visual Resources/Open Space; Land Use; Agricultural Resources; Noise; and Cultural and Historic Resources.

The SEIR (09EIR-00000-00004) makes minor additions and changes to the OCP FEIR (95-EIR-1) impacts discussion to include analysis of the OCP 2012 Amendments. The new analysis substantiates findings in Attachment B that the OCP 2012 Amendments would not result in new significant environmental effects requiring additional mitigation measures, or cause a substantial increase in the severity of previously identified significant impacts requiring the preparation of a subsequent EIR. The Final SEIR in Attachment A consists of the SEIR Revision Document (RV-01) and the SEIR.

### 5.3. Policy Consistency Analysis

The SEIR, Chapter 5.0 Consistency with Plans and Policies, includes a review of the project's potential consistency with the adopted plans and policies and is provided in Table 1 below. The SEIR consistency analysis provides substantial evidence to support findings that the proposed OCP 2012 Amendments are consistent with the Santa Barbara County Comprehensive Plan, the OCP and Regional plans and policies. Attachment B includes findings that the OCP 2012 Amendments are consistent with the Santa Barbara County Comprehensive Plan.

Table 1 Consistency with County of Santa Barbara Plans and Policies	
POLICY	CONSISTENCY ANALYSIS
<i>Comprehensive General Plan</i>	
<i>Land Use Element</i>	
<b><u>Land Use Element - Flood Hazard Area Policies</u></b> 1. All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with federal regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finished floor elevations are two feet above the projected 100-year flood elevation, and the other requirements regarding materials and utilities as specified in the Flood Plain Management Ordinance are in compliance.	<b>Consistent</b> New Policy FLD-O-4 requires that all applications for development within the OCP area comply with Chapters 15A, 15B, and Chapter 24 Section 24-7 of the Santa Barbara County Code, the Santa Barbara County Floodplain Management and Development Along Watercourses Ordinances. Compliance with these ordinances ensures potential flood related impacts associated with development in the Plan Area are mitigated appropriate to each case. Depending on the project and its location, applicants will be required to either install a regional basin, provide onsite retention facilities, or connect to an existing basin. New development standard Dev Std FLD-O-4.1 requires all project applicants to submit detailed plans to the <i>Flood Control and Water Conservation District</i> demonstrating how the project meets County standards and incorporates the appropriate drainage system that meets applicable National Pollutant Discharge Elimination System (NPDES) standards.

<b>Table 1 Consistency with County of Santa Barbara Plans and Policies</b>	
<b>POLICY</b>	<b>CONSISTENCY ANALYSIS</b>
<p>2. Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.</p> <p>3. All development shall be reviewed in accordance with the requirements of County Code Chapter 15A-Floodplain Management and 15B-Development Along Watercourses.</p>	
<b>Circulation Element</b>	
<p><b>Circulation Element Policy A</b> The roadway classifications, intersection levels of service, and capacity levels adopted in this Element shall apply to all roadways and intersections within the unincorporated area of the County, with the exception of those roadways and intersections located within an area included in an adopted community area plan. Roadway classifications, intersection levels of service, and capacity levels adopted as part of any community or area plan subsequent to the adoption of this Element shall supersede any standards included as part of this Element.</p>	<p><b>Consistent</b> OCP Policy CIRC O-3 will be amended to establish a minimum Level of Service (LOS) D for Clark Avenue roadway segments and intersections between Blosser Road and Foxenwood Lane. By reducing the level of service standard on Clark Avenue to LOS D, the County is seeking to reduce the incidence of high-speed pass through traffic trips in Old Town Orcutt and accommodate trips by people choosing Old Town as their destination; those looking to park and patronize Old Town Orcutt businesses.</p> <p>In addition, construction of the Union Valley Parkway extension and 101 freeway interchange has been underway consistent with OCP Policy CIRC-O-5 calling for regional serving transportation facilities Reducing regional traffic pressure on Clark Avenue supports OCP policies which call for traffic calming in Old Town Orcutt and to alleviate pressure on the roads serving trips with local destinations (See OCP Consistency discussion below).</p>
<p><b>Circulation Element Policy E</b> A determination of project consistency with the standards and policies of this Element shall constitute a determination of project consistency with the Land Use Element's Land Use Development Policy #4 with regard to roadway and intersection capacity.</p>	<p><b>Consistent</b> Since the OCP Circulation Element supersedes the countywide Circulation Element, approval of minimum Level of Service (LOS) D as part of the OCP 2012 Amendments would by definition be consistent with Circulation Element Policy E.</p>
<b>Orcutt Community Plan Policies</b>	
<p><b>Flooding, Drainage, and Water Quality</b>  <b>Policy FLD-O-1:</b> <i>Flood Risks in the Orcutt planning area shall be minimized through appropriate design and land use controls.</i>  <b>Policy FLD-O-2:</b> <i>Off-site runoff associated with development should be minimized.</i>  <b>Policy FLD-O-3:</b> <i>Short-term and long-term erosion associated with development shall be minimized.</i></p>	<p><b>Consistent</b> The regional basin program will be replaced with a new Policy FLD-O-4 and Dev Std FLD-O-4.1 permitting flood control measures to be implemented on a case-by-case basis consistent with County standards and the State General Permit under the National Pollutant Discharge Elimination System (NPDES) program. The County of Santa Barbara Public Works, Flood Control District and Project Clean Water will review development projects in the Plan Area to determine appropriate detention and treatment</p>

Table 1 Consistency with County of Santa Barbara Plans and Policies	
POLICY	CONSISTENCY ANALYSIS
	<p>control options.</p> <p>Depending on the project and its location, applicants will be required to either install a regional basin, onsite retention facilities, or connect to an existing basin. Applicants will be required to submit detailed plans to the Flood Control and Water Conservation District demonstrating how the project will comply with drainage and NPDES standards.</p>
<p><b><u>Old Town Orcutt Pedestrian Oriented Downtown</u></b></p> <p><b>Policy OT-O-2:</b> <i>The County should develop and implement an Old Town Revitalization Program as expeditiously as possible, which includes circulation improvements for Old Town.</i></p> <p><b>Program OT-O-2.1:</b> <i>Planning and Development and Public Works should develop a Traffic/Circulation Plan identifying methods to improve roadway circulation, public transit, parking, and bicycle and pedestrian safety/access to and within Old Town.</i></p> <p><b>Action OT-O-2.4:</b> <i>The OT Traffic/Circulation Plan should identify methods to enhance the Clark Avenue corridor, such as improvements to crossing points for pedestrian safety, reduction in width of traffic lanes, widening of sidewalks, installation of landscaped center medians and streetscapes, and construction of Class II bike lane as shown on the Bikeways map.</i></p> <p><b>Action CIRC-O-3.1:</b> <i>Public Works Department shall regularly monitor the operating conditions of designated roadways and intersections in Orcutt. If traffic on any roadway or intersection is found to exceed the acceptable capacity level defined by this Plan, the County should reevaluate, and if necessary, amend the Community Plan in order to reestablish the balance between allowable land uses and acceptable roadway and intersection operation. This reevaluation should include, but not be limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>Redesignating roadways and/or intersections to a different classification;</i></li> <li>• <i>Reconsidering land uses to alter traffic generation rates, circulation, patterns, etc.; and</i></li> <li>• <i>Changes to the Orcutt Transportation</i></li> </ul>	<p><b>Consistent</b> Implementation of the OCP policies to revitalize Old Town, lane reductions, and the Concept Plan has changed the roadway operating conditions in Old Town Orcutt. The Traffic Study was prepared to assess existing traffic conditions and the potential traffic impacts related to the implementation of policy changes specific to Old Town Orcutt.</p> <p>The Traffic Study analyzed through traffic and found that 23% of trips on Clark Avenue during the A.M. peak period and 10% of trips during the P.M. peak period are through trips. The Traffic Study also assessed vehicle speeds on Clark Avenue and found that vehicle speeds were between five and seven miles per hour (mph) higher than the posted speed limits of 30 and 40 mph in Old Town Orcutt.</p> <p>Buildout analysis indicates Clark Avenue intersections with Gray Street, Twitchell Street and Foxenwood Lane will operate at LOS D with the current two-lane roadway configuration. The Clark Avenue and Norris Street intersection will operate at LOS F and will require further traffic controls to ensure LOS D is maintained.</p> <p>By reducing LOS through traffic (vehicle trips that use the road to pass through to other destinations) will be discouraged from using Clark Avenue through Old Town Orcutt and lower vehicle speeds for destination trips (vehicles visiting Old Town) will be accommodated.</p> <p>Level of Service D describes conditions where delays are moderate to heavy for short duration during the peak traffic period. The Institute of Transportation Engineers (ITE) supports the use of Level of Service reductions to decrease traffic speeds and facilitate the safe use of parking in mixed-use commercial downtown areas. For these reasons, Planning and Development and Public Works Department are recommending the reduction of the Level of Service along Clark Avenue, between Blosser Road and Foxenwood Lane, from LOS C to LOS D.</p>

Table 1 Consistency with County of Santa Barbara Plans and Policies	
POLICY	CONSISTENCY ANALYSIS
<i>Improvement Plan (OTIP) include reevaluation of alternative modes of transportation.</i>	
<b>Biological Resources</b>	
<p><b>Policy BIO-O-1:</b> <i>Important natural resources in Orcutt, including sandhill chaparral, central sand dune scrub, wetlands, oak trees and woodland, Bishop pine forest, specimen trees, and central sage scrub shall be protected, consistent with the Open Space Plan and the standards below, unless this would prevent reasonable development of a property.</i></p> <p><b>DevStd BIO-O-1.1:</b> <i>Development shall be sited and designed to avoid disruption and fragmentation of significant natural resources within and adjacent to designated undeveloped natural open space areas, minimize removal of significant native vegetation and trees, preserve wildlife corridor and provide reasonable levels of habitat restoration. Where possible, significant natural resources, such as specimen trees, adjacent to designated, natural undeveloped open space corridors should be preserved.</i></p> <p><b>Policy BIO-O-2:</b> <i>Consistent with necessary flood control practices, natural stream channels and riparian vegetation in Orcutt shall be maintained in an undisturbed state in order to protect banks from erosion, enhance wildlife passageways, and provide natural greenbelts, unless this would prevent reasonable development of a property.</i></p>	<p><b>Consistent:</b> The Court order to remove the wetland delineation map and text references from the OCP and Final EIR does not remove legal requirements for property owners to comply with wetland regulations in the federal Clean Water Act or federal and state regulations protecting special status species. Applicants for 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 permit approval. Planning and Development requires a field assessment of properties in this area for the potential for special status species, such as the California Tiger Salamander which was listed by the U.S. Fish and Wildlife Service as an Endangered Species on August 4, 2004, and has been documented proximate to the site.</p>

#### 5.4 Tribal Consultation

Consistent with Government Code §65352.3, the County provided the Santa Ynez Band of Chumash Indians and the Coastal Band of the Chumash Nation the opportunity to consult regarding the Orcutt Community Plan 2012 Amendments. The Santa Ynez Band of Chumash Indians and the Coastal Band of the Chumash Nation did not respond and follow up letters were sent noting that the opportunity to consult expired but encouraged them to submit comments throughout the adoption process as members of the public. After recirculating the SEIR, the County received a letter from the Native American Heritage Commission (NAHC) dated April 26, 2012, stating that a search of the NAHC Sacred Lands File revealed no Native American Cultural Resources within the area of potential effect of the OCP 2012 Amendments.

## 6.0 APPEALS PROCESS

The recommendation of the Planning Commission will be sent to the Board of Supervisors for action. Pursuant to Government Code section 65354.5, any interested party may file a written request with the Clerk of the Board for a hearing by the Board of Supervisors within five days after the Planning Commission acts on the proposed general plan amendment. Whether or not a written request is filed, a public hearing before the Board of Supervisors will be conducted to consider the OCP 2012 Amendments.

### **Attachments:**

- A. Orcutt Community Plan 2012 Amendments: Final Supplemental EIR (Copy available at: <http://longrange.sbcountyplanning.org/planareas/orcutt/orcutt.php>)
- B. Findings
- C. Resolution – Comprehensive Plan Land Use Element Amendment
  - a. Exhibit A: Amended Regional Basins Map – Figure 31
  - b. Exhibit B: Regional Basins Policy Amendment
  - c. Exhibit C: Amended Map of Orcutt Significant Vegetation Map
    - Amends OCP Figure 24 and
    - Amends OCP FEIR (95-EIR-01) Figure 5.2-1
  - d. Exhibit D: Amended Biological Habitat Map – West Half
    - Amends OCP Figure 25
  - e. Exhibit E: Revised Key Site 22 Map
    - Amends OCP Figure KS22-2 and
    - Amends OCP FEIR (95-EIR-01) Figure KS22-3
  - f. Exhibit F: Key Site #22 Text and Map Amendments
  - g. Exhibit G: Key Site #22 OCP FEIR (95-EIR) Text and Map Amendments
    - i. Exhibit G.1: Vernal Wetlands and Orcutt Creek Wetlands Delineation, K. Rindlaub Biological Consulting, September 1, 1995. (Copy available at: <http://longrange.sbcountyplanning.org/planareas/orcutt/orcutt.php>)
- D. Resolution – Comprehensive Plan Circulation Element Amendment