

## ATTACHMENT 1: FINDINGS OF APPROVAL

### **1.0 CEQA FINDINGS**

#### **1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (per CEQA Section 15162)**

The Board of Supervisors finds that the previous environmental document prepared for the Montecito Community Plan (92-EIR-3) may be used to fulfill the environmental review requirements for this project (19TPM-00000-00004, 19GPA-00000-00001, and 19RZN-00000-00001).

There are no anticipated environmental impacts from the change in land use designation of SRR-0.5 to SRR-1.0 and zoning from 2-E-1 to 1-E-1. The Montecito Community Plan designated the subject parcel Single Family Semi-Rural Residential (SRR-0.5) and identified a zoning of Single Family Residential, two-acre minimum parcel size (2-E-1), and the EIR for the Montecito Community Plan analyzed the potential buildout of the parcel based on this designation and zoning. While the original parcel indicated a two-acre minimum parcel size, the proposal is for a one-acre minimum parcel size. This change in size does not change the overall designation of Single Family Semi-Rural Residential or the zoning of Single Family Residential. The project request to change the parcel size from a two-acre minimum parcel size to a one-acre minimum parcel size is similar in nature to the existing zoning and land use because the primary uses allowed on the parcel, single-family residential development, will not change, and the site still maintains a single family residential land use designation. In addition, there have been no substantial changes in the environmental setting because the lot is vacant and Environmentally Sensitive Habitat is not present.

The project is a modification of the project reviewed in the previously adopted environmental document. The project modification does not propose any substantial changes in the project or to the circumstances under which the project is undertaken, and there is no new information of substantial importance. Further, there is no increase in the severity of impacts due to the project.

The subject parcel was designated for Single Family Semi-Rural Residential (SRR) development by the Montecito Community Plan. The Final Environmental Impact Report for Phase II of the Montecito Community Plan Update, 92-EIR-03, discussed the potential environmental impacts associated with the Montecito Community Plan and identified mitigation measures to avoid or reduce identified impacts. The EIR addressed alterations to existing land use designations that could allow the development of additional residential uses beyond those existing at the time. The Community Plan intended to preserve the existing predominantly large lot single family character of the community. The zoning for the three proposed lots will remain single family residential, and each lot will be at least one acre, in keeping with the single family residential character of the community.

Substantial changes are not being proposed in the project which will require major revisions to the previous EIR. The subject lot was expected to be developed residentially when the EIR was written. The Montecito Community Plan EIR contemplated the allowable development

of the E-1 Zone, which is the same as the proposed zoning. The zoning will remain E-1 and land use designation will remain Semi-Rural Residential, and thus the allowed development for the lots will remain the same. The proposed project, consisting of the Comprehensive Plan Amendment and Zoning Map Amendment, still allows for future residential development and does not require revisions to the previous EIR.

No substantial changes have occurred with the respect to the circumstances under which the project was undertaken. The existing lot remains vacant and undeveloped, and no cultural resources or Environmentally Sensitive Habitat exist on the lot. The EIR anticipated this zoning for the subject lot, and the only proposed change is the amount of lots allowed by the zone and land use designation. Therefore, the previous EIR evaluated the impacts of the subject lot being developed based on the Semi-Rural Residential land use designation and the Single Family Residential zoning, and revisions to the previous EIR are not required.

There has been no new information of substantial importance since the time of the previous EIR related to the subject lot. There is no evidence that the Comprehensive Plan Amendment and Zoning Map Amendment will have a significant effect not discussed in the previous EIR or a more significant effect, as the project still allows for future residential development on the lot. No significant effects on the environment are expected to occur on site as a result of the Tentative Parcel Map, General Plan Amendment, and Zoning Map Amendment.

Therefore, the Board of Supervisors finds that no new CEQA document is required and that the project modification does not trigger subsequent environmental review under State CEQA Guidelines Section 15162.

## **1.2 FULL DISCLOSURE**

The Board of Supervisors finds and accepts that the EIR (92-EIR-03) [dated June, 1992] constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and accepts that the EIR has been completed in compliance with CEQA.

## **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 Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. The EIR, Case No. 92-EIR-03 can also be found here: <https://www.countyofsb.org/plndev/policy/communityplans/montecito.sbc>.

## **1.4 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:**

### **1.4.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT**

The Final Environmental Impact Report (93-EIR-03) was presented to the Montecito Planning Commission and Board of Supervisors on June 15, 1992, and all voting members of the Montecito Planning Commission and Board of Supervisors have reviewed and considered the information contained in the Final EIR (93-EIR-03) and its appendices prior to approving the project. In addition, all voting members of the Montecito Planning Commission and Board of Supervisors reviewed and considered testimony and additional information presented at or prior to the public hearing for the Comprehensive Plan Amendment, Zoning Map Amendment, and Tentative Parcel Map on March 17, 2021. The Final EIR reflects the independent judgment and analysis of the Montecito Planning Commission and Board of Supervisors and is adequate for this proposal.

#### **1.4.2 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE**

The Final EIR (93-EIR-03) for the Montecito Community Plan project identifies 12 environmental impacts which cannot be fully mitigated and are therefore considered unavoidable (Class I). Those impact areas are: land use, traffic/circulation, sewage, fire hazard, police protection, schools, solid waste, flooding/storm drainage, biological resources, historical resources, visual/aesthetic resources, and air quality. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. For each of the Class I impacts identified by the Final EIR (93-EIR-03), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

##### Land Use

Impact: Potential land use incompatibility as a result of implementation of the Mixed Use Affordable Housing Overlay.

Mitigation: None identified.

##### Traffic/Circulation

Impact: The 9,600 additional vehicle trips at Plan buildout would cause potentially significant impacts to:

- Hot Springs Road, south of Sycamore Canyon Road
- San Ysidro Road, south of North Jameson Lane
- Sycamore Canyon/Hot Springs intersection
- Hot Springs/Coast Village intersection
- Hot Springs/East Valley intersection
- Olive Mill/Coast Village intersection
- San Ysidro/N. Jameson Lane intersection
- Hot Springs/Old Coast Road
- San Ysidro/101 SB Off-Ramp

**Mitigation:**

- Add lane to San Ysidro Road between North and South Jameson Lanes.
- Add left-turn lane or signal to Hot Springs/East Valley intersection.
- Add left turn lane or signal to Sycamore Canyon/Hot Springs Road intersection,
- Install traffic signal at Olive Mill Road/Coast Village Road intersection.
- County to monitor operating conditions and amend Community Plan if necessary.
- Plan Amendment shall demonstrate that traffic levels for parcel are not higher than anticipated.
- Project consistency with proposed Plan shall constitute consistency with Land Use Policy 4.
- County shall permit reasonable development while maintaining safe roadways/intersections that operate at acceptable levels.

Sewage

Impact: Private septic systems may potentially impact local water quality.

Mitigation: None identified.

Fire Hazard

Impact: Development in high fire hazard area; development in inaccessible, unprotected areas with inadequate fire protection infrastructure; development which may hamper fire prevention techniques.

Mitigation: None identified.

Police Protection

Impact: Additional service demands resulting in the need for at least 1.8 additional officers.

Mitigation: None identified.

Schools

Impact: Potentially significant increase in student/teacher ratio at elementary, Jr. High and High School levels.

Mitigation: None identified.

Solid Waste

Impact: 1% increase in annual landfilling volumes at Tajiguas Landfill.

Mitigation: None identified.

Flooding/Storm Drainage

Impact: Potential development in 100-year flood zone. Increased storm runoff impacting inadequate storm drainage system.

Mitigation:

- County shall ensure that adequate drainage is provided.
- County Flood Control District shall prepare Master Drainage Plan.
- New development shall contribute fair share to improvement costs.

- On-site drainage system shall be designed for any new development which would be subject to, or create, drainage impacts.
- New development constructed prior to Master Drainage Plan implementation shall be responsible for constructing needed drainage system elements.

#### Biological Resources

Impact: Potentially significant impacts to environmentally sensitive habitats of coastal sage scrub, riparian oak woodland, hard chaparral, eucalyptus woodland, pine tree groves, significant ornamentals, tide pools orchards and grassland habitats within the Planning Area. Specifically, 14 sensitive plant species and 15 wildlife species may be impacted.

Mitigation:

- Require appropriate protective measures during all construction.
- Establish buffer zone within 100 feet of environmentally sensitive habitat.
- Implement restoration plan when native habitat is degraded.
- County-approved biologist shall monitor construction near sensitive resources.
- County-approved biologist shall assure compliance with construction-related mitigation measures.
- Significant biological communities shall not be fragmented into small non-viable pocket areas by development.
- Prohibit grading or development within 200 feet of known or historic butterfly roosts between November 1 and April 1.
- Applicant to submit a Butterfly Roost Protection Plan when applicable.
- No trimming or clearing of vegetation within 50 feet of a known Monarch Butterfly Habitat.
- Trimming/clean-up plan shall include supervision by qualified biologist.
- Encourage use of drought-tolerant and native landscaping.
- Invasive species shall be prohibited in or near environmentally sensitive habitat areas.
- Tree protection plan shall be required when new development may impact native and specimen trees.
- Require riparian protection measures.
- Require on-site restoration of project disturbed buffer of riparian vegetation.

#### Historical Resources

Impact: Potentially significant adverse physical or aesthetic impacts to historical structures.

Mitigation: None identified.

#### Visual/Aesthetic Resources

Impact: Potential obstruction of scenic vistas; negative impacts to the aesthetic character of the area; potential for glare and night lighting.

Mitigation:

- County shall adopt Architectural Guidelines.
- Amend Community Architectural Guidelines to include guidelines and provisions for commercial development.

- Architectural Guidelines shall protect identified view corridors.
- Include Montecito in County-wide Open Space District.
- Incorporate language into Architectural Guidelines promoting protecting and preserving views, scenic character and architectural design.
- Address street lighting in Architectural Guidelines.
- Define “minor alteration or addition” in Architectural Guidelines.
- Specific “acceptable”, “encouraged”, “conditionally acceptable” and “unacceptable” styles and materials in the Architectural Guidelines.
- Establish clear and objective residential FAR, height limitations, and setback standards in the Architectural Guidelines.

#### Air Quality

Impact: Long-term exceedance of SBCRMD NO<sub>x</sub> and ROC thresholds due to additional vehicle emissions associated with Plan buildout.

Mitigation: County shall require existing and future employees to implement TDM.

No other measures are known which would further reduce these impacts.

### **1.4.3 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL**

The Final EIR (93-EIR-03) identified several subject areas for which the project is considered to cause or contribute to significant, but mitigatable environmental impacts (Class II). For each of these Class II impacts identified by the Final EIR (93-EIR-03), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

#### Fire Hazard

Impact: Development in areas beyond safe response times.

Mitigation: None Identified.

#### Parks and Recreation

Impact: Additional park and recreation demands, generated by increased population, can be accommodated by existing Manning and Toro Canyon Parks. Increased use of existing trails and coastal access points considered to be potentially significant. Coastal access issues are considered to be sufficiently addressed by Draft Coastal Access Implementation Plan.

Mitigation:

- Protect, preserve and provide recreational trails within general corridors identified on PRT Map.
- No encroachment of designated trail corridors to the extent feasible.
- Condition development to dedicate useable public trails where designated.
- County shall actively pursue acquisition of interconnecting useable public trails.

- County shall design phasing and priority program for trails identified on PRT Map.
- County shall provide appropriate trail signage and necessary trail maintenance.
- New development shall not adversely impact existing recreational facilities and uses.

#### Geologic Processes

Impact: Development may cause unstable earth conditions, extensive grading, permanent changes in topography, increase in wind/water erosion of soils, changes in siltation, deposition, erosion of beach sands or stream channels and exposure to hazards such as earthquakes, tsunamis and liquefaction.

Mitigation:

- Amend Hillside Overlay Zone to include all areas of >20% slopes.
- Avoid construction within 50 feet of Historically Active or Active Fault traces.
- Require development restrictions for soils or slopes hazards.
- Prepare grading plan for all development.
- No issuance of grading permits until Final BAR approval.
- Require a detailed drainage plan for all development.
- Prepare landscape plan for development on slopes >20%.
- Prohibit excessive grading for the sole purpose of creating or enhancing views.

#### Water Resources

Impact: Net increase in water demand of 899.7 AFY. Demand can be accommodated by anticipated future State water supplies.

Mitigation:

- County shall halt all discretionary approvals until State water is determined to be a firm and long-term source.
- MWD shall be encouraged to use new water supplies to reduce any overdraft to the maximum extent feasible.

#### Archaeological Resources

Impact: Potential disruption, alteration, destruction of recorded archaeological sites. Potential trespassing and vandalism of resources. Potential disturbance by water/sewer pipeline expansion.

Mitigation: RMD shall determine whether the project site is located in either a known archaeological site or in an area of potential archaeological resources.

#### Air Quality

Impact: Potential short-term exceedance of SBCRMD NO<sub>x</sub>, ROC and PM<sub>10</sub> thresholds due to grading activities.

Mitigation: Impose control measures on construction activities  
Impose BACT on future construction activities.

#### Electromagnetic Fields

Impact: Additional populations exposed to the potential hazards associated with electromagnetic fields.

Mitigation:

- RMD shall require adequate building setbacks from EMF-generating sources for sensitive uses.
- RMD shall consult with SCE, County/State Health Services and outside experts on the appropriate setback from powerlines and substations.

These mitigation measures have been found to mitigate the impacts to insignificant levels.

#### **1.4.4 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES OR MITIGATION MEASURES ARE NOT FEASIBLE**

The Final EIR (93-EIR-03), prepared for the Montecito Community Plan evaluated a no project alternative, an affordable housing/R-2 zoning alternative, an urban/rural boundary alternative, a no subdivision alternative, and an alternative land use plan as methods of reducing or eliminating potentially significant environmental impacts. The Board of Supervisors finds that the proposed project is for a Tentative Parcel Map, Comprehensive Plan Amendment, and Zoning Map Amendment, and does not change the outcome from the Final EIR (93-EIR-03) or result in additional unanticipated impacts not already addressed in the Final EIR. The alternatives discussed in the Final EIR remain infeasible, and the Final EIR is adequate. As indicated in Finding 1.2 above and incorporated herein by reference, the proposed project, consisting of the Tentative Parcel Map, Comprehensive Plan Amendment, and Zoning Map Amendment still allows for future residential development and does not require revisions to the previous EIR.

#### **1.4.5 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Final EIR (93-EIR-03) for the Montecito Community Plan project identify project impacts to land use, traffic/circulation, sewage, fire hazard, police protection, schools, solid waste, flooding/storm drainage, biological resources, historical resources, visual/aesthetic resources, and air quality as significant environmental effects which are considered unavoidable. The Board of Supervisors makes the following Statement of Overriding Considerations which warrants approval of the project notwithstanding that all identified effects on the environment are not fully mitigated. With respect to each of the environmental effects of the project listed below, the Board of Supervisors finds that the stated overriding benefits of the project outweigh the significant effects on the environment and that there is no feasible way to lessen or avoid the significant effects. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

The Montecito Community Plan will:

- Allow development in a manner consistent with available resources;
- Preserve the special, semi-rural residential quality of the community;

- Preserve the extensive landscaping and “garden” atmosphere of much of the community;
- Protect views of ocean and mountains;
- Preserve open space;
- Protect the scenic backdrop value of the foothills and mountainsides; protect the watershed function of the mountainsides; prevent excessive erosion and scarring from development;
- Protect habitats and other biological resources, and provide a balance between protection of species and flood control;
- Preserve the narrow, winding roads and lack of sidewalks;
- Provide for infill growth rather than expansion of the Urban Area;
- Maintain adequate services and infrastructure to support development and provide protection;
- Reduce the impact of noise from construction projects;
- Increase opportunities for beach access and recreation;
- Bring the Land Use and the Circulation Elements of the Montecito Comprehensive Plan into consistency.

#### **1.4.6 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or make a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

### **2.0 ADMINISTRATIVE FINDINGS**

**2.1 Findings Required for Approval of Amendments.** In compliance with Section 35.494.060 of the Montecito Land Use and Development Code, an application for an Amendment to the Comprehensive Plan, Development Code, or Zoning Map may be approved only if the review authority first makes all of the following findings, as applicable to the type of Amendment:

#### **2.1.1 The request is in the interest of the general community welfare.**

The Board of Supervisors finds that the proposed project is in the interest of the general community welfare. The proposed project will establish a land use designation and zone district that is consistent with the existing land use patterns in the area and will result in the positive benefit of additional housing in the area. The proposed project will result in the creation of three new residential lots from one existing lot. The majority of the properties surrounding the site are designated SRR-4.6 (Single Family Semi-Rural

Residential/Minimum Parcel Size – 7,000 sf). If this land use designation was applied to the project site, 20 lots at 7,000 square feet could be created (not withstanding potential site constraints that could further limit lot size). The properties to the east are designated SRR-0.5 (Single Family Semi-Rural Residential, Two-Acre Minimum Parcel Size). However, based on Santa Barbara County Assessor’s Records, all of the residential properties to the east are less than two acres, and the average lot size is approximately 1.18 acres. The proposed project will establish a land use designation and zone district that is consistent with the existing land use patterns in the area. Specifically, the project will consist of a one-acre minimum lot size, one-acre minimum land use designation, and a subdivision resulting in three residential lots. The three residences that could be built as a result of the Tentative Parcel Map, Comprehensive Plan Amendment, and Zoning Map Amendment will not cause a significant increase in traffic or noise and will result in the positive benefit of additional housing in the area. The Montecito Water District issued a Certificate of Water Service Availability dated August 16, 2019 stating that the District can make service available to the proposed subject properties. The Montecito Sanitary District issued a condition letter dated July 26, 2019 stating that the proposed parcels are within the District’s boundary and can be served by the District. The project was reviewed by the Subdivision/Development Review Committee, where the County Public Works Department and Montecito Fire District reviewed the proposed access to the lots. The existing roadway network has adequate capacity to accommodate the trips from future residential development associated with these lots. The site is less than a half mile from the nearest fire station and the Montecito Fire District reviewed the project and issued a condition letter dated March 31, 2020 assuring compliance with Montecito Fire District access requirements (Attachment 2). Future development on the lots will require compliance with the Montecito Land Use and Development Code and the Comprehensive Plan including the Montecito Community Plan policies.

**2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.**

The Board of Supervisors finds that, as conditioned, the request for a Tentative Parcel Map, Comprehensive Plan Amendment, and Zoning Map Amendment is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and the Montecito Land Use and Development Code. There are no known sensitive biological, cultural, or tribal cultural resources on site. The existing roadway system is adequate to accommodate the future trips generated by three residences. The site is located in a High Fire Hazard Severity Zone; however, it is less than a half mile from the nearest fire station the Montecito Fire District reviewed the project and issued a condition letter dated March 31, 2020, assuring compliance with Montecito Fire District access requirements (Attachment 2). There are no known flood hazards, and the site is not mapped in the floodway or flood hazard overlay. As discussed in Sections 6.2 and 6.3 of the Staff Report dated February 25, 2021 (Attachment 6), and incorporated herein by reference, the addition of two new residential lots is consistent with all applicable policies of the Montecito Community Plan, State planning and zoning law, and the Montecito Land Use and Development Code. The lots will have adequate services, and be consistent with policies regarding noise, traffic, fire

protection, biological and cultural resources. With the Comprehensive Plan Amendment and Zoning Map Amendment, the proposed lots are consistent with the purpose and intent of the E-1 Zone and the lot size and density.

### **2.1.3 The request is consistent with good zoning and planning practice.**

The Board of Supervisors finds that the proposed project is consistent with good zoning and planning practice. The proposed project will establish a land use designation and zone district that is consistent with the existing land use patterns in the area and will result in the positive benefit of additional housing opportunities in the area. The site is currently designated SRR-0.5 (Single Family Semi-Rural Residential, Two-Acre Minimum Parcel Size). However, the properties to the west and south are designated with a lot size less than one acre. The properties to the east share the same general plan and zoning designation as the subject property but all of the residential lots to the east are less than two acres. The average lot size east of the project is approximately 1.18 acres. The Comprehensive Plan Amendment and Zoning Map Amendment to change the land use designation and zoning to a one-acre minimum parcel size results in parcel sizes that will be compatible with the surrounding community. Further, Westmont College to the north is zoned 1-E-1 (Single Family Residential, One-Acre Minimum Parcel Size), consistent with the proposed site zoning. In addition, the resulting three parcels from the project will accommodate single family residential development that is consistent with the surrounding land use pattern, and the parcels are adequately served by existing infrastructure and public services.

## **2.2 Additional Finding for Comprehensive Plan Amendments**

### **2.2.1 If the request is for an amendment to the Comprehensive Plan, then the review authority shall also find that the request is deemed to be in the public interest.**

The Board of Supervisors finds that the amendment to the Comprehensive Plan is deemed to be in the public interest. The proposed Comprehensive Plan Amendment and Zoning Map Amendment will address an incompatibility between the existing land use patterns and existing land use designation and zoning. The creation of two additional residential lots will provide housing opportunities in a limited housing market. In addition, the resulting parcels are served by adequate services, as referenced in Section 6.2 of the Montecito Planning Commission staff report, dated February 25, 2021 and incorporated herein by reference (Attachment 6).

### **2.3 Subdivision Map Act Findings.** Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Tentative Parcel Map.

#### **2.3.1 State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The Board of Supervisors finds that future passive or natural heating or cooling opportunities in the subdivision shall be provided. The Tentative Parcel Map (TPM) consists of dividing the vacant subject parcel into three legal lots. No new development is proposed as part of the TPM. There is sufficient room on the proposed new lots such that new development could be positioned on the property with sufficient exposure to allow for passive heating and cooling opportunities in the subdivision.

**2.3.2 State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.**

The Board of Supervisors finds that the proposed subdivision is consistent with the general plan. The project is consistent with all applicable policies of the County's Comprehensive Plan, including the Montecito Community Plan. Adequate infrastructure and public services are available to serve future development on the proposed lots as referenced in Section 6.2 of the Montecito Planning Commission staff report, dated February 25, 2021 and incorporated herein by reference (Attachment 6). The proposed parcel sizes will be consistent with the proposed zoning of the parcel, 1-E-1, since two lots will be one acre, and the third lot will be 1.36 acres.

**2.3.3 State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map:**

***a. The proposed map is not consistent with applicable general and specific plans as specified in §66451.***

The Board of Supervisors finds that this finding cannot be made because the proposed map is consistent with applicable general and specific plans. As discussed in Section 6.2 of the Montecito Planning Commission staff report, dated February 25, 2021 and incorporated herein by reference (Attachment 6), the project is consistent with all applicable policies of the Comprehensive Plan, including the Montecito Community Plan.

***b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.***

The Board of Supervisors finds that this finding cannot be made because the proposed subdivision is consistent with applicable general and specific plans. As discussed in Section 6.2 of the Montecito Planning Commission staff report, dated February 25, 2021 and incorporated herein by reference (Attachment 6), by complying with the project description and with the implementation of the conditions of approval in Attachment 2, the proposed project is consistent with all applicable design policies of

the Comprehensive Plan, the Montecito Community Plan, the Montecito Land Use and Development Code (MLUDC), and Chapter 21, the County Land Division Ordinance.

***c. The site is not physically suitable for the type of development proposed.***

The Board of Supervisors finds that this finding cannot be made because the site is physically suitable for the type of development proposed. The project will subdivide a 3.36-acre lot into three legal lots. Lot 1 will be 1.36 acres, Lot 2 will be one acre, and Lot 3 will be one acre. No development is proposed as part of the project. All of the proposed lots will meet the minimum parcel size requirements (one-acre minimum) upon approval of the accompanying Comprehensive Plan Amendment and Zoning Map Amendment, and will be able to accommodate future development since constraints on the lot, such as environmentally sensitive habitat, do not exist. In addition, adequate public services are available to serve the newly created lots. The Montecito Water District issued a Certificate of Water Service Availability dated August 16, 2019 stating that the District can make service available to the proposed subject properties. The project is located within the Montecito Sanitary District. The Montecito Sanitary District letter, dated July 26, 2019, states that the District has no objection to the recording of the proposed Tentative Parcel Map provided that a 20-foot sewer easement be dedicated to the District for the new 8-inch sewer main for access to the main for future repairs and maintenance. There is an existing easement for utilities shown on the Tentative Parcel Map that satisfies this condition. The site is located in a High Fire Hazard Severity Zone; however, it is less than a half mile from the nearest fire station and the Montecito Fire District reviewed the project and issued a condition letter dated March 31, 2020, assuring compliance with Montecito Fire District access requirements (Attachment 2).

***d. The site is not physically suited for the proposed density of development.***

The Board of Supervisors finds that this finding cannot be made because the site is physically suited for the proposed density of development. The proposed lots will be zoned 1-E-1 (Single Family Residence, One-Acre Minimum Lot Size). Each of the proposed lots will comply with the one-acre minimum lot size for the 1-E-1 zone upon approval of the accompanying Comprehensive Plan Amendment and Zoning Map Amendment. Parcel 1 will be 1.36 acres, Parcel 2 will be one acre, and Parcel 3 will be one acre. No development is proposed as part of this project. Adequate public services are available to serve the newly created lots.

***e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.***

The Board of Supervisors finds that this finding cannot be made because the subdivision will not cause substantial environmental damage. There are no known

sensitive plant or animal species or other resources of critical concern located on the subject parcel.

***f. The design of the subdivision or type of improvements is likely to cause serious public health problems.***

The Board of Supervisors finds that the subdivision will not cause serious health problems. Adequate services are available to serve the proposed parcels. The project site is not located within a floodway nor is it located within a 100-year floodplain. The project has been reviewed by the County Surveyor, Fire Department, Flood Control District, Transportation Division, and Air Pollution Control District. There are no identified or likely public health problems or hazards associated with the design of the subdivision. The parcel is residentially zoned and surrounded by residential lots of similar size and density. Thus, the creation of three new lots to accommodate future residential development is not likely to cause public health problems.

***g. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.***

The Board of Supervisors finds that this finding cannot be made because the design of the subdivision will not conflict with any easements. Easements on the project site are for access, drainage, and utilities. There are no easements acquired by the public at large on or through the project site.

**2.3.4 State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:**

***a. A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.***

The Board of Supervisors finds that the subject lot is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or any easements entered into pursuant to Section 51256.

***b. An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).***

The Board of Supervisors finds that the project is not subject to an open-space

easement.

***c. An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.***

The Board of Supervisors finds that the subject lot is not subject to an agricultural conservation easement. Division 10.2 of the Public Resources Code implements the Agricultural Lands Stewardship Program of 1995; Chapter 4 of this Division specifies the provisions of the Agricultural Conservation Easement. The property is not within an agricultural conservation easement entered into pursuant to Chapter 4 of Division 10.2 or the Public Resources Code.

***d. A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.***

The Board of Supervisors finds that the subject lot is not subject to a conservation easement. Chapter 4 of Part 2 of Division 2 of the Civil Code includes provisions for conservation easements.

**2.3.5 State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The Board of Supervisors finds that the project is located within the Montecito Sanitary District. The Montecito Sanitary District letter, dated July 26, 2019, states that the District has no objection to the recording of the proposed Tentative Parcel Map provided that a 20-foot sewer easement be dedicated to the District for the new 8-inch sewer main for access to the main for future repairs and maintenance. There is an existing easement for utilities shown on the Tentative Parcel Map that satisfies this condition. Adequate sewage services are available to serve the proposed lots. In addition, the Montecito Water District submitted a letter dated August 16, 2019, stating that the District can make service available to the proposed subject properties. Therefore, adequate water and sewer services are available to serve the development of the subject lots.

**2.4 Tentative Map Findings (County Code Chapter 21).**

**A. The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:**

***2.4.1 Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County***

***Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.***

The Board of Supervisors finds that the project does not propose any easements or rights-of-way across county streets. Access to all three parcels will be taken off of an existing easement off Stoddard Lane, which is a private road.

***2.4.2 Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street.***

The Board of Supervisors finds that adequate ingress and egress will be provided for the proposed parcels from Stoddard Lane via an access easement. The Montecito Fire Protection District reviewed the proposed project for access and issued a Condition Letter included as a part of Attachment 2. None of the lots resulting from the parcel map will become landlocked. A Land Use Permit will be required to be approved and issued for grading for driveways to access the parcels and for a hammerhead turnaround on proposed Parcels 1 and 3 prior to map recordation.

***2.4.3 Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view.***

The Board of Supervisors finds that the subject property is relatively flat with slopes of less than 20%. The proposed Parcel Map, Comprehensive Plan Amendment, and Zoning Map Amendment do not include any grading. The associated Land Use Permit will permit grading for access and would be limited to 510 cubic yards of cut, 420 cubic yards of fill, and 120 cubic yards of export.

***2.4.4 Grading or construction work on any proposed street or lot. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors.***

The Board of Supervisors finds that there is no grading proposed as part of the Tentative Parcel Map, Comprehensive Plan Amendment, or Zoning Map Amendment. Pursuant to Attachment 2, Condition 11, a Land Use Permit will be approved and issued prior to map recordation for grading associated with access and site improvements to meet Montecito Fire Protection District requirements.

Since the TPM itself does not include any structural development, no grading or construction for residential development will occur prior to map recordation, except for construction approved as part of the LUP to rectify access to proposed Lots 2 and 3.

***2.4.5 Potential creation of hazard to life or property from floods, fire, or other catastrophe.***

The Board of Supervisors finds that the TPM will not create any hazards to life or property from floods, fire, or other catastrophes. The subject property is an urban infill residential lot surrounded by residential development. Additionally, the Montecito Fire Protection District reviewed the project and submitted conditions included in Attachment 2. Further, the lots are not located within any identified flood hazard area, and setbacks from adjacent creeks and drainages will ensure that life and property are protected from flood hazards.

***2.4.6 Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation.***

The Board of Supervisors finds that the project conforms to the County's Comprehensive Plan including the Montecito Community Plan. The subdivision will not conflict with or impact the alignment or condition of any state highway.

***2.4.7 Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1.***

The Board of Supervisors finds that Proposed Parcel 1 has a ratio of depth to width of 1.25 to 1, Proposed Parcel 2 has a ratio of depth to width of approximately 1.1 to 1, and Proposed Parcel 3 has a ratio of depth to width of approximately 1 to 1. Therefore, none of the lots have a depth to width ratio in excess of 3 to 1.

***2.4.8 Subdivision designs with lots backing up to watercourses.***

The Board of Supervisors finds that the subdivision is not located adjacent to any watercourse.

**B. A tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.**

The Board of Supervisors find that the tentative parcel map is consistent with the County's Comprehensive Plan, the Montecito Community Plan, the Montecito Land Use and Development Code, and Chapter 21 of the County Code, as well as requirements of the State Subdivision Map Act. Finding 2.3 above, incorporated herein by reference, discusses the TPM's consistency with applicable provisions of the Subdivision Map Act.

**3.0 MONTECITO GROWTH MANAGEMENT ORDINANCE ALLOCATION FINDING.** For discretionary projects which could result in the potential to add a new primary residential unit where that potential did not previously exist, the decision-maker shall adopt a Montecito Growth Management Ordinance point assignment as a finding of approval.

The Board of Supervisors adopts the MGMO point assignments specified in Section 6.7 of the Montecito Planning Commission staff report dated February 25, 2021 (Attachment 6), and incorporated herein by reference. The Board of Supervisors assigns 80 points to Parcel 1, and 100 points to Parcel 2 and Parcel 3.