

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a). Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 CHAPTER 21 LOT LINE ADJUSTMENT FINDINGS

Finding required for all Lot Line Adjustments. In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations), prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

2.1.1 The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.

The Board of Supervisors finds that, as discussed in Sections 6.2 and 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the project is consistent with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code (MLUDC).

2.1.2 No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.

The Board of Supervisors finds that the proposed project will not create a parcel that is nonconforming as to parcel size as a result of the Lot Line Adjustment. As discussed in Sections 6.2 and 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the two subject lots are legal albeit nonconforming as to size. In June 2015, the Board of Supervisors confirmed the legality of the existing lots by granting an unconditional Certificate of Compliance for the properties in their current size and configuration. Many of the adjacent parcels are also nonconforming as to lot size as they do not meet the minimum two-acre lot size for the 2-E-1 zone. The proposed Lot Line Adjustment (LLA) will not convert a parcel that is currently conforming as to size prior to the adjustment to non-conforming as to size as a result of the adjustment.

2.1.3 Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as

to size) parcels provided that it complies with Subsection a. or b. listed below:

a. The Lot Line Adjustment satisfies all of the following requirements:

- (1) Four or fewer existing parcels are involved in the adjustment;**
- (2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and**
- (3) The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. For the purposes of this subsection only, a parcel shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the parcel is not a building site, or 2) the parcel is designated for a non-residential purpose including, but not limited to, well sites, reservoirs and roads. A parcel shall be deemed residentially developable for the purposes of this subsection if it has an existing single family dwelling constructed pursuant to a valid County permit.**

(b) Otherwise, to be deemed a residentially developable parcel for the purposes of this subsection only, existing and proposed parcels shall satisfy all of the following criteria as set forth in the County Comprehensive Plan and zoning and building ordinances:

- (a) Water supply. The parcel shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well requirements of the County Environmental Health Services.**
- (b) Sewage disposal. The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.**
- (c) Access. The parcel is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal**

access to a public road or right-of-way easement meeting applicable fire agency roadway standards.

- (d) Slope stability. Development of the parcel including infrastructure avoids slopes of 30 percent and greater.**
- (e) Agriculture viability. Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.**
- (f) Environmentally sensitive habitat. Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.**
- (g) Hazards. Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.**
- (h) Consistency with Comprehensive Plan and Development Code. Development of the parcel is consistent with the setback, lot coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.**
- (i) To provide notification to existing and subsequent property owners when a finding is made that the parcel(s) is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the parcel, pursuant to Section 21-92 (Procedures) of Chapter 21 of the Santa Barbara County Code.**

The Board of Supervisors finds that the proposed project satisfies the requirements that four or fewer parcels are involved in the Lot Line Adjustment, it shall not result in increased subdivision potential for a parcel, and will not result in a greater number of residentially developable parcels. As discussed in Section 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the two subject lots are legal, nonconforming parcels as to lot size and will not result in increased subdivision potential as they do not meet the minimum lot size to be split. The same number of lots will exist before and after the Lot Line Adjustment. During the creation of the subject lots, neither lot was excluded from future construction or designated for a non-residential purposes including, but not limited to, well sites, reservoirs and roads. Lot 2 is currently developed with a single family dwelling constructed with a valid County Permit. Lot 1 and Lot 2 are considered to be residentially developable as

they are residentially-zoned and legally created. Therefore, the project meeting the requirements of the subsection (a) of this finding.

Both lots will be served by the Montecito Water District (letter dated June 5, 2019), the Montecito Sanitary District (letter dated September 16, 2019) pursuant to the services letters provided in Attachment E, herein incorporated by reference, as well as the Montecito Fire District and the County Sheriff. Lot 1 is accessible from Eucalyptus Road, a public road, and Lot 2 is served by Arcady Road, an existing private road. No environmentally sensitive habitat, including riparian corridors and associated buffer areas are located on either parcel. Neither lot is located within a designated flood plain or is known to have problem soils or unique geologic constraints. The existing and permitted single family dwelling is currently straddles Lot 1 and Lot 2's shared property line. As discussed in Section 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the approval of the proposed Lot Line Adjustment will adjust the common property line, bringing the existing dwelling into conformance with the MLUDC setback requirements. Lot 1 will remain vacant until such time as the property owner submits a permit application for development.

2.1.4 The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.

The Board of Supervisors finds that the proposed Lot Line Adjustment will not increase any violation of the 2-E-1 zone district on the subject lots. The existing single family dwelling is currently located on Lot 1 and Lot 2's shared property line. As discussed in Section 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, approval of the Lot Line Adjustment will allow the existing permitted development to come into conformance with the applicable setbacks of the 2-E-1 Zone District by relocating the property line over 25-feet from the existing dwelling. The subject properties are nonconforming as to minimum parcel size and will remain nonconforming after the Lot Line Adjustment.

2.1.5 The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the respective county ordinances [the Montecito Land Use and Development Code (Section 35.491.020 and 35.491.030)].

The Board of Supervisors finds that the subject properties can be found to be in compliance with all laws, rules, and regulations pursuant to applicable provisions of the MLUDC. As discussed in Section 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the approval of the proposed

Lot Line Adjustment will adjust the property lines and will bring an existing dwelling located on Lot 2 into conformance with the MLUDC setback requirements by relocating the property line over 25 feet from the existing single family dwelling. The dwelling was constructed in 1957 and became nonconforming in 2015. In 2015 the Board of Supervisors granted an unconditional Certificate of Compliance which affirmed the legality of the two existing lots, but also resulted in the existing dwelling straddling the legal lot lines. The proposed Lot Line Adjustment will correct this condition.

The reconfigured lots will be in full compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the County Subdivision Regulations (Chapter 21) and the MLUDC. The subject properties are nonconforming as to minimum parcel size and will remain nonconforming after the Lot Line Adjustment. No new requirements on legal non-conforming uses and structures under the Montecito Land Use and Development Code (Section 35.491.020 and 35.491.030) will be imposed. Lot 1 will remain vacant until such time as the property owner submits a permit application for development, and all future development is required to comply with the MLUDC and the Montecito Community Plan.

2.1.6 Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

The Board of Supervisors finds that no existing utilities, infrastructure, or easements will need to be relocated to accommodate the Lot Line Adjustment.

2.2 MLUDC LOT LINE ADJUSTMENT FINDINGS

Findings required for all Lot Line Adjustments. In compliance with Subsection 35.430.110.B of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for a Modification the review authority shall make first all of the following findings:

2.2.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code.

The Board of Supervisors finds that, as discussed in Sections 6.2 and 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the project is consistent with all applicable provisions of the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code (MLUDC).

2.2.2 No lot involved in the Lot Line Adjustment whose area is equal to or greater than the lot area requirement of the applicable zone shall become smaller than the minimum lot area requirement of the applicable zone as a result of the Lot Line Adjustment.

The Board of Supervisors finds that no lot involved in the Lot Line Adjustment shall become smaller than the minimum lot area requirement as a result of the Lot Line Adjustment. As discussed in Sections 6.2 and 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the two subject lots are both legal albeit nonconforming as to size. In June 2015, the Board of Supervisors confirmed the legality of the existing lots by granting an unconditional Certificate of Compliance for the properties in their current size and configuration. Many of the adjacent parcels are also nonconforming as to lot size as they do not meet the minimum two-acre lot size for the 2-E-1 zone. The proposed Lot Line Adjustment (LLA) would not convert a parcel that is currently conforming as to size prior to the adjustment to non-conforming as to size as a result of the adjustment.

2.2.3 Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot area requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are smaller than the minimum lot area requirement of the applicable zone provided it complies with all of the following requirements.

(a) The Lot Line Adjustment shall not result in increased subdivision potential for any lot involved in the Lot Line Adjustment.

(b) The Lot Line Adjustment will not result in a greater number of residentially developable lots than existed prior to the adjustment. For the purposes of this Subsection only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection if it has an existing one-family dwelling constructed in compliance with a valid County permit, or existing and proposed lots comply with all of the following criteria.

(1) Water supply. The lot shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the lot and that the service complies with the Company's Domestic Water Supply Permit; or 2) a Public Health Department or State approved water system.

(2) Sewage disposal. The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.

(3) Access. The parcel is currently served by an existing private road meeting

applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.

- (4) Slope stability. Development of the parcel including infrastructure avoids slopes of 30 percent and greater.**
- (5) Agriculture viability. Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.**
- (6) Environmentally sensitive habitat. Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.**
- (7) Hazards. Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.**
- (8) Consistency with Comprehensive Plan and Development Code. Development of the parcel is consistent with the setback, lot coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.**

The Board of Supervisors finds that, as discussed in Section 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the two subject lots are legal, nonconforming parcels as to lot size and will not result in increased subdivision potential. The same number of lots will exist before and after the LLA. During the creation of the subject lots, neither lot was excluded from future construction or designated for a non-residential purposes including, but not limited to, well sites, reservoirs and roads. Lot 2 is currently developed with a single family dwelling constructed with a valid County Permit. Lot 1 and Lot 2 are considered to be residentially developable pursuant to Section 21-93(a)(3)(A)(iii) of Chapter 21 Subdivision Regulations of the Santa Barbara County Code.

Both lots will be served by the Montecito Water District, the Montecito Sanitary District pursuant to the services letters provided in Attachment E, herein incorporated by reference, as well as the Montecito Fire District and the County Sheriff. Lot 1 is accessible from Eucalyptus Road, a public road, and Lot 2 is served by Arcady Road, an existing private road. No environmentally sensitive habitat, including riparian corridors and associated buffer areas are located on either parcel. Neither lot is located within a designated flood plain or is known to have problem soils or unique geologic constraints. The existing and permitted single family dwelling is currently located atop Lot 1 and Lot 2's shared property line. As discussed

in Section 6.3 of the staff report, the approval of the proposed LLA will adjust the common property line, bringing the existing dwelling into conformance with the MLUDC setback requirements. Lot 1 will remain vacant until such time as the property owner submits a permit application for development.

2.2.4 The Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone district, or make an existing violation more onerous.

The Board of Supervisors finds that the proposed Lot Line Adjustment will not increase any violation of the 2-E-1 zone district on the subject lots. The existing single family dwelling is currently located atop Lot 1 and Lot 2's shared property line. As discussed in Section 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, approval of the LLA will allow the existing permitted development to come into conformance with the applicable setbacks of the 2-E-1 zone district.

2.2.5 The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of the Montecito Land Use and Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.491 (Nonconforming Uses, Structures, and Lots).

The Board of Supervisors finds that as detailed in Section 5.4 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, a Certificate of Compliance was approved by the County's Board of Supervisors in 2015 which created two separate legal lots. The two legal lots retained the existing APN boundaries. Once these two lots were created, the single family dwelling was effectively situated atop the shared property line and was therefore no longer compliant with the MLUDC development standards for the 2-E-1 zone district. The dwelling was constructed in 1957 and became nonconforming in 2015. In 2015 the Board of Supervisors granted an unconditional Certificate of Compliance which affirmed the legality of the two existing lots, but also resulted in the existing dwelling straddling the legal lot lines. The proposed Lot Line Adjustment will correct this condition. Although the creation of the two lots resulted in the dwelling being split by the common lot line, no violation was imposed and no fees were collected.

As discussed in Section 6.3 of the staff report dated October 16, 2019, incorporated herein by reference, and included as Attachment 4 to this Board Letter, the approval of the proposed LLA will adjust the property lines, bringing the existing dwelling into conformance with the MLUDC setback requirements. Upon approval of the LLA, the existing residence will meet the setback requirements of the 2-E-1 zone district, and will continue to adhere to its permitted existence. Lot 1 will remain vacant until such time as

the property owner submits a permit application for development. All future development will be required to comply with the MLUDC and the Montecito Community Plan.

2.2.6 Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

The Board of Supervisors finds that no existing utilities, infrastructure, or easements will need to be relocated to accommodate the Lot Line Adjustment.