

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS:

1.1 Consideration of the Negative Declaration and Full Disclosure

The County Board of Supervisors has considered the Negative Declaration No. 10NGD-00000-00010 together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County Board of Supervisors, has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 Mitigation of Project Impacts

The County Board of Supervisors finds that in accordance with the environmental impact analysis provided in 10NGD-00000-00010, the project will not result in significant effects on the environment. Therefore, project conditions of approval which are intended to mitigate or avoid significant effects on the environment are not required.

1.3 Location of Documents

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development, located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.4 Environmental Reporting and Monitoring Program

Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The proposed project would not result in significant effects on the environment and therefore no conditions of approval for purposes of mitigation, environmental reporting, or monitoring program is required.

2.0 ADMINISTRATIVE FINDINGS:

2.1 Comprehensive Plan Amendment Finding

Government Code Section 65358 requires each Comprehensive Plan Amendment to be in the public interest. The proposed Comprehensive Plan Amendment to the Seismic Safety and Safety Element, Land Use Element, and Conservation Element will be in the public interest as it would implement and provide compliance with new State laws, including Assembly Bill 162 (AB 162), and would provide updated information needed to protect Santa Barbara County residents and property from various natural hazards.

The proposed Safety Element update includes required information or references related to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), High Fire Hazard Areas and Maps, fire protection Responsibility Areas, Tsunami Inundation Zones, Flood Control goals and policies, and other information necessary to comply with State law (specifically AB 162 and Government Code §65302). The draft Safety Element update has also removed outdated information regarding various hazards which is no longer considered pertinent or scientifically accurate. This information often dated back to the original adoption of the Safety Element in 1979 and no longer comports with the modern theories of hazard reduction and avoidance.

Revisions to the Conservation Element's discussion of mineral extraction activities have also been provided. These revisions have been made to recommendations for policy adoption which were included in the original adopted Conservation Element. One of these recommendations stated that the County should consider adopting a policy stating that:

No mineral resource extraction should be permitted in the County if significant impacts to air, water, or land environment would result, if flooding and erosion problems would be increased, or if polluting emissions likely to be generated directly or indirectly by the activity in question would result in adopted federal or State environmental quality standards being exceeded. (Conservation Element, Page 169)

Ultimately, the County never adopted such a policy and has, in limited circumstances, approved mining operations which result in significant environmental impacts (Class I). This recommendation was never adopted and if implemented would directly tie acceptable CEQA impact levels to substantive policy requirements, in effect limiting the County's discretion to review the impacts of individual mining projects under CEQA. Since this recommendation is inconsistent with current County administrative practice it is proposed to be replaced with the following statement:

In addition to the relevant policies within this Element, all proposed surface mining operations shall be required to be consistent with the policies contained in the other elements of the Santa Barbara County Comprehensive General Plan, all relevant sections of the Santa Barbara County Code, and all relevant sections of State law.

This proposed revision to the Conservation Element would facilitate orderly development by making the County's Comprehensive Plan language consistent with the County's established administrative practice.

Finally, the proposed project also includes the adoption of the County's Multi-jurisdictional Hazard Mitigation Plan (MJHMP) as an addendum to the Safety Element. This action would help to further establish the Safety Element as a

consolidated source for information regarding the potential natural hazards that may occur in the County and what actions the County will take to reduce the risks of these hazards. The County's current MJHMP was adopted as an independent document in 2005 and provides risk assessments for various natural hazards similar to the Safety Element.

2.2 *Consideration of Board of Forestry and Fire Protection Recommendations*

Pursuant to the requirements of Government Code Section 65302, when the County pursued an update to its Safety Element, the County submitted the proposed Safety Element update to the State Board of Forestry and Fire Protection (BOF) for a statutory 60-day review period on January 4, 2010. The BOF responded on March 3, 2010 with a set of 48 recommendations regarding the proposed Safety Element update.

The Board of Supervisors has considered these recommendations and finds that 22 of these recommendations have already been implemented by the County and that an additional 25 recommendations will be fully or partially implemented by the County's proposed update to the Seismic Safety and Safety Element. The remaining BOF recommendation will not be implemented in accordance with the analysis provided below.

BOF Recommendation: Identify and map existing housing structures that do not conform to contemporary fire standards in terms of building materials, perimeter access, and vegetative hazards in VHFHSZ or SRA by fire hazard zone designation.

County Action: The County has considered this recommendation but cannot implement this action as part of the proposed project. Due to the County's large geographic area and substantial building stock, the County lacks the staff and resources to comprehensively survey all existing structures for conformance with contemporary fire standards. Instead, the County will continue to assess the condition of the building stock and its corresponding vulnerability to fire hazards on a community specific basis as part of the community planning process. Additionally, the County's Building and Safety division will continue to require the improvement of existing structures with fire resistive materials as applications for the renovation of such structures are received.

2.3 *Consideration of Department of Conservation Recommendations*

As required by Government Code Section 65302, when the County pursued an update to its Safety Element, the proposed update was submitted to California Geologic Survey staff for a statutory 30-day review period on January 4, 2010. California Geologic Survey staff provided a review of the proposed Safety Element update and responded to the County on February 2, 2010. This response

noted that despite the proposed Safety Element update, the Geologic Hazards portion of the Safety Element remains substantially out-of-date. The California Geologic Survey staff made two recommendations:

- 1) The County should retain a qualified geological consultant, with experience in the field of earthquake hazard evaluation, to update the Geologic Hazards portion of the Safety Element.
- 2) Consider adopting or incorporating the County's Multi-jurisdictional Hazard Mitigation Plan (MJHMP) as part of the Safety Element. The MJHMP contains valuable geologic hazard analysis, which is more up-to-date than the equivalent information found in the Safety Element.

The Board of Supervisors has considered these recommendations and the County has chosen to adopt the MJHMP as an addendum to the Safety Element. This action will provide a source of updated information regarding the various geologic hazards which are present throughout the County and will have the added benefit of qualifying the County for additional disaster relief funding. Ultimately, the Board of Supervisors acknowledges the validity of the California Geologic Survey's regarding the need to further update the Safety Elements analysis of Geologic Hazards. However, the scope of work and corresponding resources allocated for the project were primarily limited to establishing compliance with Assembly Bill 162 (AB 162). AB 162 only requires updated analysis for potential flood hazards. When further County resources become available, staff will consider a more comprehensive update to the Safety Element's Geologic Hazard Analysis. The County is currently in the process of updating its MJHMP as well and it is expected that when this project is completed (in approximately 12-18 months), it will provide the foundation for an updated Geologic Hazard Analysis in the Safety Element.