

## ATTACHMENT 3



### COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

#### MEMORANDUM

TO: Board of Supervisors

FROM: Daniel T. Klemann, Deputy Director, Long Range Planning  
Staff Contact: David Lackie, Supervising Planner

DATE: November 8, 2016

RE: **Revisions (RV01) to the Final Environmental Impact Report (15EIR-00000-00003) – Finding that State CEQA Guidelines Section 15088.5(b) applies to the Gaviota Coast Plan: Planning and Development Case Numbers 13GPA-00000-00006, 13GPA-00000-00007, 13ORD-00000-00006, 13ORD-00000-00007, 13RZN-00000-00002, 13RZN-00000-00003**

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#### INTRODUCTION

The County of Santa Barbara prepared a Final Environmental Impact Report (Final EIR) for the Gaviota Coast Plan. There have been subsequent changes to the Gaviota Coast Plan as a result of public review and comments, and Planning Commission and Board of Supervisors recommendations, including revised text, policies, development standards, and actions; revisions to the proposed Land Use and Development Code and Article II Coastal Zoning Ordinance Amendments; and a minor revision to a mitigation measure of the Final EIR. This EIR revision letter evaluates the modifications recommended by the Planning Commission and Board of Supervisors. The EIR revision letter also documents minor text changes and clarifications to the Final EIR as a result of decision-maker review during publically noticed hearings.

The California Environmental Quality Act (CEQA) Guidelines Section 15088.5 describes the circumstances under which a lead agency is required to recirculate an EIR when new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but before EIR certification. Significant new information that would require recirculation would include a new significant impact or an unmitigated substantial increase in the severity of an impact. According to Guidelines Section 15088.5, “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a new substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Section 15088.5(b) states, “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

The Board of Supervisors finds that the Final EIR (15EIR-00000-00003), as herein amended by the attached EIR Revision Letter analysis, may be used to fulfill the environmental review requirements for the Gaviota Coast Plan (Planning Commission Staff Report dated July 20, 2016, Planning Commission Memorandum dated August 24, 2016, Planning Commission Memorandum dated September 7, 2016, and Board Agenda Letter dated November 8, 2016). None of the changes recommended by the Planning Commission or Board of Supervisors would result in any new significant, environmental effects or a substantial increase in the severity of previously identified significant effects nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment. Hence, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated. The Final EIR for the Gaviota Coast Plan is hereby amended by this revision document, together identified as 15EIR-00000-00003 RV01.

Enclosure: Gaviota Coast Plan FEIR 15EIR-00000-00003 Revision Letter (RV 01)

**Gaviota Coast Plan**

**Final Environmental Impact Report**

**15EIR-00000-00003**

**SCH #2014011027**

**Revision Letter (RV 01)**

**November 8, 2016**

*Prepared by:*

**County of Santa Barbara**

Planning and Development Department

Long Range Planning Division

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**REVISIONS TO THE FINAL ENVIRONMENTAL IMPACT REPORT  
(15EIR-00000-00003, SCH #2014011027)**

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Attachment A – RECON Memorandum to County of Santa Barbara Planning and Development Department, dated September 15, 2016

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## **I. BACKGROUND**

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) (15EIR-00000-00003) (SCH #2014011027) was prepared for the Gaviota Coast Plan (GCP). The Draft EIR was released for public comment on June 22, 2015. A publically noticed Draft EIR comment hearing was held on July 23, 2015. Public and agency comments were received until the end of the comment period on September 4, 2015. The County responded in writing to comments received on the Draft EIR in accordance with CEQA Guidelines Section 15088. Responses to the comments describe the disposition of significant environmental issues raised and changes to the EIR made in response to the comments, including text changes. The EIR evaluated four project alternatives in addition to the proposed project: the No Project Alternative; Alternative 1, which analyzed additional policies and ordinance amendments for the Coastal Zone; Alternative 2, which analyzed additional policies focused on recreation and resource protection; and Alternative 3, which analyzed expansion of the GCP's proposed Land Use Incentive Program.

The Final EIR concluded that the GCP would result in significant and unavoidable (Class I) impacts to Biological Resources, Cultural Resources, and Parks, Recreation, and Trails (PRT) insofar as PRT would impact Agricultural Resources, Biological Resources, and Cultural Resources. The GCP would also result in significant but mitigable (Class II) impacts to Transportation and Circulation, Aesthetic/Visual Resources, Biological Resources, and Geologic Hazards/Soils/Mineral Resources. The project, as recommended by staff and the Planning Commission, incorporated certain components of Alternatives 1, 2, and 3, discussed under Section II.A Analysis of Revisions to Text, Policies, Development Standards, and Actions.

The Planning Commission considered the GCP during public hearings on July 27, 2016, August 31, 2016, September 14, 2016, and September 19, 2016. On September 19, 2016, the Planning Commission recommended the Board of Supervisors approve the GCP and implementing ordinance amendments, and certify the Final EIR as adequate environmental review under CEQA, with minor revisions detailed in this EIR Revision Letter. The Board of Supervisors considered the GCP at a public hearing on November 8, 2016.

## **II. REVISIONS TO THE EIR ANALYSIS**

No significant revisions to the project description resulted from the Planning Commission's direction. At the September 19, 2016 hearing, the Planning Commission recommended minor revisions to text, policies, development standards, and actions of the plan. These revisions are presented in Attachment 4 of the Board Letter, dated November 8, 2016, along with revisions to the GCP that were made as a result of mitigation measures identified in the Final EIR.

The Planning Commission also recommended minor revisions to the County Land Use and Development Code Ordinance Amendment (Attachment 6 of the Board Letter, dated November 8, 2016) and Article II Coastal Zoning Ordinance Amendment (Attachment 9 of the Board Letter, dated November 8, 2016). These changes result in minor corrections and clarifications to the text and analysis in the Final EIR, which are analyzed below.

As discussed below in more detail, the minor revisions documented in this EIR Revision Letter do not require recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5(b), as they do not involve new significant environmental effects or a substantial increase in the severity of previously identified effects, and do not deprive the public of a meaningful opportunity to comment.

## **A. Analysis of Revisions to Text, Policies, Development Standards, and Actions**

The Planning Commission recommendation incorporates minor revisions to text, and new and revised policies, development standards, and actions into the Gaviota Coast Plan. These revisions are presented in Attachment 4 of the Board Letter, dated November 8, 2016, (herein incorporated by reference) along with revisions to the GCP that were made as a result of mitigation measures identified in the Final EIR. As discussed below, several of these were considered under the EIR alternatives analyses and several were considered and recommended during the Planning Commission hearings.

### **1. Revised Policy AG-1.H for the Coastal Zone**

Policy AG-1.H encourages land improvement programs to increase agricultural productivity. The Planning Commission recommendation incorporates a revised version of the policy for the Coastal Zone, as proposed under EIR Alternative 1.

**Policy AG-1.H: Land Improvement Programs. (COASTAL) Land improvement programs shall be implemented in a manner consistent with the Coastal Land Use Plan.**

Potential impacts were analyzed as part of the Alternative 1 impact analysis, which concluded that impacts to agricultural resources would be equivalent to the impacts to agricultural resources as a result of the proposed project. Incorporation of this policy from Alternative 1 in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

### **2. New Recreation Actions (Action REC-8 and Action REC-9)**

The Planning Commission recommendation incorporates new Action REC-8 and Action REC-9.

**Action REC-8: Railroad Corridor Lateral Access and Crossings. The County shall identify locations where public lateral trails are not otherwise available and could be located safely within the Union Pacific Railroad right-of-way, including trails that would require safety improvements. The County shall identify locations where access across, over, or under the railroad is necessary or desirable to allow for public access to the beach, along the bluff, and/or for trail connectivity. The County shall approach the Union Pacific Railroad and the Public Utilities Commission to gain authorization for formal trail segments within the right-of-way and/or where railroad crossings are**



necessary or desirable to allow for public access to the beach, along the bluff, and/or for trail connectivity.

**Action REC-9: Public Recreation and Open Space Protection and Conservation.** The County shall identify parcels of coastal open space in the Gaviota Coast Plan Area that are suitable for conservation. The County should protect public recreation and open space, as follows:

- a. Prioritize acquisition of blufftop open space.
- b. Protect and expand coastal access, and acquire easements for, and develop, a nearshore California Coastal Trail.
- c. Plan for expansion of visitor serving uses, particularly campgrounds at suitable locations.
- d. Identify key properties suitable for public acquisition for recreation and protection of habitats, view corridors, and open space.
- e. Ensure habitat connectivity, and where appropriate, trail connectivity, between coastal areas and the Los Padres National Forest.

The two actions were developed from four policies and actions analyzed under EIR Alternative 2 (Table 6-2 and Table 6-3). Potential impacts were analyzed as part of the Alternative 2 impact analysis, which concluded that impacts to Parks, Recreation, and Trails would be incrementally less than the impacts of the proposed project but would not change impact classification level. Incorporation of these new actions derived from Alternative 2 in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

### **3. Revised Policy NS-6**

The Planning Commission recommendation incorporates a revision to Policy NS-6.

**Policy NS-6: Wildlife Corridors.** Development shall avoid to the maximum extent feasible and otherwise minimize disruption of identified wildlife travel corridors.

The revised policy language was analyzed as part of the Alternative 2 impact analysis, which concluded that impacts to biological resources, specifically to wildlife movement corridors, would be less than the impacts of the proposed project but would not change impact classification level. Incorporation of the revised policy in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

### **4. Incorporate EIR Alternative 3 Expanded Land Use Incentive Program**

EIR Alternative 3 analyzed additional landowner actions and eligible incentives as shown in the EIR Table 6-5. The Planning Commission recommendation incorporates the landowner actions

and incentives analyzed in Alternative 3, including habitat restoration, restoration and maintenance of an historic structure, and dedicating a trail easement for the Coastal Trail Primary Route alignment. In exchange for dedicating a Coastal Trail Primary Route alignment, an incentive was added that would allow two dwelling units (rather than one) in addition to the primary dwelling on the site. Potential impacts were analyzed as part of the Alternative 3 impact analysis, which concluded that impacts in general would be equivalent to, or incrementally less than, the impacts of the proposed project, with the exception of impacts to biological resources and parks, recreation, and trails, which would be beneficial as a result of implementation of landowner actions to dedicate a Coastal Trail Primary Route alignment or restore habitat. Incorporation of the additional landowner actions and the additional incentive of Alternative 3 in the Planning Commission recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

**5. *Revised Development Standards Dev Std NS-3, Dev Std NS-4, and Dev Std NS-5***

Development Standards Dev Std NS-3, Dev Std NS-4, and Dev Std NS-5 were identified as mitigation measures in the EIR (MM BIO-2, MM BIO-3, and MM BIO-4, respectively) to address potential impacts to biological resources, and require surveys for projects that may affect these resources. The Planning Commission recommendation incorporates additional language to clarify the applicability of the three development standards, consistent with standard departmental practices. The revised language requires the surveys to be “focused on the area to be disturbed and/or affected by the project.” The additional language ensures that all areas that could be potentially affected by a project be surveyed for sensitive biological resources while offering assurances to landowners that entire parcels would not be surveyed when a project would not affect entire parcels.

These revisions serve to clarify the mitigation measures but would not reduce the level of protection provided by the measures as surveys would be required for any area that could be affected by a project. The revisions would not reduce the effectiveness of the mitigation measures, result in any new environmental impacts, or cause a substantial increase in the severity of Impacts BIO-2, BIO-3, BIO-4, and BIO-5 analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is warranted.

**6. *Action NS-3 Environmentally Sensitive Habitat Overlay Map***

The Planning Commission recommendation includes incorporation of the Gaviota Coast Plan Environmentally Sensitive Habitat (ESH) Overlay map into the GCP as new Figures 2-3 and 2-4. Planning and Development staff completed mapping of the riparian corridors for the Inland Area pursuant to GCP Action NS-3. The Gaviota Coast Plan ESH Overlay map is a land use and zoning overlay. In the coastal zone, the mapped habitats are carried forward from the certified Local Coastal Program and will be adopted anew as part of the amendments to the Coastal Land Use Plan and Article II coastal zoning maps. In the inland area, the mapped habitats will be adopted as part of the amendments to the Land Use Element and to the County Zoning Maps. Incorporating the ESH Overlay map does not change the project’s allowed uses nor does it change the intensity of use analyzed in the Final EIR. Therefore, incorporating the ESH Overlay map would not result

in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**7. Revised Action NS-7 Vegetation Mapping**

The Planning Commission recommendation incorporates the following revision to Action NS-7:

***Action NS-7: Vegetation Mapping.*** *Within the Gaviota Coast Area, the County ~~should~~ shall seek funding to map biological habitats using Manual of California Vegetation or other ecologically accepted mapping criteria.*

The proposed revision strengthens a future action that does not change the project's allowed uses or the intensity of uses analyzed in the Final EIR. The proposed revision does not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**8. New Action NS-8 Informational Brochure**

The Planning Commission recommendation incorporates a new Action NS-8:

***Action NS-8: Informational Brochure.*** *The County shall prepare an informational brochure for distribution to property owners to increase awareness regarding Gaviota Coast Plan policies addressing sensitive resources and species, Environmentally Sensitive Habitat, and defensible space/fuel management.*

The proposed revision is a future action that does not change the project's allowed uses or the intensity of uses analyzed in the Final EIR. The proposed revision does not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**9. Revised Cultural Stewardship Text and Policies**

The Planning Commission recommendation incorporates minor edits to the Cultural Stewardship chapter of the GCP and Cultural Resources chapter of the EIR to ensure that terminology is consistent with State law and CEQA Guidelines and County procedures for addressing historical resources (Attachment 4 of the Board Agenda Letter, dated November 8, 2016). The proposed edits do not change the project's allowed uses or the intensity of uses analyzed in the Final EIR. The proposed edits do not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**10. New Action AG-7 Categorical Exclusion Process**

The Planning Commission recommendation incorporates a new Action AG-7:

**Action AG-7: Categorical Exclusion Process. *The County should pursue the Categorical Exclusion process with the California Coastal Commission to identify and exclude certain agricultural uses and developments within the Coastal Zone.***

The Final EIR analyzed potential impacts associated with allowing certain agricultural uses and developments (small-scale uses proposed under the Gaviota Agricultural Tiered Permit Structure) in the Gaviota Coast Plan area with permit exemptions. Subsequently, staff and the Planning Commission recommended approval of the project without these permit exemptions within the Coastal Zone because these uses meet the definition of development in the Coastal Act. Thus, the Final EIR analyzed a project that would have exempted certain small-scale uses. The recommended project now requires Coastal Development Permits in the Coastal Zone for the small-scale uses of the Gaviota Agricultural Tiered Permit Structure; however, these allowed uses and the intensity of the uses are the same. The proposed new Action AG-7 is a future action that also does not change the project's allowed uses or the intensity of uses analyzed in the Final EIR but directs the County to pursue a separate process with the California Coastal Commission which could achieve a similar objective. Therefore, the proposed revision does not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**11. *New Development Standard Dev Std AG-3 Steep Slope Standards***

The Planning Commission recommendation incorporates new Dev Std AG-3:

**Dev Std AG-3: Steep Slope Standards. *Agricultural cultivation, such as the installation of new areas of cultivated agriculture, orchards or vineyards, located on slopes 30% or greater on agriculturally zoned lands shall adhere to the best management practices in the Steep Slope Guidelines, Gaviota Coast Plan Appendix D, to ensure slope stabilization, soil conservation, and water quality control.***

The new development standard replaces Action AG-3, which directed that steep slope guidelines be developed. Steep Slope Guidelines were identified in the EIR and required by MM GEO-1 to be adopted into the GCP. The Guidelines are included as Appendix D of the GCP. The proposed revision assures implementation of the guidelines with future agricultural cultivation on slopes and does not change the project's allowed uses or the intensity of uses analyzed in the Final EIR. Therefore, the proposed revision does not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**12. *Revised Parks, Recreation, and Trails (PRT) Text and Policies***

The Planning Commission recommendation incorporates revisions to the trail alignment narratives (East Panel; Segment 1 Items 3, 6, 7, and 8; Segment 2 Items 2, 3, and 4; Segment 3a Item 3; Segment 4a Items 5 and 6; and Segment 5 Item 6), Goal REC-1, Policies REC-2 and REC-5, and Actions REC-3, REC-6, and REC-7 of the PRT chapter of the GCP. The Planning Commission recommendation also incorporates one new policy (Policy REC-16b) from the Coastal Land Use Plan (Policy 7-15). These revisions are presented in Attachment 4 of the Board Agenda Letter, dated November 8, 2016. The proposed revisions clarify policy direction and reflect the intent of

the PRT maps but do not substantively change the policy direction of the GCP, nor do they change the project's allowed uses or the intensity of uses analyzed in the Final EIR. Therefore, the proposed revisions do not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**13. Revised Policy LU-9 Gaviota Marine Terminal Reuse**

The Planning Commission recommendation incorporates a revision to Policy LU-9:

***Policy LU-9: Gaviota Marine Terminal Reuse.** The county shall promote recreational and open space uses on the previous Gaviota Marine Terminal site including coastal access, public parking, completion of a segment of the California Coastal Trail, and potential visitor serving uses by coordinating with the landowner and interested public agencies on future reuse options.*

The proposed revision clarifies policy direction regarding potential future recreational uses of the Gaviota Marine Terminal site and provides examples of potential future uses, but does not substantively change the policy direction of the GCP, nor does it change the intensity of use analyzed in the Final EIR. Therefore, the proposed revisions do not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**14. Revised Trail Siting Guidelines**

The Planning Commission recommendation incorporates a revision to one of the Trail Siting Guidelines regarding fencing (page 9 of Appendix C of the GCP), as follows:

*During the planning process for specific trail segments, County Parks ~~would~~ shall assess the need for trail fencing. County Parks shall determine on a case-by-case basis appropriate fencing design and type, as necessary. The County should ~~consider~~ come to a mutual agreement with the landowner ~~input~~ on fence design to ensure agriculture is not negatively affected. To the greatest extent feasible, fencing should not hinder the natural movement and migration of animals and should be aesthetically pleasing.*

The proposed revision clarifies the direction of the guideline to ensure agriculture is not negatively affected by adjacent trails. The revision does not change the project's allowed uses nor does it change the intensity of use analyzed in the Final EIR. Therefore, the proposed revisions do not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**15. Revised Policy VIS-2 and Policy VIS-6**

The Planning Commission and staff recommendations incorporate revisions to two Visual Resources policies; Policy VIS-2 and Policy VIS-6:

***Policy VIS-2: Visually Subordinate Development.*** *Development ~~outside of the Critical Viewshed Corridor~~ shall be visually subordinate to the natural and agricultural environment as seen from public viewing places. Visual subordination shall be achieved through adherence to the Site Design Hierarchy and Design Guidelines. “Visually subordinate” is defined as development that is partially visible but not dominant or disruptive in relation to the surrounding landscape as viewed from a public viewing place.*

***Policy VIS-6: Design Review.*** *All permit applications for structures, additions to structures, or signage within the Gaviota Coast Plan Area shall be reviewed and considered for approval by the County Board of Architectural Review unless exempt pursuant to the County Zoning Ordinances. P&D and the Board of Architectural Review shall apply the Gaviota Coast Plan Design Guidelines in approving future development.*

The proposed revisions clarify policy direction that ensures protection of visual resources from new development and application of the Design Guidelines. The definition of “visually subordinate” was included in the initiated ordinance amendments but not the GCP. Its addition to Policy VIS-2 clarifies the intent of the policy. The proposed revisions do not change the allowed uses or the intensity of use analyzed in the Final EIR, and therefore, do not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. No change to the Final EIR analysis is necessary.

#### ***16. Revised Transportation, Energy, and Infrastructure (TEI) Text and Development Standards***

The Planning Commission recommendation incorporates revisions to text and development standards of the TEI chapter of the GCP. These revisions are presented in Attachment 4 of the Board Agenda Letter, dated November 8, 2016. The revisions to onsite wastewater treatment systems update terms, and provide consistency and eliminate redundancies with the Santa Barbara County Local Agency Management Program (recently approved by the California Regional Water Quality Control Board) and Chapter 18C of the County Code, which regulate onsite wastewater treatment systems. The proposed revisions do not change the project’s allowed uses or the intensity of uses analyzed in the Final EIR. Therefore, the proposed revisions do not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

#### **B. Analysis of Changes to the County Land Use and Development Code and Article II Coastal Zoning Ordinance**

The Planning Commission recommendation incorporates several revisions to the Board of Supervisors initiated ordinance amendments that implement components of the Gaviota Coast Plan. The same revisions are incorporated in both the County Land Use and Development Code (CLUDC, Attachment 6 of the Board Agenda Letter, dated November 8, 2016) and Article II Coastal Zoning Ordinance (Article II, Attachment 9 of the Board Agenda Letter, dated November 8, 2016).

**1. *Incorporate Provisions for the Land Use Incentive Program (CLUDC and Article II)***

The Planning Commission recommendation revises the project by incorporating new provisions into the ordinance amendments to implement a portion of the GCP Land Use Incentive Program described by Action LU-4, Action LU-5, and Action LU-6. Specifically, the new ordinance provisions implement that portion of the Land Use Incentive Program that allows a landowner to pursue permitting of an Incentive Dwelling Unit (i.e., eligible incentive) on AG-II zoned lands in the GCP area. If a landowner dedicates a trail easement for the Coastal Trail Primary Route alignment, the landowner would be eligible to apply for one detached Incentive Dwelling Unit and one attached Incentive Dwelling Unit. If a landowner dedicates a trail easement a non-Coastal Trail Primary Route trail corridor identified on the adopted PRT map, or dedicates and/or constructs a public trailhead parking area, the landowner would be eligible to apply for one Incentive Dwelling Unit, either attached or detached. The ordinance provisions incorporate the development standards identified in the GCP Action LU-6. The Planning Commission recommendation also changes the name of the eligible incentive from “Residential Second Unit” to “Incentive Dwelling Unit” and adds a definition of “Incentive Dwelling Unit” to the ordinance amendments.

The Final EIR analyzed the Land Use Incentive Program, including the expanded incentive program that was analyzed under EIR Alternative 3 (see Section II.A.3 above). The ordinance amendments include development standards that are consistent with standards developed under the GCP Action LU-6, including provisions to cluster any new detached unit with the existing primary dwelling on a property, or allow remote siting only if converted from an existing legally permitted agricultural employee dwelling or a guesthouse. These limitations prevent the possibility of any potential impacts that could result from locating new development in a previously undisturbed area or in areas of active agriculture or prime soils. In addition, the ordinance amendments do not expand the program beyond that which was analyzed in the Final EIR. Therefore, the revisions would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**2. *Revised Gaviota Agriculture Tiered Permit Structure in the Coastal Zone (Article II)***

The Planning Commission recommendation revises the new Gaviota Agricultural Tiered Permit Structure in the Article II Coastal Zoning Ordinance. As analyzed in the Final EIR, the Gaviota Agricultural Tiered Permit Structure would have revised the zoning permit structure to allow increased flexibility to support and encourage regional agriculture operations by identifying appropriate permitting requirements for various scales of specific activity. The Board of Supervisors initiated ordinance amendments identified a range of proposed permit levels, including: an “exempt” from permits level, Coastal Development Permit (CDP) level, and Conditional Use Permit (CUP) level. The proposed small scale uses are currently not allowed uses or are only allowed with a CUP, regardless of the size and scale of the use. In addition, the Board of Supervisors initiated ordinance amendments proposed to allow agricultural wells to be permitted with a Zoning Clearance rather than a CDP. The Planning Commission recommendation removes the exempt from permit level from the Gaviota Agricultural Tiered Permit Structure and retains the CDP for new agricultural wells. The revised ordinance amendments do not change the project’s allowed uses nor do they change the intensity of use

analyzed in the Final EIR. The CDP requirement for these small scale uses, rather than a permit exemption, would not adversely impact agricultural resources because the uses would be still allowed under the Planning Commission recommended project and would still support and encourage agriculture operations. Therefore, the revision would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**3. *Revised Composting Setback (CLUDC and Article II)***

The Planning Commission recommendation revises the initiated 200-foot setback for small scale composting operations from adjacent lots to clarify that the setback would only apply if the adjacent lot is under separate ownership. In addition, the Planning Commission increased the setback to 300 feet from any residences located on adjacent lots under separate ownership. The revisions to the small scale completing ordinance amendments allow flexibility for siting composting operations on agricultural premises that consist of multiple parcels. The revisions also consider nuisance issues, such as odors, that may affect adjacent residences, and therefore, adds an increased setback from nearby residences under separate ownership. The revised ordinance amendments do not change the project's allowed uses nor do they change the intensity of use analyzed in the Final EIR. Therefore, the revision would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**4. *Revised Small Scale Campgrounds (CLUDC and Article II)***

The Planning Commission recommendation revises the ordinance provisions for small scale campgrounds to: a) set the maximum number of campsites at 10 (instead of 15), limit five campsites to tents only, and allow recreational vehicles up to a maximum length of 25 feet in the other five campsites; b) allow small scale campgrounds within the Critical Viewshed Corridor Overlay only if the campground would not be visible from Highway 101 due to natural topographic variations; and c) allow new grading or structures only when necessary to provide required potable water and wastewater disposal.

The revised ordinance amendments do not change the project's allowed uses but do decrease the intensity of the small scale campground use as analyzed in the Final EIR. Therefore, the revision would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**5. *Revised Provisions for Small Scale Firewood Processing and Sales and Small Scale Lumber Processing/Milling (CLUDC and Article II)***

The Planning Commission recommendation revises the project by incorporating new provisions into the ordinance amendments to limit the source woods for Small Scale Firewood Processing and Sales and Small Scale Lumber Processing/Milling to those that are not sensitive and comply with the ESH and ESH-GAV Overlays. The revisions would limit these uses to ensure sensitive biological resources, protected by the ESH and ESH-GAV Overlays, would not be adversely affected by these uses. Therefore, the revisions would not result in any new impacts or increase



the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**6. *Revised Provisions for a Farmstay (CLUDC and Article II)***

The Planning Commission recommendation revises the project by incorporating minor revisions into the ordinance amendments for the farmstay to clearly distinguish it from the larger guest ranch use along with other minor text revisions that ensure the use's consistency with the California Homestay Act of 1999. The revised ordinance amendments do not change the project's allowed uses or the intensity of the farmstay use as analyzed in the Final EIR. Therefore, the revision would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**7. *Revised ESH-GAV Overlay Provisions (CLUDC)***

The Planning Commission recommendation revises the ordinance provisions in the CLUDC for the new ESH-GAV Overlay by deleting "within a twelve month period" that would have allowed an annual exemption for removal of environmentally sensitive habitat up to the permit threshold. The revision does not change the project's allowed uses or the intensity of uses. Rather, by limiting the unpermitted removal of sensitive habitat to one time only before requiring permits, the revision reduces potential impacts to biological resources. The revision would have no adverse effect on agricultural resources because agricultural uses on land with an agricultural zone designation are exempt from the permit provisions of the ESH-GAV Overlay. Therefore, the revision would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary.

**8. *Deleted Definition of Visually Subordinate (CLUDC and Article II)***

The definition of "visually subordinate" was originally included in the initiated ordinance amendments. The definition is removed from the final ordinance amendments because the term is not used in the ordinance amendments or elsewhere in the CLUDC or Article II. The revised ordinance amendments do not change the project's allowed uses or the intensity of uses as analyzed in the Final EIR. Therefore, the revision would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR and no change to the Final EIR analysis is necessary. Instead, the definition of "visually subordinate" is included as a revision to Policy VIS-2 (see discussion under Section A.15 of this Revision Letter, above).

**C. *Addition of Project to Cumulative Projects List***

In response to public comments, a project located within San Luis Obispo County (Phillips 66 Company Rail Spur Extension and Crude Unloading Project (Rail Spur project)) has been added to the list of projects to be included in the cumulative impacts analysis (Table 3-1b of the Final EIR). The project was added because, if approved, a maximum of five oil trains per week could traverse the Gaviota Coast Plan area along the Union Pacific Railroad. RECON Environmental, Inc., the County's consultant who prepared the Gaviota Coast Plan EIR, prepared a memorandum summarizing the Rail Spur project and evaluating the Gaviota Coast Plan's cumulative impacts

with the addition of the Rail Spur project to the cumulative setting. Inclusion of the Rail Spur project does not change the conclusions of the cumulative impact analyses of the Gaviota Coast Plan Final EIR (see Attachment A to this EIR Revision Letter).

#### **D. EIR Minor Edits and Errata**

The Planning Commission recommendation includes the following changes to the Final EIR:

1. Add the Sherpa Fire (approximately 7,474 acres) to Table 4.9-2 on page 4.9-6.
2. Correct a typographic error on page 9-171. The response to comment DEIR 12-11 should refer to response to comment DEIR 12-25, not 2-25.
3. Correct the statement on page 4.6-21 that the entirety of the Plan Area serves as a major wildlife movement corridor. Rather, the Plan Area serves as a habitat linkage.
4. Clarify text under Alternative 1 (page 6-26) that implied the proposed GCP would not be consistent with the Coastal Act and the County's Local Coastal Program. Alternative 1 does not analyze the consistency of the proposed project with the policies of the Coastal Act and County Local Coastal Program.
5. Clarify the responses to comments on the Draft EIR from the Environmental Defense Center (Letter 17) and the Law Office of Marc Chytilo (Letter 20).

Replacement pages are included in the Final EIR using ~~striketrough~~ and underline text. The minor edits and additions clarify the text and are informational. The edits do not change allowed uses or the intensity of uses analyzed in the EIR, nor do the changes result in any new impacts or increase the severity of impacts analyzed in the final EIR. Therefore, no additional changes to the Final EIR analysis are warranted.

### **III. CONCLUSION**

The Planning Commission and Board of Supervisors recommended minor revisions to text, policies, development standards, and actions of the plan and minor revisions to the County Land Use and Development Code Ordinance Amendment and the Article II Coastal Zoning Ordinance Amendment. None of the changes recommended by the Planning Commission and Board of Supervisors would result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment.

**ATTACHMENT A**

**RECON Environmental Inc.**

**Memorandum to County of Santa Barbara Planning and Development Department**

**September 15, 2016**

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*An Employee-Owned Company*

## MEMO

**Date:** September 15, 2016

**To:** County of Santa Barbara Planning and Development Department (David Lackie, Julie Harris, and Mindy Fogg)

**From:** Michael Page, AICP

**Reference:** Gaviota Coast Plan Final EIR Cumulative Impact Evaluation of the Phillips 66 Rail Spur Project (RECON Number 7621)

The Phillips 66 Company Rail Spur Extension and Crude Unloading Project Final Environmental Impact Report and Vertical Coastal Access Project Assessment was released in December 2015. The Rail Spur project is located at the Santa Maria Refinery (SMR) in Nipomo, San Luis Obispo County.

In November 2013, a Draft EIR was issued for the Rail Spur Project. After reviewing the comments on the Draft EIR, the County of San Luis Obispo decided that a revised Draft EIR should be recirculated for public comment. The decision to recirculate the entire EIR was primarily based upon the need to expand the discussion of mainline Union Pacific Railroad impacts beyond the borders of San Luis Obispo County, including Santa Barbara County and the Gaviota Coast. The revised Draft EIR was released on October 10, 2014 and the Final EIR on December 21, 2015. Class I impacts were identified for cumulative impacts to agricultural resources, air quality and greenhouse gases, biological resources, cultural resources, hazards and hazardous materials, public services and utilities, and flooding and water resources. Many of these potential impacts were associated with potential oil spills. Tables 4.7.9 through 4.7.11 of the Rail Spur Project Final EIR provide a summary of the unit train accident and spill rates by segment for all rail lines that would serve the proposed Rail Spur Project. Segments 9 through 17 included in Table 4.7.9 address Hollister Ranch, Gaviota Beach, Gaviota, Arroyo Quemado, Tajiguas, Refugio, Canada del Corral, El Capitan, and Naples.

The Rail Spur Project has been added to Table 3-1b of the Gaviota Coast Plan (Proposed Plan) Final EIR as project number 30. This addition does not change the conclusions of the Proposed Plan EIR regarding the significance of cumulative impacts. The Gaviota Coast Plan would not affect the ongoing or future operations of the Union Pacific Railroad or the potential for environmental impacts associated with such operation for the reasons provided in the following subsections. In most cases, though the Rail Spur Project Final EIR identified several cumulatively significant impacts, the Proposed Plan's contribution to these impacts would not be cumulatively considerable. In two cases—biological resources and cultural resources—the Proposed Plan Final EIR already identified significant cumulative impacts, which would not change in light of the Rail Spur Project. Table 1, below, shows the cumulative impact findings of the Proposed Plan Final EIR for the resource areas determined by the Rail Spur Project Final EIR to have a Class I significant and unavoidable cumulative impact.

**Table 1  
 Cumulative Analysis Results Comparison**

Resource Area	Rail Spur Project EIR Findings	Gaviota Coast Plan EIR Findings	Change in Finding?
Agricultural Resources	Class I	Class III	No
Air Quality and Greenhouse Gases	Class I	Class III	No
Biological Resources	Class I	Class I	No
Cultural Resources	Class I	Class I	No
Hazards and Hazardous Materials	Class I	Class III	No
Public Services and Utilities	Class I	Class III	No
Flooding and Water Resources	Class I	Class III	No

**Agricultural Resources**

The Rail Spur project identified potential Class I impacts to agricultural resources associated with potential oil spills, including along the main lines of the Union Pacific Railroad, one of which runs along the Gaviota Coast in the Plan Area. Table 4.7.9 from the Rail Spur Final EIR states the probability of such an event occurring along nine segments covering 31.3 miles within the Plan Area. The Final EIR for the Rail Spur project concludes that some short-term impacts could be minimized through site remediation, clean-up, and restoration of the agricultural resources (i.e., replanting, removal of contaminated soils). However, impacts related to water source contamination and loss of some specialty crops (i.e., old growth vines that have value in their age) would be more difficult to mitigate. The loss of some crops, prime soils, and other agricultural resources may not be mitigable through restoration and replacement in kind. Therefore, potential cumulative impacts to agricultural resources associated with an oil spill were considered significant and unavoidable.

Section 4.4.4 of the Proposed Plan Final EIR addresses the cumulative impacts of the Proposed Plan on agricultural resources, including the cumulative development throughout the Plan Area and vicinity, which could potentially convert (either directly or indirectly) additional agricultural land to non-agricultural use. The Proposed Plan Final EIR found Class III, less than significant, cumulative impacts to agricultural resources. While the Rail Spur Project could result in cumulative impacts to agricultural resources in the Plan Area, buildout, rezones, and ordinance amendments associated with the Proposed Plan would not represent a cumulatively considerable contribution to an adverse agricultural impact because the Plan is largely beneficial to agriculture. The Plan supports agriculture by supporting clustering to retain large tracts of grazing lands while allowing development to occur within a smaller footprint, supporting agricultural diversification and intensification, and including policies and development standards that would ensure development is appropriately sited with consideration to agricultural resources and potential agricultural interface conflicts.

As a result, while there is a cumulative impact to agriculture in the Plan Area based on the potential agricultural conversion and oil spill impacts that would occur as a result of cumulative development, the project would not make a cumulatively considerable contribution to the impact. Cumulative impacts of Proposed Plan buildout, rezones, and ordinance amendments would remain less than significant. As such, the Class I cumulative impact finding for agricultural resources of the Rail Spur project EIR would not change the Class III finding in the Proposed Plan EIR for agricultural resources.

## **Air Quality and Greenhouse Gases**

The Rail Spur project Final EIR identifies significant cumulative impacts to air quality and GHG emissions associated with increased rail traffic in all of the air basins that the trains would cross. While mitigation for threshold exceedances within the San Luis Obispo County Air Pollution Control District in the form of the purchase of emissions reduction credits may be feasible, San Luis Obispo County may be preempted by Federal law from mitigating rail emissions outside of the refinery, and therefore may not have the authority to require offsite emission credits for the Union Pacific Railroad mainline emissions. To mitigate exceedance of air pollution thresholds both within and outside of San Luis Obispo County, Mitigation Measure AQ-3 was identified to prepare a mitigation plan that investigates the use of Tier 4 emission level locomotives. However, the cumulative impacts to air quality and GHG emissions associated with the Rail Spur Project could remain significant and unavoidable (Class I).

As discussed under Impacts AQ-2 and AQ-3 in the Proposed Plan Final EIR, the Proposed Plan would not result in significant emissions that would exceed Santa Barbara County Air Pollution Control District thresholds or state Ambient Air Quality Standards (AAQS), and would not result in the exposure of sensitive receptors to substantial pollution concentrations. Additionally, as discussed under AQ-4 in the Draft Final EIR for the Proposed Plan, no major or large-scale development operations would occur under the Proposed Plan. The limited amount of potential odor-generating land uses would not result in substantial exposure of objectionable odors to new receptors in the Plan Area.

Section 4.5.4 of the Proposed Plan Final EIR addresses the cumulative impacts of the Proposed Plan and identified cumulative projects on air quality and greenhouse gas emissions. As total development under the proposed Plan would not exceed project-level significance thresholds, cumulative localized impacts would be less than significant. A less than significant impact (Class III) to cumulative air quality and greenhouse gas emissions would result from the Proposed Plan. Though the Rail Spur Project determined that there would be significant cumulative impacts to air quality, the Proposed Plan would be consistent with County Thresholds and would not cause an exceedance in AAQS and therefore would not result in a cumulatively considerable contribution. As such, cumulative GHG impacts resulting from the Proposed Plan would remain less than significant.

## **Biological Resources**

The Final EIR for the Rail Spur project identifies increased rail traffic on the main lines of the Union Pacific Railroad as having the potential to result in increased impacts to wildlife due to noise, light, movements and collisions. However, it is noted that these impacts already exist for all of the mainline routes due to the existing freight and passenger trains. In addition, the increase in mainline freight traffic from cumulative crude oil trains is more likely to be less than 10 percent taking into account the use different mainline routes. The percent increase would be less if existing passenger train traffic is included. These percentages are based on one-way trips for the cumulative crude oil trains. The potential for an oil spill along the mainline tracks is identified as having the greater potential to result in a cumulative impact to biological resources. This is because, depending upon the location of an oil spill along the mainline tracks, there may be no oil spill containment or cleanup equipment immediately available, and it could take some time for emergency response teams to mobilize adequate spill response equipment. Depending upon the location of the spill this could allow enough time for the spill to impact sensitive habitats, and plants and animal species that may occur within these habitats. Therefore, oil spills along the mainline tracks could be cumulatively significant depending upon the location of the spill and the Rail Spur Project Final EIR identified a Class I cumulative impact to biological resources.

As discussed in Section 4.6.4 of the Proposed Plan Final EIR, Class I significant and unavoidable cumulative impacts to biological resources would result in the Proposed Plan area. While potential oil spills in the Proposed Plan area would cause further cumulative impacts to biological resources, it would not change the significance level identified in the Proposed Plan Final EIR. In addition, given the proximity of the mainline tracks to US 101 and the City of Santa Barbara in the eastern portion of the Plan Area, spill response in this area would be expected to be swift. The western portion of the Plan Area is more remote and could result in increased response times with the potential for increased damage to biological resources in the event of a spill. Due to the proximity of the mainline tracks to the beach and Pacific Ocean, impacts to the beach and associated nearshore marine resources would be greatest.

The mitigation framework identified in the Proposed Plan Final EIR and the policies and development standards in Section 2.1, Natural Resources Stewardship, of the Proposed Plan would serve to avoid and/or mitigate impacts to biological resources in the Proposed Plan area to some extent. However, the mitigation and policy framework would not fully avoid cumulative impacts to biological resources and impacts would be unavoidable. Because a Class I impact was already disclosed in the Proposed Plan Final EIR for cumulative impacts to biological resources, inclusion of the Rail Spur Project in the assessment does not change this conclusion.

### **Cultural Resources**

The Rail Spur Project Final EIR concludes that implementation of the project could contribute to the cumulative degradation of significant cultural resources in San Luis Obispo County and along the proposed rail route, which passes through the Proposed Plan area. A Class I significant and unavoidable cumulative impact to cultural resources was identified as a result from the cumulative crude oil train traffic along the Rail Spur Project's mainline track, as potential oil spill cleanup operations would require earthmoving equipment that may impact cultural, historic, and paleontological resources. However, because no impacts to any known Center for Regional Heritage Research (CRHR) eligible resources were identified for that project, and because mitigation measures were required to reduce potential impacts to unknown buried Resources, the Rail Spur project's contribution to the cumulative impact to cultural resources was determined to be less than significant.

Section 4.8.4 of the Proposed Plan Final EIR identifies Class I unavoidable adverse cumulative impacts to cultural resources. This is due to the prevalence of cultural resource sites in the Plan Area and the number of construction activities that involve disturbance of culturally sensitive areas that are not regulated. The mitigation framework identified in the Final EIR and policies and development standards of Section 2.2, Cultural Resources Stewardship, of the Proposed Plan serve to avoid and/or mitigate impacts to cultural resources to some extent. However, at the program level, it has been concluded that significant pre-historic and historic resources are often not identified and may be permanently lost or degraded during construction of development consistent with the Proposed Plan.

While the Rail Spur Project identified a cumulative impact to cultural resources, the Rail Spur Project itself is not anticipated to result in a cumulatively considerable contribution to the significant cumulative impact that oil spill cleanup operations would have. In addition, the Proposed Plan Final EIR's cultural resources cumulative impact analysis with the added threat of potential oil spill cleanup activities from the Rail Spur Project would remain significant and unavoidable. Therefore, the inclusion of the Rail Spur Project in the assessment of potential cumulative impacts to cultural resources within the Plan Area does not change the conclusion of the Proposed Plan Final EIR.



## **Hazards and Hazardous Materials**

Table 4.7.9 of the Final EIR for the Rail Spur project provides a summary of unit train accident and spill rates by segment for the Nevada to Colton to Santa Maria Refinery route. The determination of significant potential cumulative impacts related to hazards and hazardous materials was identified due to the potential for cumulative crude oil rail transportation projects to increase risks to the public in the vicinity of the railroad right-of-way. This impact would be reduced if the U.S. Department of Transportation (USDOT) adopts the appropriate tank car design. However, because the USDOT proposed regulations for tank car design have not yet been adopted, the cumulative risk was determined to remain significant and unavoidable (Class I).

As is noted in Section 4.12.4 of the Proposed Plan Final EIR for the Plan, Hazardous Materials/Risk of Upset Cumulative Impacts Analysis, there are several historical and existing hazardous materials sites as well as allowed uses that involve hazardous materials within the Plan Area. Buildout of the Proposed Plan would allow additional residential, commercial, and agricultural development that may have the potential to release hazardous materials. Future projects in the Plan Area would be required to comply with regulations. This includes regulations that are intended to prevent hazardous material releases and, if accidental releases occur, hazardous material site cleanup (see Section 4.12.1.4). Due to the required compliance with regulations and the typically localized nature of the hazardous materials issues, hazardous material impacts related to hazardous material releases do not typically combine to result in cumulatively significant impacts. As such, cumulative hazardous material impacts were identified as less than significant (Class III).

While the Rail Spur Project EIR concluded a significant cumulative impact related to hazards and hazardous materials, the impact is based on the combined risk of crude oil rail projects. The Proposed Plan would not result in a cumulatively considerable contribution to this impact because it does not propose crude oil transport, and development that may occur near railroad tracks would be required to comply with existing regulations regarding hazardous materials storage, cleanup, and disposal. Therefore, the conclusions of the Proposed Plan Final EIR associated with cumulative hazards and hazardous materials impacts would remain less than significant.

## **Public Services and Utilities**

The evaluation of potential cumulative impacts to public services and utilities associated with the Rail Spur Project determined that none of the cumulative projects considered would contribute to unacceptable strains on the region's solid waste disposal systems, the electricity supply, or police services. Therefore, cumulative impacts to these areas were determined to be less than significant.

The primary source of a potentially significant cumulative impact regarding hazards and hazardous materials was determined to be associated with the increase in train traffic, which would increase the probability of an oil spill along mainline rail routes. Assuming cumulative crude oil trains use the same route from Barstow to the California border, the cumulative probability of a 100 gallon or greater oil spill would be about once every 25 years for the southern route from the Santa Maria Refinery to the Nevada border. Without proper training, information, and capabilities the cumulative impacts of a release of crude oil or fire on the mainline tracks would have significant cumulative impact on fire protection and emergency response services. Implementation of the mitigation measures PS-4a through PS-4e of the Rail Spur Project Final EIR would provide training, information, and capabilities to all of the local emergency response agencies along these stretches of mainline track. However, the County may be preempted by federal law from implementing these measures as they require particular contractual provisions that might be determined to improperly impact interstate commerce or conflict with the Interstate Commerce Commission Termination Act (ICCTA), which preempts state laws with respect to rail transportation. Therefore, the cumulative impacts to fire protection and emergency services associated with crude oil trains moving along the mainline tracks would be considered significant and unavoidable.

Section 4.9.7 of the Proposed Plan Draft Final EIR discusses the potential cumulative impacts of the Plan to emergency response plans, wildland fires, fire protection, law enforcement, libraries and schools, solid waste management, water and wastewater facilities, and water supply. As the Proposed Plan does not increase development potential within the Plan Area, and because there is not a measurable cumulative demand for increased public services in the Plan Area over the life of the plan, cumulative impacts to public services were determined to be less than significant (Class III). While development under the Proposed Plan would incrementally increase the demand for public services, no new fire protection services or facilities would be required to serve buildout of the Proposed Plan and the resulting demand on local emergency response agencies would not be cumulatively considerable. In addition, the Proposed Plan does not propose to transport oil and would not increase the identified risk of cumulative oil spill and fire associated with the Rail Spur Project and cumulative rail projects. The contribution of the Proposed Plan to cumulative impacts to fire protection and emergency services would not be cumulatively considerable and cumulative impacts to public services in the Proposed Plan area would remain less than significant. Therefore, the potentially significant and unavoidable cumulative impact to public services and utilities associated with the Rail Spur Project does not change the conclusion of the Proposed Plan Final EIR.

### **Flooding and Water Resources**

The Final EIR for the Rail Spur Project addresses the potential for cumulative impacts to water quality and water supply related to the Santa Maria Refinery, cumulative projects in San Luis Obispo County and cumulative rail projects along the main line tracks of the Union Pacific Railroad. Cumulative impacts to flooding and water supply were determined to be less than significant. The potential for cumulatively considerable impacts to surface water and groundwater quality associated with mainline rail routes that pass through areas that include various types of water body crossings were, however, determined to be significant and unmitigable. This is because in the event of an oil spill along this stretch of the mainline rail route, surface and groundwater resources could be impacted.

Assuming the cumulative crude oil trains use the same route from Barstow to the California border, the cumulative probability of a 100 gallon or greater oil spill would be about once every 25 years for the southern route from the Santa Maria Refinery to the Nevada border. This mainline rail route passes through the Plan Area, which includes numerous water body crossings adjacent to the Pacific Ocean. In the event of an oil spill along this stretch of the mainline rail route, surface and groundwater resources could be impacted.

In the event of an accident along the mainline rail routes, a crude oil spill of significant amounts could occur and potentially impact water resources. Depending upon the location of an oil spill along the mainline tracks, there may be no oil spill containment or cleanup equipment immediately available, and it could take some time for emergency response teams to mobilize adequate spill response equipment, which could allow enough time for the spill to impact various surface water bodies, as well as plants and animal species that may occur within these habitats. This is particularly true in the western portion of the Plan Area. Therefore, oil spills along the mainline tracks could be cumulatively significant depending upon the location of the spill, oil spill response, remediation, and restoration capabilities.

Under Federal and State law, the Union Pacific Railroad and the owner of the crude oil would be responsible for cleanup and remediation of any oil spill. SB 861 requires that operators demonstrate they have the financial resources to pay for spill response, cleanup, and damages based upon a reasonable worst case spill volume.

Section 4.7.4 of the Proposed Plan Final EIR concludes that cumulative impacts to flooding and water resources would be less than significant. Though buildout of the Proposed Plan would contribute to an increase in impermeable surfaces and increased storm water discharge, volumes of runoff, and changes in drainage characteristics, development potential is limited and would be largely located outside of upstream watersheds due to the presence of the Los Padres National Forest. In addition, future development would be subject to the County's storm water regulations, Grading Code, and Comprehensive Plan policies aimed at protecting water quality. The Proposed Plan also includes policies and development standards for the protection of water resources in Section 2.1, Natural Resources Stewardship. As regulatory compliance and future project level review would be required for all but minor development carried out under the Proposed Plan, it would not result in a cumulatively considerable contribution to cumulative water resources impacts. Therefore, the inclusion of the Rail Spur Project in the assessment of potential cumulative impacts to water resources within the Proposed Plan area does not change the less than significant conclusion.

### **Conclusion**

Though the Rail Spur Project Final EIR concluded the project would result in significant cumulative impacts, many of those cumulative impacts would occur with San Luis Obispo County and, when combined with the cumulative impacts associated with the Proposed Plan, would not change the conclusions of the cumulative impacts analyses of the Proposed Plan Final EIR. For biological resources and cultural resources, the Proposed Plan Final EIR discloses significant cumulative impacts (Class I), and the Rail Spur Project would not change this conclusion. For agricultural resources, air quality and greenhouse gases, hazards and hazardous materials, public services and utilities, and water resources, the Proposed Plan Final EIR concludes less than significant cumulative impacts (Class III) and though the Rail Spur Project Final EIR identified significant cumulative impacts to these resource areas, it would not affect the conclusions of the Proposed Plan Final EIR. This is because even though cumulative impacts might occur, the Proposed Plan would not result in a cumulatively considerable contribution, if any. This conclusion is largely supported by the mitigation and policy framework included in the Final EIR and Proposed Plan that provide adequate resource protection. In addition, the Proposed Plan is intended to guide future development in the Proposed Plan area and does not create similar risks to the Rail Spur Project.

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