

1.0 INTRODUCTION

This document is a Draft Environmental Impact Report (EIR) for the proposed Santa Ynez Valley Community Plan (Community Plan), which would provide Valley-specific planning guidance and supplement the existing Santa Barbara County Comprehensive Plan. The proposed Community Plan is described in detail in Section 2.0, *Project Description*. This section describes: (1) the general background of the Community Plan; (2) the purpose of and legal authority for the EIR; (3) the scope and content of the EIR; (4) lead, responsible, and trustee agencies; (5) the environmental review process required under the California Environmental Quality Act (CEQA); and (6) areas of public controversy.

1.1 PROJECT BACKGROUND

Although planning and land use issues have been salient in the community in recent years, the Santa Ynez Valley has not been comprehensively reviewed for appropriate land use and zoning designations since the County-wide update to the Comprehensive Plan that was undertaken in 1980-81. The Santa Barbara County Board of Supervisors, in recognition of the need for valley-specific planning guidelines and standards, directed the County Planning and Development Department to proceed with preparation of a community plan for the Santa Ynez Valley in 2000.

In March of 2001 Santa Barbara County Planning and Development published the Santa Ynez Valley Newsletter, an information document that provided public information on general land use issues and trends in the Santa Ynez Valley. This document laid the foundation for future research and was the starting point for discussion on Valley land use and planning issues.

Citizen involvement in the preparation of a community plan is required by State law, and is one of the cornerstones of the Community Plan process. In 2001-2003 a diverse group of community members were appointed by the County of Santa Barbara Third District Supervisor forming the Santa Ynez Valley General Plan Advisory Committee (GPAC) which assisted and advised the Board of Supervisors, Planning Commission and County staff in developing the Comprehensive Plan. Through a series of extensively noticed public meetings, the GPAC, County staff, and interested community members discussed land use and planning issues in the region, identified areas requiring future research by County staff, and prepared land use recommendations.

In 2005 the County of Santa Barbara Third District Supervisor appointed the Valley Planning Advisory Committee (VPAC). During 2005-2006 the VPAC provided input on select issues in the Community Plan attempting to clarify previous input from the GPAC. The VPAC's work has further defined the parameters for environmental review highlighting alternatives to be studied in the EIR related to mixed use, design review and agricultural zoning.

On September 26, 2006, the Board of Supervisors initiated the Draft Santa Ynez Valley Community Plan for environmental review.



1.2 PURPOSE AND LEGAL AUTHORITY

This EIR is an informational document for use in the County of Santa Barbara's review and consideration of the proposed Community Plan. The EIR will also be used by various responsible agencies (discussed below) to facilitate informed decision-making with respect to their discretionary authority over the project.

The EIR has been prepared in accordance with the requirements of CEQA and the *State CEQA Guidelines*. In accordance with Section 15121(a) of the *State CEQA Guidelines* (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

Inform public agency decision-makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR is intended to fulfill the requirements for a Program EIR. Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are typically more conceptual and contain a broader discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in Section 15168 of the *State CEQA Guidelines*, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the County (as Lead Agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures. It also provides the lead agency with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. While this EIR evaluates the effect of implementing the Community Plan on a programmatic level, it also provides a project-level analysis of four sites in the Plan Area proposed for application of an Affordable Housing Overlay District, as discussed below.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, subsequent activities may, in certain instances, be found to be within the Program EIR scope, and additional environmental documents may not be required if the Program EIR addresses all of the impacts of the subsequent activity [Guidelines Section 15168(c)]. When a Program EIR is relied on for the environmental review of a subsequent activity or project, the Lead Agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities or projects [Guidelines Section 15168(c)(3)]. Mitigation measures for subsequent projects and activities would incorporate all pertinent mitigation measures from the Program EIR's Mitigation Monitoring and Reporting Program (MMRP). If a subsequent activity or project would have effects not identified in the Program EIR, the Lead Agency must prepare a new Initial Study, leading to either a Negative Declaration (ND), a Mitigated Negative Declaration (MND), or an EIR.

The *CEQA Guidelines* [Section 15168(b)] encourage the use of Program EIRs, citing five advantages:

- *Provision of a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR*
- *Focus on cumulative impacts that might be slighted in a case-by-case analysis*
- *Avoidance of duplicative reconsideration of basic policy issues*



- *Consideration of broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them*
- *Reduction of paperwork by encouraging the reuse of data (through tiering)*

This EIR will serve as a Master Environmental Assessment for specific projects within the planning area, thus reducing paperwork and delay for future project reviews. Although this EIR primarily serves as a program-level document, it also provides site-specific analysis of each of four Affordable Housing Overlay District (AHOD) sites brought forward by the public that are under consideration for rezoning to accommodate affordable multiple family housing. The project-level environmental review for these sites is intended to meet CEQA requirements for the subsequent development of housing on any one or more of these sites, should an applicant opt to proceed with such a project. For each environmental issue area, in addition to the program-level discussion of potential impacts and appropriate mitigation measures, a project-level analysis of potential impacts and mitigation measures is provided for the Affordable Housing Overlay sites. The MMRP for this EIR separately lists all mitigation measures that would be applicable to the development of the AHOD sites.

This project-level analysis has been conducted at this time because, as discussed below, recently adopted State law does not allow for further project-specific CEQA review of certain affordable housing developments subsequent to rezoning.

State Assembly Bill (AB) 2348, Chapter 724, Statutes of 2004, amended State housing element law to: (1) clarify the land inventory requirements (i.e., land resources); (2) provide more specific guidance on the content of an adequate land inventory; and (3) provide greater development certainty. This amendment requires municipalities to prepare an inventory of land suitable for residential development, determine which sites identified in the inventory are available and suitable to accommodate a portion of the jurisdiction's share of the regional housing need, by income level, during the planning period of the element, and then determine whether the inventory has identified sufficient sites to accommodate the local government's regional housing need, in total and by income level, within the planning period.

According to State housing law, where the analysis of a local government's land inventory does not demonstrate that the supply of suitable, available, and appropriately zoned sites are sufficient to accommodate the regional housing need by income level, the Housing Element must include a program that provides sufficient sites within the planning period. An "adequate sites" program must commit a jurisdiction to accommodating 100% of the shortfall of sites necessary to accommodate the remaining housing need for very low- and low-income households during the planning period. Further, the program must ensure that the jurisdiction's zoning ordinance allows owner-occupied and rental multi-family residential uses "by right," which means that the local government's review may not require:

- *A conditional use permit*
- *A planned unit development permit*
- *Other discretionary local government review or approval that would constitute a "project" for the purposes of Division 13 (commencing with Section 21100) of the Public Resources Code*



This provision does not preclude local planning agencies from imposing design review standards. However, the review and approval process must be “ministerial” and the design review must not constitute a “project” subject to CEQA.

Amended State housing element law does not allow subsequent local actions that would be considered a “project” for proposed owner-occupied and rental multi-family housing developments that are consistent with the jurisdiction’s zoning ordinance, therefore additional CEQA review for such projects would not be conducted. Accordingly, the development proposals for the proposed Community Plan’s Affordable Housing Overlay District Sites would not require subsequent CEQA review and documentation beyond this EIR, once specific project applications are submitted consistent with the provisions of the overlay district.

1.3 EIR SCOPE AND CONTENT

1.3.1 Decision to Prepare an EIR

In accordance with the *California Environmental Quality Act (CEQA) Guidelines*, County staff determined that the proposed community plan would have the potential to create significant environmental effects. An Initial Study was not prepared for this project, since significant effects could occur in a number of issue areas and an EIR needs to be prepared to identify and address these potential effects. Consequently, a Notice of Preparation (NOP) of a Draft EIR was prepared and distributed to affected agencies and the public for an extended 75-day period which extended from July 18th through October 3rd, 2007 . The NOP and responses thereto are presented in Appendix A. The County held an EIR scoping meeting in the Valley at the Solvang Veterans Memorial Building on August 8, 2007 to gather additional input from concerned agencies and the public on the scope and content of the EIR. Comments received during the scoping meeting are also included in Appendix A.

1.3.2 Areas of Controversy

Through the NOP and DEIR public review process, the public raised a number of issues and concerns for the proposed community plan and its housing programs, including:

- Rezoning of sites to higher densities within existing communities
- Increased traffic in the townships as a result of the proposed C-2/MU Overlay
- Concerns exist about the location of Affordable Housing Overlay Sites due to traffic, services and geological constraints
- The effects of South Coast workers living in the Valley and commuting to South Coast employment centers on traffic and air quality
- Adequacy of septic and sewer system service, especially within Special Problems Areas
- Preserving agricultural lands and open space
- Protecting the rural character and aesthetics of the Valley
- Provision of adequate affordable housing in the Valley
- Adequacy of existing and proposed parks and trails within the Valley
- Protection of biological resources and habitats
- Availability of safe water sources not contaminated by agricultural runoff



- Effects of increased development and removal of vegetation on flooding and runoff
- Adequacy of public services in the event of an emergency i.e. earthquake, flood, fire, etc.
- Cumulative impacts on agricultural lands and rural land use qualities due to greater allowance and encouragement of residential second units and farm employee dwellings
- State influence on local land use decision making

Main issues of concern or comments expressed during the review of the DEIR included the specifics of the language included as revised or new development standards and policies as mitigation for potential impacts to biological resources, a request for an augmented discussion on greenhouse gas emissions and associated climate change effects, clarifications on water supply calculations and assumptions, recommendations on changes or additional mitigation for potential agricultural resources, concerns regarding secondary impacts of proposed mitigation measures on agricultural resources, and the adequacy and feasibility of proposed traffic mitigation measures. Several comments also pertained to the analysis of the Alternatives, and in particular, the Downzone Alternative. A number of comments were in opposition or support of various Plan policies, development standards, and actions rather than the environmental analysis of the Plan and the alternatives. To the extent that comments on the NOP and DEIR pertained to environmental impacts, these issues have been addressed in this EIR.

1.3.3 Scope and Contents of the EIR

This EIR addresses the issues determined to be potentially significant by County staff, responses to the NOP, and input at the EIR scoping meeting. Issues addressed in this EIR include:

- *Agricultural Resources*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Energy*
- *Fire Hazards*
- *Hazardous Materials*
- *Hydrology and Water Quality*
- *Land Use Compatibility*
- *Noise*
- *Parks, Open Space, and Recreation*
- *Policy Consistency*
- *Public Services and Utilities*
- *Seismic, Soil, and Landslide Hazards*
- *Traffic/Circulation*
- *Visual and Aesthetic Resources*
- *Cumulative Impacts*

The EIR addresses the issues referenced above and identifies potentially significant environmental impacts, including both project-specific and cumulative impacts, in accordance with the provisions set forth in the *CEQA Guidelines*. The analysis of cumulative impacts will include impacts of the implementation of the community plan along with other regional development such as in the incorporated cities of Buellton and Solvang, where appropriate. In addition, the EIR recommends feasible mitigation measures that would reduce or eliminate adverse environmental effects. Mitigation measures identified in the EIR are compiled in a Mitigation Monitoring and Reporting Program (MMRP).



Four alternatives are analyzed in Section 6.0 of the EIR. These include:

- No Project Alternative, which corresponds to build-out under the existing zoning and land use.
- Downzone Alternative to Heritage Site (HS) Overlay
- Alternative to Design Control (D) Overlay
- Alternative to Downtown Ballard Zoning

These alternatives will be evaluated for their potential impacts in comparison with the proposed Community Plan, but at a lower level of detail. As required by CEQA, Section 6.0 also identifies the "environmentally superior" alternative among the options studied.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. The *Guidelines* state:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure. (Section 15151)

1.4 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *CEQA Guidelines* require identification of "lead," "responsible" and "trustee" agencies. The County of Santa Barbara, Office of Long Range Planning is the lead agency for the project because it has principal responsibility for approving the project. While the County Planning Commission would consider the draft Community Plan and associated proposed final EIR in an advisory role, the County Board of Supervisors is the final decision-making body for the proposed project and would be responsible for the certification of the final EIR. Hearings on the proposed Community Plan and EIR would be held by both the Planning Commission and the Board of Supervisors.

"Responsible Agencies" are other agencies that are responsible for carrying out or approving components of the Santa Ynez Valley Community Plan. For example, the California Department of Transportation (Caltrans) would be responsible for approving improvements to the state highway system that may be needed to accommodate future development pursuant to the Community Plan. For the portion of the project within the Santa Ynez Airport Planning Area, the Airport Land Use Committee of the Santa Barbara County Association of Governments will have review authority and will determine whether the Community Plan is consistent with the Airport Land Use Plan. The California Department of Conservation, Division of Mines and Geology will review the goals, policies, actions, and development standards of the Geology, Hillsides, and Topography section of the Community Plan for compliance with state regulations related to Safety Elements. Other responsible agencies



include the Regional Water Quality Control Board (RWQCB) for review of National Pollutant Discharge Elimination System (NPDES) permit requests and review of septic systems subject to RWQCB permitting, the County Flood Control District for flood control projects and development within the Flood Hazard Area, and the City of Solvang for any improvements to intersections within that city's jurisdiction. Public sewer and water districts would also be responsible agencies for projects requesting annexation into their districts or system upgrades within the Plan Area.

Under CEQA, a "trustee agency" is a state agency having jurisdiction by law over natural resources affect by a project that are held in trust for the people of the State of California. The California Department of Fish and Game (CDFG) has jurisdiction over biological resources, including waters of the State and rare and endangered species, and may have approval authority over components of individual projects that could be accommodated under the Community Plan. Federal agencies such as the U.S. Fish and Wildlife Services and the U.S. Army Corps of Engineers have jurisdiction over certain projects and activities that may affect federally-protected species or waters of the United States.

1.5 ENVIRONMENTAL REVIEW PROCESS AND APPROACH

The environmental review process, as required under CEQA, is presented below.

- 1. Notice of Preparation (NOP).** *After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for a minimum of 30 days. Typically, the lead agency holds a scoping meeting during the 30-day NOP review period. The County held a scoping meeting on August 8, 2007, and also opted for an extended (75-day) review period.*
- 2. Draft EIR Prepared.** *The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.*
- 3. Notice of Completion.** *A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and must prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (CEQA Guidelines Section 15087). Additionally, public notice of DEIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit comments from the public and respond in writing to all written comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a DEIR is 30 days. When a Draft EIR is sent to the State Clearinghouse*



for review, the public review period must be 45 days unless a shorter period is approved by the Clearinghouse (Public Resources Code 21091).

4. **Final EIR.** *A Final EIR (FEIR) must include: a) the Draft EIR, modified through responses to comments; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.*
5. **Certification of FEIR.** *Prior to making a decision on a proposed project, the lead agency must certify that: a) the FEIR has been completed in compliance with CEQA; b) the EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the EIR prior to approving a project (CEQA Guidelines Section 15090). The approval of a community plan requires action by the County Board of Supervisors, and as such, the Board of Supervisors would also be the final decision-maker on the FEIR. A hearing on the Proposed Final EIR is also held by the Planning Commission, which acts in an advisory capacity and forwards the Commission's recommendations related to the community plan and the associated FEIR to the Board of Supervisors, which would be responsible for certifying the FEIR.*
6. **Findings/Statement of Overriding Considerations.** *For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have been or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.*
7. **Lead Agency Project Decision.** *A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines Sections 15042 and 15043). For this project, the Board of Supervisors would be the final decision-making body.*
8. **Mitigation Monitoring/Reporting Program.** *When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.*

The EIR analysis focuses on two primary components of the proposed Santa Ynez Valley Community Plan: 1) physical development potential posed by changes to land use and zoning designation to various parcels in the Plan Area, and 2) the effect of the implementation of the Community Plan's goals, policies, and programs. The potential physical development of the Plan Area with the types, the geographic distribution, and density/intensity of the land uses shown on the proposed Land Use Maps are reviewed and evaluated for each of the areas of impact described in Section 4.0 *Environmental Impact Analysis*. The environmental effects of the Community Plan's proposed goals, policies, and programs are also analyzed in this EIR. These



are reviewed and evaluated for each area of potential impact. The implementation of the certain policies and standards during the development review process would serve to help avoid impacts and/or help reduce impacts to acceptable levels. The proposed policies, programs, and development standards will be discussed as part of an overall mitigation strategy, if applicable for a given issue.

The EIR evaluates a conservative reasonable worst-case impact scenario for each environmental issue area, by determining and analyzing the 20-year buildout potential. The 20-year buildout potential was developed using average residential and non-residential growth rates in the Plan Area over the period of 2002 to 2007¹, which due to favorable economic conditions was a period of above average growth for the Plan Area². This conservative evaluation of potential impacts is required by CEQA, but it is acknowledged that full 20-year buildout under the Community Plan may not be possible or achieved during this time period for economic reasons or due to environmental constraints on vacant and underdeveloped properties. CEQA requires that this environmental analysis compare the “project” as described above, to the existing conditions, which are defined by the development that is in place now, rather than compare the project to that which would potentially exist under current land use/zoning designations. Physical impacts from the SYVCP would result from the new residential and commercial development under the Plan and would also result from the construction of planned roadway, bicycle, and pedestrian capital improvements. The physical changes envisioned are more fully described within the Santa Ynez Valley Community Plan itself.

It is important to note that although the Santa Ynez Valley Community Plan proposes additional units and several Class I impacts are disclosed in the EIR, the Plan will be beneficial when compared to development that would likely occur without the Plan due to increased review under the Heritage Sites Overlay, Design Control Overlay and the inclusion of several AHOD sites. The Plan contains many policies and development standards that go beyond what is contained under the existing Comprehensive Plan.

Additional environmental review may have to be conducted by the lead and any responsible agencies prior to implementation of individual projects contained within the SYVCP. In addition to providing the environmental review of components of the Plan subject to review and approval by responsible agencies as discussed above in Section 1.4, the EIR would also allow other actions to be considered by state and regional agencies, including the following:

- **California Department of Transportation (Caltrans).** This state department will use the EIR and Community Plan in assisting that agency’s long-range forecasts, planning and programming efforts.
- **Santa Barbara County Association of Governments (SBCAG).** This regional agency will use the EIR and Community Plan in assisting that agency’s long-range forecasts, planning and programming efforts.

¹ Growth rates were derived from County permit data over 2002 to 2007 period, a period for which the County had reliable and comprehensive building and land use permit data.

² As a check of this methodology, the 20-year buildout assumptions developed for the Plan were compared to the growth projections in the Regional Growth Forecast data from SBCAG and found to agree with Regional Growth Forecast Projection for Santa Ynez Valley, which has historically projected higher rates of growth that experienced for the Santa Ynez Valley.



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