

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 05LLA-00000-00016 marked "Officially Accepted, County of Santa Barbara (January 9, 2007) County Planning Commission Exhibit A", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Approve the Negative Declaration (Attachment B) and adopt the mitigation monitoring program contained in the conditions of approval (Attachment C).
3. Approve the project subject to the conditions included as Attachment C.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the Planning Commission pursuant to Section 21-6 (A)(2) of the Subdivision Regulations (Chapter 21), which designates the Planning Commission as the decision-maker for Lot Line Adjustments that exceed a ten percent increase or decrease in the area of the smallest existing parcel. In this case, the smallest of the four parcels proposed for adjustment, 05-CC-110, is 0.53 gross/net acre in size. After the lot line adjustment, it would be part of the 3.25/3.04 gross/net acres proposed adjusted Parcel 3, for a size increase of over 600 percent.

4.0 ISSUE SUMMARY

The purpose of this lot line adjustment is to reconfigure three land-locked parcels and one irregular parcel into four adjusted approximately three-acre parcels, each with over 200 ft. of frontage on Grand Avenue in Los Olivos. All four existing parcels are currently developable with one single family dwelling. All four proposed reconfigured parcels would also be developable with one single family dwelling.

The primary issues associated with the proposed lot line adjustment are preservation of agricultural lands, protection of cultural resources, and pre- and post-lot line adjustment developability of the subject lots. These are discussed below.

4.1 Preservation of Agricultural Lands

The four subject lots comprise a single working farm. The proposed lot line adjustment would evenly distribute the total area across the four lots, as opposed to the current configuration which contains 81 percent of the land within one lot and 19 percent of the land within the remaining three lots. The proposed project's impacts and cumulative impacts to agricultural resources were evaluated using the County's Agricultural Resources Guidelines weighted point system calculation. Input was also obtained from the Agricultural Commissioner's Office. The results indicate that the agricultural viability of the larger, approximately 27 acre Montanaro farm hinges primarily on its underlying creation by certificates of compliance and residential zoning rather than the positions of the lot lines per se.

4.2 Cultural Resource Protection

The presence of a Chumash cemetery near the proposed project area, and the geographic characteristics of the project area, indicate that a prehistoric village site may be located on or near the subject property. Extended Phase 1 (subsurface) testing prior to development (zoning clearances) would identify any such deposits and allow for avoidance or, if necessary, significance testing and mitigation of impacts to cultural resources (Condition No. 3, Attachment C of this staff report).

An e-mail regarding the proposed project was received from Sam Cohen, representing the Santa Ynez Band of Mission Indians (Tribe), during the comment period for the Negative Declaration for the proposed project. The Tribe requests that the extended Phase 1 study be conducted prior to approval of the lot line adjustment rather than deferred until submittal of zoning clearances; that test excavations be monitored by a Native American observer; that excavations include controlled backhoe lifts, that the testing program be subject to the Tribe's approval; and that an EIR be prepared for the proposed project.

On August 22, 2007, the Planning Commission approved the related Herthel Montanaro Lot Line Adjustment (05LLA-00000-00015) with the same condition proposed for the Herthel "4" Lot Line Adjustment. The recommended conditions for the proposed project are thus consistent with previous direction from the Commission.

4.3 Potential Subdivision and Residential Development, Current vs. Proposed Parcel Configurations

The table below shows the residential developability and subdivision potential of the subject property both before and after the proposed Lot Line Adjustment. The results were calculated based on one single family dwelling per 15,000 sq ft, given required setbacks. The results

indicate that the proposed Lot Line Adjustment would **not** increase the developability of the subject property if ministerial applications were submitted. Moreover, discretionary subdivision of the proposed reconfigured lots would result in one fewer lot and thus one fewer single family dwelling than subdivision of the existing lots.

Existing/Proposed Parcel Designation		Existing 05-CC-107	Existing 05-CC-108	Existing 05-CC-109	Existing 05-CC-110	Proposed Parcel 1	Proposed Parcel 2	Proposed Parcel 3	Proposed Parcel 4
Existing	Residential	0	0	0	0	0	0	0	0
Ministerial¹	Potential Residences	1	1	1	1	1	1	1	1
Discretionary²	Subdivision Potential	+1 (2 total)	+1 (2 total)	+27 (28 total)	+0 (1 total)	+7 (8 total)	+7 (8 total)	+7 (8 total)	+7 (8 total)
	Potential Residences Subsequent to Subdivision	2	2	28	1	8	8	8	8
Totals		<i>Four developable parcels/potential SFDs (ministerial) 33 developable parcels & SFDs (discretionary)</i>				<i>4 developable parcels/potential SFDs (ministerial) 32 developable parcels & SFDs (discretionary)</i>			

5.0 PROJECT INFORMATION

5.1 Site Information

05LLA-00000-00016	
Comprehensive Plan Designation	RES-3.3, Single Family, Maximum dwelling units 3.3/acre
Zoning District, Ordinance	Land Use & Development Code: 15-R-1, Minimum parcel size 15,000 sq ft (20-R-1 in undevelopable portion of parcels)
Parcel Size - Existing	05-CC-107 (1.11 gross/net acres) 05-CC-108 (0.79 gross/net acres) 05-CC-109 (10.55/9.71 gross/net acres) 05-CC-110 (0.53 gross/net acres)
Parcel Size - Proposed	Proposed Adjusted Parcel 1: 3.24/3.03 gross/net acres Proposed Adjusted Parcel 2: 3.24/3.03 gross/net acres Proposed Adjusted Parcel 3: 3.25/3.04 gross/net acres Proposed Adjusted Parcel 4: 3.25/3.04 gross/net acres

¹ Ministerial permits do not require the exercise of discretion by a decision-maker

² Discretionary permits require exercise of discretion by a decision maker

Present Use & Development	Vacant, Agriculture
Surrounding Uses/Zoning	North: 15-R-1 South: Residential, 1-E-1 East: Residential, 15-R-1 West: Residential/Agriculture, 20-R-1
Access	Grand Avenue.
Public Services	Water Supply: Santa Ynez River Conservation District Sewage: Private septic systems (leach line) Fire: Santa Barbara County Fire Department Station 32 Schools: Ballard Union School District, Santa Ynez High School

5.2 Setting

The project area is located to the west of Grand Avenue and the town of Los Olivos and east of Santa Barbara Avenue in the San Carlos de Jonata area, within the watershed of the Santa Ynez River. Alamo Pintado Creek is located along the western boundaries of the existing parcels. The surrounding properties consist of primarily residential development as follows: 1-E-1 and R-15-1 properties and the town of Los Olivos to the east; 20-R-1 properties to the west; 15-R-1 zoning to the north and 1-E-1 properties to the south. The four lots are actively farmed and contain no structural development.

The area is characterized by primarily flat land with steeper, gullied land in the non-developable areas of the property along the Alamo Pintado Creek bed. Vegetative communities consist of flat, developed alfalfa fields, with native trees and riparian vegetation along the creek. The fauna inhabiting the project site is typical for the Santa Ynez Valley and may include small mammals such as raccoons, fox, coyote, deer, and skunk, and common birds and raptors. No known threatened or endangered plant or animal species are known to exist on the project site. Soils consist primarily of silty clay loam, with gullied lands along the creek. There are no known or recorded archaeological sites located on the property. However CA-SBA-188, a prehistoric Chumash cemetery, is mapped on a nearby parcel. The village associated with the cemetery has not been identified and is presumed to be in the immediate vicinity. Also, because of its location along the creek bank in an area of rapid alluviation, the Montanaro property has a high potential for deeply buried cultural resources (i.e., below the plow zone).

5.3 Description

This application is for reconfiguration of four lots described by Certificates of Compliance (CCs) and zoned 15-R-1 (developable portions) and 20-R-1 (non-developable portions within the creek bed). Three of the lots are land-locked and one is irregularly shaped. The Lot Line Adjustment would create four regularly shaped parcels, each with over 220 ft of street frontage, as described below and shown in Figure 1.

Existing Parcel 1, described by 05-CC-107, is 1.11 gross/net acres. Existing Parcel 2, (05-CC-108, is 0.79 gross/net acres. Existing Parcel 3 (05-CC-109) is 10.56/9.71 gross/net acres. Existing Parcel 4 (05-CC-110) is 0.53 gross/net acres.

Proposed Adjusted Parcel 1 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 2 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 3 would be decreased in size to 3.25/3.04 gross/net acres through a reconfiguration with the entirety of Parcel 2 and Parcel 4. Proposed Adjusted Parcel 4 would be increased in size to 3.25/3.04 gross/net acres through a reconfiguration of a portion of Parcel 3 and the entirety of Parcel 1.

The existing parcels are currently under cultivation with no structural development. Each Proposed Adjusted Parcel would be served by private septic systems (leach line) subject to review and approval by Environmental Health Services; domestic water from the Santa Ynez River Water Conservation District; and access directly from Grand Avenue. No grading or native tree removal is planned.

5.4 Background Information

The proposed Lot Line Adjustment involves four lots totaling approximately 13 acres, which are part of a larger, approximately 27-acre property commonly known as the "Montanaro" property and contiguously owned by the applicant.

A separate and distinct Lot Line Adjustment (05LLA-00000-00015) is in process on the southernmost, approximately 7 acre portion of the Montanaro property involving APN 135-200-001. Lot Line Adjustment 05LLA-00000-00015 has been evaluated under negative declaration number 06NGD-00000-00029 and approved by the Zoning Administrator on March 26, 2007; appealed to the Planning Commission on September 4, 2007 and approved by the Planning Commission on August 22, 2007. An appeal to the Board of Supervisors is pending.

The two Lot Line Adjustments (-00015 and -00016) are separated by two intervening Montanaro lots not proposed for adjustment of lot lines (05-CC-111 and 05-CC-112, totaling approximately 7 acres).

6.0 PROJECT ANALYSIS

6.1 Environmental Review

A Mitigated Negative Declaration, 07NGD-00000-00039, was prepared for the project and is included in the staff report as Attachment B. The Negative Declaration was circulated for a 21-day public review and comment period from November 13, 2007 to December 4, 2007. A separate environmental review hearing was not held due to the non-complex nature of the proposed project. One e-mail and one telephone call concerning the project and/or the environmental document were received from the public during the ND review period. A telephone message was received from a Los Olivos area resident who would like the area retained as open space. An e-mail was received on December 2, 2007 from the Santa Ynez Band of Mission Indians (Tribe) concerning cultural resource issues and the lack of an EIR. No changes were made to the Draft Negative Declaration to produce the Proposed Final Negative Declaration attached to this staff report. For a more detailed analysis, please see the Negative Declaration (Attachment B of this staff report).

6.1.1 Impacts

The Negative Declaration identified potentially significant but mitigable (Class II) impacts to Aesthetics/Visual Impacts, Archaeological Impacts, Biological Impacts, and Noise. Please refer to 07NGD-00000-00039 (Attachment B) for a full review of these impacts.

6.1.2 Mitigation

The potentially significant impacts would be mitigated to less than significant levels through adherence to the following mitigation measures:

- **Visual/Aesthetic Resources and Biological Resources:** low intensity, low glare, hooded outdoor lighting would be required on all future structures to reduce impacts to less than significant levels.
- **Cultural Resources:** completion of an extended Phase 1 Survey, followed by either (1) avoidance or (2) Phase 2 significance testing and/or Phase 3 mitigation excavations, would be required prior to approval of Zoning Clearances to reduce potentially significant impacts to less than significant levels.
- **Noise:** construction activities would be limited to standard construction hours to reduce impacts to less than significant levels.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
Land Use Element	
<p>Land Use Development Policy 4: <i>Adequate services and resources shall be available to serve the proposed development.</i></p>	<p>Consistent: The proposed project does not include any physical development. No increase in intensity of use is anticipated as a result of this project, as no new lots or building sites would be created. Adequate public services and resources would be available to serve the adjusted parcels as follows: a) Water Supply: Santa Ynez River Water Conservation District; b) Sewage: Septic systems (leach line); c) Fire: County of Santa Barbara, Fire Station #32; d) Access: Grand Avenue. The proposed project is consistent with this policy.</p>
<p>Land Use Development Policy 5: <i>Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such services are available.</i></p>	<p>Consistent: Adequate private and public services would serve the proposed adjusted parcels. The parcels would be served by the Santa Ynez River Water Conservation District for water, and septic for sewage disposal. As the proposed Lot Line Adjustment would not result in the potential for new development beyond what would otherwise be allowed currently, there will not be an increased demand for any of these resources or services and the proposed project is consistent with this policy.</p>
<p>Streams and Creeks Policy 1: <i>All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.</i></p>	<p>Consistent: Reconfiguration of the lot lines as a result of the proposed lot line adjustment would not increase the potential for impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution. The required Flood Control development setback line necessitates a 50 foot setback from the top of bank of Alamo Pintado Creek. The proposed project may be found consistent with this policy.</p>
<p>Historical and Archaeological Sites Policies: 1. <i>All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric,</i></p>	<p>Consistent: Mitigation Measure No. 2 (see Attachment C, Conditions of Approval) requires extended Phase 1 (subsurface) surveys to identify the location of any cultural resources on the lots prior to approval of</p>

REQUIREMENT	DISCUSSION
<p><i>archaeological, and other classes of cultural sites.</i></p> <p>2. <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p>	<p>zoning clearances. Identification of the location of cultural resources, if present, would guide placement of development envelopes to avoid such resources. The proposed project may be found consistent with this policy.</p>
<p>Visual Resources Policies 3: <i>In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</i></p>	<p>Consistent: Reconfiguration of the lot lines as a result of the proposed lot line adjustment would not lead to a change causing negative impacts to the visual character of these lots or to the surrounding neighborhood. The visual character of the area would remain substantially the same under the proposed lot line adjustment. The proposed project may be found consistent with this policy.</p>
<p>Agricultural Element</p>	
<p>GOAL II. Policy II.A. <i>Santa Barbara County shall require measures designed for the prevention of flooding and silting from urbanization, especially as such damage relates to approved development.</i></p>	<p>Consistent: The proposed adjustment to the lot lines would not lead to changes causing increased potential for flooding and silting. Furthermore the proposed lot line adjustment has incorporated measures to ensure the required Flood Control District setback of 50 feet from the top of bank of Alamo Pintado Creek would minimize erosion associated with potential future development. The proposed project may be found consistent with this policy.</p>
<p>I. Policy II.D. <i>Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.</i></p> <p>GOAL III. <i>Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.</i></p> <p>Policy III.B. <i>It is a County priority to retain</i></p>	<p>Consistent: The soils underlying the entirety of the Montanaro property, including the proposed lot line adjustment are considered to be prime soils, which are viewed as highly valuable in Santa Barbara County. Although residentially zoned, the subject lots are currently in active agricultural production.</p> <p>The lot line adjustment would regularize lots that are currently irregular and/or land locked. Reconfiguration of the lot lines would not increase the ultimate potential developability of</p>

REQUIREMENT	DISCUSSION
<i>blocks of productive agriculture within Urban Areas where reasonable, to continue to explore programs to support that use, and to recognize the importance of the objectives of the County's Right to Farm Ordinance.</i>	<p>the lots, nor does it reconfigure the lots in a way that would increase agricultural incompatibilities associated with necessary applications of fertilizers/pesticides and other farming practices.</p> <p>The Agricultural Commissioner's Office, Land Use Planning Section, has indicated agreement with the above analysis. Thus the proposed project may be found consistent with this policy.</p>

6.3 Zoning: Land Use and Development Code Compliance

The subject parcels of the proposed lot line adjustment would be zoned 15-R-1 (developable portions) and 20-R-1 (non-developable portions along the creek bank at the east margin of each parcel). If the proposed project is approved, the resulting adjusted lot sizes would be 3.03-3.04 acres (131,987-132,422 sq ft) net and 3.24-3.25 acres gross. These lot sizes are greater than the 15,000 sq ft minimum required lot size for the 15-R-1 zone. The proposed reconfigured lots would be approximately 224-236 feet in width, which is greater than the 90 ft minimum required lot width for the 15-R-1 zone. The proposed lot line adjustment would be consistent with the required findings of the Land Use & Development Code Section 35.30.110.B, as stated in Attachment A of the staff report.

6.4 Chapter 21, Subdivision Ordinance

The proposed Lot Line Adjustment meets all subdivision standards contained in the Subdivision Ordinance §21-24(a) Lot Area, (b) Lot Width, (c) Lot Depth and (d) Lot Lines. The proposed Lot Line Adjustment would be consistent with the required findings of Chapter 21, Section 21-93 as stated in Attachment A of the staff report.

6.5 Subdivision/Development Review Committee

The Subdivision/Development Review Committee reviewed and commented on the proposed project on November 10, 2005. The Fire Department and Flood Control Division applied conditions to the proposed project that have been incorporated into the conditions of approval for this project.

6.6 Development Impact Mitigation Fees

A series of ordinances and resolutions adopted by the County Board of Supervisors require the payment various development impact mitigation fees. This project is subject to the fees as shown in the following table. The amounts shown are estimates only. The actual amounts will be calculated in accordance with the fee resolutions in effect when the fees are paid.

The developer of a project that is required to pay development impact mitigation fees may appeal to the Board of Supervisors for a reduction, adjustment or waiver of any of those fees based on the absence of a reasonable relationship between the impacts of the proposed project and the fee category for which fees have been assessed. The appeal must be in writing and must state the factual basis on which the particular fee or fees should be reduced, adjusted or waived. The appeal must be submitted to the director(s) of the relevant departments within 15 calendar days following the determination of the fee amount(s). For a discretionary project, the date of determination of fee amounts is the date on which the decision-maker adopts the conditions of approval and approves the project.

Estimated Countywide Development Impact Mitigation Fees			
Fee Program	Base Fee (per unit or 1,000 sf)	Estimated Fee	Fee due at
Recreation (Parks)		unknown	LUP or Map Recordation
Transportation		unknown	LUP or Map Recordation
Fire (\$0.20/sf.)		unknown	Final Inspection

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$443.

ATTACHMENTS

- A. Findings
- B. ND with Transmittal Letter dated December 13, 2007
- C. Conditions of Approval with attached Departmental letters
 - 1. Flood Control District letter dated November 8, 2005.
 - 2. Fire Department Memorandum dated November 23, 2005
- D. Exhibit 1, Existing and Proposed Lots
- E. E-mail from Sam Cohen dated December 2, 2007

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development Department, located at 123 E. Anapamu Street, Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

Pursuant to LUDC Section 35.30.110.B and Chapter 21, Section 21-93, a Lot Line Adjustment application shall only be approved provided the following Findings are made:

2.1 The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of the Santa Barbara County Land Use & Development Code.

Pursuant to the discussion in Sections 6.2 (Comprehensive Plan Consistency) and 6.3 (Land Use & Development Code Compliance) of this staff report, the Lot Line Adjustment is consistent with these policies and provisions. None of the four affected parcels will be nonconforming as a result of the Lot Line Adjustment. Therefore the project is consistent with this finding.

2.2 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.

All four existing and proposed reconfigured parcels exceed the minimum 15,000 sq ft lot size required for the 15-R-1 zone. Therefore, the project is consistent with this finding.

- 2.3 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 2.4 or 2.5 listed below:**

The Lot Line Adjustment satisfies all of the following requirements:

- i. Four or fewer existing parcels are involved in the adjustment;*

Four parcels are involved in this Lot Line Adjustment. Therefore the project is consistent with this finding.

- ii. The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,*

Pursuant to the discussion in Section 4.3 of this staff report, no increase in subdivision potential or residential developability will occur as a result of the Lot Line Adjustment. Therefore the project is consistent with this finding.

- iii. 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.*

All four existing parcels are undeveloped; however these parcels are residentially developable. The four proposed reconfigured parcels would also all be developable. The Lot Line Adjustment will not change the number of residentially developable parcels. Therefore the project is consistent with this finding.

- 2.4 The parcels involved in the adjustment are within the boundaries of an Official Map for the Naples Townsite adopted by the County pursuant to Government Code Section 66499.50 et seq. and the subject of an approved development agreement certified by the California Coastal Commission as an amendment to the Santa Barbara County Local Coastal Program that sets forth the standards of approval to be applied to Lot Line Adjustments of**

existing adjacent parcels within the boundaries of the Naples Townsite Official Map. This exception provision shall expire 5 years after its effective date unless otherwise extended pursuant to a certified amendment to the Santa Barbara County Local Coastal Program.

The parcels involved are located in the Los Olivos area and not within the boundaries of an Official Map for the Naples Townsite. Therefore the project is consistent with this finding.

- 2.5. 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.**

No violations of parcel width, setback, lot coverage, parking or other similar requirements of the zone district exist on the parcels, nor would the Lot Line Adjustment create any such violations. Therefore the project is consistent with this finding.

- 2.6 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. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: Article III (Sections 35-161 and 35-162.).**

All adjusted parcels are in compliance with all provisions of the Land Use & Development Code. Therefore the project is consistent with this finding.

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

No existing utilities, infrastructure or easements will need to be relocated to accommodate the proposed lot line adjustment. A new fire hydrant is required to be installed between Proposed Lots 2 and 3, as shown on the preliminary map and required by Conditions of Approval. Therefore the project is consistent with this finding.

- 2.8 A Lot Line Adjustment proposed on agricultural zoned parcels which are under Agricultural Preserve Contract pursuant to the County Agricultural Preserve Program Uniform Rules shall only be approved provided the following findings are made:**

The subject Parcels are not under Agricultural Preserve Contract. Therefore the project is consistent with this finding.

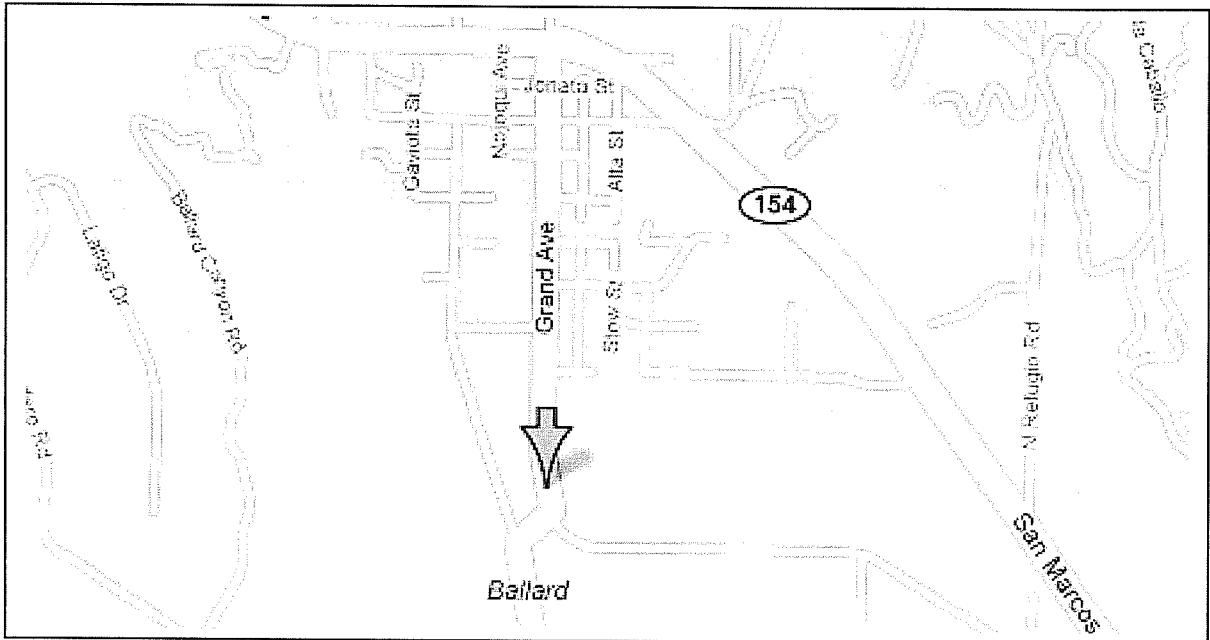
ATTACHMENT B:

**Proposed Final Negative Declaration, 07NGD-00000-00039 for
Herthel "4" Lot Line Adjustment, 05LLA-00000-00016**



**Proposed Final Mitigated Negative
Declaration
07NGD-00000-00039
Herthel Lot Line Adjustment
05LLA-00000-00016

December 13, 2007**



Owner/Applicant	Agent/Engineer	
Mr. Douglas Herthel PO Box 387 Los Olivos, CA 93441 (805) 688-2196	Ms. Patricia "Tish" Beltranena 201 Industrial Way Buellton, CA 93427 (805) 688-5200	

For More Information Contact:
Joyce Gerber, Planner Development Review North Division (805) 934-6265,
jgerber@co.santa-barbara.ca.us

PUBLIC REVIEW

A Draft Negative Declaration for the Herthel "4" Lot Line Adjustment (05LLA-00000-00016) was released for a 21-day public review period on November, 13, 2007. The public review period closed on December 4, 2007.

All comments received have been considered in preparing the proposed final Negative Declaration. One telephone message and one comment e-mail were received during the public comment period. The telephone caller expressed the desire to see the subject property retained as open space. The e-mail requested that the a Phase 1 study be conducted prior to approval of the lot line adjustment rather than deferred until submittal of zoning clearances; that test excavations be monitored by a Native American observer; that excavations include controlled backhoe lifts, that the testing program be subject to the Tribe's approval; and that an EIR be prepared for the proposed project. A copy of the e-mail has been attached to this document as Attachment 2.

Although the comments were considered, no changes were made to the proposed Final Mitigated Negative Declaration. The proposed Final Mitigated Negative Declaration concludes that, with identified mitigation measures, project impacts on the environment would be less than significant. Based on review of the comments received, P&D believes the document complies with the requirements of the California Environmental Quality Act (CEQA) and the County's CEQA Guidelines. The proposed Final Negative Declaration will be forwarded to the appropriate decision maker for their determination that the document is adequate and complete in meeting the requirements of the California Environmental Quality Act. Any meaningful changes in the project description may require additional environmental review by P&D. Actions which might be taken that have not received proper environmental review are vulnerable to legal action.

**Proposed Final Mitigated Negative Declaration
Herthel '4' Lot Line Adjustment
07NGD-00000-00039 / 05LLA-00000-00016**

1.0 REQUEST/PROJECT DESCRIPTION

The Herthel "4" Lot Line Adjustment is a request of Tish Beltranena, agent for Doug Herthel, to consider Case No. 05LLA-00000-00016 [application filed on October 19, 2005] for approval under County Code Chapter 21 to reconfigure four legal lots in the 15-R-1 and 20-R-1 zone districts under Chapter 35 of the Santa Barbara County Land Use and Development Code (LUDC). The lots are on APNs 135-180-007 and 135-200-004, located on Grand Avenue in the Third Supervisorial District.

A separate and distinct Lot Line Adjustment (05LLA-00000-00015) is in process on the southernmost portion of the Montanaro property involving APN 135-200-001. Lot Line Adjustment 05LLA-00000-00015 has been evaluated under negative declaration number 06NGD-00000-00029 and approved by the Zoning Administrator on March 26, 2007; appealed to the Planning Commission on September 4, 2007 and approved by the Planning Commission on August 22, 2007. An appeal to the Board of Supervisors is pending.

The two Lot Line Adjustments (-00015 and -00016) are separated by two intervening Montanaro lots not proposed for adjustment of lot lines (05-CC-111 and 05-CC-112). Although this Initial Study specifically addresses 05LLA-00000-00016, the cumulative effects of both Lot Line Adjustments will be considered and noted as part of this study.

1.1 05LLA-00000-00016

This application is for reconfiguration of four lots described by Certificates of Compliance (CCs) and zoned 15-R-1 (developable portions) and 20-R-1 (non-developable portions within the creek bed). Three of the lots are land-locked and one is irregularly shaped. The Lot Line Adjustment would create four regularly shaped parcels, each with over 230 ft of street frontage, as described below and shown in Figures 1 and 3.

Existing Parcel 1, described by 05-CC-107, is 1.11 gross/net acres. Existing Parcel 2, (05-CC-108), is 0.79 gross/net acres. Existing Parcel 3 (05-CC-109) is 10.56/9.71 gross/net acres. Existing Parcel 4 (05-CC-110) is 0.53 gross/net acres.

Proposed Adjusted Parcel 1 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 2 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 3 would be decreased in size to 3.25/3.04 gross/net acres through a reconfiguration with the entirety of Parcel 2 and Parcel 4. Proposed Adjusted Parcel 4 would be

increased in size to 3.25/3.04 gross/net acres through a reconfiguration of a portion of Parcel 3 and the entirety of Parcel 1.

The existing parcels are currently under cultivation with no structural development. Each Proposed Adjusted Parcel would be served by private septic systems (leach line) subject to review and approval by Environmental Health Services; domestic water from the Santa Ynez River Water Conservation District; and access directly from Grand Avenue. No grading or native tree removal is planned.

1.2 05LLA-00000-00015

This Lot Line Adjustment involves the southern-most three lots on Assessor's Parcel Number 135-240-001, also known as the Herthel Montanaro property, located at 2531 Grand Avenue. The lots are 1.63/1.49 gross/net acres (Existing Parcel 1 zoned 1-E-1), 1.54/1.36 gross/net acres (Existing Parcel 2 zoned CN and 1-E-1) and 3.79/3.36 gross/net acres (Existing Parcel 3 zoned 1-E-1 and CN). Their proposed lot lines would be reconfigured to align with existing development and the Neighborhood Commercial zone district lines as described below and shown in Figure 2.

Proposed Adjusted Parcel 1 would be increased in size to 1.77/1.63 gross/net acres through a reconfiguration with a portion of Parcel 3. Zoning would remain entirely 1-E-1. This parcel would continue to be served by an existing private septic system and the Santa Ynez Water District. Access would be via Grand Avenue. An access ingress/egress easement would be recorded over Proposed Adjusted Parcel 2 in favor of Proposed Adjusted Parcel 1.

Proposed Adjusted Parcel 2 would be decreased in size to 1.00/0.82 gross/net acres through a reconfiguration with a portion of Parcel 3. Zoning would become entirely 1-E-1. The adjusted parcel would be served by a private septic system upon approval by Environmental Health Services. Domestic water service would be provided by the Santa Ynez Water Conservation District. Access would be from Grand Avenue.

Proposed Adjusted Parcel 3 would be increased in size to 4.19/3.76 gross/net acres created through a reconfiguration with the entirety of Parcel 2 and Parcel 1. Zoning would consist of both CN and 1-E-1. After the Lot Line Adjustment, all existing development would be on Proposed Parcel 3. This development consists of a 2,008 sq ft single family residence (the Montanaro Residence) located on existing Parcel 3; a 4,950 sq ft. commercial building located on existing Parcels 1 and 2; a 5,830 sq ft barn located on existing Parcels 1 and 3; and a 692 sq ft shed located on existing Parcel 3. The parcel would continue to be served by an existing private septic system and the Santa Ynez Water Conservation District. Access would be from Grand Avenue.

2.0 PROJECT LOCATION

The project site is located approximately 0.5 miles southwest of State Route 154 and adjacent to the township of Los Olivos, immediately northwest of the intersection of Grand Avenue and

Santa Ynez Street in the Third Supervisorial District. Site information is shown in Tables 2.1 and 2.2, below.

2.1 Site Information, 05LLA-00000-00016

05LLA-00000-00016	
Comprehensive Plan Designation	RES-3.3, Single Family, Maximum dwelling units 3.3/acre
Zoning District, Ordinance	Land Use & Development Code: 15-R-1, Minimum parcel size 15,000 sq ft (20-R-1 in undevelopable portion of parcels)
Parcel Size - Existing	05-CC-107 (1.11 gross/net acres) 05-CC-108 (0.79 gross/net acres) 05-CC-109 (10.55/9.71 gross/net acres) 05-CC-110 (0.53 gross/net acres)
Parcel Size - Proposed	Proposed Adjusted Parcel 1: 3.24/3.03 gross/net acres Proposed Adjusted Parcel 2: 3.24/3.03 gross/net acres Proposed Adjusted Parcel 3: 3.25/3.04 gross/net acres Proposed Adjusted Parcel 4: 3.25/3.04 gross/net acres
Present Use & Development	Vacant, Agriculture
Surrounding Uses/Zoning	North: 15-R-1 South: Residential, 1-E-1 East: Residential, 15-R-1 West: Residential/Agriculture, 20-R-1
Access	Grand Avenue.
Public Services	Water Supply Santa Ynez River Conservation District Sewage: Private septic systems (leach line) Fire: Santa Barbara County Fire Department Station 32 Schools: Ballard Union School District, Santa Ynez High School

2.2 Site Information, 05LLA-00000-00015

05LLA-00000-00015	
Comprehensive Plan Designation	RES-1.0, Single Family, Maximum dwelling units 1.0/acre CN, Neighborhood Commercial, no minimum lot size
Zoning District, Ordinance	Land Use & Development Code: 1-E-1, Minimum parcel size 1-acre (5.85 acres) CN, Neighborhood Commercial, no minimum lot size (1.34 acres)

Parcel Size - Existing	05-CC-113 (1.63/1.49 gross/net acres) Parcel 2: 05-CC-114 (1.54/1.36 gross/net acres) Parcel 3: 05-CC-115 (3.79/3.36 gross/net acres)
Parcel Size - Proposed	Proposed Adjusted Parcel 1: 1.77/1.63 gross/net acres Proposed Adjusted Parcel 2: 1.00/0.82 gross/net acres Proposed Adjusted Parcel 3: 4.19/3.76 gross/net acres
Present Use & Development	Residence, commercial building, barn and shed
Surrounding Uses/Zoning	North: Vacant, Agriculture, 15-R-1 South: Residential, 1-E-1 East: Residential, 15-R-1 West: Residential/Agriculture, 20-R-1 and AG-I-5
Access	Grand Avenue. An access ingress/egress easement would be recorded over proposed Adjusted parcel 2 in favor of Proposed Adjusted parcel 1. Proposed Adjusted parcels 2 and 3 would be accessible directly from Grand Avenue.
Public Services	Water Supply Santa Ynez River Conservation District Sewage: Private septic systems (leach line) Fire: Santa Barbara County Fire Department Station 32 Schools: Ballard Union School District, Santa Ynez High School

3.0 ENVIRONMENTAL SETTING

The project area is located to the west of Grand Avenue and the town of Los Olivos and east of Santa Barbara Avenue in the San Carlos de Jonata area, within the watershed of the Santa Ynez River. Alamo Pintado Creek is located along the western boundaries of the existing parcels. The area is characterized by primarily flat land with steeper, gullied land in the non-developable areas of the property along the Alamo Pintado Creek bed. Vegetative communities consist of flat, developed alfalfa fields, with native trees and riparian vegetation along the creek.

Fauna: The fauna inhabiting the project site is typical for the Santa Ynez Valley and may include small mammals such as raccoons, fox, coyote, deer, and skunk, and common birds and raptors. No known threatened or endangered plant or animal species are known to exist on the project site.

Flora: The site contains irrigated farmed land, with riparian vegetation and native trees along the creek banks.

Soils: The NRCS Soil Survey indicates that the soil types are found on both properties are **Class II** Salinas silty clay loam, 0-2% slopes (SdA); and **Class VI:** Gullied Land (NRCS Soil Survey, Northern Santa Barbara Area, July 1972).

Archaeological Sites: There are no known or recorded archaeological sites located on the property. However CA-SBA-188, a prehistoric Chumash cemetery, is mapped on the west bank of Alamo Pintado Creek on a nearby parcel. The village associated with the cemetery has not been identified and is presumed to be in the immediate vicinity of SBA-188. Also, because of its location along the creek bank in an area of rapid alluviation, the Montanaro property has a high potential for deeply buried cultural resources (i.e., below the plow zone).

Surrounding Land Uses: The surrounding properties consist of primarily residential development as follows: 1-E-1 and R-15-1 properties and the town of Los Olivos to the east; 20-R-1 properties to the west; 15-R-1 zoning to the north and 1-E-1 properties to the south.

Existing Structures: The four lots contain no structural development.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is abbreviated as follows:

Potentially Significant Impact: An argument can be made, based on the substantial evidence in the file, that an effect may be significant.

Less Than Significant Impact with Mitigation: Incorporation of mitigation measures has reduced an effect from a Potentially Significant Impact to a Less Than Significant Impact.

Less Than Significant Impact: An impact is considered adverse but does not trigger a significance threshold.

No Impact: There is adequate support that the referenced information sources show that the impact does not apply to the subject project.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case and is summarized in the discussion below. The discussion should include reference to the previous documents, a citation of the page(s) where the information is found, and identification of mitigation measures incorporated from the previous documents.

4.1 Aesthetics/Visual Resources

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?			X		
b. Change to the visual character of an area?			X		
c. Glare or night lighting which may affect adjoining areas?		X			
d. Visually incompatible structures?			X		

Setting:

Physical:

The project site is located approximately 0.5 mile southwest of State Highway 154, on the west side of Grand Avenue in Los Olivos Township. It is currently vacant and actively farmed. The lots are visible from Grand Avenue but are not visible from Highway 154. The four lots have been farmed in the past but never developed.

Regulatory:

The County’s Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe, and travel corridors as “especially important” visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas (County Environmental Thresholds, pages 179 and 180). The guidelines address public, not private views.

Impact Discussion:

(a,b,d) The proposed project is located in a low-density urban area on the fringe of the Township of Los Olivos. It is located in a region that contains both agricultural and residential development on the surrounding parcels. No increase in subdivision potential or residential developability would occur as a result of the proposed Lot Line Adjustments. The parcel is open to public view and it is in a visually significant area. No development is proposed as part of these Lot Line Adjustments. However, future development would be anticipated to be residential and agricultural and would not require excessive grading for site preparation. The construction of low-density residential and agricultural structures would be visually compatible with existing surrounding development.

Future development on the adjusted parcels could impact visual resources, however existing County policies applicable to this project would ensure visual compatibility with the surrounding area and hence, the impact would be **less than significant**.

(c) New residences or structures that could result from the proposed project may include porch and patio lighting and lights along the driveway or directed toward outdoor walking areas. Lighting would have the potential to escape the site and impact traffic on State Route 154. Therefore, impacts would be **less than significant with mitigation** requiring all outdoor lighting to be hooded and directed downward in order to keep outside lighting on site.

Mitigation and Residual Impact: With the inclusion of the following mitigation measure, impacts to aesthetics/visual resources would be less than significant. Residual impacts would be **less than significant**.

1. **Lighting.** All exterior night lighting installed on the project site shall be of low intensity, low glare design and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements/Timing:** Prior to issuance of a Land Use/Zoning Clearance, the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Building Plans to be reviewed and approved by P&D.

MONITORING: P&D will review the Building Plans for compliance with this measure prior to approval of a Land Use/Zoning Clearance for structures. Permit Compliance will inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Plans.

Cumulative Impact: The subject Lot Line Adjustment is separated from the lots associated with 05LLA-00000-00015 by two intervening lots, both of which are currently vacant. In total, the portions of the Montanaro property involved in the two separate proposed projects consist of seven legal lots, each of which could be developed under existing zoning requirements. The proposed Lot Line Adjustments would reconfigure lot lines between seven of these parcels with no resultant increase in future development potential. While the number of residences which could be developed would not increase, the Lot Line Adjustment would reconfigure the northern four parcels in a manner which results in four parcels of equal size and configuration, precluding potential clustering of the primary single family dwelling for each parcel (See Attachments 3 and 4 for changes in parcel configuration). In both the existing and proposed scenarios, the potential adverse impacts to Aesthetics/Visual Resources would remain essentially the same; future development could be clustered along shared property lines, or distributed across the property at maximum intervals. Therefore, cumulative impacts would be **less than significant**.

Possible future development would be similar in nature to the development discussed in (a, b, d) above and would be reduced to less than significant by the inclusion of Mitigation Measure No. 1.

4.2 Agricultural Resources

Will the proposal:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?			X		
b. An effect upon any unique or other farmland of State or Local Importance?			X		

Setting:

Physical:

The subject lots are contained in a nearly 27 acre property commonly known as the Montanaro property and contiguously owned by the applicant. With the exception of the soils in Alamo Pintado Creek, which are considered Gullied Lands, the soil underlying the entirety of the Montanaro property is Salinas silty clay loam 0-2 percent slopes (SdA). This is considered to be Class I prime soil, and is viewed as highly valuable in Santa Barbara County.

Due to parcel size and soil characteristics, neither the lots involved in the LLA nor the property as a whole are eligible for an agricultural preserve contract. The Department of Conservation's important Farmland Mapping Program (FMMP) data set from 2000 classifies both project site areas with SdA soils as prime if irrigated. The Environmental Resource Management Element (ERME) Factor maps label the majority of the property as prime farmland.

Soils underlying the lots involved in the proposed project are highly productive and are in active agricultural production. The soils underlying the lots involved in 05LLA-00000-00015 are highly productive but are not actively farmed, with exception of portions of 05-CC-114.

Although the parcel and immediate surrounding area to east and west are zoned residential, and parcels to the south are zoned residential and agricultural, the parcels immediately surrounding the project site may be more accurately described as functioning as residential ranchettes. The County Land Use and Development Code states that "residential ranchettes" include inner rural areas where low density residential and agricultural uses can be located. Many of these parcels are generally developed with residential and accessory structures, while some of these parcels maintain secondary agricultural activity such as pasture and grazing for low numbers of livestock. The Township of Los Olivos is located to the east and northeast of the project site. The parcel to the south currently houses the commercial farm buildings associated with the farming operation and is part of the project site involved in 05LLA-00000-00015.

Regulatory:

County Thresholds Manual: Agricultural lands play a critical economic and environmental role in Santa Barbara County. Sustaining agricultural land not only protects open space but maintains the rural lifestyle prevalent in the County. Because of the key economic role and public benefits provided by agricultural lands, the County has recognized the need to preserve these lands and discourage non-agricultural uses on these lands through the CEQA Thresholds and Guidelines as well as the Agricultural Element of the Comprehensive Plan.

The County Agricultural Resource Guidelines (Approved: Board of Supervisors, August 1993) provide two methods of determining whether a proposed land division may result in a significant adverse effect on agricultural resources. In addition, the thresholds provide a point system which is used to evaluate the existing and proposed reconfigured lots for agricultural capability, based on review of parcel size, soil classification, water availability, agricultural suitability, existing and historic land use, Comprehensive Plan designation, adjacent land use, and agricultural preserve potential. Where a parcel scores 60 points or more, division of that parcel is considered a potentially significant impact, and requires additional analysis, unless the resultant parcel would also score 60 points or more.

The significance determination is based on a comparison of the existing and proposed reconfigured lots' ability to sustain independently productive and suitable agricultural operations.

COUNTY THRESHOLDS MANUAL POINT SYSTEM CALCULATION

Calculation methodology

The County's Agricultural Resources Guidelines utilize a weighted point system to serve as a preliminary screening tool. This tool assists planners in identifying whether a previously viable agricultural parcel could potentially be subdivided into parcels that are not considered viable after division. Any identification of a project's contribution to the loss or impairment of agricultural resources would indicate a potentially significant impact. The Point System is not intended to measure the productive ability of an existing and/or proposed parcel(s) but simply measures the potential reduction, or absence of reduction, of agricultural suitability of a proposed parcel compared to the existing parcel. The tool compares availability of resources and prevalent uses that benefit agricultural potential but does not quantify a parcel's actual agricultural production.

Initial Studies utilize this Point System in conjunction with other thresholds identified in the County Thresholds Manual and is not intended to be the sole criterion. The Point System assigns values to nine particular characteristics of agricultural productivity of a site: parcel size, soil classification, water availability, agricultural suitability, existing and historic land use, Comprehensive Plan designation, adjacent land uses, agricultural preserve potential, and combined farming operations. If the tabulated points total 60 or more, that parcel is considered agriculturally suitable for the purposes of analysis. The project would be considered to have a potentially significant impact if the division of land of the parent parcel would result in parcels that did not either score over 60 in themselves or resulted in a score with a significantly lower score than the parent parcel. Any loss or

w/ adequate support available: 7-8 points								
Agricultural Preserve Potential • Cannot qualify: 0 points	0	0	0	0	0	0	0	0
Combined Farming Operations • Provides a small/important component of a combined farming operation	2	2	2	2	2	2	2	2
TOTAL	50	51	50	51	56	51	49	51

Following is an analysis of the assigned points shown in Table 1.

Parcel Size (0-4 points on existing and proposed reconfigured Lots 1, 2, 4 and proposed parcel 3; 7 points for existing parcel 3): Existing parcels 1, 2 and 4 are 1.1, 0.79 and 0.53 acres respectively, affording scores in the 0-1 range. These parcels sizes will increase in size as a result of the Lot Line Adjustment; however at 3.24, 3.24 and 3.25 acres they are still less than five acres and have a score of 2 points. Existing parcel 3 receives a higher score of 7 due to its size (10.55 acres) but receives a score of 2 as it is decreased in size to 3.25 acres.

Soil Classification (15 points all parcels): Virtually all of the proposed project area is underlain by Class I soils. Therefore all lots receive a score of 15 points.

Water Availability (12 points for all): The parcel is served by the Santa Ynez Water Conservation District. While adequate water would mostly likely be available the cost may prove to render sustainability impractical.

Agricultural Suitability (8 points for all): Staff assigned an average of 8 points to the existing parcel because although it is underlain almost entirely by Class I soils there is substantial development on much of the parcel that limits its sustainable use. And although proposed parcel 2 is currently vacant its size would limit agricultural activity.

Existing and Historic Land Use (5 points for all). The entire parcel is currently in active agricultural production.

Comprehensive Plan Designation (0 points for all): The project site is zoned 1-E-1 in the Comprehensive Plan, affording it a score of 0 points.

Adjacent Land Uses, existing (7 points for all): The majority of the parcels surrounding the project site are developed with residential structures, however some parcels are also developed with residential and/or agricultural accessory structures on which agricultural activities could occur as secondary activities.

Agricultural Preserve Potential (0 points for all): The existing parcels, and therefore proposed reconfigured lots, would not qualify for an agricultural preserve contract due to parcel size and soil type.

Combined Farming Operations (2 points for all): The project site currently serves as a part of the combined farming operation.

The proposed 05LLA-00000-00015 project site was calculated to have scores of 47 - 48 points for all existing parcels/proposed reconfigured lots. Therefore, neither the currently configured lots nor proposed reconfigured lots are considered to be capable of sustaining an independent and productive agricultural operation. **Impacts to Agricultural Resources from 05LLA-00000-00016 would be less than significant.**

Cumulative Impact: The subject Lot Line Adjustment is separated from the lots associated with 05LLA-00000-00015 by two intervening lots, both of which are currently vacant. In total, the portions of the Montanaro property involved in the two separate proposed projects consist of seven legal lots, each of which could be developed under existing zoning requirements. The proposed Lot Line Adjustments would reconfigure lot lines between seven of these parcels with no resultant increase in future development potential. Currently there is a viable agricultural operation on the Montanaro Farm. However, based on the County Thresholds weighted point system calculation shown in Tables 2 and 3 and associated analyses shown below, the combined project area for 05LLA-00000-00015 and -000016 was calculated to have a score of 57 points. Using the weighted point system, a score of 60 points or more identifies a parcel as a potentially independent agriculturally viable unit. Therefore, neither the current configuration of parcels (although arguably close to a minimum score) nor any proposed parcel is considered to be capable of sustaining an independent and productive agricultural operation. Cumulative impacts to Agricultural Resources would be **less than significant.**

Table 2 – Weighted Point System for Herthel Lot Line Adjustment 05LLA-00000-00015

Agricultural Suitability and Productivity	Parcel 1	Proposed Parcel 1	Parcel 2	Proposed Parcel 2	Parcel 3	Proposed Parcel 3
Parcel size • less than 5 acres	2	2	2	1	3	3
Soil classification • Class I	15	15	15	15	15	15
Water availability • Adequate supply: 12-15 points	12	12	12	12	12	12
Agricultural Suitability • Highly suitable for crops: 8-10 points	8	8	8	8	8	8

Existing and Historic Land Use <ul style="list-style-type: none"> Substantial urban or agricultural industrial development on site 0 Vacant land 1-3 	2	2	3	3	2	2
Comprehensive Plan Designation <ul style="list-style-type: none"> Residential 5 acres or less, Commercial Industrial, Community Facility 0 	0	0	0	0	0	0
Adjacent Land Uses <ul style="list-style-type: none"> Partially surrounded by ag. operations w/ adequate support available: 7-8 points 	7	7	7	7	7	7
Agricultural Preserve Potential <ul style="list-style-type: none"> Cannot qualify: 0 points 	0	0	0	0	0	0
Combined Farming Operations <ul style="list-style-type: none"> No combined ops.: 0 points 	1	1	1	1	1	1
TOTAL	47	47	48	47	48	48

Following is an analysis of the assigned points in Table 2.

Parcel Size (1-3 points for all existing lots and proposed reconfigured lots): All existing parcels are less than five acres and while the sizes of proposed reconfigured Lots 1 and 3 would be slightly increased and the size of proposed parcel two reduced because of the restrictions already placed on sustainability of farming parcels of five acres or fewer these changes do not afford a substantial alteration in the score received.

Soil Classification (15 points all parcels): Virtually the entire existing parcel is underlain by Class I soils. Therefore, all parcels receive a score of 15 points.

Water Availability (12 points for all): The parcel is served by the Santa Ynez Water Conservation District. While adequate water would mostly likely be available, the cost may render sustainability impractical.

Agricultural Suitability (8 points for all): Staff assigned an 8 points to the existing parcel because although it is underlain almost entirely by Class I soils there is substantial development on much of the parcel that limits its sustainable use. Further, although proposed parcel 2 is currently vacant, its size would limit agricultural activity.

Existing and Historic Land Use (Parcels 1 and 3: 2 points, Parcel 2: 2 points): Parcels 1 and 3 contain development in the form of residences or agricultural buildings, affording them a score of 2 points. Parcel 2 is vacant, affording it a score of 3 points

Comprehensive Plan Designation (0 points for all): The project site is zoned 1-E-1 in the Comprehensive Plan, affording it a score of 0 points.

Adjacent Land Uses, existing (7 points for all): The majority of the parcels surrounding the project site are developed with residential structures, however some parcels are also developed with residential and/or agricultural accessory structures on which agricultural activities could occur as secondary activities.

Agricultural Preserve Potential (0 points for all): The existing parcel, and therefore proposed reconfigured parcel, would not qualify for an agricultural preserve contract due to parcel size and soil type.

Combined Farming Operations (1 point for all): The project site currently functions as the commercial portion of a combined farming operation.

Table 3 – Weighted Point System for Cumulative 05LLA-00000-00015/05LLA-0000-00016

Agricultural Suitability and Productivity	Current 7 Combined Lots
Parcel size <ul style="list-style-type: none"> 10 acres to less than 40 acres: 7-8 points 	8
Soil classification <ul style="list-style-type: none"> Class I: 12-15 points 	15
Water availability <ul style="list-style-type: none"> Adequate supply: 12-15 points 	12
Agricultural Suitability Highly suitable for crops: 8-10 points	8
Existing and Historic Land Use <ul style="list-style-type: none"> In active agricultural production: 5 points 	5
Comprehensive Plan Designation <ul style="list-style-type: none"> Residential 5 acres or less, Commercial Industrial, Community Facility: 0 points 	0
Adjacent Land Uses <ul style="list-style-type: none"> Partially surrounded by ag. operations w/ adequate support available: 7-8 points 	7
Agricultural Preserve Potential <ul style="list-style-type: none"> Cannot qualify: 0 points 	0
Combined Farming Operations <ul style="list-style-type: none"> Provides a small (1) /important (3) component of a combined farming operation 	2
TOTAL	57

4.3 Air Quality

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?			X		
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?			X		

Setting:

Physical:

The proposed project site is located within the South Coast air basin, a federal and state non-attainment area for ozone (O₃) and a state non-attainment area for particulate matter (PM₁₀), Reactive organic compounds (ROC) and nitrogen oxides (NO_x), which are precursors to ozone, are considered to be non-attainment pollutants. The major sources of ozone precursor emissions in the County are motor vehicles, the petroleum industry and solvent use. Sources of PM₁₀ also include grading, road dust and vehicle exhaust.

Regulatory:

The County Air Pollution Control District (APCD) is responsible for regulating stationary emission sources in the region and has established guidelines for the scope and content of the air quality analysis in CEQA documents. The County-adopted threshold of significance for operational emissions is 25 pounds per day for NO_x or ROC from motor vehicle trips only. No significance thresholds have been established for short-term construction related emissions. The Urbemis 2007 Air Emissions from Land Development modeling system is used to estimate emissions from traffic, area sources, and construction associated with a land use project to determine whether a project would exceed these County thresholds.

Impact Discussion:

(a) The proposed Lot Line Adjustment would not result in an increase in subdivision or residential development potential on site. Potential future development could result in short term air quality impacts due to construction activities such as emissions from construction equipment and dust generation. The project would be conditioned to mitigate such impacts by standard conditions in order to keep short-term air quality impacts **less than significant**.

In the long term, additional traffic, dust, and emissions associated with residential and accessory development could be generated. However, the proposed Lot Line Adjustment would not result in an increase in current development potential. Thus the long-term air quality impacts associated with new vehicular emissions would be adverse, but **less than significant**.

Existing agricultural operations have associated emissions (dust, internal combustion engines). However, these emissions are not a new impact and are not anticipated to increase as a result of this project. Emissions from existing agricultural operations are addressed by the County's Right to Farm Ordinance which guarantees that existing farming operations are protected against nuisance complaints by those who have moved into the neighborhood so long as the agricultural operation has been established for at least three years and it conducts activities in a manner consistent with accepted customs and standards.

(b) Minimal to no increase in the generation of objectionable smoke, ash, or odor would be expected to occur as a result of this project. Impacts would be **less than significant**.

(c) Grading for future building pads on proposed reconfigured lots would have the potential to create short-term dust generation. Adherence to the Air Pollution Control District's standard dust mitigation measures would ensure **less than significant** impacts to short-term dust generation. Standard dust mitigation measures include utilization of water trucks to minimize dust disturbance, regulations regarding the stockpiling and/or transport of fill material, and designation of a contact person to act as dust control monitor.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative Impact: The subject Lot Line Adjustment is separated from the lots associated with 05LLA-00000-00015 by two intervening lots, both of which are currently vacant. In total, the portions of the Montanaro property involved in the two separate proposed projects consist of seven legal lots, each of which could be developed under existing zoning requirements. The proposed Lot Line Adjustments would reconfigure lot lines between seven of these parcels with no resultant increase in future development potential. While the number of residences which could be developed would not increase, the Lot Line Adjustment would reconfigure the northern four parcels in a manner which results in four parcels of equal size and configuration, precluding potential clustering of the primary single family dwelling for each parcel (See Figures 1-3 for changes in parcel configurations). In both the existing and proposed scenarios, the potential adverse impacts to air quality resources would remain essentially the same; future development could be clustered

along shared property lines, or distributed across the property at maximum intervals. Therefore, cumulative impacts would be **less than significant**.

4.4 Biological Resources

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?			X		
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?			X		
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?			X		
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?			X		
e. The loss of healthy native specimen trees?			X		
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?			X		
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?			X		
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?			X		
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?			X		
k. Introduction of any factors (light,		X			

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?					

Setting

Physical:

Existing Plant and Animal Communities and Biological Site Conditions:

The general area of the project is characterized by flat terrain with approximately 20 percent of the land associated with Alamo Pintado Creek along the western boundaries of the four lots. Vegetative communities consist of cultivated land (approximately 80 percent) and riparian vegetation and native trees in the area along the creek bank and bed. The project area is located approximately 0.5 mi south of the Hwy 154/Grand Avenue intersection in the Rancho San Carlos de Jonata area, within the watershed of the Santa Ynez River.

Fauna: The fauna inhabiting the project site are typical for the Santa Ynez Valley and may include small mammals such as raccoons, fox, coyote, deer, and skunk, and common birds and raptors. No known threatened or endangered plant or animal species are known to exist on the project site.

Flora: The site contains cultivated alfalfa (approximately 20 percent), woodlands associated with gullied land and riparian vegetation along the creek bank.

Regulatory:

The County Thresholds contain guidelines for assessing impacts on biological resources. However there are no precise standards for determining levels of significance, and they are assessed on a case-by-case basis. Because of the complexity of biological resource issues, substantial variation can occur among various projects. The Thresholds require both an evaluation of the plant and animal species and habitats on the project site and an evaluation of project impacts according to a series of assessment factors listed in the Thresholds. According to those Thresholds, disturbances to habitats or species are considered to be significant if they substantially impact significant resources in any of the following ways:

1. Conflict with adopted environmental plans and goals of the community where it is located.
2. Substantially affect a rare or endangered species of animal, plant, or the habitat of the species.

3. Interfere substantially with the movement of any resident or migratory fish or wildlife species.
4. Substantially diminish habitat for fish, wildlife, or plants.

Impact Discussion:

(a-c) The proposed Lot Line Adjustment would not result in the creation of any additional lots and would not increase the potential for an added residential development. The present site contains no structures and is used solely for agricultural activities. No unique or rare plants species or brush are present on either site. A limited amount of native and non-native vegetation removal considered of habitat value is possible in association with future development, but would not occur as a direct result of either proposed Lot Line Adjustment.

Vegetation removal for Fire Department clearance requirements (100-foot fuel management zone around structures), structural development or access could cause an adverse impact to habitat. However, minimization of grading and preservation of natural features such as trees, as required per the County's Comprehensive Plan, Land Use Element, Hillside and Watershed Protection Policies 1 and 2, would reduce such impacts to **less than significant**.

(f) Future residential development has the potential of introducing additional non-point source pollutants into the surrounding habitat from construction activities and residentially-related runoff. However the addition of four single family dwellings and associated accessory structures would not be considered to cause a significant change to the existing habitat on the proposed reconfigured parcels. Hence impacts would be considered **less than significant**.

(g-j) No rare, threatened, or endangered faunal species are known to inhabit or utilize the subject property. A limited amount of native and non-native vegetation removal considered of habitat value is possible in association with future development, but would not occur as a result of either proposed Lot Line Adjustment. Therefore, any associated impacts to faunal species would be **less than significant**.

(k) Intensification of residential use on the project site, including the addition of outdoor patio lighting, landscaping, fire clearing, etc., could cause a hindrance to wildlife migrating through or foraging on the project site. Adherence to Mitigation Measure No. 1, identified in the Visual Resource Section, would reduce this impact to less than significant levels, as outdoor lighting would be minimized to reduce impacts to nocturnal animal migration. Any exterior night lighting installed on the project site would be of low intensity, low glare design, and would be hooded to direct light downward onto the subject parcel to prevent spillover onto adjacent parcels. Therefore, these impacts would be **less than significant with mitigation**.

Mitigation and Residual Impact:

The following mitigation measure would reduce impacts to biological resources to a **less than significant** level:

Lighting. Adherence to Mitigation Measure No. 1, identified in the Aesthetic/Visual Resource Section, would reduce this impact to less than significant levels, as outdoor lighting would be minimized to reduce impacts to nocturnal animal migration. Any exterior night lighting installed on the project site would be of low intensity, low glare design, and would be hooded to direct light downward onto the subject parcel, to prevent spill-over onto adjacent parcels. With implementation of this mitigation measure, residual project specific impacts to biological resources would be **less than significant**.

Cumulative Impact: The subject Lot Line Adjustment is separated from the lots associated with 05LLA-00000-00015 by two intervening lots, both of which are currently vacant. In total, the portions of the Montanaro property involved in the two separate proposed projects consist of seven legal lots, each of which could be developed under existing zoning requirements. The proposed Lot Line Adjustments would reconfigure lot lines between seven of these parcels with no resultant increase in future development potential. While the number of residences which could be developed would not increase, the Lot Line Adjustment would reconfigure the northern four parcels in a manner which results in four parcels of equal size and configuration, precluding potential clustering of the primary single family dwelling for each parcel (See Figures 1-3 for changes in parcel configuration). In both the existing and proposed scenarios, the potential adverse impacts to Biological Resources would remain essentially the same; future development could be clustered along shared property lines, or distributed across the property at maximum intervals. Therefore, cumulative impacts to Biological Resources would be **less than significant**.

4.5 Cultural Resources

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site?			X		
a. Disruption or removal of human remains?			X		
b. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?			X		
c. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?		X			

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?		X			
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?			X		
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?			X		

Setting:

Physical:

In prehistoric and proto-historic times, the Santa Ynez Valley was densely populated by the Chumash. A number of archeological sites are located in the Los Olivos area. The results of a Phase 1 Archaeological Survey conducted for the proposed project (Carbone, 2007a) indicate that a prehistoric Chumash cemetery, CA-SBA-188, is located on a parcel immediately adjacent to the lots involved in 05LLA-00000-00016. The Phase 1 study did not identify any prehistoric remains on the surface of the Montanaro property. However, the location of the village site presumed associated with this cemetery has not been identified. Further, because of the location of the cemetery and the proposed Lot Line Adjustment along Alamo Pintado Creek, an area subject to rapid alluviation, undiscovered cultural remains may be present beneath the plow zone.

Regulatory:

The County's Cultural Resources Guidelines, in the Environmental Thresholds and Guidelines Manual provides, in part, for the following:

As part of the environmental review process, archaeological site maps are reviewed to determine if a recorded cultural resource is located within the project site or whether there is a high potential for its presence onsite based on recorded site distribution patterns or historical accounts. If this determination is positive and the project site is not developed, a Phase 1 archaeological investigation including a systematic inspection of the ground surface is carried out by Planning and Development staff or a County-approved professional archaeologist, and sub-surface testing to define the presence of archaeological artifacts or site boundaries when vegetation obscures ground visibility. If historical remains are suspected, a professional historian is retained to more fully evaluate the resource. The Phase 1 investigation and report must follow the specifications defined in the *County of Santa Barbara Resource Management Department Regulations Governing*

Cultural Resource Projects Undertaken in Conformance with the California Environmental Quality Act and Related Laws: Cultural Resource Guidelines (1986, Revised January, 1993).

In addition, Article 5, Section 15064.5 of CEQA provides for an archaeological evaluation of unexpected finds during construction. Construction shall cease in the area of the find but may continue on other parts of the building site while evaluation and necessary mitigation takes place. If the find is determined to be an important archaeological resource under CEQA, contingency funding and a time allotment sufficient to allow recovering a data recovery sample or to apply one of the avoidance measures shall be implemented.

Impact Discussion:

(a-g) The proposed project would not result in an increase in the development potential of the subject lots. The general vicinity of the site is considered to be sensitive for archaeological resources based on the historic settlement patterns of the Chumash people, and the identification of a prehistoric cemetery on an adjacent parcel. The Phase 1 Surface Survey conducted for the proposed project did not identify surficial cultural remains. However, based on the proximity of a prehistoric cemetery, the absence of data regarding its associated village, and the project's location in an area of alluvial deposition previously undiscovered cultural resources may be present beneath the plow zone. If so, future development would result in a potentially significant adverse impact. For this reason the Phase 1 Study recommends completion of an extended Phase 1 (subsurface) survey, to include subsurface testing of proposed areas of development, prior to any future development on the Montanaro property. Thus, a mitigation measure requiring Extended Phase 1 testing prior to any ground disturbance on the property would reduce the impact on such resources to **less than significant with mitigation**.

Mitigation and Residual Impact:

The following mitigation measure would reduce impacts to cultural resources to a **less than significant** level.

- 2. Extended Phase 1 Study (Subsurface Testing).** All ground-disturbance for the purpose of fencing, structures, driveways, septic systems, underground utilities, and similar purposes shall be subject to an Extended Phase 1 archaeological survey pursuant to County Archaeological Guidelines and if required, Phase 2 and Phase 3 studies shall be performed if significant resources are encountered and potential impacts are unavoidable. All work shall be funded by the applicant. **Timing:** The Extended Phase 1 and any subsequently required cultural resources work shall be completed prior to approval of Land Use Permits or Zoning Clearances.

MONITORING: Planning and Development shall confirm completion of the Extended Phase 1 Study and the satisfaction of any requirements therein.

Upon adoption of this mitigation measure, residual impacts would be **less than significant**.

Cumulative impact: A Phase 1 Study was also completed for the parcels associated with 05LLA-00000-00015 (Carbone 2007b). The Phase 1 surface survey did not identify significant surficial cultural remains. However, based on the same factors described above, previously

undiscovered cultural resources may be present beneath the plow zone. If so, future development would result in a potentially significant adverse impact. If approved, 05LLA-00000-00015 will incorporate the mitigation measure requiring Extended Phase 1 testing prior to any ground disturbance on the property. This, combined with the same measure required for 05LLA-00000-00016, would reduce the cumulative impact on such resources to **less than significant with mitigation**.

4.6 Energy

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?			X		
b. Requirement for the development or extension of new sources of energy?			X		

Setting:

Physical: The four subject parcels are currently farmed and contain no structural development.

Impact Discussion:

(a, b) The proposed project would not result in the creation of any additional parcels but the potential to develop a new single-family dwelling and related accessory structures does exist on each currently undeveloped legal parcel. The project would not require the development or extension of new energy sources. Existing energy sources would have sufficient capacity to serve the project. The County has no adopted thresholds for assessing the potential impact significance of permitting new development which would impose additional demand on the grid. The additional demand represented by this project could be considered incremental but not significant. **Impacts would be less than significant.**

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

It is recommended that applicant for future development on these lots take advantage of a voluntary, no-cost program in Santa Barbara County, the Innovative Building Review Program (IBRP), to promote energy-efficient building design. Benefits include an expedited building plan-check, a reduction in the energy plan-check fee by 50 percent, a reduction in utility bills and a potential increase in the market value of the project.

Cumulative impact: Existing development on the lots associated with 05LLA-00000-00015 consists of a 2,008 sq ft single family residence located on existing Parcel 3, a 4,950 sq ft commercial building located on existing Parcels 1 and 2, a 5,830 sq ft barn located on existing Parcels 1 and 3 and a 692 sq ft shed located on existing Parcel 3. After the reconfiguration of the three lots, Proposed Adjusted Parcel 2 would have no structural development. The additional

demand represented by the combined projects could be considered incremental but not significant. **Impacts would be less than significant.**

4.7 Fire Protection

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area?					
b. Project-caused high fire hazard?			X		
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?			X		
d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?			X		
e. Development of structures beyond safe Fire Dept. response time?			X		

Setting:

Physical:

The project site, as is much of the Santa Ynez Valley, is located within a designated high fire hazard area. The parcels are located in an urban area and are currently being actively farmed; no development is proposed as part of this project. The project site is served by the Santa Barbara County Fire Department, Station 32, located on Airport Road in Santa Ynez, approximately 2 miles from the project site. Fire vehicle access would continue to access the lots from State Route 154 and Grand Avenue. The emergency response time from this station to the project site is estimated to be 4-5 minutes, an acceptable response time.

Regulatory:

Standard Santa Barbara County Fire Department requirements for residential development in designated High Fire Hazard areas are applicable to this property.

Impact Discussion:

(a-e) Standard requirements for fire prevention in residential development within designated high fire hazard areas would be required by the Building and Safety Division. The Fire Department has reviewed the proposed project and determined that one additional fire hydrant would be required between proposed reconfigured Lots 1 and 2. Adherence to this and standard conditions would ensure that impacts would be **less than significant.**

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative impact: The parcels involved in 05LLA-00000-00015 are currently developed with residential structures and ancillary units in an urban fringe area designated as a High Fire Hazard area by the County Fire Department. Fire response services for both sites would continue to be provided by County Fire Station 32, located on Airport Road in Santa Ynez, approximately two miles from the project site. **Impacts would be less than significant.**

1.8 Geologic Processes

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			X		
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?			X		
c. Permanent changes in topography?				X	
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?			X		
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?			X		
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?			X		
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?				X	
j. Sand or gravel removal or loss of topsoil?			X		

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?			X		
l. Excessive spoils, tailings or overburden?			X		

Setting:

Physical:

The subject parcels are underlain by four geologic units: Quaternary Alluvium (Qa), Paso Robles Formation (QTp), Careaga Formation (Tca) and Sisquoc Formation (Tsq).

Quaternary Alluvium is composed of stream-deposited sand, silt, and clay that fills the floor of Canada de la Laguna. Much of the area underlain by Alluvium is identified in the SCS Soil Survey as having prime agricultural soils (EnA2). The Careaga Formation is comprised primarily of sandy marine deposits that weather to a very sandy soil (Ar). This unit underlies most of the parcel outside of the valley floor and is subject to severe erosion. Diatomaceous shales of the Sisquoc Formation crop out at the northern end of the property on both sides of the valley. A small area at the southeastern corner of the property is underlain by interbedded gravels, sands, and clay of the Paso Robles Formation.

Slope characteristics are typical east-west trending ridgelines with the southern and northern portions of the property forming steeper ridges and hilltops and the central portion of the property composed of flatter grassland savannas. One fully formed ephemeral channel running approximately north-south dominates the lower portion of the property demarcating the change in physiographic character.

Regulatory:

The Santa Barbara County Code, Chapter 14 Grading Ordinance (June 2003) is the governing document adopted by the Board of Supervisors, which contains the minimum standards and procedures necessary to protect and preserve life, limb, health, property, and public welfare. It also addresses compliance with the National Pollutant Discharge Elimination System Phase II storm water regulations and sets forth local storm water requirements for the disturbance of less than 1 acre, to avoid pollution of water courses with sediments or other pollutants generated on or caused by surface runoff on or across the construction site.

The Seismic Safety and Safety Element describes and qualitatively addresses geological constraints.

In addition, regulations regarding wastewater treatment are governed by regulations inclusive of the Regional Water Quality Control Board's Basin Plan Prohibitions, the California Plumbing Code, the County Code Septic System Ordinance (Article II of Chapter 29, 29-6 through 29-14), and Administrative Practices of Environmental Health Services.

Impact Discussion:

The proposed Lot Line Adjustment would create four approximately uniform parcels, each with street front access, from four irregularly shaped lots, three of which are landlocked.

(a) The Seismic Safety and Safety Element identifies the site as having a low risk for liquefaction, slope stability/landslides, soil creep, compressible-collapsible soils, and high groundwater and a moderate risk for expansive soils. In addition, as necessary, soils reports will be required by the Building and Safety Division to ensure proper building techniques are implemented. Potential impacts are considered **less than significant**.

(b, e, f) While grading associated with potential new residential development is not expected to result in unstable cut or fill slopes, site preparation for future development would expose soils to wind and/or water erosion and could lead to the disruption/displacement/compaction of the soil by cuts, fills, or extensive grading. Changes in deposition, erosion, or siltation which may modify the channel of a river or stream have the potential to occur with prospective residential development. Potentially adverse significant impacts could occur if soils were exposed for an extended period of time or if the site is graded during the rainy season.

Adherence to County Grading Ordinance including observance of existing Construction Site Pollution Control Best Management Practices (as defined in the Grading Ordinance, Chapter 14, page 6) as well as standard Building & Safety division requirements for post-grading soil retention and erosion control measures would ensure impacts remain less than significant.

With inclusion of these Building & Safety Division requirements, impacts would be **less than significant**.

These requirements include the following:

- a. Methods such as geotextile fabrics, erosion control blankets, retention basins, drainage diversion structures, siltation basins and spot grading shall be used to reduce erosion and siltation into adjacent water bodies or storm drains during grading and construction activities.
- b. All entrances/exits to the construction site shall be stabilized (e.g. using rumble-plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- c. Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.

- d. Graded areas shall be revegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- e. A detailed geological and/or soils engineering study addressing structure sites and the access road shall be prepared to determine structural design criteria, as recommended by the Planning and Development Building & Safety Division. The study shall be submitted for review and approval by Public Works.

(g) The Regional Water Quality Control Board Basin Plan, enforced by Environmental Health Services (EHS) under its permit authority over private sewage disposal systems, requires adequate soil conditions for septic system suitability. The project will require EHS approval of any new septic systems or upgrades to existing systems. Impacts due to placement of septic systems in impermeable soils with severe constraints to disposal of liquid effluent are considered to be **less than significant**.

(c, d, h-j) The proposed project would not involve: 1) the extraction of mineral or ore; 2) the destruction/covering/modification of any unique geologic, paleontologic or physical features; 3) grading on slopes in excess of 20%; or 4) significant changes to natural topography. As the aforementioned items are not part of the proposed project, **no impact is anticipated**. The removal of sand, gravel or topsoil is expected to occur in some locations on the project site. However, implementation of existing County policies including the Comprehensive Plan, Land Use Element, Hillside and Watershed Protection Policies 1 and 2 would reduce potential impacts to **less than significant**.

(k) Vibrations associated with the proposed project from short-term construction or long-term operation would be **less than significant**. The construction hours would be limited due to noise concerns (see Section 4.12 Noise below). The potential does not exist for excessive vibrations from grading or construction activities due to the proximity of the site to noise sensitive receptors and the fact that standard grading and building techniques will be used during construction.

Mitigation and Residual Impact: No mitigation is required since adherence to standard Building & Safety Division requirements placed on the grading and drainage and erosion control plans, as implemented through Chapter 14 (Grading Ordinance) of the County Code, would ensure that impacts from the project would be less than significant. Residual impacts would be **less than significant**.

Cumulative impact: Both projects are located in the same geologic area and impacts would be similar for both projects; therefore cumulative impacts would be **less than significant**.

4.9 Hazardous Materials/Risk of Upset

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	No Impact.	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?			X		
b. The use, storage or distribution of hazardous or toxic materials?			X		
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?			X		
d. Possible interference with an emergency response plan or an emergency evacuation plan?			X		
e. The creation of a potential public health hazard?			X		
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?			X		
g. Exposure to hazards from oil or gas pipelines or oil well facilities?			X		
h. The contamination of a public water supply?			X		

Impact Discussion:

(a-h) The known history of the property indicates that the site has not been used for storage or discharge of any hazardous materials. The proposed land division would create the potential for development of four residences and accessory and/or agricultural structures, which would not interfere with any known emergency response or evacuation plans. The proposed project and future residential and agricultural development would not create public health or safety hazards, and there are no oil or gas pipelines or well facilities on site or nearby that could be exposed through the proposed project. The proposed project and potential future development would not require the use or storage of significant amounts of hazardous materials, but the public water supply could be impacted by the use of hazardous construction materials.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative impact: The known history of both properties indicates that the sites have not been used for storage or discharge of any hazardous materials. Therefore, cumulative impacts would be **less than significant**.

4.10 Historic Resources

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?			X		
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?			X		

Impact Discussion:

(a, b) The property is currently devoid of structures. Therefore, no historic structures would be physically or aesthetically affected by the proposed Lot Line Adjustment.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative impact: The subject lots are the northern four of nine parcels collectively and commonly known as the Montanaro Farm (Figures 1 and 3). Cumulatively, the Montanaro Farm lots are part of the historic context of the existing Montanaro residence and associated structures (a meat packing house and a commercial building formerly known as the Los Olivos Market). These buildings are greater than 50 years of age and were evaluated for historic significance in association with a separate permit application. The results of the evaluation are not currently available.

The Montanaro Farm includes the lots immediately south of the subject parcels as well as the lots involved in 05LLA-00000-00015. Lot Line Adjustment 05LLA-00000-00015 is currently under appeal. If approved, it would result in lot lines 45 feet north, and 105 feet east, of the existing residence. Placement of the residence is such that it conforms to the setback requirements of either pre-or post-LLA configuration.

Approval of 05LLA-00015 and -00016 would not result in the creation of additional parcels. Also, the proposed Lot Line Adjustments would not increase or decrease the potential for future residential development on currently undeveloped lots. Finally, the Lot Line Adjustments do not propose to remove or alter any existing structures.

In general, changes to the context of an historic property may affect its significance, and thus cause an impact. In this particular case, no changes are proposed to either the structures or the context of

the Farm. Thus, cumulative impacts to historic resources from the proposed Lot Line Adjustment would be less than significant.

4.11 Land Use

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding of mitigating an environmental effect?				X	
c. The induction of substantial growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X		
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X		
h. The loss of a substantial amount of open space?			X		

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)			X		
j. Conflicts with adopted airport safety zones?			X		

Setting:

Physical:

Land Use consists of actively farmed alfalfa fields.

Regulatory:

The subject lots are located in the 15-R-1 (Residential 15,000 sq ft minimum parcel size) and 20-R-1 (Residential 20,000 sq ft minimum parcel size) zone districts, and have a Comprehensive Plan designation of RES.3.3 (single family, maximum dwelling units 3.3 per acre.) The property is governed by the regulations of the County Comprehensive Plan and the Land Use and Development Code.

Impact Discussion:

- (a,b)** The proposed lot lines for these four parcels, all zoned 15-R-1 (three of which are land-locked parcels and one which is irregularly shaped), would be reconfigured to create four regularly shaped parcels, each with over 230 feet of frontage on Grand Avenue. The potential uses and development of the project site would be consistent with the surrounding area.
- (c)** The proposed project would not create the potential for any additional single-family residences to be developed on any reconfigured parcel. This development would be consistent with the surrounding population density of the area and would not be considered to be substantial growth.

- (d) The proposed reconfigured lots would be served by individual private septic systems and would be accessed via proposed driveways that would provide access to only those parcels.
- (e-g) The project site is currently vacant; therefore the proposed project would not result in the loss of existing affordable housing or the displacement of dwellings or people. On the contrary, the proposed project would create opportunities to place new dwellings and house additional people.
- (h) The proposed project would not increase the development potential of this parcel. The project site has been historically developed; the project site is not dedicated open space and is privately owned.
- (i) The proposed project would not have a detrimental economic or social effect, but would create an opportunity for economic and social improvements for the current and future property owners.
- (j) The project site is not located within an adopted airport safety zone.

Impacts would be less than significant.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative impact: The proposed project would continue to allow residential and agricultural use of both properties as specified in the Comprehensive Plan and Land Use and Development Code.

4.12 Noise

Will the proposal result in:	Potentially Significant	Less than Significant with Mitigation	Less than Signif.	No Impact	Reviewed Under Previous Document
a. Long-term exposure of people to noise Levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?			X		
b. Short-term exposure of people to noise levels exceeding County thresholds?		X			
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?			X		

Setting:

Physical:

The subject parcels are located in an urban area well beyond any noise generators that exceed the 65-dBA threshold for noise exposure.

Regulatory:

The County Noise Element includes residential uses within its categories of noise-sensitive land uses. County thresholds indicate that significant impacts can occur when (a) short-term construction noise would occur within 1600 feet of residential receptors; (b) noise sensitive uses would be exposed to exterior noise levels of 65 dBA CNEL or greater; (c) the proposed development would generate long-term noise levels in excess of 65 dBA CNEL and affect sensitive receptors; or (d) ambient noise levels of a noise sensitive receptor area would be substantially increased. The Santa Barbara County Environmental Thresholds Manual states the maximum outdoor noise level compatible with residential and other noise-sensitive land uses is 60-65 dBA. The Manual also states that noise from grading and construction activity proposed within 1600 feet of sensitive receptors such as residential development would generally result in a potentially significant impact.

Impact Discussion:

- (a, c) The project is located in a low-density urban area at the fringe of Los Olivos Township. It contains topographic variations, low traffic levels, and agricultural activity. The ambient noise level in the area is low. The proposed project would not increase the development potential of the reconfigured lots over the existing lots. Therefore, the proposed project would not create the opportunity for long-term exposure to increased noise in excess of the ambient noises typically found in low-density residential and agricultural area and impacts from long term exposure or project generated ambient noise would be **less than significant**.
- (b) Future potential development could occur within 1600 feet of existing adjacent residences, resulting in a potentially significant impact. However, adherence to the mitigation measure listed below would reduce noise impacts to a level **less than significant with mitigation**.

Mitigation and Residual Impact: The following mitigation measure would reduce potential impacts to a **less than significant** level:

3. For grading and construction to be located within 1600 feet of an existing residence, construction activity for site preparation and for future residences shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Plan Requirements: A sign stating these restrictions shall be provided by the applicant and posted on site.

Timing: Prior to Land Use Permit issuance for grading or building, the applicant shall post the required sign on site. The sign shall remain throughout grading and construction activities.

MONITORING: Planning and Development Building Inspectors and Permit Compliance shall spot check and respond to complaints.

Cumulative impact: The property involved in 05LLA-00000-00015 is located in an area specified by the Santa Barbara County Noise threshold manual as well beyond any noise generators that exceed the 65-dBA threshold for noise exposure. Adherence to Mitigation Measure No. 3 would insure that residual impacts for both projects were **less than significant**.

4.13 Public Facilities

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?			X		
b. Student generation exceeding school capacity?			X		
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?			X		
d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?			X		
e. The construction of new storm water drainage or water quality control facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		

Setting:

Physical:

The subject parcels are currently vacant of structural development.

Regulatory:

The County's Comprehensive Plan, Land Use Element, Land Use Development Policy 4 states that: "Prior to the issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan."

Impact Discussion:

- (a) The proposed project would not create additional direct development for any of the involved parcels. However, future residential development could occur. Up to four residences could be developed under existing zoning and land use designations. These residences could contribute to the incremental demand for public services, but would not constitute a substantial impact. Existing police and health services could accommodate the added residential use. Therefore, impacts due to increased demand for police or health care services would be **less than significant**.

- (b) The proposed project would be served by the Ballard Elementary School and Santa Ynez Union High School, which are not currently experiencing overcrowding. A significant level of school impacts is generally considered to occur when a project would generate sufficient students to require an additional classroom. This assumes 29 students per elementary/junior high classrooms and 28 students per high school classroom. Student generation rates for single-family residential uses are 0.72 elementary students per dwelling and 0.18 high school students per dwelling. The proposed project would not create additional direct development for any of the involved parcels. However, future residential development could occur. Up to four residences could be developed under existing zoning and land use designations. The project would be expected to send 2.88 elementary and 0.72 high school students on average to the local schools. This would not constitute a significant impact nor create the need for additional facilities, and the school district could accommodate students resulting from this project. Standard construction school fees would be required to offset future incremental impact on school facility needs due to housing construction. Fees would be paid at the time of issuance of building permits for future residential development. Therefore, impacts due to increased burden on local schools would be **less than significant**.

- (c) The proposed project would not create additional direct development for any of the involved parcels. However, future residential development could occur. Up to four residences could be developed under existing zoning and land use designations. Since the average number of residents per single-family residence in Santa Barbara County is 3.01, and the per capita solid waste generation is estimated at 0.95 tons/year, potential future additional solid waste generation is estimated to be 11.4 tons/year. The threshold for significance for a project specific impact to solid waste is 196 tons/year, with a cumulative impact threshold on 40.0 tons/year. Therefore, impacts due to solid waste generation would be **less than significant**.
- (d) The proposed reconfigured lots would utilize individual on-site septic and drywell systems, which would not require sewer system improvements. Therefore, impacts due to demand for modified sewage system facilities would be **less than significant**.
- (e) There are no nearby water quality control facilities that could be impacted by the proposed project.

No potential significant impacts to Public Facilities would result from the project. No mitigation is required. **Impacts would be less than significant.**

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative impact: Neither proposed Lot Line Adjustment 05LLA-00000-00015 nor 05LLA-00000-00016 would change the allowable number of residences on the reconfigured lots. Up to six residences could be developed on the seven existing or reconfigured lots under existing zoning and land use designations (one lot is already developed). Using the thresholds above, an expected of 4.3 elementary/junior high and 1.08 high school students would enter the schools after full development of the lots. Expected solid waste generation would be 17.2 tons/year, well below the 40 tons/year cumulative impact threshold. Therefore, cumulative impacts on Public Facilities would be **less than significant**.

4.14 Recreation

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

Setting:

Physical:

The Project sites are not used for public recreational activity. An existing Class II bikeway and trail easement is located on the subject property’s frontage on Grand Avenue.

Regulatory:

The County’s Comprehensive Plan, Land Use Element, Parks/Recreation Policies state, in part: “Opportunities for hiking and equestrian trails should be preserved, improved, and expanded wherever compatible with surrounding uses.”

Impact Discussion:

(a-c) The project site has not been used for established recreational uses, and the proposed project would involve continued use of established driveway entrances from Grand Avenue, which would not inhibit use or have a substantial impact on the quality of the existing on-road trails in the area. Therefore, there would be **no impact** to Recreation.

Mitigation and Residual Impact: No mitigation is required. There would be **no residual impact** from the proposed project.

Cumulative Impact: The subject Lot Line Adjustment, in combination with 05LLA-00000-00015, does not increase the demand for recreational opportunities nor does it conflict in any way with established recreational uses onsite or nearby. Therefore, cumulative impact proposed project would have **no impact**.

4.15 Transportation/Circulation

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?			X		
b. A need for private or public road maintenance, or need for new road(s)?			X		
c. Effects on existing parking facilities, or demand for new parking?			X		

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
d. Substantial impact upon existing transit systems (e.g., bus service) or alteration of present patterns of circulation or movement of people and/or goods?			X		
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operation)?			X		
g. Inadequate sight distance?			X		
ingress/egress?			X		
general road capacity?			X		
emergency access?			X		
h. Impacts to Congestion Management Plan system?			X		

Setting:

Physical:

The project area is located directly adjacent to the township of Los Olivos along the west side of Grand Avenue between Park Street and Santa Ynez Street.

Regulatory:

Adherence to the Public Works Roads Division’s standards governs all project proposals within the County. In addition, the County’s Thresholds of Significance for Traffic Impacts in the County Environmental Thresholds and Guidelines Manual provides guidance and procedures for analyzing potential traffic impacts of a project. The County’s threshold criteria assume that an increase in traffic that creates a need for road improvements is “substantial in relation to the existing traffic load and capacity of the street system.”

Impact Discussion:

(a-h) The proposed project would not create additional development or development potential for any of the four lots. However, future residential development could occur. Each future single family residence would be estimated to generate ten average daily trips (ADT) and one peak-hour trip (PHT), for a total of 40 ADT and four PHT, well below the 500 ADT and 50 PHT threshold for further study. Therefore, impacts to Transportation/Circulation on would be **less than significant**.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative Impact: If approved, 05LLA-00000-00015 would not create additional development or development potential for any of the three lots. However, future residential development could occur on two of the three lots (one of the three parcels involved in 05LLA-00000-00015 is already developed). Future development on two lots would be estimated to generate 20 average daily trips (ADT) and two peak-hour trip (PHTs). This, along with the potential estimated 40 ADT and four PHT generated by future potential development following 05LLA-00000-00016, would combine for a total of 60 ADT and six PHT, well below the 500 ADT and 50 PHT thresholds for further study. Therefore, cumulative impacts to Transportation/Circulation would be **less than significant**.

4.16 Water Resources/Flooding

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?			X		
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?			X		
c. Change in the amount of surface water in any water body?			X		
d. Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?			X		
e. Alterations to the course or flow of flood water or need for private or public flood control projects?			X		
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?			X		
g. Alteration of the direction or rate of flow of groundwater?			X		
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?			X		

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
i. Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?			X		
j. The substantial degradation of groundwater quality including saltwater intrusion?			X		
k. Substantial reduction in the amount of water otherwise available for public water supplies?			X		
l. Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?			X		

Setting:

Physical:

The property drains into Alamo Pintado Creek, a second order tributary to the Santa Ynez River. The subject property is also located in the center of the Santa Ynez Uplands Groundwater Basin.

Regulatory:

The Santa Barbara County Code, Chapter 14 Grading Ordinance is the governing document adopted by the Board of Supervisors that contains the minimum standards and procedures necessary to protect and preserve life, limb, health, property, and public welfare related to earth moving activities. It also addresses compliance with the National Pollutant Discharge Elimination System Phase II storm water regulations and sets forth local storm water requirements for the disturbance of less than one acre, to avoid pollution of watercourses with sediments or other pollutants generated on or caused by surface runoff on or across the construction site.

In addition, regulations regarding wastewater treatment are governed by regulations inclusive of the Regional Water Quality Control Board's Basin Plan Prohibitions, the California Plumbing Code, the County Code Septic System Ordinance (Article II of Chapter 29, 29-6 through 29-14), and Administrative Practices of the Environmental Health Services division of the Public Health Department.

Impact Discussion:

(a-e, l) The proposed project does not involve any proposed development that would affect currents, the course or direction of water movements, percolation rates or the amount of surface

water in any given water body. Therefore, impacts to these aspects of water resources would be **less than significant**.

(f-k) The proposed Lot Line Adjustment would not result in an increased flood hazard to the future property owners or adjacent properties, and would not alter the direction or rate of flow of groundwater. Standard Building and Safety (Flood Control) conditions require finished floor elevations to be a minimum of two ft above base flood elevations, and prohibit encroachment within the floodway unless a registered civil engineer demonstrates that the encroachment would not result in a loss of conveyance or raise the floodplain. Compliance with these conditions will ensure that impacts to these aspects of water resources would be **less than significant**.

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be **less than significant**.

Cumulative Impact: The subject Lot Line Adjustment is separated from the lots associated with 05LLA-00000-00015 by two intervening lots, both of which are currently vacant. The seven legal lots addressed by 05LLA-00000-00015 and -00016 could be developed under existing zoning requirements. The proposed Lot Line Adjustments would reconfigure lot lines among the seven parcels with no resultant increase in future development potential. While the number of residences that could be developed would not increase, the Lot Line Adjustment would reconfigure the four northern lots resulting in four parcels of equal size and configuration, precluding potential clustering of the primary single family dwelling for each parcel (See Attachments 3 and 4 for changes in parcel configuration). In both the existing and proposed scenarios, the potential adverse impacts to Water Resources/Flooding would remain essentially the same; future development could be clustered along shared property lines, or distributed across the property at maximum intervals. In addition, if development occurred on six of the seven lots addressed in the two Lot Line Adjustments occurred (one is currently developed), they would require approximately 0.9 acre-feet per year (AFY) of domestic water each for a total of 5.4 AFY, which is well below the County threshold of 61 AFY. Therefore, cumulative impacts to these aspects of water resources and flooding would be **less than significant**.

5.0 INFORMATION SOURCES

5.1 County Departments Consulted

Police, Fire, County Surveyor, Public Works, Flood Control, Parks, Environmental Health, Special Districts,
Regional Programs, Other: _____

5.2 Comprehensive Plan

<input type="checkbox"/> Seismic Safety/Safety Element	<input type="checkbox"/> Conservation Element
<input checked="" type="checkbox"/> Open Space Element	<input type="checkbox"/> Noise Element
<input type="checkbox"/> Coastal Plan and Maps	<input type="checkbox"/> Circulation Element
<input checked="" type="checkbox"/> ERME	<input type="checkbox"/> Land Use Element

5.3 Other Sources

<u> X </u> Field work	<u> X </u> Ag Preserve maps
<u> X </u> Calculations	<u> X </u> Flood Control maps
<u> X </u> Project plans	<u> X </u> Other technical references
<u> </u> Traffic studies	(reports, survey, etc.)
<u> X </u> Records	<u> X </u> Planning files, maps, reports
<u> </u> Grading plans	<u> X </u> Zoning maps
<u> </u> Elevation, architectural renderings	<u> X </u> Soils maps/reports
<u> X </u> Published geological map/reports	<u> X </u> Plant maps
<u> X </u> Topographical maps	<u> X </u> Archaeological maps and reports
	<u> X </u> Agricultural Planner

6.0 PROJECT SPECIFIC (*short- and long-term*) AND CUMULATIVE IMPACT SUMMARY

6.1 Project Specific Impacts

Aesthetics/Visual Resources. Long-term potentially significant adverse impacts associated with glare or night lighting.

Air Quality. Short-term potentially significant adverse impacts associated with construction-related dust generation.

Cultural Resources. Adverse impacts associated with ground disturbance in an area with potential cultural resources.

Geologic Processes. Short and long-term potentially significant adverse impacts associated with disruption of soils, increased erosion, septic system placement, grading on steep slopes, and removal of topsoil.

Noise. Short-term potentially significant adverse impacts associated with construction of the project site.

6.2 Cumulative Impacts

Cumulative Impacts which are potentially significant but can be mitigated to less than significant levels (Class II):

Cultural Resources.

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?			X		
3. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)			X		
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?			X		

As proposed, the project does not have the potential to substantially degrade the quality of the environment or reduce the habitat of a fish or wildlife species. Additionally, the proposed project does not create impacts that are individually limited but cumulatively considerable. The project has the potential to create adverse environmental effects in the following issue areas: visual resources (night lighting), cultural resources, biological resources, and hazardous materials/risk of upset. However, adherence to the identified mitigation measures reduces the environmental effects to levels that are considered less than significant. Residual impacts in these issue areas are less than significant.

8.0 PROJECT ALTERNATIVES

Not applicable

9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

The project will be subject to all applicable requirements and policies under the Santa Barbara County Land Use and Development Code and the County's Comprehensive Plan. This analysis will be provided in the forthcoming Staff Report.

LUDP No. 4;

Hillside & Watershed Protection Policy Nos. 1, 2, 3, 5, 6, 7, 8;

Agricultural Element Policy No. I.D, I.G, II.C, II.D;

Historical and Archaeological Policy Nos. 2, 3, and 5;

Visual Resources Policy No. 2;

ERME;

Safety Element.

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

_____ Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

_____ Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

_____ Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

_____ With Public Hearing Without Public Hearing

PREVIOUS DOCUMENT: None

PROJECT EVALUATOR: Joyce Gerber

DATE: October 22, 2007

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

- I agree with staff conclusions. Preparation of the appropriate document may proceed.
- _____ I DO NOT agree with staff conclusions. The following actions will be taken:
- _____ I require consultation and further information prior to making my determination.

Signature: *John Kutz*

Initial Study Date: October 22, 2007

Signature: _____

Revised Initial Study Date: _____

Signature: *John Kutz*

Negative Declaration: 10.31.07

Signature: _____

Revision Date: _____

Signature: *John Kutz*

Final Negative Declaration Date: 12.13.07

12.0 ATTACHMENTS

A. Figures

1. Existing and Proposed Lots, 05LLA-00000-00016, Herthel '4' LLA
2. Existing and Proposed Lots, 05LLA-00000-00015, Herthel Montanaro LLA
3. Existing and Proposed Lots, 05LLA-00000-00015 and -00016

B. Public Comments (e-mail from Sam Cohen dated December 2, 2007)

Attachments are included with Staff Report.

ATTACHMENT C: CONDITIONS OF APPROVAL

I. PROJECT DESCRIPTION

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit A, dated January 9, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

This application is for reconfiguration of four lots described by Certificates of Compliance (CCs) and zoned 15-R-1 (developable portions) and 20-R-1 (non-developable portions within the creek bed). Three of the lots are land-locked and one is irregularly shaped. The Lot Line Adjustment would create four regularly shaped parcels, each with over 220 ft of street frontage, as described below and shown in Figure 1.

Existing Parcel 1, described by 05-CC-107, is 1.11 gross/net acres. Existing Parcel 2, (05-CC-108, is 0.79 gross/net acres. Existing Parcel 3 (05-CC-109) is 10.56/9.71 gross/net acres. Existing Parcel 4 (05-CC-110) is 0.53 gross/net acres.

Proposed Adjusted Parcel 1 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 2 would be increased in size to 3.24/3.03 gross/net acres through a reconfiguration of a portion of Parcel 3. Proposed Adjusted Parcel 3 would be decreased in size to 3.25/3.04 gross/net acres through a reconfiguration with the entirety of Parcel 2 and Parcel 4. Proposed Adjusted Parcel 4 would be increased in size to 3.25/3.04 gross/net acres through a reconfiguration of a portion of Parcel 3 and the entirety of Parcel 1.

Each Proposed Adjusted Parcel would be served by private septic systems (leach line) subject to review and approval by Environmental Health Services; domestic water from the Santa Ynez River Water Conservation District; and access directly from Grand Avenue. No grading or native tree removal is planned.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto. All plans submitted for review and approval shall be implemented as approved.

II. MITIGATION MEASURES FROM 07NGD-00000-00039

- 2. Mitigation Measure No. 1, Lighting.** All exterior night lighting installed on the project site shall be of low intensity, low glare design and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements/Timing:** Prior to issuance of a Land Use/Zoning Clearance, the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the Building Plans to be reviewed and approved by P&D.

MONITORING: P&D will review the Building Plans for compliance with this measure prior to approval of a Land Use/Zoning Clearance for structures. Permit Compliance will inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Plans.

- 3. Mitigation Measure No. 2, Extended Phase 1 Study (Subsurface Testing).** All ground-disturbance for the purpose of fencing, structures, driveways, septic systems, underground utilities, and similar purposes shall be subject to an Extended Phase 1 archaeological survey pursuant to County Archaeological Guidelines and if required, Phase 2 and Phase 3 studies shall be performed if significant resources are encountered and potential impacts are unavoidable. All work shall be funded by the applicant. **Timing:** The Extended Phase 1 and any subsequently required cultural resources work shall be completed prior to approval of Land Use Permits or Zoning Clearances.

MONITORING: Planning and Development shall confirm completion of the Extended Phase 1 Study and the satisfaction of any requirements therein.

- 4. Mitigation Measure No. 3, Noise.** For grading and construction to be located within 1600 feet of an existing residence, construction activity for site preparation and for future residences shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Prior to Land Use Permit issuance for grading or building, the applicant shall post the required sign on site. The sign shall remain throughout grading and construction activities.

MONITORING: Planning and Development Building Inspectors and Permit Compliance shall spot check and respond to complaints.

III. PROJECT SPECIFIC CONDITIONS

5. **Departmental Conditions:** Compliance with Departmental memorandum and conditions:
- a. Flood Control District letter dated November 8, 2005.
 - b. Fire Department Memorandum dated November 23, 2005

IV. STANDARD CONDITIONS FOR LOT LINE ADJUSTMENTS

6. Two copies of the document that will be recorded to effectuate the lot line adjustment and any required review fees in effect at the time, shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue clearance for recordation to the County Surveyor.
7. The Lot Line Adjustment 05LLA-00000-00016 shall expire three years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
8. The following language shall be included on the deeds arising from the lot line adjustment:

This deed arises from the lot line adjustment 05LLA-00000-00016 and defines a single parcel within the meaning of California Civil Code §1093. Any document used to record the lot line adjustment shall include a statement that the document arises from a lot line adjustment that is intended to identify two legal parcels.

The document used to record the Lot Line Adjustment shall state the findings and Conditions of Approval of the lot line adjustment.

9. A notice of the Lot Line Adjustment shall be recorded with the deed of each property to be adjusted. Said notice shall include the following:
 - a. Legal description for each adjusted parcel; and
 - b. Statement of the findings and conditions approving the Lot Line Adjustment

V. COUNTY RULES AND REGULATIONS

10. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.


- b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
- c. Pay fees prior to approval of Land Use Permits\Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

- 11. Signed Agreement to Comply with Conditions Required:** Prior to approval of Land Use Permits\Coastal Development Permits, the applicant shall provide evidence that he has recorded an Agreement to Comply with Conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
- 12. Fees:** Prior to recordation, the applicant shall pay all applicable P&D permit processing fees in full.
- 13. Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Lot Line Adjustment. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 14. Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

Memorandum

Date: November 23, 2005

To: Lorie Baker
Planning & Development
Buellton

From: Martin Johnson, Captain 
Fire Department

Subject: APN: 135-180-007/135-200-004; Case #: 05LLA-00016
Site: Grand Avenue, Los Olivos
Project Description: Lot Line Adjustment



The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

PRIOR TO MAP RECORDATION THE FOLLOWING CONDITIONS MUST BE MET:

1. **One (1)** fire hydrant shall be installed. The hydrant shall flow 750 gallons per minute at a 20 psi residual pressure. The hydrant shall be located on Grand Avenue between Lots 2 and 3. Prior to installation, plans showing location, size and type of hydrant, valves, main lines and lateral lines shall be approved by the fire department.

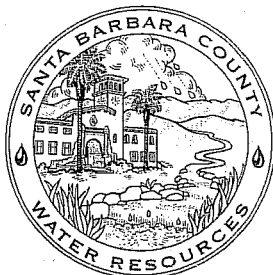
These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

MJ:reb

c: Tish Beltranena, MNS Engineers, 201 Industrial Way, Buellton, CA 93427
APN/Chron

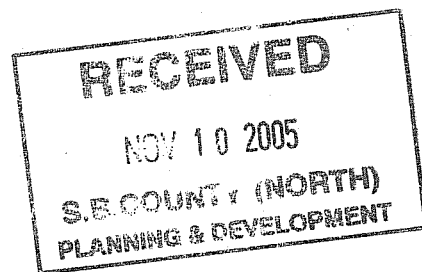
RECEIVED
NOV - 9 2005
S.B. COUNTY
PLANNING & DEVELOPMENT



Santa Barbara County Public Works Department
Flood Control Water Agency

November 8, 2005

Stephen Chase, Zoning Administrator
County of Santa Barbara
Planning & Development Department
123 East Anapamu Street
Santa Barbara, CA 93101



Reference: **05LLA-00000-00016; Herthel Lot Line Adjustment**
APN: 135-180-007, 135-200-004/Los Olivos

Dear Mr. Chase:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to filing a record of survey or other documents used to record the lot line adjustment, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. An informational sheet or other recordable document shall be recorded concurrently with the Lot Line Adjustment which indicates the following:
 - a. The limits of the 100-year Floodplain & Floodway as shown on the current FEMA Flood Insurance Rate Map (FIRM);
 - b. New development shall have finish floors elevated a minimum of 2 feet above the 100-year base flood elevation (BFE) of Alamo Pintado Creek;
 - c. Encroachment into the Floodway shall not be allowed unless certified by a registered civil engineer that no loss of conveyance and no-rise in the 100-year BFE will occur;
 - d. The District Approved Top of Bank of Alamo Pintado Creek and a minimum 50 foot development setback.
3. The applicant will be required to pay the current plan check fee deposit at the time the Lot Line Adjustment documents are submitted to the District for review and approval.

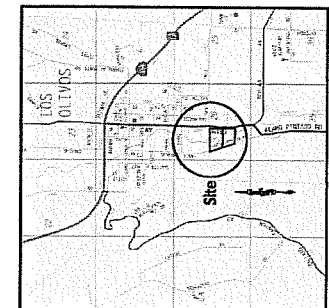
Sincerely,

A handwritten signature in cursive script, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

cc: Lorie Baker, Planner
Doug Herthel, P.O. Box 249, Los Olivos, CA 93441
MN&S Engineers, 201 Industrial Way, Suite A, Buellton, CA 93427

ATTACHMENT D: Existing and Proposed Lots



CREWING ELEMENTS AS DISCLOSED BY THE 1ST. AMENDED PRELIMINARY TITLE REPORT (PTR) NO. 05-114-000

① AN EASEMENT GRANTED TO THE COUNTY OF SANTA BARBARA FOR ROAD IMPROVEMENTS, INCLUDING THE RIGHT TO INSTALL AND MAINTAIN THE 200' OF RIGHTS OF WAY (ROW) IN THE VICINITY OF THE PROJECT, WAS RECORDED ON JULY 25, 2006 AT 7:30 A.M.

② AN EASEMENT GRANTED TO SANTA BARBARA COUNTY FOR THE RIGHT TO INSTALL AND MAINTAIN THE 200' OF RIGHTS OF WAY (ROW) IN THE VICINITY OF THE PROJECT, WAS RECORDED ON JULY 25, 2006 AT 7:30 A.M.

③ AN EASEMENT GRANTED TO SANTA BARBARA COUNTY FOR THE RIGHT TO INSTALL AND MAINTAIN THE 200' OF RIGHTS OF WAY (ROW) IN THE VICINITY OF THE PROJECT, WAS RECORDED ON JULY 25, 2006 AT 7:30 A.M.

UTILITIES:
 APN 124-104-000
 GAS: PACIFIC GAS AND ELECTRIC
 ELECTRIC: SOUTHWEST CALIFORNIA GAS
 SEWER: SPTD SYSTEM
 WATER: SANTA INEZ RIVER WATER CONSERVATION DISTRICT

EXISTING PARCEL INFORMATION:
 05-CC-114 1.642 ACRES GROSS
 05-CC-114 1.642 ACRES NET
 05-CC-114 1.642 ACRES GROSS
 05-CC-114 1.642 ACRES NET
 05-CC-114 1.642 ACRES GROSS
 05-CC-114 1.642 ACRES NET
TOTAL: 6.274 ACRES NET

EXISTING PARCEL INFORMATION:
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 05-CC-114 1.642 ACRES NET
TOTAL: 6.274 ACRES NET

PROPOSED ADJUSTED PARCEL 1
 1.642 ACRES GROSS
 1.642 ACRES NET

PROPOSED ADJUSTED PARCEL 2
 1.004 ACRES GROSS
 0.822 ACRES NET

PROPOSED ADJUSTED PARCEL 3
 4.114 ACRES GROSS
 3.786 ACRES NET

GENERAL NOTES:

- 1) PORTIONS OF SANTA INEZ STREET DO NOT AFFECT THE PROJECT. THESE PORTIONS ARE OWNED BY SANTA BARBARA COUNTY AND ARE UNDER THE CONTROL OF SANTA BARBARA COUNTY CLERK'S OFFICE. THIS IS DEPICTED IN THE SANTA BARBARA COUNTY CLERK'S OFFICE RECORDS IN THE SANTA BARBARA COUNTY CLERK'S OFFICE.
- 2) FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 2 FEET ABOVE THE BASE FLOOD ELEVATION.
- 3) NO ENCROACHMENT SHALL BE PERMITTED WITHIN THE FLOODWAY UNLESS A REPORT FROM A REGISTERED CIVIL ENGINEER HAS BEEN OBTAINED AND THE FLOODWAY DOES NOT RESULT IN A LOSS OF CONVEYANCE OR RAISE THE FLOODPLAIN.

LEGEND:

- ENVIRONMENTAL HEALTH AND SERVICES
- SANTA BARBARA COUNTY FLOOD CONTROL
- SANTA INEZ RIVER WATER CONSERVATION DISTRICT (L.I.)
- CALCULATED TOP BANK
- 100 YEAR FLOOD BOUNDARY
- FLOODWAY PRINCE BOUNDARY
- FLOODWAY BOUNDARY
- 100 YEAR FLOOD BOUNDARY
- FLOODWAY PRINCE BOUNDARY
- FLOODWAY BOUNDARY

GENERAL NOTES:

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OWNER'S CERTIFICATE

I HEREBY APPLY FOR APPROVAL OF THE DIVISION OF THE REAL PROPERTY SHOWN ON THIS MAP AND CERTIFY THAT I AM THE AUTHORIZED AGENT OF THE LEGAL OWNER OF THE REAL PROPERTY SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PARCELA (SPTD) RETIRADA, ASENT

OWNER'S CERTIFICATE

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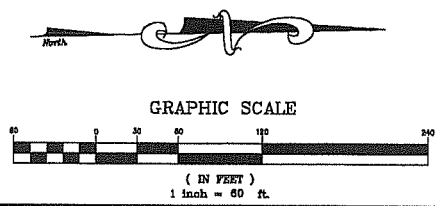
PARCELA (SPTD) RETIRADA, ASENT



EXISTING PARCEL
 2005-0043846
 3.60 ACRES
 (NO ADJUSTMENT PROPOSED)

MNS ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS
 ENGINEERS INC
Quality Infrastructure Services
 201 INDUSTRIAL WAY, SUITE A, BUELLTON, CA 95427
 TELEPHONE (805) 886-3266 FAX (805) 886-5478

Layout1 * 10/07 * KMY



ATTACHMENT E: E-Mail from Sam Cohen dated December 2, 2007

Gerber, Joyce

From: Tetley, Brian
Sent: Monday, December 03, 2007 10:21 AM
To: 'Sam Cohen'
Cc: Gerber, Joyce; Karamitsos, John
Subject: RE: Opposition to MND to 5LLA-00000-00016

Sam,

We received the attached comments on Monday, December 3. These comments will be made part of the public record.

Also, I have forwarded these comments to the project manager, Ms. Joyce Gerber. Thanks.

Please contact me with any comments or questions.

Brian A. Tetley, Planner
 County of Santa Barbara
 Planning and Development Department
 Development Review Division - North
 624 West Foster Road, Suite C
 Santa Maria, CA 93455-3623
 Phone: (805) 934-6589
 E-Mail: btetley@co.santa-barbara.ca.us

From: Sam Cohen [mailto:scohen@santaynezchumash.org]
Sent: Sunday, December 02, 2007 11:42 AM
To: Tetley, Brian
Subject: FW: Opposition to MND to 5LLA-00000-00016

Can you confirm receipt?

Thanks

Sam

From: Sam Cohen
Sent: Sunday, December 02, 2007 11:31 AM
To: 'Karamitsos, John'; 'Tetley, Brian'
Cc: Sam Cohen; Kathy Conti; freddyromero@comcast.net; 'Mark Neal'
Subject: Opposition to MND to 5LLA-00000-00016

Dear Messrs. Karamitsos and Tetley:

The Santa Ynez Band of Chumash Indians ("Tribe") is the only federally recognized tribe of Chumash Indians in the Santa Ynez Valley and this a dispute over the protection of archeological and cultural resources that are of significance to the Tribe and Chumash people. The Tribe initially intervened by letter on September 25, 2006 and has participated in every hearing thereafter for the companion Lot Line

12/3/2007

Adjustment 5LLA-00000—00015 of the so-called "Montanaro Farm." That lot line adjustment was to the southern portion of the Farm and the Historic Farmhouse, maket and barn. The Tribe hereby makes the following opposition to 5LLA-00000-00016 which is a lot line adjustment to the Northern most portion of the Farm the stated purpose of which is to develop four (4) residential ranchettes.

Reason for Opposition to Mitigated Negative Declaration:

1. A known Chumash Cemetery, SBA-188, is known to exist in the vicinity of the Montanaro Farm which was not disclosed in the initial application for the Lot Line Adjustment ("LLA").
2. Even if the Cemetery is not onsite, existence of a cemetery means is it is highly likely that a Chumash Village exists on or in the vicinity of the Montanaro Farm and the ZA found that it is probable there are artifacts on the site.
3. Larry Spanne, former Archeologist for 23 years at Vandenberg Air Force Base, and retired after 38 years total experience, personally worked on transferring map and record information in 1968 to the UCSB Information Center for SBA-188 and recommends enhanced Phase I Survey with test pits.
4. Prof. Glassow, a UCSB Professor who volunteers in the community to review archeologically significant projects, agrees with Mr. Spanne and RECOMMENDS ENHANCED TEST PITS AS EARLY IN THE PROCESS AS POSSIBLE. This is consistent with settled CEQA jurisprudence. *Robert T. SUNDSTROM, Plaintiff and Appellant, v. COUNTY OF MENDOCINO et al., Defendants and Respondents. Harold K. MILLER, Real Party in Interest*, 202 Cal.App.3d 296, No. A038922, Court of Appeal, First District, Division 1, California (June 22, 1988). Therefore, two qualified and well respected experts concur that the mitigation measure imposed are not sufficient to mitigate the impact on cultural resources to a level of insignificance.
5. There are two lot line adjustments for the Montanaro Farm: 5LLA-16 severs four (4) lots for 3-4 acre residential ranchettes. Previously, Mr. Herthel publicly represented that NO RESIDENTIAL development would occur ANYWHERE (www.silcom.com/~ranchlnd/notebook/41Los%20Olivos%20Park%20Fund%20Drive.htm). In addition, the 4 new lots in 5LLA-16 should be combined with the 3 lots in 5LLA-15 for determining whether the total number of parcels is in violation of the Subdivision Map Act.
6. 5LLA-15 isolates the historic Montanaro House on one lot so that the Store and Neighborhood commercial zoned lot can be developed. The commercial property will be given a new road easement to develop. The LLA also establishes new building envelopes with new required setbacks which should not be established until you know where the artifacts are. 5LLA-00016 drops all pretense and states the purpose of the lot line adjustment is to permit and facilitate the development of 4 residential ranchettes.
7. The 5LLA-00015 Planner's Report dated March 15, 2007, Sec. 4.2, page 2, admits inquiries have already begun to modify the Historic Montanaro House.

8. There is no post-LLA enforcement. The Herthels have engaged A. Barry Cappello, Esq. who admits in his letter dated March 19, 2007, that there is no map recordation with an LLA only deed recordation. All four (4) 5LLA-16 lots are all to be sold to total strangers whom we cannot control. The farm house will go back to the Montanaro Family whom we cannot control and are already making inquiries at the Planning Desk (see No. 6 above).
9. As the Zoning Administrator found that there is a substantial probability that the Montanaro Farm contains contains cultural materials, Section 15064 (g) of the CEQA Guidelines provides that "*[a]fter application of the principles set forth in Section 15064(f), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR*".
10. In addition to the Phase I survey with test pits, there still remains no monitoring plan for sites and objects of cultural significance during any excavation and any future construction. Native American Monitors must be required during any excavation and any future construction. CEQA Guidelines Subsection 15126.4(b)(3)(C) also provides as follows: "***When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center.***" (Emphasis added.) The County is making the tractor the finder of artifacts with no training, no experience and when they are unable to see the ground below the tractor.
11. Failure to consider cumulative impacts: 5LLA-15 should be combined with the 4 residential ranchettes created in 5LLA-16, including, without limitation, that the 4 new lots may be closer to the Chumash Cemetery and more at risk, the renovations of the historical Montanaro structures which have never been previously addressed and the development of the upsized neighborhood commercially zoned lot and access road.
12. The Santa Ynez Band of Chumash Indians also incorporates by this reference the entire file in this matter and 5LLA-0000-0015 whether or not such materials were filed by the Tribe, its agents or any other person or business or governmental entity, including, without limitation the documents listed in Exhibit A attached hereto.

Specific conditions imposed which I wish to appeal are (if applicable):

- a. Failure to require an Environmental Impact Report (EIR).
- b. To the extent a mitigated negative declaration is approved, Sec. 4.5 Cultural Resources, mitigation 2 & 3, all Phase I extended archeological studies shall include controlled backhoe lifts which shall be

completed subject to P&D approval (with a copy to the Santa Ynez Band of Chumash Indians) prior to any approval of the lot line adjustment (not prior to land use permit).

- c. To the extent a mitigated negative declaration is approved, Section 4.5, Cultural Resources, all Phase I extended studies and any future excavation and construction on any portion of the property shall require a Native American observer to be present at all times along with an archeologist if required by P&D.
- d. To the extent a mitigated negative declaration is approved, Section 4.5 Cultural Resources, a detailed plan for cultural resource monitoring during excavation and construction shall be made part of any mitigated negative declaration and not deferred until after approval of any lot line adjustment.

Sincerely,

Sam Cohen
Government Affairs and Legal Dept.
Santa Ynez Band of Chumash Indians
P.O. Box 517
Santa Ynez CA 93460
Phone: 805-688-7997