

VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 91-44

A RESOLUTION OF THE
VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT
ADOPTING FINDINGS PURSUANT TO SECTION 65402 OF THE CALIFORNIA
GOVERNMENT CODE WITH RESPECT TO CONSISTENCY OF LOCAL AGENCY
ACTIONS WITH AN ADOPTED GENERAL PLAN, AND ADOPTING CEQA FINDINGS
IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 15091 THAT
CERTAIN ENVIRONMENTAL IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY
PROJECT REDESIGN OR BY CONDITIONS OF APPROVAL:

WHEREAS, it is this District's desire to construct two tanks of approximately one million gallon capacity apiece and a sixteen inch (16") water supply pipeline of approximately 4,560 feet within a fee easement provided to the District by W. H. Ebbert hereafter referred to as the "Project"; and

WHEREAS, in making its decision to proceed therewith, this District's Board has carefully considered all of the material contained in the Administrative Record, specifically including but not limited to the following: the evidence and information in the Final Environmental Impact Report (10/90); the 1/91 Addendum EIR (collectively herein referenced as the "EIR"); the County of Santa Barbara Planning Commission Staff Report dated 11/18/90; the County of Santa Barbara Board of Supervisor's Staff Report dated February 12, 1991, the County of Santa Barbara Board of Supervisors findings in Case No. 90-GC-007 dated March 5, 1991 and all other information and evidence presented at the public hearings conducted by this District's Board and by the County of Santa Barbara on the matter, and all written testimony received by this District's Board on the matter, all of which information is herein incorporated by reference ("Administrative Record"); and

WHEREAS, the evidentiary facts set forth below represents evidence which was most persuasive, but not intended to indicate sole reliance upon such evidence. The following findings are based upon all of the evidence in the Administrative Record, including documentary and other tangible evidence and oral testimony presented at each of the hearings on this matter and all reasonable inference deducible therefrom.

NOW, THEREFORE, THE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

- I. THE PROJECT IS HEREBY APPROVED AND AUTHORIZATION TO PROCEED TO COMPLETE THE PROJECT IS HEREBY GRANTED.
- II. FINDINGS PURSUANT TO SECTION 65402 OF THE CALIFORNIA GOVERNMENT CODE WITH RESPECT TO CONSISTENCY OF LOCAL AGENCY ACTIONS WITH AN ADOPTED GENERAL PLAN.

The California Government Code exempts public water district projects for the location or construction of facilities for the production, generation, storage or transmission of water from the provisions of local zoning and building ordinances. However, the Code also mandates that a planning agency having jurisdiction shall review such projects for consistency with an adopted general plan. The project is located within Santa Barbara County, and the following policies of the Santa Barbara Comprehensive Plan would apply to the project:

1. Land Use Designation: The project site (APN 97-350-009) has a Comprehensive Plan designation of A-11, Rural Area, Agriculture, with no minimum parcel size. Within this designation, policies and allowed uses of a public or quasi-public nature are defined as follows:

- a. Rural Area: An area shown on the land use map within which developments limited to agriculture and related uses...and uses of a public or quasi-public nature." "In the Rural and Inner-Rural Areas, appropriate public facilities are specifically limited to include...2) Subsurface...rights-of-way...3) Sites for...reservoirs, pump stations, water wells and/or storage tanks...." (pages 175-177 Comprehensive Plan)

The proposed project consists of two water storage tanks and approximately 4,500 feet of pipeline. This is consistent with the types of uses and public facilities allowed by the Comprehensive Plan within a rural area.

2. Visual Policies: In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places. (Page 91, Visual Resources Policies, LUE)

In the case of the proposed water storage tanks, their gravity-flow design necessitates placement on a ridge-top, thus constituting a technical requirement. Documentary evidence and testimony by project engineers supports that a minimum topographic elevation of 560 feet (which is achieved at the tank site) is necessary to provide gravity feed pressure. In the vicinity of the project site, this minimum elevation may only be provided on a hillside or ridge-top. From information presented in the EIR, and at the public hearings, it is

clear that the particular location selected provides the greatest visual relief, given this technical requirement. Alternative sites analyzed would be of equivalent or greater visibility from surrounding properties, would not be more compatible with the character of the surrounding natural environment, or less apt to intrude into the skyline. In addition, the tanks will be painted and landscaped to minimize their intrusiveness into the viewshed. Given the technical design requirements of the project, the County Board of Supervisors found the project to be consistent with these policies. The District's Board agrees with this finding.

3. Lompoc Policies:

- a. "The unique character of the area should be protected and enhanced with particular emphasis on protection of agricultural lands, grazing lands, and natural amenities." "Scenic areas...should be preserved by their being included in the County's public and private open space land programs. (Pages 119 & 120 "Lompoc Area Policies")

A majority of the site would remain available for agricultural use and to provide natural and scenic amenities if the project proceeds as planned. There is currently no agriculture or grazing taking place on the site. The existence of the proposed tanks in no way impairs the long-term agricultural viability of the surrounding land.

The proposed tank site and two alternative tank sites are examined in the Environmental Impact Report, while an additional two alternative sites were discussed in public hearings. The proposed tank site is located on an intermediate ridge of elevation 560 feet. The project site is visible from neighboring urban properties within Vandenberg Village, from adjacent rural parcels and from several roadways including the Lompoc Casmalia Road and Burton Mesa Boulevard. The alternative tank sites examined would not lessen potential visual impacts of the proposed project.

Visual impacts would be limited by proposed mitigation measures as described in the environmental documents, page 47. These include vegetative screening, and the use of non-reflective colors on the tanks. With the incorporation of these measures, this project was found by the County Board of Supervisors to be

consistent with Visual Resources Policies in general and those specific to the Lompoc Area. The District's Board agrees with this finding.

b. "Unique ecological areas should be identified and preserved...Changes in natural or re-established topography, vegetation, biological communities should be minimized in an attempt to avoid the destruction of natural habitats.." (Page 121, 122 Lompoc Area Policies)

The Environmental Resources Management Element (ERME) identifies the general area encompassing the project site as an ecological community with significant habitat. The environmental document states that "Construction of the proposed project would result in the permanent loss of approximately 0.92 acres of Burton Mesa Chaparral and the temporary loss of an additional 1.58 acres of Burton Mesa Chaparral...In addition, approximately 9,000 square feet of coastal sage scrub and ruderal habitat would be lost." The permanent loss of approximately 0.92 acres of sensitive Burton Mesa Chaparral has been defined to be an unavoidable significant impact by the environmental document. A "statement of overriding considerations" under section 15093 of the state EIR guidelines must be issued by the decision makers (the District Board) if this project is approved.

The environmental document has proposed the payment of fees to the Santa Barbara County Burton Mesa Chaparral Preservation Fund in the amount of \$ 7,500 for the purposes of acquisition or management of Burton Mesa Chaparral resources. This action would mitigate, to the extent feasible, the significant impacts upon Burton Mesa Chaparral from the project. It is acknowledged, at this time, that Burton Mesa Chaparral impacts would remain significant (Class I) as identified above.

The general plan policy requires that changes to biological communities be minimized, not totally avoided. The project has been designed to minimize changes to sensitive habitat by including a revegetation plan. The \$ 7,500 contribution to the County of Santa Barbara's acquisition and management fund represents another effort to minimize changes to the biological communities, since these funds are earmarked for use in the

long-term preservation of pristine and unique chaparral communities in areas approximate to the project site.

With the incorporation of all feasible mitigation measures available at this time, and recognizing that alternative sites for relocation identified in the EIR and hearings are not feasible, it is the conclusion of the Board that maximum efforts have been made to provide consistency with these policies. Furthermore, while some may argue that it is not possible to find absolute consistency with this policy when such consideration is confined to this single policy alone, there are other governing policies of the comprehensive plan which overrule these provisions.

- c. "The natural backdrop of the area should be preserved through strict controls on hillside development...Development, construction, and roads cut in steep areas should be limited to ensure safety and protection of the terrain, as well as environmental and scenic values." (Page 119, "Lompoc Area Policies")

The nature of water storage facilities is such that they must be located at high elevations to achieve the gravity flow and pressure necessary to properly distribute water throughout a given service area. This can result in grading in sloping areas and placement of such facilities in visually prominent locations.

The proposed easement for the pipeline traverses slopes of 10 to 20 percent. The tank site would be located on an existing ridge-top in order to minimize grading. The site for the tanks does not possess any known critical geologic or soils problems or hazards. Native trees, such as oaks, are proposed to be preserved as much as possible, through the careful routing of the pipeline to avoid the trees.

With the incorporation of the mitigation measures as described in the environmental document. The County Board of Supervisors found the project to be consistent with this policy. The District's Board agrees with this finding.

- d. "An adequate supply of quality water should be provided to meet agricultural and urban needs." (Page 123, "Lompoc Area Policies").

The function of the proposed facility would be to ensure that this policy is satisfied for the Vandenberg Village area.

4. Land Use Element - Public Facilities (LUE, Page 91).

a. When a public agency proposes that a facility be

located in a Rural or Inner-Rural Area, especially when it may create any parcel(s) smaller than the minimum parcel size for the Area and the applicable land use designation(s), conformity with the Comprehensive Plan shall be determined in consideration of the following factors:

- i. Whether the public interest and necessity require the project, balancing potential inconsistencies with other elements and policies of the Comprehensive Plan; and

According to the County Fire Department, the project is in the public interest. The District lacks adequate water storage capacity, predominantly in the form of a gravity-flow system. The existing pump system is vulnerable to mechanical failure, and no non-pump backup system exists. The Fire Department has stated that it supports a finding of public necessity for this project. This need balances the potential inconsistency with the sensitive habitat policies.

- ii. Whether the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

Evidence has been presented to support that the tank would provide a collective public good to Vandenberg Village residents by supplying necessary gravity-fed water storage for fire emergencies. At the same time, there is no evidence that the project would result in private injury.

- iii. Whether the property sought to be acquired is necessary for the project.

The property sought to be acquired is necessary in the sense that it has the proper elevation. While there are alternative sites

which could provide sufficient elevation and partially avoid Burton Mesa Chaparral, testimony reveals that use of these sites could require pipelines which cross greater expanses of Burton Mesa Chaparral, that technical problems exist with crossing a sour gas pipeline, that the tanks would be of equal or greater visibility from surrounding properties and Highway 1, and that the expected transfer of effected property from Unocal to the State Lands Commission would make acquisition of the alternate sites by condemnation or similar method infeasible.

The provisions of this Land Use Element Policy clearly provide a basis for finding that this project is consistent with the Comprehensive Plan. Therefore, the Board concurs with, supports and adopts the findings of the County of Santa Barbara Board of Supervisors that the project is in conformity with the Comprehensive Plan based on the necessity to effectively protect life and property in the event of fire emergency, the District's proposal to mitigate the loss of Burton Mesa Chaparral by contributing to a fund for the acquisition or management of preserve acreage, and the evidence provided in the EIR and public testimony regarding the infeasibility of siting the tanks at alternate locations. In addition, there is no identifiable private injury from the location of the project, for which the appropriate property interest has already been acquired.

III. CEQA FINDINGS (PUBLIC RESOURCES CODE SECTION 15091)

A. FINDINGS THAT CERTAIN ENVIRONMENTAL IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY PROJECT REDESIGN OR BY CONDITIONS OF APPROVAL:

The Final EIR on the Vandenberg Village Community Services District Water Storage Facility (10/91) and its Addendum (1/91) identify several subject areas for which the Water Storage Facility Project is considered to cause or contribute to significant, but mitigable environmental impacts. Those subject areas are: Geology & Soils, Surface Drainage, Biological Resources, Noise Considerations, and Visual Resources. Each of these impacts is briefly discussed below along with the appropriate findings as per CEQA Section 15091.

The District Board has read and understands the above-mentioned environmental documents and finds that such impacts are mitigated to insignificance by mitigations discussed in the Final EIR and Addendum, and which are hereby required to be incorporated into the project:

1. Geology and Soils -- The Final EIR indicates that the project

could be significantly impacted by seismicity, which is to be mitigated through proper designing of the development consistent with Zone IV standards of the UBC. The Final EIR also indicates that grading for tank installation and pipeline construction could result in erosion or slope instability. Mitigation measures identified include the preparation of a soils report, use of retaining walls, stipulation of maximum slope ratios, use of sediment basins and immediate revegetation of denuded areas. Mandatory incorporation of EIR identified mitigation measures fully mitigates these potential impacts.

2. Drainage -- The Final EIR reveals that construction of the access road would increase imperious surfaces, causing elevated run-off and related impacts. The mitigation requires that the roadway design provide for the conveyance of drainage along the roadway and introduction of such drainage waters to the existing storm drain system serving Vandenberg Village. Incorporation of the mitigation fully mitigates the identified impact.

3. Biological Resources -- Construction of the pipeline has been identified in the Final EIR to create potentially significant impacts upon biological resources, through the loss of individual plants and animals, and through the disruption of an intact habitat area. Numerous mitigations were specified, including the avoidance of mature oak trees where feasible, the replanting of removed oaks on a 10:1 ratio, the preparation of a revegetation plan for immediate revegetation of the pipeline corridor following construction, and sustained revegetation efforts until successful revegetation is accomplished. The success of the revegetation program, along with other mitigations, is ensured because the District's Board has adopted the mandatory mitigation monitoring program outlined in the EIR. Mandatory adherence to the EIR identified mitigations fully mitigate these impacts.

4. Noise Considerations -- The Final EIR identifies potentially significant short-term noise impacts upon area residents through construction activities. The required mitigation specifies restricted work hours during construction to avoid noise impacts upon residents. The identified mitigation fully mitigates and avoids potentially significant noise impacts of the project.

5. Visual Resources -- The Final EIR indicates that the project has the potential to create significant visual impacts through the development of tanks which are visually prominent. Mitigations include the provision of revegetation screening and the use of non-reflective coatings with colors compatible with the natural surroundings. Adherence to these mitigations fully mitigates these impacts.

B. FINDINGS THAT CERTAIN ENVIRONMENTAL IMPACTS ARE UNAVOIDABLE AND ARE MITIGATED TO THE MAXIMUM EXTENT REASONABLY FEASIBLE:

The Final Environmental Impact Report in the Vandenberg Village Community Services District Water Tank Project (10/90) and its Addendum (1/91) identify one environmental impact which cannot be fully mitigated and is therefore considered unavoidable. This impact relates to Biological Resources. This "Class I" environmental impact is discussed below, along with the appropriate findings per CEQA Section 15091:

Biological Resources -- The Final EIR indicates that the project would result in the permanent loss of 0.92 acres of Burton Mesa Chaparral, a native plant community with extremely limited distribution, constituting a significant environmental impact. The Vandenberg Village Community Services District does not have the ability to provide off-site mitigation through habitat restoration for this impact, due to the lack of available lands for purchase or lease. The Vandenberg Village Community Services District has indicated that it will provide \$ 7,500 to the Santa Barbara County Resource Management Department for the acquisition and management of Burton Mesa Chaparral resources. However, at the time of writing the EIR, an established program to ensure application of these funds to Burton Mesa acquisition or management did not exist. Therefore, the mitigation was considered ineffective, although it represented the maximum reasonable mitigation available to the District. There are no known feasible mitigation measures to further reduce the level of this impact to insignificance.

C. FINDINGS THAT PROJECT ALTERNATIVES IDENTIFIED WITHIN THE FINAL EIR AND ADDENDUM ARE INFEASIBLE DUE TO THE FOLLOWING ECONOMIC, SOCIAL, OR OTHER CONSIDERATIONS:

The Final EIR and Addendum on the Vandenberg Village Community Services District Water Tank Project evaluated three sets of alternatives as methods of reducing or eliminating potentially significant environmental impacts. These alternatives are infeasible and inappropriate for the following reasons:

1. No Project Alternative: The "No Project" alternative would allow the site and pipeline route to continue in its present undeveloped state. This "no project" alternative would not achieve the objective of the District to provide reliable water storage capability for fire and emergency purposes. The County Fire Department has indicated that the tanks would be mandatory in order to provide adequate public safety for Vandenberg Village residents. Therefore, the "no project" alternative would perpetuate a condition of inadequate fire protection, against the policies of the District and the County of Santa Barbara.

Alternative Project Design:

a. Surface Reservoir: This alternative entails the

development of a surface reservoir instead of the proposed above-ground tank project. This alternative would avoid potentially significant visual impacts associated with the proposed project. All avoidable environmental impacts associated with this alternative could be mitigated through conditions similar to those applied at the proposed project, with equivalent results. However, this alternative could result in greater biological impacts, through placement of excavated dirt on surrounding biologically-sensitive areas. If the excavated fill were instead removed from the site, increased truck trips could produce air quality and traffic impacts. This alternative would not result in the avoidance or mitigation of biological impacts identified as Class I for the proposed project. This is therefore not the environmentally superior alternative.

b. Back-up Pump System: The intent of the proposed project is to provide an assured water supply for emergency and fire purposes. This alternative seeks to provide the same assurances through development of a series of back-up pumps. The District would need to develop a back-up well site, back-up well and booster pumps, and back-up generators for uninterrupted power supply. If the District were to develop an additional tank within the urbanized limits of Vandenberg Village, the back-up well would not be necessary. Biological resources and visual resources impacts of this alternative could be less than for the proposed project. However, due to the need for more frequent inspections, and maintenance operations, driving distances could be elevated with this alternative, creating air quality or traffic impacts. Noise impacts of this alternative could be greater than for the proposed project, due to operational noise from pumps and generators and closer proximity of this equipment to existing residences. The primary disadvantage of this alternative (economically) is the need for redundant equipment and the potential for greater energy consumption through various pump and well operations. For economic reasons, it has been found that this alternative would not be feasible for the District.

3. Alternative Location: The Final EIR examines two alternative sites, while two additional alternative sites were discussed and evaluated through public testimony at relevant hearings on the project. The evidence provided indicated that the considered alternative sites would not be effective in reducing visual impacts associated with the proposed project, and would probably elevate such impacts. All other avoidable impacts were found to be approximately equivalent between the four sites considered. The two alternative sites considered in the Final EIR were located outside of the Burton Mesa Chaparral (potentially avoiding a Class I biology impact of the project), but were more distant from Vandenberg Village, requiring the development of longer pipelines that would cross greater distances of Burton Mesa

Chaparral. It was also found that a sour gas pipeline would interfere with development of a water pipeline from either of the two sites, making the sites infeasible. The two alternative sites presented in public testimony at the February 12, 1991 Board of Supervisors Hearing were also outside of the Burton Mesa Chaparral. However, these sites are located in the area of land which has been granted by Unocal to the State Lands Commission, as has all of the land from the urbanized Vandenberg Village limit north to the sour gas pipeline. The exchange of this land precludes the District's ability to condemn property for an alternative tank site north of Vandenberg Village, rendering all alternative sites in this vicinity legally infeasible.

IV. PURSUANT TO SECTION 15093 OF THE CEQA GUIDELINES, THE VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT BOARD FINDS THAT ANY REMAINING UNAVOIDABLE EFFECTS (CLASS I IMPACTS), INCLUDING CUMULATIVE EFFECTS OF THE PROJECT ARE ACCEPTABLE IN THAT THE FOLLOWING SOCIAL, ECONOMIC OR OTHER BENEFITS (OVERRIDING CONSIDERATIONS) OUTWEIGH THE UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS:

The final EIR and Addendum for the Vandenberg Village Community Services District Water Tank Project identifies biological resources impacts as a significant environmental impact which cannot be reduced to acceptable levels and, therefore is an impact which is considered unavoidable.

A. The following overriding benefits will result from implementation of the Vandenberg Village Community Services District Water Storage Facility project:

1. Provision of gravity-fed (assured) water storage capacity for fire-protection and emergency purposes.
2. The elimination of a current deficiency in public safety systems, in the form of inadequate fire protection water storage.
3. The ability to efficiently manage water storage, and to effectively deliver water service even during peak demands or adverse conditions.

B. Circumstances related to the permanent loss of Burton Mesa Chaparral and unavoidable biological resource impacts:

1. Long-term preservation of the Burton Mesa Chaparral on lands surrounding the tank site if assured through the transfer of this land from Unocal possession to the State Lands Resolution Commission
2. The tank is not considered growth-inducing or precedent

setting, and is not anticipated to result in further losses of Burton Mesa Chaparral. The project would result in the loss of only 0.92 acres of this sensitive habitat, which if not for the extremely limited distribution of the community, would be considered minimal.

3. The District has provided the maximum feasible mitigation at this time, the payment of fees for acquisition and management of Burton Mesa Chaparral. It is beyond the ability of the District to provide any further mitigation for this impact.

V. AUTHORIZATION IS HEREBY GRANTED FOR THE PAYMENT OF \$ 7,500 TO THE COUNTY OF SANTA BARBARA FOR ACQUISITION AND MANAGEMENT OF BURTON MESA CHAPARRAL HABITAT.

VI THE MITIGATION MONITORING PROGRAM PREPARED BY INTERFACE ENVIRONMENTAL AND LAND PLANNING SERVICES IS HEREBY APPROVED AND SHALL BE IMPLEMENTED AS PART OF THE PROJECT.

We the undersigned, being the duly qualified and acting President and Secretary, respectively, of the Board of Directors, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by Resolution of the Board of Directors of said District at a regular meeting thereof held on the 21st of March, 1991, by the following vote:

AYES: Director Nosler, Director Richards, Director Small, Director White

NOES: None

ABSTAIN: None

ABSENT: None



PRESIDENT

ATTEST:



SECRETARY