

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF ADOPTING AN
AMENDMENT TO THE COMPREHENSIVE PLAN
SAFETY ELEMENT TO ADD NEW POLICIES
THAT ADDRESS SIGNIFICANT RISK TO PUBLIC
SAFETY DUE TO INVOLUNTARY EXPOSURE
TO ACUTELY HAZARDOUS MATERIALS**

**RESOLUTION NO. 00- 56
CASE NO. 97-GP-002**

WITH REFERENCE TO THE FOLLOWING:

- A. Proposed development which normally will have the potential to cause substantial adverse effects on human beings, (including use, production, or disposal of hazardous materials) is normally classified the California Environmental Quality Act (CEQA) as having a significant adverse effect on the environment.
- B. California planning law requires local governments to prepare and maintain a current Safety Element as part of their general plans that addresses certain major hazards and may also address other locally relevant safety issues such as accidental releases of hazardous materials.
- C. The Santa Barbara County Planning Commission has recommended adoption of a supplement to the Safety Element, containing objectives and policies to guide land-use decisions in a comprehensive and consistent manner where an accidental release of specified hazardous materials would expose the public to significant risk.
- D. The Board hereby adopts the following findings:
1. In a duly noticed public hearing, the Santa Barbara County Planning Commission has reviewed and recommended adoption *Safety Element Supplement* set forth as Exhibit A to this Resolution (“Supplement”).
 2. The Supplement adheres to sound principles of land-use planning by addressing the interrelationship between land-use planning and protection of public safety in an explicit and consistent manner. The recommended Supplement gives general guidance for providing members of the public prudent protections against involuntary exposure to significantly adverse risk. The Supplement is based on previous County experience and widely accepted practices to prevent and minimize risk to public safety.
 3. The Supplement is internally consistent, being organized in a systematic fashion that first addresses hazardous facilities that occupy single locations, and second, gas pipelines which occupy linear corridors.

4. The Supplement is consistent with other policies of the Safety Element and with other elements of the County's Comprehensive Plan. Its implementation may affect future land-use decisions, giving equitable weight within the Comprehensive Plan to locally relevant issues of public safety.

5. The Supplement is consistent with other subordinate land-use regulations, providing needed guidance for dealing with locally relevant issues of public safety when permitting subdivisions or individual developments. Its implementation may occasionally affect the design and precise location of certain hazardous facilities or the design and precise location of subdivisions or individual developments near existing hazardous facilities. However, it furthers a prevailing goal to protect public health, safety, and welfare in a balanced manner.

6. Adoption of the Supplement is categorically exempt from environmental evaluation pursuant to the Public Resources Code §21084(a) and CEQA Guidelines §15308. Enactment of this Supplement represents an action by a regulating jurisdiction, which is authorized by state and local law, to protect the environment. In this case, the furtherance of environmental protection focuses on potential adverse effects on public safety pursuant to Section 15065(d) and Appendix G of the CEQA Guidelines. The Supplement is constructed to inform decision-makers of public safety concerns in a consistent manner, and to promote a balancing of these concerns with other environmental and economic considerations during future land-use decisions taken by Santa Barbara County.

Three exceptions generally apply to the use of categorical exemptions with regard to particularly sensitive environments, cumulative significant impacts, and significant impacts due to unusual circumstances.

(a) Regarding particularly sensitive environments, the Supplement serves to identify rather than obscure particularly sensitive environments with respect to public safety. These particularly sensitive environments include land uses that cannot be readily evacuated or otherwise protected from acute risk, and emergency response facilities required to respond to accidents. Additionally, the Supplement is constructed with sufficient flexibility so as not to adversely affect environments that are particularly sensitive for other reasons (e.g., ecology), and not to reduce the extent of environmental protection currently required by law and practiced in the land-use process except in cases where public safety represents an overriding concern.

(b) Regarding cumulative significant impacts, the Supplement will serve as a needed tool to address cumulative significant impacts to public safety by better informing and sensitizing land-use decisions of strategies and tactics to reduce risk, particularly in cumulative terms. In particular, the Supplement addresses the issue of encroachment of development in proximity to previous remote hazardous facilities, which represents a major issue of cumulative significant impacts.

(c) Regarding a reasonable possibility that significant environmental impacts will result due to unusual circumstances, the Supplement specifically addresses the unusual circumstances of hazardous material accidents in a manner to prevent or reduce significant environmental impacts. While the Supplement does not portend a zero-risk society, it reasonably balances protective measures with the level of anticipated risk, measured via scientific methods. These protective measures are proven and recommended practices by scholars of the subject, leading industrial advocates for safety, and relevant governmental agencies, based on several years of research and experience.

E. The Board of Supervisors has held a duly noticed public hearing, as required by Section 65355 of the Government Code, at which these amendments to the Safety Element were explained and comments invited from the persons in attendance.

F. It is now deemed in the interest of the orderly development of the County of Santa Barbara and important to the preservation of the health and safety of the residents of said County to amend the Safety Element of the Comprehensive Plan by adopting the Safety Element Supplement included herein as Exhibit A.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Pursuant to the provisions of Section 65356 of the Government Code, this Board adopts Exhibit A, *Safety Element Supplement, Part A: Hazardous Materials*, containing policies to guide land-use decisions for proposed development with potentially significant impacts to public safety.

2. A copy of this Resolution and the Safety Element Supplement shall be made available pursuant to Section 65357 of the Government Code.

PASSED, APPROVED, AND ADOPTED this 1st day of February, 2000 by the following vote:

AYES: Supervisors Schwartz, Rose, Marshall, Gray

NOES: Supervisor Urbanske

ABSENT: None

ABSTENTIONS: None

ATTEST:

MICHAEL F. BROWN


SUSAN ROSE, Chair
Board of Supervisors

By Robert Cohen
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK, COUNTY COUNSEL

By William D. Dillon
Deputy County Counsel