

## Attachment 1: Findings

### 1.0 CEQA FINDINGS

#### 1.1 NEGATIVE DECLARATIONS

##### 1.1.1 CONSIDERATION OF THE NEGATIVE DECLARATION AND FULL DISCLOSURE

The Board of Supervisors has considered the Mitigated Negative Declaration, 20NGD-00000-00004 (Attachment 3 to the Board Agenda Letter dated November 10, 2020), together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment and analysis of the County Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.

##### 1.1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the negative declaration and any comments received, the Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment.

##### 1.1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department and may be reviewed online at <https://cosantabarbara.app.box.com/s/q97rv82305oyfnbdjhcyxrrdhu3dgkqy/folder/125155672643>.

##### 1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 LOT LINE ADJUSTMENT FINDINGS

*Finding required for all Lot Line Adjustments. In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations) and Section 35.30.110.B of the County LUDC, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:*

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

The Board of Supervisors finds that, as discussed in Section 6.2 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020, and incorporated herein for reference, the proposed project is consistent with the Comprehensive Plan, including the Toro Canyon Plan, and County Land Use and Development Code.

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

The Board of Supervisors finds that no parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size will become nonconforming as a result of the Lot Line Adjustment. The subject lots are zoned 10-E-1 which has a minimum parcel size of 10 acres. Lot 1 is 2 acres and Lot 2 is 10.67 acres and both will remain the same size as a result of the Lot Line Adjustment. Lot 2 is conforming to the minimum parcel size of the zone district and Lot 1 is nonconforming. Since both lots will remain the same size and Lot 1 is already nonconforming, neither parcel involved will become nonconforming in regards to size as a result of this Lot Line Adjustment.

- 2.1.3** *Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with Subsection a. or b. listed below:*

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

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

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

- (1) **Water supply.** The parcel shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's*

*Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well requirements of the County Environmental Health Services.*

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

*(3) **Access.** The parcel is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.*

*(4) **Slope stability.** Development of the parcel including infrastructure avoids slopes of 30 percent and greater.*

*(5) **Agriculture viability.** Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.*

*(6) **Environmentally sensitive habitat.** Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.*

*(7) **Hazards.** Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.*

*(8) **Consistency with Comprehensive Plan and Development Code.** Development of the parcel is consistent with the setback, lot coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.*

*(9) To provide notification to existing and subsequent property owners when a finding is made that the parcel(s) is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the parcel, pursuant to Section 21-92 (Procedures) of Chapter 21 of the Santa Barbara County Code.*

The Board of Supervisors finds that the Lot Line Adjustment involves fewer than four parcels, would not increase the subdivision potential of either parcel, and does not result in an increase in the number of residentially developable parcels. As discussed in Finding 2.1.2 above, the lots involved in this Lot Line Adjustment are 2.0 and 10.67 acres, respectively, and would remain the same size as a result of this project. Lot 2 is conforming to the minimum parcel size of the zone district and Lot 1 is an existing nonconforming parcel. Neither parcel involved will become newly nonconforming in regards to size as a result of this Lot Line Adjustment. While the Lot Line Adjustment involves a nonconforming parcel due to the minimum size requirements of the 10-E-1 zone district, a new parcel is not being created since the parcel in its current configuration already exists and is capable of being developed for residential development. As

discussed in Section 6.2 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020, and incorporated herein by reference, both lots in their current and proposed configurations have adequate services, including access, have developable areas avoiding slopes greater than 30%, are not zoned for agriculture, avoid areas designated as ESH, and are compliant with the Toro Canyon Plan, Comprehensive Plan, and County Land Use and Development Code. Thus, the proposed Lot Line Adjustment would not increase the number of residentially developable parcels.

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

The Board of Supervisors finds that as discussed in Section 6.3 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020, and incorporated herein for reference, the proposed project meets the requirements of the Toro Canyon Plan and County Land Use and Development Code. No violations exist on either undeveloped property. The minimum width requirement of a parcel zoned 10-E-1 is 380 feet. Lot 2 fulfills this requirement. Lot 1, which is 2.0 acres and is legal nonconforming to the 10-acre minimum size requirement of the 10-E-1 zone district, is approximately 113 feet wide at its narrowest point and 210 feet at its widest point in its current configuration and therefore does not meet the minimum width requirements. After the Lot Line Adjustment, Lot 1 would be approximately 75 feet wide at its narrowest point and 233 feet wide at its widest point. Since Lot 1 is already nonconforming to the minimum size requirement and minimum width and would not become newly nonconforming as a result of this project, the Lot Line Adjustment would not increase the violation of minimum parcel width.

- 2.1.5** *The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: Land Use and Development Code (Section 35.101.20 and 35.101.30).*

The Board of Supervisors finds that, as discussed in Section 6.3 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020, incorporated herein by reference, there are no open zoning violations on the two properties, and the two adjusted parcels resulting from the Lot Line Adjustment would be in compliance with all applicable provisions of the County's Land Division Regulations (Chapter 21) and the applicable zoning ordinance, the Land Use and Development Code.

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

The Board of Supervisors finds that conditions imposed to facilitate the relocation of existing utilities, infrastructure, and easements are unnecessary. The parcels are currently vacant. A single family dwelling built in the 1890s was demolished in May 2004. No easements or infrastructure exists on the property.

## **2.2 RECORDED MAP MODIFICATION FINDINGS**

**2.2.1** *There are changes in circumstances that make any or all of the conditions of such a recorded final or parcel map, lot split plat or lot line adjustment no longer appropriate or necessary;*

The Board of Supervisors finds that, as discussed in Section 5.4 of the Planning Commission staff report, dated May 14, 2020, and incorporated herein by reference, circumstances have changed such that the recorded building and development envelopes are no longer appropriate. As discussed in Section 4.0 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020, and incorporated herein by reference, the SBAR had concerns about the massing and close proximity of the two parcels and respective building/development envelopes. SBAR supported moving the envelopes away from each other due to the potential cumulative impact of having two residences so close together in a semi-rural area.

The current lot configuration and building/development envelope placement is too close given the semi-rural character of the area. Development as proposed in the current lot and envelope configuration would appear too close together and as potentially one large development. By modifying the lot lines and building/development envelopes, the developable area on each lot would be spaced 50 feet apart from each other compared to less than 20 feet apart in their current configuration. Additionally, the larger envelopes allows future development to be even more spread out and provides greater flexibility for site appropriate design than the current configuration. The changes to the setting and desired density associated with the adoption of the Toro Canyon Plan, as discussed in Section 5.4 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020 and incorporated herein by reference, and the comments from SBAR warrant the proposed modifications to the recorded building and development envelopes.

**2.2.2** *The modification does not impose any additional burden on the present fee owner(s) of the property;*

The Board of Supervisors finds that no additional burden on the present fee owner(s) of the property would occur as a result of the proposed the Recorded Map Modification. The property owner has requested the modification in order to develop the parcels in accordance with prior direction from the SBAR and in conformance with the low-density, semi-rural residential character of the area. Additionally, the proposed modifications to the envelopes would provide for additional developable square footage within the building and development envelopes on the property which would allow future development to be spaced further apart in conformance with the low-density semi-rural character of the area.

**2.2.3** *The modifications does not alter any right, interest or title reflected by the recorded final or parcel map, lot split plat or lot line adjustment;*

The Board of Supervisors finds that the proposed modifications to the recorded building and development envelopes do not alter any right, interest or title reflected in the recorded Parcel Map. The Recorded Map Modification proposes to modify building/development envelopes on two adjacent lots. Lot 1, which is 2.0 acres and currently has building/development envelopes of 0.29 and 0.04 acres, respectively, would have new envelopes of 0.45 and 0.28 acres. Lot 2, which is 10.67 acres and currently has building/development envelopes of 0.37 and 0.12 acres, respectively, would have new envelopes of 0.60 and 0.40 acres. The existing and proposed envelopes are in the same general location on the parcels. Both lots will remain as residential lots

with the same general rights and interests, and the envelope modifications would not grant any new rights to the property owner than what already exist with the existing approved Parcel Map.

**2.2.4** *The recorded final or parcel map, lot split plat or lot line adjustment as modified conforms to the provisions of Section 66474 of the California Government Code;*

The Board of Supervisors finds that the proposed project conforms to the provisions of Section 66474 of the California Government Code as stated below:

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

The Board of Supervisors finds that, as discussed in the Section 6.2 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020 and incorporated herein by reference, the proposed project is consistent with the County's Comprehensive Plan, including the Toro Canyon Plan as specified in §66451.

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

The Board of Supervisors finds that, as discussed in the Section 6.2 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020 and incorporated herein by reference, the proposed project is consistent with the County's Comprehensive Plan, including the Toro Canyon Plan. No development is currently proposed as part of the project, but the envelopes are configured to accommodate future development that can be designed consistent with County policies.

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

The Board of Supervisors finds that the site is physically suitable for the type of development proposed. The Recorded Map Modification allows for future development to occur within the modified building/development envelopes. However, no development is proposed as part of this project and both parcels are currently vacant. The proposed envelopes have been designed to avoid slopes in excess of 30% while the majority of the slopes within the envelopes are less than 20% which would be suitable for potential future development. Additionally, the envelopes are located within areas of the parcels that are primarily dominated by non-native vegetation. As such, the site is physically suitable for future residential development, as accommodated by the modified envelopes.

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

The Board of Supervisors finds that the site is physically suited for the proposed density of development. The zone district of the project area is 10-E-1, which allows for one single-family dwelling per ten-acre parcel. The modification of the building/development envelopes on the parcels would not change the density of development, as both lots would remain residentially developable at a density that is suitable for the site.

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

The Board of Supervisors finds that, as discussed in the Mitigated Negative Declaration included in Attachment C of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020 and incorporated herein by reference, the design of the subdivision and configuration of the building and development envelopes would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. While environmentally sensitive habitat is present on the subject parcels, no ESH occurs within the proposed building or development envelopes; ESH is only found within the Fire Fuel Management Zones (FFMZs). The mitigation measures identified in the MND and incorporated as conditions of approval of the project (see Attachment B of the staff report dated May 14, 2020 and incorporated herein by reference), including delineating FFMZs (MM Bio-2a) and the Fire Fuel Management and Habitat Restoration Plan (MM Bio-2b) would address methods to protect ESH within the FFMZs during fire fuel management activities.

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

The Board of Supervisors finds that the Recorded Map Modification would not likely cause serious public health problems. Minor modifications to the building and development envelopes on two residentially zoned lots would not cause serious public health problems. Additionally, no development is proposed as part of this project.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The Board of Supervisors finds that there are no public easements located on the subject property. The proposed project will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed reconfigured envelopes.

**2.2.5** *The recorded final or parcel map, lot split plat or lot line adjustment as modified is consistent with the applicable zoning ordinance;*

The Board of Supervisors finds that, as discussed in the Section 6.3 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020 and incorporated herein by reference, the proposed project is consistent with the County Land Use and Development Code.

**2.2.6** *The property for which the modification is sought is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, height and setbacks, and any other provisions applicable to the property for which the modification is sought, and such enforcement fees as established from time to time by the Board of Supervisors have been paid;*

The Board of Supervisors finds that property is in compliance with all laws, rules and regulations. The two lots are currently vacant and there are no open zoning violations on either property. The Recorded Map Modification results in modified building/development envelopes on adjacent parcels that meet the setback requirements for the 10-E-1 zone district, as discussed in Section 6.3 of the Planning Commission staff report (Attachment 5 to the Board Agenda Letter dated November 10, 2020), dated May 14, 2020 and incorporated herein by reference. Future development would be required to comply with all requirements for the 10-E-1 zone district.

**2.2.7** *The recorded final or parcel map or lot line adjustment as modified does not result in an increased number of dwelling units or a greater density than the recorded final or parcel map or lot line adjustment.*

The Board of Supervisors finds that the Recorded Map Modification would not result in a greater density than Parcel Map 14,534 provided or an increased number of dwelling units since the project only proposes to modify the existing envelopes and does not increase the number of lots. The lots are currently vacant and no development is proposed as part of this project.