

PROPOSED AMENDMENT TO OCP POLICIES, ACTIONS
AND DEVELOPMENT STANDARDS

TRANSPORTATION: CURRENT	PROPOSED	COMMENT
<p><u>Action CIRC-O-1.3:</u></p> <p>The County Public Works Department shall submit current traffic count and intersection level of service data to the Planning Commission and Board of Supervisors with each OTIP update</p>	<p><u>Modified Action CIRC-0-1.3:</u></p> <p><u>As part of each OTIP update, the Public Works Department shall submit current traffic count and intersection level of service data to the Planning Commission and Board of Supervisors, with each OTIP update. In addition, every 18 months the Public Works Department will present the Board of Supervisors with a report on significant development projects that are under construction and a summary of related, current traffic count and intersection levels of service, and OTIP projects which are scheduled for or under construction.</u></p>	<p>Clarifies the process for PC, Board and public to be kept apprised of the evolving transportation projects in Orcutt.</p>
<p><u>Policy CIRC-O-2:</u></p> <p>The County shall strive to provide an efficient and safe circulation system to accommodate future growth in Orcutt.</p>	<p><u>Modified Policy CIRC-0-2:</u></p> <p>The County shall serve to provide an efficient and safe circulation system to accommodate future growth in Orcutt. <u>The County will use its best efforts to coordinate the timing of roadway, intersection and other transportation improvements with the completion of the development projects that the improvements are intended to serve.</u></p>	<p>Stresses that the County shall attempt to ensure that transportation infrastructure improvements are completed near the time the development projects are completed, to minimize temporary impacts to current residents.</p>

TRANSPORTATION (CON'T.) CURRENT	PROPOSED	COMMENT
<p><u>Action CIRC-O-1.2:</u></p> <p>The OTIP shall be updated by the Public Works Department, in consultation with P&D, and presented to the Board of Supervisors for review, as determined appropriate by Public Works and P&D (approximately every 2-3 years). At such time, the Transportation Impact Fee shall be re-evaluated and modified as necessary to account for changes to the OTIP.</p>	<p><u>Modified Action CIRC-0-1.2:</u></p> <p>The OTIP shall be updated by the Public Works Department, in consultation with Planning and Development, and presented to the Board of Supervisors for review (approximately every 2—3 years) <u>no less than once every three years</u>. At such time, the Transportation Impact Fees will be re-evaluated and modified as necessary to account for any changes to the OTIP.</p>	<p>Makes it mandatory that the OTIP be updated at least every three years; under the old language the timing of the updates was indefinite.</p>
	<p><u>New Policy CIRC-0-11:</u></p> <p>If it is determined that a project may cause significant traffic impacts which generate the need for offsite traffic improvements that are not identified in the then current OTIP, the County shall condition any approval of the project to ensure that those improvements are funded and completed before issuance of final inspection.</p>	<p>Requires project-specific mitigation measures to be completed before final inspection, therefore, occupancy.</p>

WASTEWATER: CURRENT	PROPOSED	COMMENT
<p><u>Action WW-O-1.2:</u> The infrastructure financing program shall identify the cost of new trunk and feeder lines necessary to serve full buildout of the Community Plan and the County shall encourage the LCSD to revise the fee assessed on new development, as necessary, to fund the entire cost of the additional lines.</p> <p><u>Policy WW-O-2:</u> Prior to issuing land use permits and/or recording final tract maps, adequate capacity (based on County and RWQCB accepted figures) shall exist for the LCSD sewer treatment system to service the specific project. Adherence to Policy WW-O-2 shall constitute a finding of consistency with Land Use Development Policy 4 for sewer service.</p> <p><u>DevStd WW-O-2.1:</u> For the County to make the findings for adequate sewer capacity, the following conditions must be met. Therefore, for the purposes of approving development, the County will accept Can-and-Will-Serve letters issued by the LCSD only under the following circumstances:</p>	<p><u>Action WW-O-1.2 to add final phrase:</u> The infrastructure financing program shall identify the cost of new trunk and feeder lines necessary to serve full buildout of the Community Plan and the County shall encourage the LCSD to revise the fees assessed on new development, as necessary, to fund the entire cost of additional lines, <u>and new development’s proportionate share of upgraded and/or expanded wastewater infrastructure.</u></p> <p><u>Replace Policy WW-O-2 as follows:</u> <u>Prior to discretionary approval of new development, the County shall make a finding that there will be adequate capacity and availability for LCSD to serve the new development.</u></p> <p><u>New DevStd WW-O-2.1:</u> <u>Prior to the discretionary approval of new development, the developer shall identify all additional facilities required to adequately collect, convey, treat and dispose of the sewage effluent from the development.</u></p>	<p>Trunk lines are not the only wastewater infrastructure which may need improvement due to new development; this clarifies that if other infrastructure needs to be improved due to new development, the county will encourage LCSD to impose fees to cover those improvements.</p> <p>There is no real substantive change, but this entire section was rearranged and reworded to clarify what the county would require at the 1) application; 2) discretionary approval; 3) land use permit, and 4) final inspection stages.</p>

WASTEWATER (CON'T.) CURRENT	PROPOSED	COMMENT
<p>1. The project’s wastewater shall not exceed allowable thresholds established by the Regional Water Quality Control Board that are of concern to the LCSD;</p> <p>2. Adequate disposal capabilities must exist at the plant or through agreement with the city of Santa Maria (providing that treatment and disposal by the City does not further degrade the underlying groundwater quality) to serve the project(s); and</p> <p>3. Existing or planned and funded transmission lines have available capacity to serve the project(s).</p> <p>Single family homes on legal lots established prior to the adoption of this Plan and homes converting from septic to sewer within the LCSD service boundary are exempt from this policy.</p>	<p><u>New DevStd WW-0-2.2: At the time of discretionary approval, the County shall condition the recordation of the final map or issuance of LUPs on provision of an adequate “Can and Will Serve” letter from LCSD.</u></p>	

WASTEWATER (CON'T.) CURRENT	PROPOSED	COMMENT
	<p><u>New DevStd WW-0-2.3 (Modifies Deleted Existing DevStd WW-0-2.1):</u></p> <p>A “Can and Will Serve Letter” from LCSD will be found adequate for recording of maps or issuance of land use permits (including permits for development of preexisting lots) only if the letter demonstrates:</p> <ol style="list-style-type: none"> 1. LCSD’s effluent, including the effluent from the proposed project, will not exceed the discharge standards established by the Regional Water Quality Control Board; 2. Adequate disposal capabilities exist at the plant or through agreement with the City of Santa Maria (providing that treatment and disposal by the City does not further degrade the underlying groundwater quality) to serve the project(s); and 3. Existing or planned and funded transmission lines have available capacity to serve the project(s). 	

WATER CURRENT	PROPOSED	COMMENT
<p><u>Policy WAT-O-1:</u> County staff shall actively assist local purveyors, users, special districts and/or regulators in the development of a permanent entitlement backed supplemental water supply to meet present and future needs water needs for Orcutt. However, the County shall not become a water purveyor or attempt to manage groundwater through a Groundwater Management Plan.</p>	<p><u>Amend Policy Wat-O-1:</u> County staff shall actively assist local purveyors, users, special districts and/or regulators in the development of a <u>long-term</u> supplemental water supply to meet present and future water needs for Orcutt. However, the County shall not become a water purveyor or attempt to manage groundwater through a Groundwater Management Plan.</p>	<p>Changed “permanent entitlement backed” to “long term.”</p>
<p><u>Prog. WAT-O-1.1:</u> County Staff shall assist the Cal Cities Water Company and the Conservation District in preparing and implementing a long-term Water Supply Program for the community of Orcutt. This program should include pursuit of permanent sources such as additional State Water entitlement and long-term exchange agreements with out-of-basis water purveyors.</p>	<p><u>Amend Prog. WAT-O-1.1:</u> County staff shall assist the Cal Cities Water Company and the Conservation District in preparing and implementing a long-term water supply program for the community of Orcutt. This program should include pursuit of (1) <u>long-term supplemental</u> sources such as additional State Water entitlement and long-term exchange agreements with out-of-basin water purveyors, and (2) <u>analysis of the availability and reliability of long-term supplemental water supplies, to be reflected in periodic reports prepared by the County Water Agency and Planning & Development.</u></p>	<p>Changed “permanent” to “long term.” Adds requirement that County staff periodically report on analysis of availability and reliability of long-term supplemental water supplies.</p>

WATER (CON'T.) CURRENT	PROPOSED	COMMENT
<p><u>Policy WAT-O-2:</u> The County may approve development under the OCP as long as there are existing or permanent entitlement backed long-term supplemental water supplies (i.e., not continued overdraft of the groundwater basin) adequate to meet the water demand as determined by County staff of such development. Development beyond that which can be served by existing or permanent entitlement backed long-term water supplies shall not be approved, consistent with Land Use Element LUDP 4. Long term supplemental supplies are defined as lasting as long as the defined optimal life of a project (i.e., 75 years). If the water purveyor(s) is not purchasing State Water entitlements (is in fact entering into a contract for water), the County retains the right to review the contract to ensure that the terms fulfill the definition of a long-term supplemental supply. This policy only applies to discretionary projects, with the exception of single family homes.</p>	<p><u>Delete and Replace Policy WAT-O-2 as follows:</u> In order to be found consistent with Land Use Element LUDP4, development must be served by long-term supplemental water supplies (i.e., not continued overcommitment of the groundwater basin) adequate to meet project water demand as determined by County. The developer shall provide one of the following to demonstrate an adequate long-term supplemental water supply:</p> <ol style="list-style-type: none"> 1. A "Can and Will Serve" letter from California Cities Water Company dated before July 1997; 2. A "Can and Will Serve" letter from California Cities Water Company stating that the development will be served from the California Cities Water Company state water entitlement; 3. A "Can and Will Serve" letter from a water purveyor that has an entitlement to state water stating that the parcels within the development will be served from that water purveyor's state water entitlement with the continuing right to obtain water equal to that of the water purveyor's other customers; 	<p>Deleted reference to “permanent entitlement backed” water supplies leaving reference “long term” supplies, because it was unclear and potentially internally inconsistent; “long term” was defined as 75 years, but “permanent” was never defined. Clarified what evidence would need to be presented by an applicant for County to be able to make the finding that the long-term water supply was adequate under LUDP4.</p>

WATER (CON'T.) CURRENT	PROPOSED	COMMENT
<p><u>DevStd WAT-O-2.1:</u> Prior to development plan approval, the developer must provide a draft of an agreement for County review and approval identifying the long-term source of water to be used to serve the project. Prior to land use clearance, the developer must provide a final contract for the provision of long-term water sufficient to serve the project.</p>	<p>4. A contract between the developer or the developer's water purveyor and a State Water Project contractor which demonstrates to satisfaction of the County that the parcels within the development will have a continuing right to obtain water equal to that of the water purveyor's other customers;</p> <p>5. A contract with a water purveyor demonstrating to the County's satisfaction that the parcels within the development will be served by an alternative long-term supplemental water source (such as a desalinization plant).</p> <p><u>Amend DevStd Wat-O-2.1:</u> Prior to development plan <u>discretionary</u> approval of new development, the developer must provide a <u>letter of intent to serve or a draft of an agreement contract</u> for County review and approval identifying the long-term source of water to be used to serve the project. Prior to <u>map recordation or</u> land use clearance, the developer must provide <u>either a Can and Will serve letter or a final contract for the provision of long-term water substantially consistent with the intent to serve letter or draft contract, either of which must be</u> sufficient to serve the project.</p>	<p>Clarified that DevStd 2.1 applies to maps, CUPS, etc., not just development plans. Also clarifies that approval may be given with an <u>intent</u> to serve or <u>draft</u> contract, if approval is conditioned upon the later provision of a substantially consistent Can and Will serve letter or final contract sufficient to serve the project.</p>

OPEN SPACE & RECREATION CURRENT	PROPOSED	COMMENT
	<p><u>New Action OS-O-6.3:</u> The Parks Department shall commence upon adoption of this Action and complete 36 months thereafter the development, in coordination with Planning and Development Department and interested Members of the community, of an adequate implementation plan which further develops the OCP's parks, recreation and open space plan, and identifies how the specific elements of that Plan will be accomplished. In developing said plan, the Parks Department will give consideration to the requirements of Government Code §65564 and the guidance of the California Office of Planning and Research, including but not limited to the General Plan Guidelines and the publication <i>Putting Action Into the Open Space Element</i>. This implementation plan shall address, at a minimum, the community's priorities for regional park, recreation and open space resources, including a botanic garden, and identify prospective sources of funding for construction and operations and maintenance of regional park, recreation and open space lands.</p>	<p>The petitioners wanted to ensure that the policies of the OCP regarding parks would be implemented through a mechanism similar to the TIPS, which implement circulation policies.</p>

OPEN SPACE & RECREATION (CON'T.) CURRENT	PROPOSED	COMMENT
	<p><u>Amend DevStd OS-0-5.2:</u> “Designated open space boundaries may be subject to minor adjustments <u>inward or outward from the designated open space area</u> on a case-by-case basis in order to allow for substantial improvements in project design, <u>enhance fire safety buffers and ensure fire weed abatement</u>, to <u>protect visual qualities from and of adjacent open space areas</u>, or to capture historic or archaeological sites.”</p> <p><u>New DevStd OS-O-4.2:</u> “Development adjacent to public trails, parks or other usable public open space areas shall include a combination of setbacks and landscaping within and/or outside of developable areas to avoid to the extent feasible or, if avoidance is not feasible, minimize the impacts of new development on users of such open space.”</p>	<p>Clarifies that the open space areas shown in the plan can be adjusted for a variety of planning purposes.</p> <p>Provides for avoidance or mitigation of impacts of development on publicly used open space.</p>

BIOLOGICAL HABITATS		
CURRENT	PROPOSED	COMMENT
<p><u>DevStd BIO-O-1.2:</u> Development within or adjacent to designated natural Open Space areas shall be reviewed for, and required to implement, habitat restoration where site-specific impacts require restoration. If restoration on or near the site is not feasible, acquisition and preservation of additional habitat acreage should be considered.. Mitigation and restoration plans should identify acreage impacted, replacement ratios, success criteria, remedial measures, and funding and responsibility for long-term maintenance and monitoring. All such restoration projects shall utilize native plants derived from local (Orcutt) seed and cutting stock, or as deemed biologically acceptable by a County qualified biologist. Wildlife relocation should be avoided. However, any wildlife relocation should be coordinated with Fish and Game and be consistent with applicable State standards.</p>	<p><u>Amend DevStd BIO-0-1.2:</u> “Development within or adjacent to designated natural open space areas shall be reviewed for, and required to implement, habitat restoration where site-specific impacts require restoration. If restoration on or near the site is not feasible, acquisition and preservation of additional habitat acreage should be considered, <u>or alternatively, payment into a mitigation bank program acceptable to County as provided for by new DevStd BIO-O-1.8.</u> [the remaining, existing language of this DevStd is unchanged. . .]”</p>	<p>Adds mitigation bank program as measure to compensate for habitat impacts of development.</p>

BIOLOGICAL HABITATS (CON'T.) CURRENT	PROPOSED	COMMENT
	<p><u>New DevStd BIO-O-1.8:</u> “Where new development eliminates important onsite habitat (e.g. coastal sage scrub grasslands, riparian habitat and wetlands), County shall require development to restore or enhance like kind habitat either onsite or off site. If restoration sites are limited or unavailable, County shall require payment of adequate fees into a mitigation bank program acceptable to County to permanently protect a comparable or greater amount of created or restored habitat elsewhere within the OPA.”</p> <p><u>New DevStd BIO-O-2.3:</u> “Setbacks shall be sufficient to allow and maintain natural stream channel processes (e.g. erosion, meanders) and to protect all new structures and development from such processes. Hardbank protection (including riprap, boulders, concrete) shall be prohibited unless necessary to protect an existing structure or facilities of a public works nature, whether existing or proposed (e.g., energy dissipaters, upstream fact of retention basins, high flow diversion structures, bridges, roads, trails, necessary private access, etc.), subject to Public Works and Planning and Development Department review.”</p>	<p>Adds mitigation bank program as alternative mitigation measure.</p>

FIRE CURRENT	PROPOSED	COMMENT
<p><u>DevStd FIRE-2.2:</u> The County shall require two routes of ingress and egress for development unless waived by the Fire Department.</p>	<p><u>Amend DevStd Fire-2.2:</u> “The County shall require two routes of ingress and egress for development unless the Fire Department waives this requirement based upon substantial evidence that public safety will not be compromised. Emergency access and egress routes are not required to be paved or meet width standards for normal roadways.”</p>	<p>Restricts the Fire Department’s discretion to waive secondary access to situations where the Department has substantial evidence that the waiver would not compromise public safety. Clarifies that emergency access can be more narrow than public roads.</p>
<p>KEY SITES</p>		
	<p><u>Add New Key Site Transfer of Development Credit Action:</u></p> <p><u>Action KSTDC-1:</u> The Board of Supervisors shall consider mechanisms to implement the Transfer of Development Credit (“TDC”) policies and development standards of the Orcutt Community Plan. These mechanisms shall be limited to the Orcutt Planning Area.</p>	<p>Provides for program effort to create mechanisms to implement TDC policies and development standards.</p>

FISCAL CURRENT	PROPOSED	COMMENT
	<p><u>FSCL 0-1.5:</u> County shall actively facilitate the expeditious formation of a Community Facilities District (CFD) and/or Community Services District (CSD).</p> <p><u>FSCL 0-1.6:</u> At the time the County considers Phase II of the OCP (the potential redesignation of Site 22) the County will review and update the fiscal policies and consider any appropriate changes to the fees.</p> <p><u>FSCL 0-1.7:</u> If State law is revised in a manner that enables local governments to condition approval of new development upon the payment of operation and maintenance costs, the County shall review these fiscal policies for potential revision.</p>	<p>OCP anticipated formation of a CFD based on a developers submittal. This action specifies that the County will assist in forming a CFD or CSD.</p> <p>This action ensures the continued update of fiscal analysis and fees.</p> <p>Currently local governments are severely constrained by state law in their ability to obtain fees for operations and maintenance; if this changes the County will review the fiscal policies.</p>