

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE AREA REGULATED BY SECTION 35-1 OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBER 153-340-031 AND 153-340-010 FROM 40-E-1 AND 40-AL, RESPECTIVELY, TO AG-II-40.

Case No. 09RZN-00000-00005

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor's Parcel Number 153-340-031 and 153-340-010 from 40-E-1 and 40-AL, respectively, to AG-II-40 as shown on Exhibit A.

SECTION 2:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25th day of August, 2009 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JOSEPH CENTENO, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

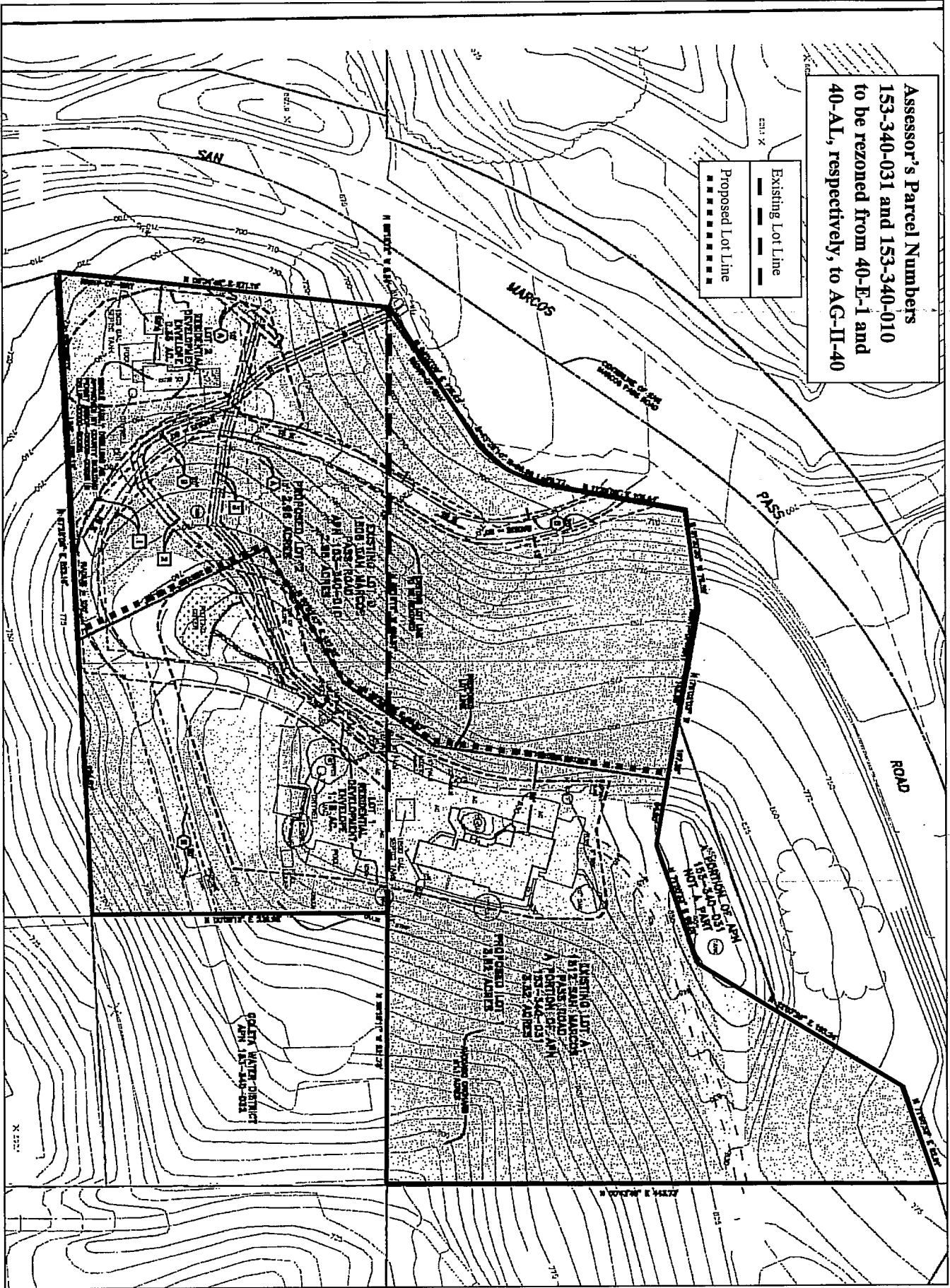
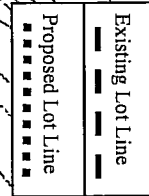
By _____
Deputy County Counsel

Attachment:

Exhibit A

EXHIBIT A

Assessor's Parcel Numbers
153-340-031 and 153-340-010
to be rezoned from 40-E-1 and
40-A1, respectively, to AG-II-40



ATTACHMENT B

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15305 [Minor Alterations in Land Use Limitations] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment C, Environmental Document, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 LOT LINE ADJUSTMENT FINDINGS

In order to approve the request for a Lot Line Adjustment, the Board shall make the following findings, pursuant to Chapter 21 of the County Code, *Subdivision Regulations*, Section 21-93 and County Land Use Development Code, Section 35.30.110.B:

2.1.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and this development code.

The Lot Line Adjustment involves two parcels of 3.82-acres and 2.96-acres. As discussed in Sections 6.2 and 6.3 of the staff report and incorporated herein by reference, the proposed project would be consistent with the Comprehensive (General) Plan and the County Land Use Development Code zoning requirements. Also, a Land Use Permit was recently approved to legalize the as-built accessory structure that was previously constructed without the benefits of permits. As a result of the LLA, and as conditioned, this accessory structure would move from being within the boundary of Parcel 2 to Parcel 1. All other development on the subject parcels is legally permitted. Therefore, this finding can be made.

2.1.2 No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.

The subject parcels are located within the antiquated Ordinance 661 agricultural zone districts of 40-E-1 and 40-AL, which have a minimum parcel size requirement of 40-acres. As the subject parcels are 3.82 and 2.96-acres in size, both are nonconforming as to size prior to the Lot Line Adjustment. Therefore, no parcel involved would become nonconforming as to size as a result of the proposed project and this finding can be made.

2.1.3 Except as provided herein, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirement of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with all of the following requirements:

a. Four or fewer existing lots are involved in the adjustment.

This Lot Line Adjustment involves two lots. Therefore, this finding can be made.

b. The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot.

As discussed above, the subject lots are nonconforming as to size both prior to and following the Lot Line Adjustment. As such, they cannot be further subdivided. Therefore, the Lot Line Adjustment would not result in increased subdivision potential for any affected parcel and this finding can be made.

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

Both subject parcels are currently considered residentially developable and would not result in a greater number of residential developable parcels than existed prior to the adjustment. Therefore, this finding can be made.

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

If approved, as conditioned, the lot line adjustment will not increase any violation of parcel width setbacks, lot coverage and parking. Furthermore, there are no existing violations on either parcel. Future development will also require conformance with all applicable setback requirements. Therefore, this finding can be made.

2.1.5 The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

If approved, as conditioned, the reconfigured parcels will be in full compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the County Comprehensive Plan, the County Land Use Development Code and Chapter 21. Therefore, this finding can be made.

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

No existing utilities, infrastructure and easements need to be relocated to accommodate the Lot Line Adjustment. Therefore, this finding can be made.

2.2 REZONE FINDINGS

Pursuant to LUDC Section 35.104.060, an Amendment to the Zoning Map may be approved only if all the following findings are made.

2.2.1. The request is in the interests of the general community welfare.

The rezone will bring the project site into conformance with the current Zoning Ordinance, similar to properties that are located within the Goleta Community Plan

area that begins on the south side of San Marcos Pass. The rezone will not cause an intensification of use, since it is developed with two dwellings, nor will it provide a benefit that is not enjoyed by the surrounding parcels. Therefore, the project is in the interests of the general community welfare and consistent with this finding.

2.2.2. The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and LUDC.

State law requires zoning ordinances to be consistent with the Comprehensive Plan. The project site is designated as Mountainous Area (MA) under the Comprehensive Plan. As stated in the Land Use Element, the rezone to AG II would be consistent with this Land Use designation, since an agriculturally zoned district may be placed under any Land Use designation. Therefore, the project is consistent with this finding.

2.2.3. The request is consistent with good zoning and planning practices.

The project area has a history of agricultural use and contains 1.07 acres of avocado trees on Parcel 1. The proposed Zoning Map Amendment rezoning both of the parcels to AG-II-40 would be consistent with both the historic and present agricultural and residential uses of the property. The request will replace the existing antiquated zoning from Ordinance 661 with the modern zoning in the County LUDC. This will help implement a uniform and up-to-date Zoning Map throughout the inland area. The benefits of the proposed rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. Therefore, the proposed rezone is consistent with this finding.

ATTACHMENT C

ENVIRONMENTAL DOCUMENT

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Planning and Development Department (P&D)

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

AP Nos.: 153-340-031 and 153-340-010

Case Nos.: 08LLA-00000-00013 and 09RZN-00000-00005

Location: 1812 San Marcos Pass Rd (Lot A, Parcel 1); and
1806 San Marcos Pass Rd (Lot B, Parcel 2)

Project Title: Stall Lot Line Adjustment and Rezone

Project Description: The project is for a Lot Line Adjustment to adjust lines between two lots of 3.82 acres (Parcel 1) and 2.96 (Parcel 2) reconfiguring the parcels boundaries without any net change to the overall area of either lot; and for a Zoning Map Amendment to rezone both Parcel 1 and Parcel 2 from 40-AL and 40-E-1, respectively, to AG-II-40 in compliance with Chapter 35.104 of the County Land Use and Development Code. The subject parcels are currently zoned General Agriculture, 40-acres minimum lot area (40-E-1 and 40-AL), pursuant to previous Ordinance 661 zoning classifications. In order to be consistent with the current Land Use and Development Code, the zoning map would be amended to AG-II-40 (Agriculture II, 40-acres minimum gross lot area) under the current County Ordinances found in the Land Use Development Code.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Steve Fort, Agent

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA Guideline Section: 15305 [Minor Alterations in Land Use Limitations]

Reasons to Support Exemption Findings: The Lot Line Adjustment is exempt from further environmental review pursuant to §15305 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), which exempts minor lot line adjustments in areas with an average slope of less than 20% which do not result in any changes in land use or density. Consistent with these requirements, the Lot Line Adjustment would occur within a developable area with average slopes of less than 20 %. The adjustment would be considered minor as it would only move the common parcel boundary and the adjustment would not result in any change in agricultural land use, parcel size or density. As part of the Lot Line Adjustment, the property owners have designated development envelopes, located within an area of each parcel with an average slope of less than 20%, that would contain all existing, proposed and future development on the sites. These designated envelopes would be consistent with the CEQA Class 5 Exemption, which includes minor alterations in land use limitations in areas with an average slope of less than 20%. Any future application for additional development on the subject parcels may be subject to further environmental review. The proposed project would not adversely impact prime agricultural land or agricultural land productivity.

There is no substantial evidence that there are unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

Upon staff's review, there would not be any impact on any nearby environmental resources. The proposed development is located entirely outside of the required 50-foot buffer from any mapped ESH area as the nearest mapped environmental resource (Riparian Corridor) is 130 feet west of the project site. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

Staff has determined that there are no significant incremental or measurable cumulative impacts for a lot line adjustment between two existing legal parcels. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Upon staff's review, there is not a reasonable possibility that the Lot Line Adjustment will have a significant effect on the environment due to unusual circumstances. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The proposed project to adjust a lot line between two parcels with existing SFDs would not result in damage to a scenic resource. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project is not located on a Hazardous Waste Site. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed project site is not currently designated as a historical resource, nor is it located in an area that would qualify as a historically significant resource. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

Lead Agency Contact Person: J. Ritterbeck, Planner

Phone #: (805) 568-3509

Department/Division Representative: _____

Date: _____

Acceptance Date: _____

Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

distribution: Hearing Support Staff

Project file (when P&D permit is required)

Date Filed by County Clerk: _____



County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

Derek Johnson, Director Long Range Planning

ATTACHMENT D

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JULY 8, 2009

RE: *Staal Lot Line Adjustment and Rezone; 08LLA-00000-00013, 09RZN-00000-00005*

Hearing on the request of Steve Fort, agent for the property owners Stafford Kelly and Elaine Lautsten (Parcel 1) and Jorgen Staal (Parcel 2) to consider the following:

- a) **08LLA-00000-00013** [application filed on September 16, 2008] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21 and Section 35.30.110 of the County Land Use and Development Code to adjust the parcel boundary line between two lots of 3.82 acres (Parcel 1) and 2.96 acres (Parcel 2) reconfiguring the two lots with no net change in parcel sizes, on property currently zoned 40-E-1 and 40-AL;
- b) **09RZN-00000-00005** [application filed on March 10, 2009] to amend the Zoning Map and rezone both Parcel 1 and Parcel 2 from 40-AL and 40-E-1, to AG-II-40 in compliance with Chapter 35.104 of the County Land Use and Development Code; and

to accept the Exemption pursuant to Section 15305 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 153-340-031 (Parcel 1) and 153-340-010 (Parcel 2), located at 1812 and 1806 San Marcos Pass Road (Hwy 154), in the Goleta area, Second Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of July 8, 2009, Commissioner Brown moved, seconded by Commissioner Blough and carried by a vote of 5-0 to recommend that the Board of Supervisors:

- 1) Adopt the required findings for Case Nos. 09RZN-00000-00005 and 08LLA-00000-00013, as specified in Attachment A of the staff report, dated June 19, 2009 including CEQA findings;

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Building & Safety
185 West Hwy 246, Ste 101
Buellton, CA 93427
Phone: (805) 686-5020
FAX: (805) 686-5028

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

- 2) Adopt an Ordinance Zoning Map Amendment for APNs 153-340-031 and 153-340-010 amending the Inland Zoning Map for the Santa Barbara Rural area from 40-AL and 40-E-1 to AG-II-40 (draft Ordinance included as Attachment D of the staff report, dated June 19, 2009);
- 3) Accept the Exemption, pursuant the California Environmental Quality Act Guidelines Section 15305, included as Attachment B of the staff report, dated June 19, 2009; and
- 4) Adopt a Resolution (included as Attachment D of the staff report, dated June 19, 2009 and as revised at the hearing of July 8, 2009) recommending that the Board of Supervisors approve the project, including Case Nos.:
 - a. 09RZN-00000-00005, for a Zoning Map Amendment to rezone Parcel 1 and Parcel 2 from 40-E-1 and 40-AL, respectively, to AG-II-40 (Agriculture II, 40-acre minimum gross lot area), and
 - b. 08LLA-00000-00013, for a Lot Line Adjustment, subject to conditions included as Attachment C as revised.

REVISIONS TO ATTACHMENT D: RESOLUTION AND ORDINANCE

4. The Chair of the ~~Board of Supervisors~~ County Planning Commission is hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to show the above-mentioned action by the Commission.

Sincerely,

Dianne M. Black
Secretary Planning Commission

cc: Case File: 08LLA-00000-00013, 09RZN-00000-00005
Planning Commission File
Dianne M. Black, Director Development Review
Agent: Steve Fort, SEPPS, 800 Santa Barbara Street, Santa Barbara, CA 93101
Owner (Parcel 1): Stafford Kelly & Elaine Lautsten, 7200 Eagle Ridge Place, Bethesda, MD 20817
Owner (Parcel 2): Jorgen Staal, 2022 Cliff Drive, Santa Barbara, CA 93109
Rachel Van Mullem, Deputy County Counsel
J Ritterbeck, Planner

Attachments: **Attachment A – Findings for Approval**
 Attachment C – Conditions of Approval (LLA)
 Attachment D – Planning Commission Resolution: Zoning Map Amendment

DMB/jao

ATTACHMENT A

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15305 [Minor Alterations in Land Use Limitations] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B, Environmental Document, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 LOT LINE ADJUSTMENT FINDINGS

In order to approve the request for a Lot Line Adjustment, the Planning Commission shall make the following findings, pursuant to Chapter 21 of the County Code, *Subdivision Regulations*, Section 21-93 and County Land Use Development Code, Section 35.30.110.B:

2.1.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and this development code.

The Lot Line Adjustment involves two parcels of 3.82-acres and 2.96-acres. As discussed in Sections 6.2 and 6.3 of the staff report and incorporated herein by reference, the proposed project would be consistent with the Comprehensive (General) Plan and the County Land Use Development Code zoning requirements. Also, a Land Use Permit was recently approved to legalize the as-built accessory structure that was previously constructed without the benefits of permits. As a result of the LLA, and as conditioned, this accessory structure would move from being within the boundary of Parcel 2 to Parcel 1. All other development on the subject parcels is legally permitted. Therefore, this finding can be made.

2.1.2 No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.

The subject parcels are located within the antiquated Ordinance 661 agricultural zone districts of 40-E-1 and 40-AL, which have a minimum parcel size requirement of 40-acres. As the subject parcels are 3.82 and 2.96-acres in size, both are nonconforming as to size prior to the Lot Line Adjustment. Therefore, no parcel involved would become nonconforming as to size as a result of the proposed project and this finding can be made.

2.1.3 Except as provided herein, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirement of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with all of the following requirements:

a. Four or fewer existing lots are involved in the adjustment.

This Lot Line Adjustment involves two lots. Therefore, this finding can be made.

b. The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot.

As discussed above, the subject lots are nonconforming as to size both prior to and following the Lot Line Adjustment. As such, they cannot be further subdivided. Therefore, the Lot Line Adjustment would not result in increased subdivision potential for any affected parcel and this finding can be made.

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

Both subject parcels are currently considered residentially developable and would not result in a greater number of residential developable parcels than existed prior to the adjustment. Therefore, this finding can be made.

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

If approved, as conditioned, the lot line adjustment will not increase any violation of parcel width setbacks, lot coverage and parking. Furthermore, there are no existing violations on either parcel. Future development will also require conformance with all applicable setback requirements. Therefore, this finding can be made.

- 2.1.5 The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

If approved, as conditioned, the reconfigured parcels will be in full compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the County Comprehensive Plan, the County Land Use Development Code and Chapter 21. Therefore, this finding can be made.

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

No existing utilities, infrastructure and easements need to be relocated to accommodate the Lot Line Adjustment. Therefore, this finding can be made.

2.2 REZONE FINDINGS

Pursuant to LUDC Section 35.104.060, an Amendment to the Zoning Map may be approved only if all the following findings are made.

- 2.2.1. The request is in the interests of the general community welfare.**

The rezone will bring the project site into conformance with the current Zoning Ordinance, similar to properties that are located within the Goleta Community Plan area that begins on the south side of San Marcos Pass. The rezone will not cause an intensification of use, since it is developed with two dwellings, nor will it provide a benefit that is not enjoyed by the surrounding parcels. Therefore, the project is in the interests of the general community welfare and consistent with this finding.

2.2.2. The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and LUDC.

State law requires zoning ordinances to be consistent with the Comprehensive Plan. The project site is designated as Mountainous Area (MA) under the Comprehensive Plan. As stated in the Land Use Element, the rezone to AG II would be consistent with this Land Use designation, since an agriculturally zoned district may be placed under any Land Use designation. Therefore, the project is consistent with this finding.

2.2.3. The request is consistent with good zoning and planning practices.

The project area has a history of agricultural use and contains 1.07 acres of avocado trees on Parcel 1. The proposed Zoning Map Amendment rezoning both of the parcels to AG-II-40 would be consistent with both the historic and present agricultural and residential uses of the property. The request will replace the existing antiquated zoning from Ordinance 661 with the modern zoning in the County LUDC. This will help implement a uniform and up-to-date Zoning Map throughout the inland area. The benefits of the proposed rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. Therefore, the proposed rezone is consistent with this finding.

ATTACHMENT C

CONDITIONS OF APPROVAL

PROJECT SPECIFIC CONDITIONS

Case No.: 08LLA-00000-00013

Project Name: Staal Lot Line Adjustment

Project Address: 1806 & 1812 San Marcos Pass Road

APN: 153-340-031 & 153-340-010

This permit is subject to compliance with the following conditions:

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibit marked "County Planning Commission, Exhibit #1, dated July 8, 2009," 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:

Case No. 08LLA-00000-00013

This project is for a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21 and Section 35.30.110 of the County Land Use and Development Code (LUDC) to adjust the parcel boundary line between two lots of 3.82 acres (Parcel 1 – APN 153-340-031) and 2.96 acres (Parcel 2 – APN 153-340-010) reconfiguring the two lots with no net change in parcel sizes, on property currently zoned 40-E-1 and 40-AL, respectively. The project has also been conditioned to require that each parcel record a development envelope around an area averaging a 20% slope. Upon approval of the LLA, all existing development will be contained within the envelopes and include the following:

Parcel 1 – APN 153-340-031: Existing SFD, Pool, Spa, and an Accessory Structure

Parcel 2 – APN 153-340-010: Existing SFD, Carport and Pool

Case No. 09RZN-00000-00005

This project is for an Amendment to the Zoning Map to rezone both Parcel 1 and Parcel 2 from 40-AL and 40-E-1, respectively, to AG-II-40 in compliance with Chapter 35.104 of the County LUDC.

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 hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All future development and proposed plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

LOT LINE ADJUSTMENT CONDITIONS

2. **As-Built Land Use Permit Required.** An as-built Land Use Permit shall be approved and issued prior

recordation of the Lot Line Adjustment. The Land Use Permit is required in order to legalize the unpermitted construction of a accessory structure currently located within the area of Parcel 2, but would be located on Parcel 1 upon approval and recordation of the adjusted parcel boundaries.

3. **Payment of Fees.** Prior to filing of a Record of Survey or other documents used to record the Lot Line Adjustment, the applicant shall pay all applicable P&D permit processing fees in full.
4. **Recording of Conditions.** Prior to recordation of the Lot Line Adjustment and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the deed for the newly configured lots.
5. **County Surveyor.** The decision-maker approval with appropriate conditions as may be required under this Article shall authorize the County Surveyor to file for record the appropriate documents reflecting the Lot Line Adjustment as approved. 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; and,

When the County Surveyor is satisfied that the documents that are to be recorded to complete the Lot Line Adjustment are technically correct, conform to the approval by the decision-maker, comply with all applicable laws and regulations, and that all agreements and securities have been provided, the County Surveyor shall note and execute the County Surveyor's Certificate on the face of the appropriate documents, to indicate that the document(s) appears to be in conformity with the provisions of this Article and shall transmit the same to the County Clerk-Recorder for filing for record.

6. **Utility Easements.** Prior to Recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
7. **Notice of LLA.** 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
8. **Deeds.** All deeds necessary to record the Lot Line Adjustment shall be deposited with the County Surveyor for recording. The following language shall be included on the deeds arising from the Lot Line Adjustment:

This deed arises from the lot line adjustment 08LLA-00000-00013 and defines a single parcel within the meaning of California Civil Code Section 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 (2) legal parcels.

9. **Notice to Property Owner (NTPO): Development Envelopes.** Prior to Recordation of the Lot Line Adjustment, an NTPO for each parcel shall be required to be recorded by the property owner that specifies, at a minimum, the area and location of, and the allowable use within the development envelopes.

10. **New Access Easement: Parcel 1.** Prior to Recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D to reserve an easement over Parcel 1 (Lot A) in favor of Parcel 2 (Lot B) at the time of conveyance of either parcel. This agreement is to be recorded with the Final Map.
11. **New Access Easement: Parcel 2.** Prior to Recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D to reserve an easement over Parcel 2 (Lot B) in favor of Parcel 1 (Lot A) at the time of conveyance of either parcel. This agreement is to be recorded with the Final Map.

COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

12. **Expiration.** Lot Line Adjustment 08LLA-00000-00013 shall expire three (3) years after approval or conditional approval by the final decision-maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
13. **Indemnity and Separation Clause.** 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 this 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.

ATTACHMENT D: RESOLUTION AND ORDINANCE

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF)
AN AMENDMENT TO SECTION 35-1 OF) RESOLUTION NO.: 09 - 12
CHAPTER 35 OF THE COUNTY CODE, THE)
SANTA BARBARA COUNTY LAND USE AND) CASE NO.: 09RZN-00000-00005
DEVELOPMENT CODE, BY AMENDING THE)
COUNTY ZONING MAP FOR ASSESSOR'S)
PARCEL NUMBERS 153-340-031 AND 153-340-010.)

WITH REFERENCE TO THE FOLLOWING

- A. On November 27, 2007, by Ordinance No. 4660, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 09RZN-00000-00005) amending the County Zoning Map to change the zoning of Assessor's Parcel Nos. 153-340-031 and 153-340-010 from 40-E-1 and 40-AL, respectively, to AG-II-40 as shown on Exhibit A of said Ordinance.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including applicable regional Community plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will repeal the existing antiquated zoning and implement the current zones of the County Land Use and Development Code.
- E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California following the required noticed public hearing, approve and adopt the above mentioned recommendation.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to show the above-mentioned action by the Commission.

PASSED, APPROVED, AND ADOPTED this 8th day of July, 2009, by the following vote:

AYES: Cooney, Brown, Brooks, Valencia, Blough

NOES:

ABSTAIN:

ABSENT:

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 09RZN-00000-00005

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE AREA REGULATED BY SECTION 35-1 OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBER 153-340-031 AND 153-340-010 FROM 40-E-1 AND 40-AL, RESPECTIVELY, TO AG-II-40.

Case No. 09RZN-00000-00005

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor's Parcel Number 153-340-031 and 153-340-010 from 40-E-1 and 40-AL, respectively, to AG-II-40 as shown on Exhibit A.

SECTION 2:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 200_, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO, Chair
Board of Supervisors

County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

Attachment:

Exhibit A

**SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Staal Lot Line Adjustment and Rezone**

Hearing Date: July 8, 2009
Staff Report Date: June 19, 2009
Case Nos.: 08LLA-00000-00013, and
09RNZ-00000-00005

Deputy Director: Dave Ward *DB Ward*
Division: Development Review - South
Supervising Planner: Anne Almy
Supervisor's Phone #: (805) 568-2053
Staff Contact: J. Ritterbeck, Planner
Planner's Phone #: (805) 568-3509

Environmental Document: CEQA Exemption
Pursuant to Sections 15305 [Minor Alterations in Land Use Limitations]

Applicant/Owner: Parcel 1

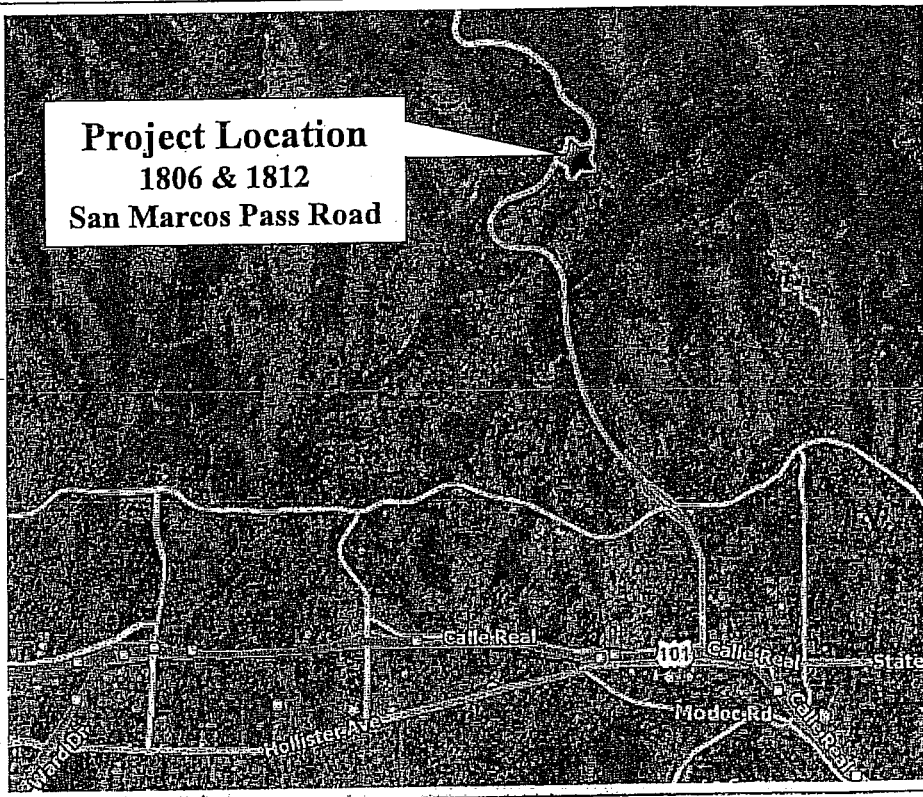
Stafford Kelly & Elaine Lauttsen
7200 Eagle Ridge Place
Bethesda, MD 20817
(301) 365-9607

Applicant/Owner: Parcel 2

Jorgen Staal
2022 Cliff Drive
Santa Barbara, CA 93109
(805) 896-5081

Agent / Architect

Steve Fort
Suzanne Elledge Planning & Permitting
800 Santa Barbara Street
Santa Barbara, CA 93101
(805) 966-2758



Project Location
1806 & 1812
San Marcos Pass Road

This site is identified as Assessor Parcel Number 153-340-031 (Parcel 1) and 153-340-010 (Parcel 2), located at 1806 and 1812 San Marcos Pass Road (Hwy 154), approximately 825 feet north of the intersection of San Antonio Creek Road, and within the Rural-Inland area of the 2nd Supervisorial District.

Application Filed: September 16, 2008 (08LLA-00000-00013)
Application Complete: February 3, 2009
Application Filed: March 10, 2009 (09RZN-00000-00005)
Application Complete: April 29, 2009
Processing Deadline: 60 days from NOE

1.0 REQUEST

Hearing on the request of Steve Fort, agent for the property owners Stafford Kelly and Elaine Lautsten (Parcel 1) and Jorgen Staal (Parcel 2), to consider the following:

- a) **Case No. 08LLA-00000-00013** [application filed on September 16, 2008] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21 and Section 35.30.110 of the County Land Use and Development Code (LUDC) to adjust the parcel boundary line between two lots of 3.82 acres (Parcel 1) and 2.96 acres (Parcel 2) reconfiguring the two lots with no net change in parcel sizes, on property currently zoned 40-E-1 and 40-AL, respectively; and
- b) **Case No. 09RZN-00000-00005** [application filed on March 10, 2009] to Amend the Zoning Map and rezone both Parcel 1 and Parcel 2 from 40-AL and 40-E-1, respectively, to AG-II-40 in compliance with Chapter 35.104 of the County LUDC; and
- c) Accept the Exemption pursuant to Section 15305 of the State Guidelines for Implementation of the California Environmental Quality Act.

The application involves AP Nos. 153-340-031 (Parcel 1) and 153-340-010 (Parcel 2); located at 1812 and 1806, respectively, San Marcos Pass Road (Hwy 154), in the Rural-Inland area of Santa Barbara County, 2nd Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend to the Board of Supervisors that they conditionally approve Case Nos. 09RZN-00000-00005 and 08LLA-00000-00013, marked "Officially Accepted; County of Santa Barbara (July 8, 2009), County Planning Commission, Exhibit 1", based upon the project's consistency with the Santa Barbara County Comprehensive Plan and based on the ability to make the required findings.

The Commission's motion should include the following recommendations to the Board of Supervisors:

1. Adopt the required findings for Case Nos. 09RZN-00000-00005 and 08LLA-00000-00013, as specified in Attachment A of this staff report, including CEQA findings;
2. Adopt an Ordinance Zoning Map Amendment for APNs 153-340-031 and 153-340-010 amending the Inland Zoning Map for the Santa Barbara Rural area from 40-AL and 40-E-1 to AG-II-40 (draft Ordinance included as Attachment D);
3. Accept the Exemption, pursuant the California Environmental Quality Act Guidelines Section 15305, included as Attachment B; and

4. Adopt a Resolution recommending that the Board of Supervisors approve the project, including Case Nos.:

09RZN-00000-00005, for a Zoning Map Amendment to rezone Parcel 1 and Parcel 2 from 40-E-1 and 40-AL, respectively, to AG-II-40 (Agriculture II, 40-acre minimum gross lot area), and

08LLA-00000-00013, for a Lot Line Adjustment, subject to conditions included as Attachment C.

~~Alternatively, refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.~~

3.0 JURISDICTION

3.1 Lot Line Adjustment

Based upon §21-6(a)(2) of County Code Chapter 35, the decision-maker for a Lot Line Adjustments, as defined in State Subdivision Map Act, California Government Code §66412.(d), of parcels located within the Rural Area and Existing Developed Rural Neighborhoods, as designated by the Santa Barbara County Comprehensive Plan, that do not exceed a ten percent increase or decrease in the area of the smallest existing parcel, would normally be the Zoning Administrator.

3.2 Rezone

Due to the discretionary action of the Lot Line Adjustment, the current project also requires a Zoning Map Amendment in order to rezone the subject parcels from their current antiquated Ordinance 661 zoning classifications to a current zoning classification, pursuant to, and consistent with LUDC §35.104. Additionally, LUDC §35.14.020.E.1 states that the adoption of a Zoning Map Amendment shall be done by ordinance and §35.100.030.A goes on to state that the Board of Supervisors is the review authority for Zoning Map Amendments and ordinance matters, and shall hold a public hearing and take final action on the matter, pursuant to LUDC §35.80.050.B.1.

The project is currently before the Commission because LUDC §35.100.040.B.2 states that the Commission shall make a recommendation to the Board for final decisions on Zoning Map Amendments. Furthermore, the Planning Commission shall hold at least one noticed public hearing on the proposed rezone, pursuant to LUDC §35.104.050.A.1 and the Commission's recommendation on the proposed rezone shall be transmitted to the Board of Supervisors in the form of a written recommendation, pursuant to LUDC §35.104.050.A.2.

3.3 Review Authority

The County LUDC §35.80.020.B.2 states that the decision maker on application with two or more permit types shall be under the jurisdiction of the review authority with the highest jurisdiction, which in this case is the Board of Supervisors.

4.0 ISSUE SUMMARY

4.1 Purpose

The purpose of this Lot Line Adjustment is to reorganize the configuration of the lots around existing development and ownership of parcel improvements.

4.2 Ordinance 661: Consistency Rezone

The subject lots are currently regulated under Ordinance 661. In the 1960's, the County adopted Ordinance 661. Pursuant to Board of Supervisor's direction, P&D's Department policy is to initiate a rezone of those lots that are subject to antiquated zoning ordinances when a discretionary project is submitted. The two subject parcels would be rezoned from 40-AL and 40-E-1, under Ordinance 661 §27.3, to a current AG-II-40 zone classification under the County LUDC. The proposed Zoning Map Amendment to rezone the two parcels is a legislative action that would replace an outdated agricultural zoning district under Ordinance 661 with a comparable modern agricultural zoning district under the current County LUDC. Long Range Planning has provided input and recommended the Zoning Map Amendment from Ordinance 661 to AG-11-40 under the County LUDC as this parcel is located in a Rural Area with a Mountainous Area (MA) land use designation¹. As this is a change from antiquated to current zoning, the County will process the Zoning Map Amendment (formerly known as a Rezone) at no cost to the applicant. The applicants are requesting a Lot Line Adjustment and rezone of the two parcels concurrently.

4.3 Development Envelopes

The applicant is proposing development envelopes in order to avoid areas on the parcels with slopes in excess of 20%. The project would be conditioned such that the development envelopes would occur at the grade break of 20%, with the only allowable exceptions occurring on [reconfigured] Parcel 1 within the area of the existing cabaña and pool equipment and within the area of the existing access easement. The project would also be conditioned such that all existing access and utilities, as well as any future improvements, would be required to be located entirely within their respective easements, as shown on the approved map.

4.4 Unpermitted Development

The Lot Line Adjustment is conditioned to require issuance of an as-built Land Use Permit prior to final map clearance of the LLA. The Land Use Permit is required in order to legalize the unpermitted construction of a pool cabaña currently located within the area of Parcel 2, but would be located on Parcel 1 upon approval and recordation of the adjusted parcel boundaries. The property owners, Mr. Kelly and Ms. Lauttsen, submitted an application on February 10, 2009 for a Land Use Permit to legalize the construction of this structure and change its use from a cabaña to an accessory structure.

¹ MT-GOL (Mountainous Goleta) and MT Toro (Mountainous Area Toro Canyon Planning Area) are the only mountains zone Districts in the LUDC. As this project is neither in the Goleta Community Plan or Toro Canyon Plan areas, mountainous zoning cannot apply.

This project was assigned case number 09LUP-00000-00061 and is currently being processed by P&D staff. Subsequent to approval by the South County Board of Architectural Review, P&D will be able to approve the LUP and issue the permit if no appeal is filed, satisfying Condition #2 of the LLA.

4.5 Agricultural Use

The site is not currently enrolled in a Williamson Act Contract and hosts 1.07-acres of existing avocado orchards. The existing small-scale agriculture would not be affected by the proposed project. The Agricultural Planning Division has not applied any conditions of approval to the project.

4.6 Eastern Valley Goleta Community Plan

The project site is adjacent to, but not within, the area located within Goleta Community Plan. Additionally, the project site is not included within the Goleta Vision Committee (GVC) 20/20 area or within the area of the Eastern Goleta Valley Residential Design Guidelines. Long Range Planning has not supplied comments nor requested that any additional conditions be applied to the approval of the project.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	MA-40
Ordinance, Zone	Ordinance 661, General Agriculture District, 40-acre Minimum Lot Area (40-AG), and 40-E-1
Existing Site Size – APN – Zone	<u>Total area: 6.78 acres</u> Parcel 1 (Lot A): 3.82 acres – APN 153-340-031 – 40-E-1 Parcel 2 (Lot B): 2.96 acres – APN 153-340-010 – 40-AL
Proposed Site Size – APN – Zone	Parcel 1 (Lot A): 3.82 acres – APN 153-340-031 – AG-II-40 Parcel 2 (Lot B): 2.96 acres – APN 153-340-010 – AG-II-40
Present Use & Development	Parcel 1: Existing SFD and avocado orchard Parcel 2: Existing SFD, carport, cabaña, 2 pools and spa
Surrounding Uses/Zone(s)	<i>North:</i> Highway 154, MT-40 (Goleta Community Plan) <i>South:</i> 40-AL, (Ordinance 661) <i>East:</i> 40-AL, 40-E-1 (Ordinance 661) <i>West:</i> Highway 154, MT-40 (Goleta Community Plan)
Access	Existing driveway from San Marcos Pass Road (Hwy 154)
Other Site Information	City of Santa Barbara Sphere of Influence
Public Services	Water Supply: Goleta Water District Sewage: Existing independent on-site septic for each parcel Fire: Santa Barbara County Station # 15

5.2 Description

The current project consists of two components for review by the Commission.

5.2.1 Zoning Map Amendment

The two subject parcels are currently zoned General Agriculture, 40-acre minimum lot area (40-E-1 and 40-AL), pursuant to the antiquated Ordinance 661. In order to be consistent with the current County LUDC, and based upon the agricultural use of the rural project site along with the surrounding agricultural land uses, the zone district classification for both parcels is proposed to be amended to AG-II-40 (Agriculture II, 40-acre minimum gross lot area). Both parcels are currently served by the private on-site sewage disposal systems and the Goleta Water District. Access to both parcels would continue to be provided from San Marcos Pass Road (Highway 154) via an existing private driveway.

5.2.2 Lot Line Adjustment

The proposed LLA involves two adjacent parcels. Parcel 1 (Lot A) is currently a 2.96-acre parcel, zoned 40-E-1 and Parcel 2 (Lot B) is currently a 3.82-acre parcel, zoned 40-AL. No net or gross change in acreage would result from the LLA and the adjusted parcel boundary would correct the existing encroachment issue of development from Parcel 1 over Parcel 2. This encroachment is addressed in Condition #2 of the LLA, which requires approval and issuance of a Land Use Permit to legalize the previous unpermitted construction of a cabaña related to a pool on Parcel 1, but is currently located on Parcel 2. Additionally, Development Envelopes are also proposed as a component of this adjustment to avoid any future development in areas with slopes over 20%. There would be no physical change to the any existing structure and all existing utilities would continue to serve the project site as they do presently. Future alterations to access and/or utilities shall occur in their appropriate easements and may require further P&D review and/or permitting.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The project may be found exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15305 [Minor Alterations in Land Use Limitations]. This exemption is appropriate for minor lot line adjustments in areas with average slopes of less than 20% that do not result in the creation of any new parcels, changes in land use, or changes in density. With the inclusion of new development envelopes restricting the area on-site available for development, the proposed LLA is consistent with the requirements for this CEQA Categorical Exemption. As proposed, the project would not have the potential to create any significant environmental impacts, no further environmental review would be required. Please see Attachment C, Environmental Document, for more details on the exemption.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
LAND USE ELEMENT	
<p>Land Use Element Designation: Inland, Rural, Mountainous Areas, 40 acre minimum (MA-40)</p>	<p>The proposed rezone to AG-II-40 (Agriculture II, 40-acre minimum) would be consistent with the Land Use Element Designation. As stated in the Land Use Element, agricultural zoning is consistent with all general plan land use designations, except for land that is subject to the Williamson Act. In the case of land under the agricultural preserve contract, the General Plan designation shall be agriculture land use. Neither of the two parcels is under an agricultural preserve contract. Therefore, the rezone to AG-II would be consistent with the MA Land Use Designation.</p>
<p>Land Use Development Policy 4: Prior to issuance of a use permit, the County shall make the finding [that] adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development.</p>	<p>Consistent: Both parcels have adequate access and public and private services and the proposed LLA would not interfere with any existing services. Residential development on both parcels was recently reviewed and permitted by the County in 2005 (Parcel 1) and 2007 (Parcel 2). Access to the project site is provided by a private driveway from San Marcos Pass and was recently reviewed and approved by the Santa Barbara County Fire Department (see Attachment E). Prior to approval of any future development within the proposed development envelopes, the applicant would again be required to demonstrate continued adequate services. Therefore, the project would be consistent with this policy.</p>
<p>Land Use Development Policy 7: Lot line adjustments involving nonconforming parcels (as to required size) may be found consistent with the Comprehensive Plan if: a) No parcel involved is conforming as to size prior to the adjustment shall become nonconforming as to size as a result of the adjustment [...].</p>	<p>Consistent: This LLA involves two parcels, Parcel 1 (Lot A) at 3.82-acres and Parcel 2 (Lot B) at 2.96-acres, both of which are nonconforming parcels (as to size). As a result of this LLA, no parcel that conforms to the minimum parcel size of 40 gross acres would become nonconforming as to size. Therefore, the project is consistent with this policy.</p>

REQUIREMENT	DISCUSSION
AGRICULTURAL ELEMENT	
<p>GOAL I. Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</p>	<p>Consistent. The proposed Zoning Map Amendment and Lot Line Adjustment are consistent with this policy. The small scale existing agricultural use would continue to be supported. The proposed project would not substantively change the agricultural zoning or designation of the property. The project site is not currently, nor has ever been, enrolled in a Williamson Act contract. Therefore, the project is consistent with this goal.</p>

6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Lot Line Adjustment

With approval of this Lot Line Adjustment, no parcel that currently conforms to the minimum parcel size in the 40-AL or 40-E-1 zone district would become non-conforming as to size. Neither parcel conforms to the 40 acre required lot size, but the Lot Line Adjustment would not make the existing non-conforming situation more onerous as the lots would remain the same size. The proposed project would meet all of the applicable requirements of Chapter 21, Subdivision Regulations and Lot Line Adjustment regulations within the County LUDC.

6.3.2 Consistency Rezone

The subject parcels are currently zoned 40-AL or 40-E-1 under Ordinance 661. The proposed rezone would replace this antiquated agricultural zoning designation with the modern agricultural zoning designation of AG-II-40 under the LUDC. The intent of the AG-II zoning district is to designate and protect lands appropriate for long-term agricultural use. Any future development on the subject parcel would have to be in compliance with all applicable provisions in the LUDC.

6.3.3 Existing Development

Residential development on Parcels 1 and 2 (Lots A and B, respectively) was permitted by the County under previous permits. The applicant is in the process of legalizing the as built accessory structure through the review and approval of Land Use Permit 09LUP-00000-00061. With the Lot Line Adjustment, all existing development would be in conformance with all applicable parking, height, land use, and setback regulations of the AG-II-40 zone district of the County LUDC. With the approval of the 09LUP-00000-00062, no active zoning violation would be recorded for either of the subject parcels.

6.4 Subdivision/Development Review Committee (SDRC)

The project was taken to the SDRC for review on October 2, 2008. After discussion, the only department that offered conditions of approval was the County Fire Department, requiring additional review and approval of adequate access prior to map recordation. On October 7, 2008, P&D received an email from Martin Johnson, County Fire Department, that referenced a previous November 9, 2005 letter (see Attachment E), that approved the existing permitted access and reaffirmed that the existing access was still adequate and satisfied the requirements of County Fire.

6.5 Development Impact Mitigation Fees

The proposed rezone does not include construction of a new residence or any other form of new development that would require the payment of Development Impact Mitigation Fees.

6.5 Mapping Tool Determination

Mapping Tool	Purpose	Applicability	Recording Mechanism
DEVELOPMENT ENVELOPES <i>(ground disturbance restrictions)</i>	<ul style="list-style-type: none"> Identifies location of all ground-disturbance activities Identifies resources to be protected onsite 	Apply to parcel/tract maps or existing parcels constrained with significant resources or hazards	<ul style="list-style-type: none"> Recorded with Final Map Notice to Property Owners (NTPOs)

Analysis:

The project site is located in an area containing steep slopes in excess of 20-30% that constrain the amount and location of development on the subject parcels. The proposed development requires implementation of development envelopes on each newly reconfigured parcel in order to protect slopes and visual resources. These envelopes avoid areas in excess of 20-30% and prohibit development outside of the development envelope area. Designation of the development envelopes will be subject to recordation with the County Surveyor reflecting the lot line adjustment, as indicated in Condition of Approval Nos. 6 and 11 (see Attachment C).

6.7 Agricultural Preserve Advisory Committee (APAC)

Review by the APAC is not required at this time as the project site is not enrolled in a Williamson Act Contract. The Agricultural Planning Division has no conditions on the project.

7.0 APPEALS PROCEDURE

- A rezoning recommended for approval is automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.
- A rezoning denied by the Commission must be appealed to the Board within five (5) days after the Commission's report is filed with the Clerk of the Board of Supervisors.

8.0 ATTACHMENTS

- A. Findings for Approval
- B. Environmental Document, Notice of Exemption
- C. Conditions of Approval (LLA), with attached Departmental letters
- D. BOS Resolution: Zoning Map Amendment
- E. Fire Department November 9, 2005 letter.
- F. Reduced Site Plan

ATTACHMENT A

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

The proposed project is found to be exempt from environmental review pursuant to Section 15305 [Minor Alterations in Land Use Limitations] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B, Environmental Document, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 LOT LINE ADJUSTMENT FINDINGS

In order to approve the request for a Lot Line Adjustment, the Planning Commission shall make the following findings, pursuant to Chapter 21 of the County Code, *Subdivision Regulations*, Section 21-93 and County Land Use Development Code, Section 35.30.110.B:

2.1.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and this development code.

The Lot Line Adjustment involves two parcels of 3.82-acres and 2.96-acres. As discussed in Sections 6.2 and 6.3 of the staff report and incorporated herein by reference, the proposed project would be consistent with the Comprehensive (General) Plan and the County Land Use Development Code zoning requirements. Also, a Land Use Permit was recently approved to legalize the as-built accessory structure that was previously constructed without the benefits of permits. As a result of the LLA, and as conditioned, this accessory structure would move from being within the boundary of Parcel 2 to Parcel 1. All other development on the subject parcels is legally permitted. Therefore, this finding can be made.

2.1.2 No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.

The subject parcels are located within the antiquated Ordinance 661 agricultural zone districts of 40-E-1 and 40-AL, which have a minimum parcel size requirement of 40-acres. As the subject parcels are 3.82 and 2.96-acres in size, both are nonconforming as to size prior to the Lot Line Adjustment. Therefore, no parcel involved would become nonconforming as to size as a result of the proposed project and this finding can be made.

2.1.3 Except as provided herein, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirement of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with all of the following requirements:

a. Four or fewer existing lots are involved in the adjustment.

This Lot Line Adjustment involves two lots. Therefore, this finding can be made.

- b. **The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot.**

As discussed above, the subject lots are nonconforming as to size both prior to and following the Lot Line Adjustment. As such, they cannot be further subdivided. Therefore, the Lot Line Adjustment would not result in increased subdivision potential for any affected parcel and this finding can be made.

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

Both subject parcels are currently considered residentially developable and would not result in a greater number of residential developable parcels than existed prior to the adjustment. Therefore, this finding can be made.

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

If approved, as conditioned, the lot line adjustment will not increase any violation of parcel width setbacks, lot coverage and parking. Furthermore, there are no existing violations on either parcel. Future development will also require conformance with all applicable setback requirements. Therefore, this finding can be made.

- 2.1.5 **The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

If approved, as conditioned, the reconfigured parcels will be in full compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of the County Comprehensive Plan, the County Land Use Development Code and Chapter 21. Therefore, this finding can be made.

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

No existing utilities, infrastructure and easements need to be relocated to accommodate the Lot Line Adjustment. Therefore, this finding can be made.

2.2 REZONE FINDINGS

Pursuant to LUDC Section 35.104.060, an Amendment to the Zoning Map may be approved only if all the following findings are made.

2.2.1. **The request is in the interests of the general community welfare.**

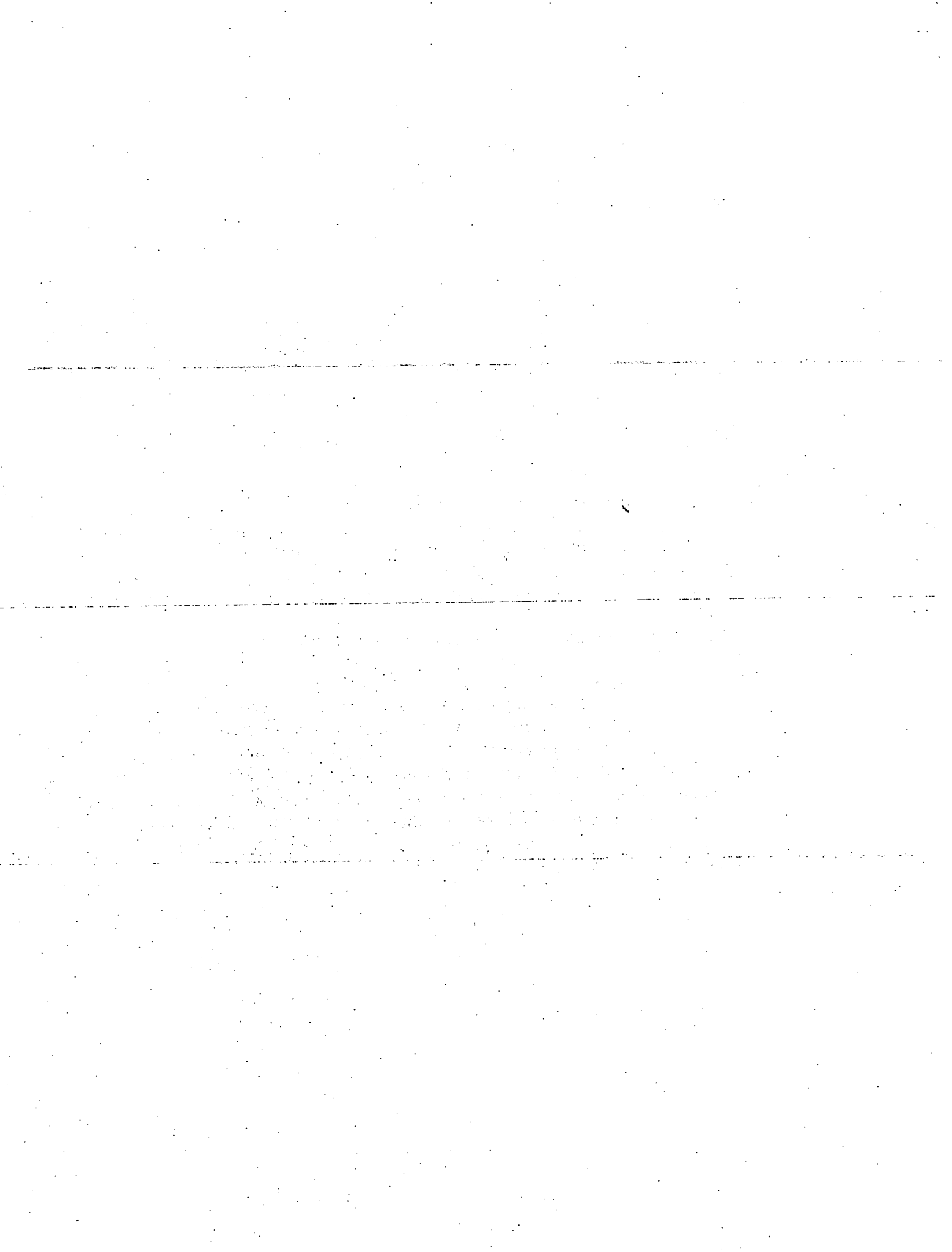
The rezone will bring the project site into conformance with the current Zoning Ordinance, similar to properties that are located within the Goleta Community Plan area that begins on the south side of San Marcos Pass. The rezone will not cause an intensification of use, since it is developed with two dwellings, nor will it provide a benefit that is not enjoyed by the surrounding parcels. Therefore, the project is in the interests of the general community welfare and consistent with this finding.

2.2.2. **The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and LUDC.**

State law requires zoning ordinances to be consistent with the Comprehensive Plan. The project site is designated as Mountainous Area (MA) under the Comprehensive Plan. As stated in the Land Use Element, the rezone to AG II would be consistent with this Land Use designation, since an agriculturally zoned district may be placed under any Land Use designation. Therefore, the project is consistent with this finding.

2.2.3. **The request is consistent with good zoning and planning practices.**

The project area has a history of agricultural use and contains 1.07 acres of avocado trees on Parcel 1. The proposed Zoning Map Amendment rezoning both of the parcels to AG-II-40 would be consistent with both the historic and present agricultural and residential uses of the property. The request will replace the existing antiquated zoning from Ordinance 661 with the modern zoning in the County LUDC. This will help implement a uniform and up-to-date Zoning Map throughout the inland area. The benefits of the proposed rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. Therefore, the proposed rezone is consistent with this finding.



ATTACHMENT B

ENVIRONMENTAL DOCUMENT

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Planning and Development Department (P&D)

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

AP Nos.: 153-340-031 and 153-340-010

Case Nos.: 08LLA-00000-00013 and 09RZN-00000-00005

Location: 1812 San Marcos Pass Rd (Lot A, Parcel 1); and
1806 San Marcos Pass Rd (Lot B, Parcel 2)

Project Title: Stall Lot Line Adjustment and Rezone

Project Description: The project is for a Lot Line Adjustment to adjust lines between two lots of 3.82 acres (Parcel 1) and 2.96 (Parcel 2) reconfiguring the parcels boundaries without any net change to the overall area of either lot; and for a Zoning Map Amendment to rezone both Parcel 1 and Parcel 2 from 40-AL and 40-E-1, respectively, to AG-II-40 in compliance with Chapter 35.104 of the County Land Use and Development Code. The subject parcels are currently zoned General Agriculture, 40-acres minimum lot area (40-E-1 and 40-AL), pursuant to previous Ordinance 661 zoning classifications. In order to be consistent with the current Land Use and Development Code, the zoning map would be amended to AG-II-40 (Agriculture II, 40-acres minimum gross lot area) under the current County Ordinances found in the Land Use Development Code.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Steve Fort, Agent

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA Guideline Section: 15305 [Minor Alterations in Land Use Limitations]

Reasons to Support Exemption Findings: The Lot Line Adjustment is exempt from further environmental review pursuant to §15305 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), which exempts minor lot line adjustments in areas with an average slope of less than 20% which do not result in any changes in land use or density. Consistent with these requirements, the Lot Line Adjustment would occur within a developable area with average slopes of less than 20%. The adjustment would be considered minor as it would only move the common parcel boundary and the adjustment would not result in any change in agricultural land use, parcel size or density. As part of the Lot Line Adjustment, the property owners have designated development envelopes, located within an area of each parcel with an average slope of less than 20%, that would contain all existing, proposed and future development on the sites. These designated envelopes would be consistent with the CEQA Class 5 Exemption, which includes minor alterations in land use limitations in areas with an average slope of less than 20%. Any future application for additional development on the subject parcels may be subject to further environmental review. The proposed project would not adversely impact prime agricultural land or agricultural land productivity.

There is no substantial evidence that there are unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

Upon staff's review, there would not be any impact on any nearby environmental resources. The proposed development is located entirely outside of the required 50-foot buffer from any mapped ESH area as the nearest mapped environmental resource (Riparian Corridor) is 130 feet west of the project site. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

Staff has determined that there are no significant incremental or measurable cumulative impacts for a lot line adjustment between two existing legal parcels. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Upon staff's review, there is not a reasonable possibility that the Lot Line Adjustment will have a significant effect on the environment due to unusual circumstances. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The proposed project to adjust a lot-line between two parcels with existing SFDs would not result in damage to a scenic resource. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project is not located on a Hazardous Waste Site. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

(f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed project site is not currently designated as a historical resource, nor is it located in an area that would qualify as a historically significant resource. Therefore, this exception to the Categorical Exemptions is not applicable to the proposed project.

Lead Agency Contact Person: J. Ritterbeck, Planner

Phone #: (805) 568-3509

Department/Division Representative: _____

Date: _____

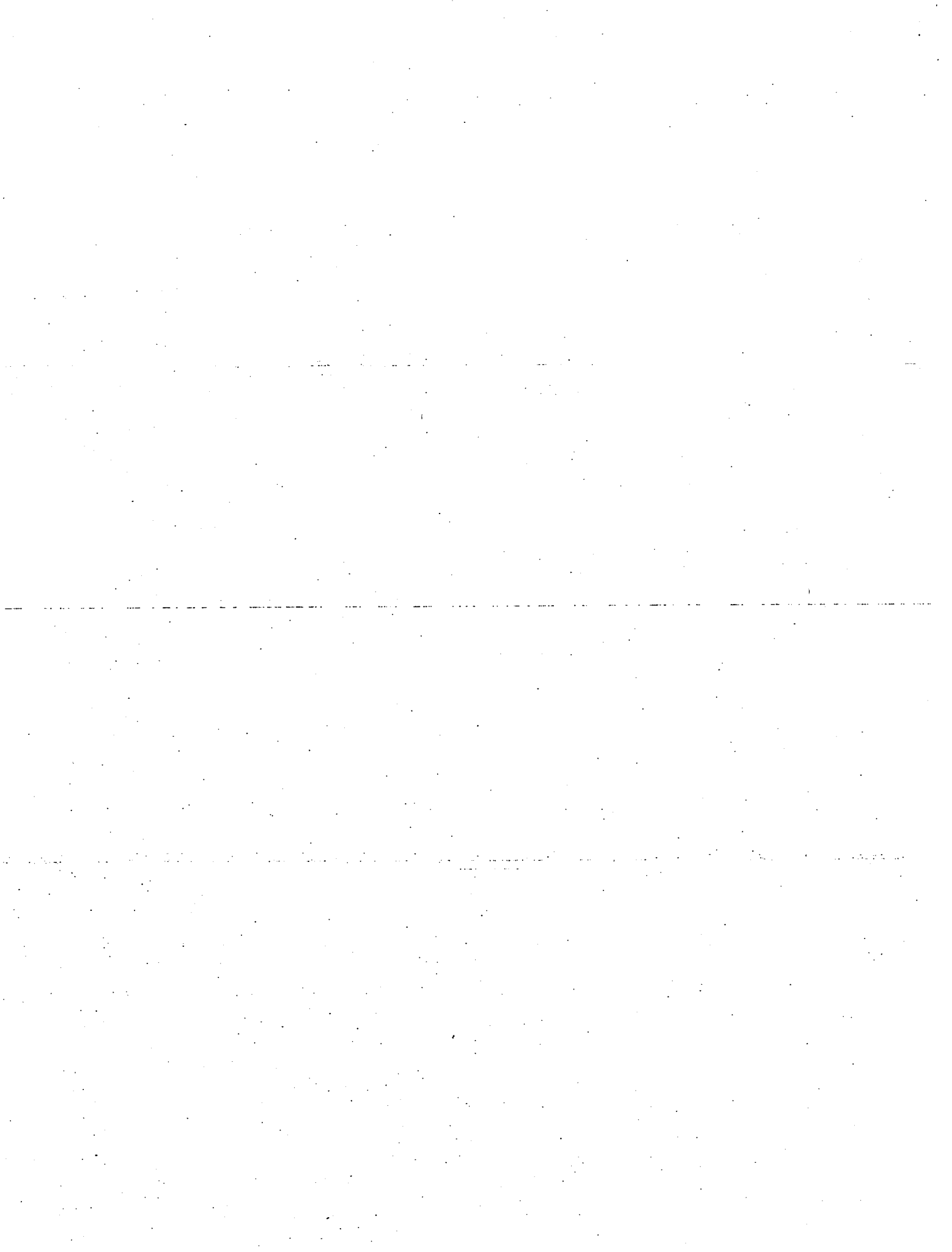
Acceptance Date: _____

Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

distribution: Hearing Support Staff

Project file (when P&D permit is required)

Date Filed by County Clerk: _____



ATTACHMENT C

CONDITIONS OF APPROVAL

PROJECT SPECIFIC CONDITIONS

Case No.: 08LLA-00000-00013

Project Name: Staal Lot Line Adjustment

Project Address: 1806 & 1812 San Marcos Pass Road

APN: 153-340-031 & 153-340-010

This permit is subject to compliance with the following conditions:

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibit marked "County Planning Commission, Exhibit #1, dated July 8, 2009," 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:

Case No. 08LLA-00000-00013

This project is for a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21 and Section 35.30.110 of the County Land Use and Development Code (LUDC) to adjust the parcel boundary line between two lots of 3.82 acres (Parcel 1 – APN 153-340-031) and 2.96 acres (Parcel 2 – APN 153-340-010) reconfiguring the two lots with no net change in parcel sizes, on property currently zoned 40-E-1 and 40-AL, respectively. The project has also been conditioned to require that each parcel record a development envelope around an area averaging a 20% slope. Upon approval of the LLA, all existing development will be contained within the envelopes and include the following:

Parcel 1 – APN 153-340-031: Existing SFD, Pool, Spa, and an Accessory Structure

Parcel 2 – APN 153-340-010: Existing SFD, Carport and Pool

Case No. 09RZN-00000-00005

This project is for an Amendment to the Zoning Map to rezone both Parcel 1 and Parcel 2 from 40-AL and 40-E-1, respectively, to AG-II-40 in compliance with Chapter 35.104 of the County LUDC.

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 hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All future development and proposed plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

LOT LINE ADJUSTMENT CONDITIONS

2. **As-Built Land Use Permit Required.** An as-built Land Use Permit shall be approved and issued prior recordation of the Lot Line Adjustment. The Land Use Permit is required in order to legalize the unpermitted construction of a accessory structure currently located within the area of Parcel 2, but would be located on Parcel 1 upon approval and recordation of the adjusted parcel boundaries.
3. **Payment of Fees.** Prior to filing of a Record of Survey or other documents used to record the Lot Line Adjustment, the applicant shall pay all applicable P&D permit processing fees in full.
4. **Recording of Conditions.** Prior to recordation of the Lot Line Adjustment and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the deed for the newly configured lots.
5. **County Surveyor.** The decision-maker approval with appropriate conditions as may be required under this Article shall authorize the County Surveyor to file for record the appropriate documents reflecting the Lot Line Adjustment as approved. 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; and,

When the County Surveyor is satisfied that the documents that are to be recorded to complete the Lot Line Adjustment are technically correct, conform to the approval by the decision-maker, comply with all applicable laws and regulations, and that all agreements and securities have been provided, the County Surveyor shall note and execute the County Surveyor's Certificate on the face of the appropriate documents, to indicate that the document(s) appears to be in conformity with the provisions of this Article and shall transmit the same to the County Clerk-Recorder for filing for record.

6. **Utility Easements.** Prior to Recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21-30; Ord. No. 2199, Sec. 13).
7. **Notice of LLA.** 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
8. **Deeds.** All deeds necessary to record the Lot Line Adjustment shall be deposited with the County Surveyor for recording. The following language shall be included on the deeds arising from the Lot Line Adjustment:

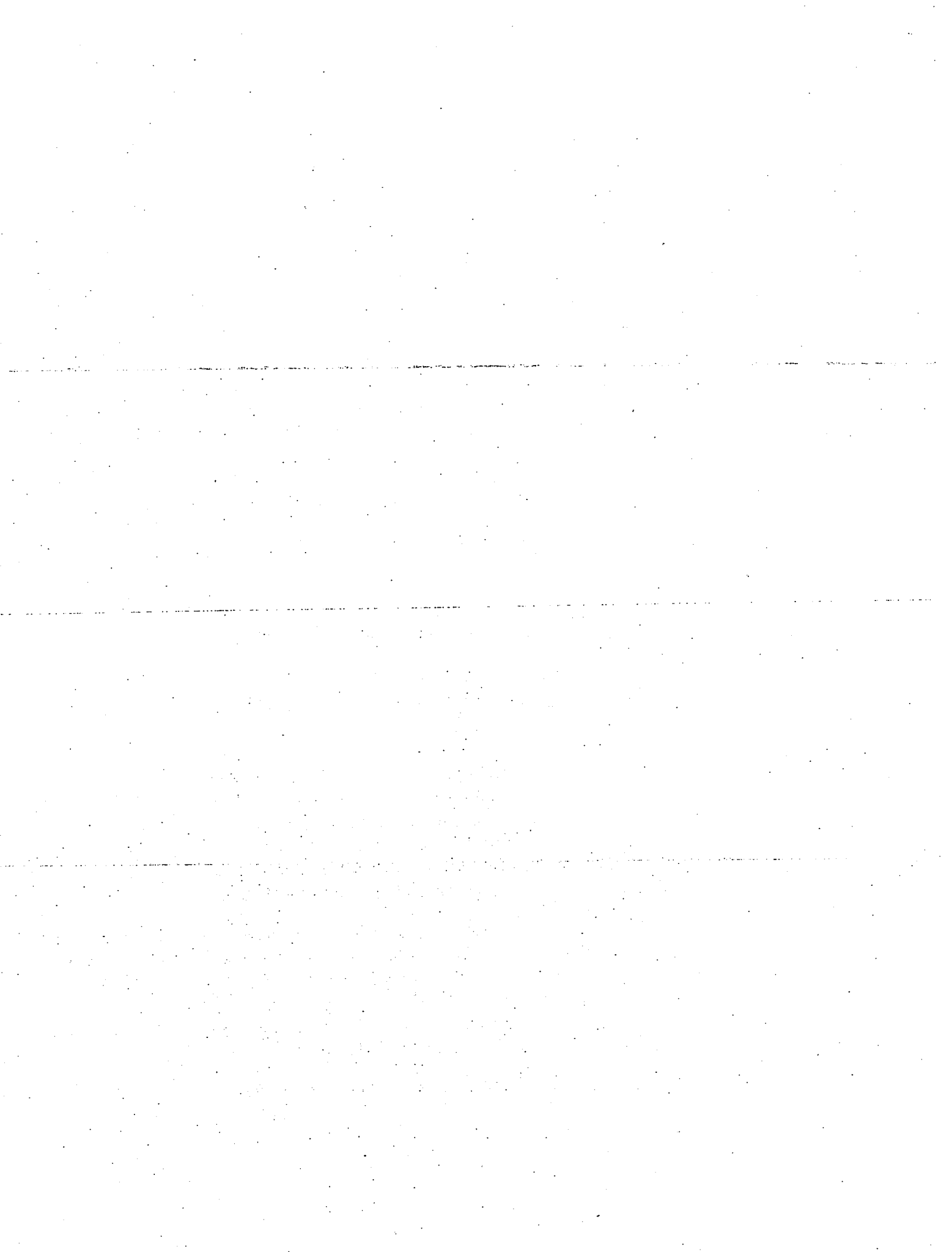
This deed arises from the lot line adjustment 08LLA-00000-00013 and defines a single parcel within the meaning of California Civil Code Section 1093.

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 (2) legal parcels.

9. **Notice to Property Owner (NTPO): Development Envelopes.** Prior to Recordation of the Lot Line Adjustment, an NTPO for each parcel shall be required to be recorded by the property owner that specifies, at a minimum, the area and location of, and the allowable use within the development envelopes.
10. **New Access Easement: Parcel 1.** Prior to Recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D to reserve an easement over Parcel 1 (Lot A) in favor of Parcel 2 (Lot B) at the time of conveyance of either parcel. This agreement is to be recorded with the Final Map.
11. **New Access Easement: Parcel 2.** Prior to Recordation, the applicant shall enter into an agreement acceptable to County Counsel and P&D to reserve an easement over Parcel 2 (Lot B) in favor of Parcel 1 (Lot A) at the time of conveyance of either parcel. This agreement is to be recorded with the Final Map.

COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

12. **Expiration.** Lot Line Adjustment 08LLA-00000-00013 shall expire three (3) years after approval or conditional approval by the final decision-maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
13. **Indemnity and Separation Clause.** 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 this 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.



ATTACHMENT D: RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF)
AN AMENDMENT TO SECTION 35-1 OF)
CHAPTER 35 OF THE COUNTY CODE, THE)
SANTA BARBARA COUNTY LAND USE AND)
DEVELOPMENT CODE, BY AMENDING THE)
COUNTY ZONING MAP FOR ASSESSOR'S)
PARCEL NUMBERS 153-340-031 AND 153-340-010.)

RESOLUTION NO.: 09-___

CASE NO.: 09RZN-00000-00005

WITH REFERENCE TO THE FOLLOWING

- A. On November 27, 2007, by Ordinance No. 4660, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an Ordinance (Case No. 09RZN-00000-00005) amending the County Zoning Map to change the zoning of Assessor's Parcel Nos. 153-340-031 and 153-340-010 from 40-E-1 and 40-AL, respectively, to AG-II-40 as shown on Exhibit A of said Ordinance.
Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including applicable regional Community plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will repeal the existing antiquated zoning and implement the current zones of the County Land Use and Development Code.
- E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California following the required noticed public hearing, approve and adopt the above mentioned recommendation.
- 3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
- 4. The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to show the above-mentioned action by the Commission.

PASSED, APPROVED, AND ADOPTED this 8th day of July, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 09RZN-00000-00005

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE AREA REGULATED BY SECTION 35-1 OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBER 153-340-031 AND 153-340-010 FROM 40-E-1 AND 40-AL, RESPECTIVELY, TO AG-II-40.

Case No. 09RZN-00000-00005

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor's Parcel Number 153-340-031 and 153-340-010 from 40-E-1 and 40-AL, respectively, to AG-II-40 as shown on Exhibit A.

SECTION 2:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 200_, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JOSEPH CENTENO, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

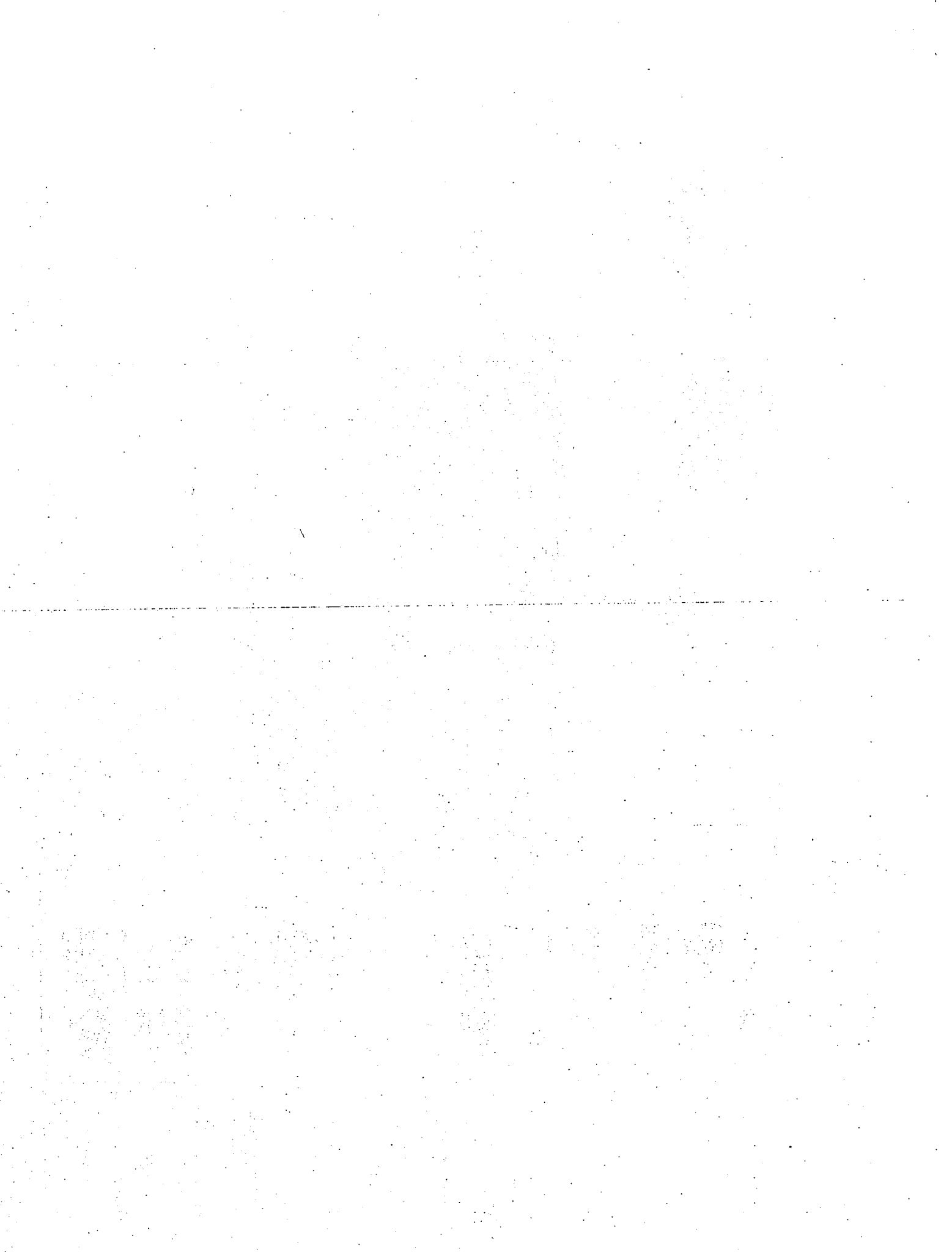
APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

Attachment:

Exhibit A





Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief

November 9, 2005

Vadim Hsu, AIA
3023 Serena Road
Santa Barbara, CA 93105

Dear Mr. Hsu,

SUBJECT: APN#:153-340-031; Site: 1812 San Marcos Pass Road

Thank you for your recent re-submittal of driveway access plans for 1812 San Marcos Pass Road. I have reviewed your plans and your request for a variance in regards to the driveway slope.

Your request for a variance has been reviewed by the fire marshal and approved with the following conditions, as outlined in your letter dated November 4, 2005:

- Re-grade existing 20 percent slope to 18 percent.
- Re-pave the portion of the driveway exceeding 15 percent with concrete.
- Construct driveway as shown on plans dated August 11, 2005, and stamped "approved" by this department.

All other conditions as outlined in the Fire Department Condition Letter (05BDP-01893) also apply.

If you have any questions or need any additional assistance, please do not hesitate to call.

Yours in the interest of life and fire safety,

Martin Johnson, Captain

c: APN/Chron

Steve Fort

From: Martin Johnson [Martin.Johnson@sbcfire.com]
Sent: Tuesday, October 07, 2008 2:47 PM
To: Steve Fort
Cc: Brian Hayden; Bradbury, Holly; Maruja Clensay
Subject: RE: Staal Lot Line Adjustment - SDRC Comment

Thanks Steve,

Yes, this was the information that I could not recall if it had already been signed off or not so

Looks like you are good to go from the Fire Department's side

Thanks!

Martin

-----Original Message-----

From: Steve Fort [mailto:stevef@sepps.com]
Sent: Tuesday, October 07, 2008 1:30 PM
To: Martin Johnson
Cc: Brian Hayden; Bradbury, Holly; Maruja Clensay
Subject: Staal Lot Line Adjustment - SDRC Comment

Martin

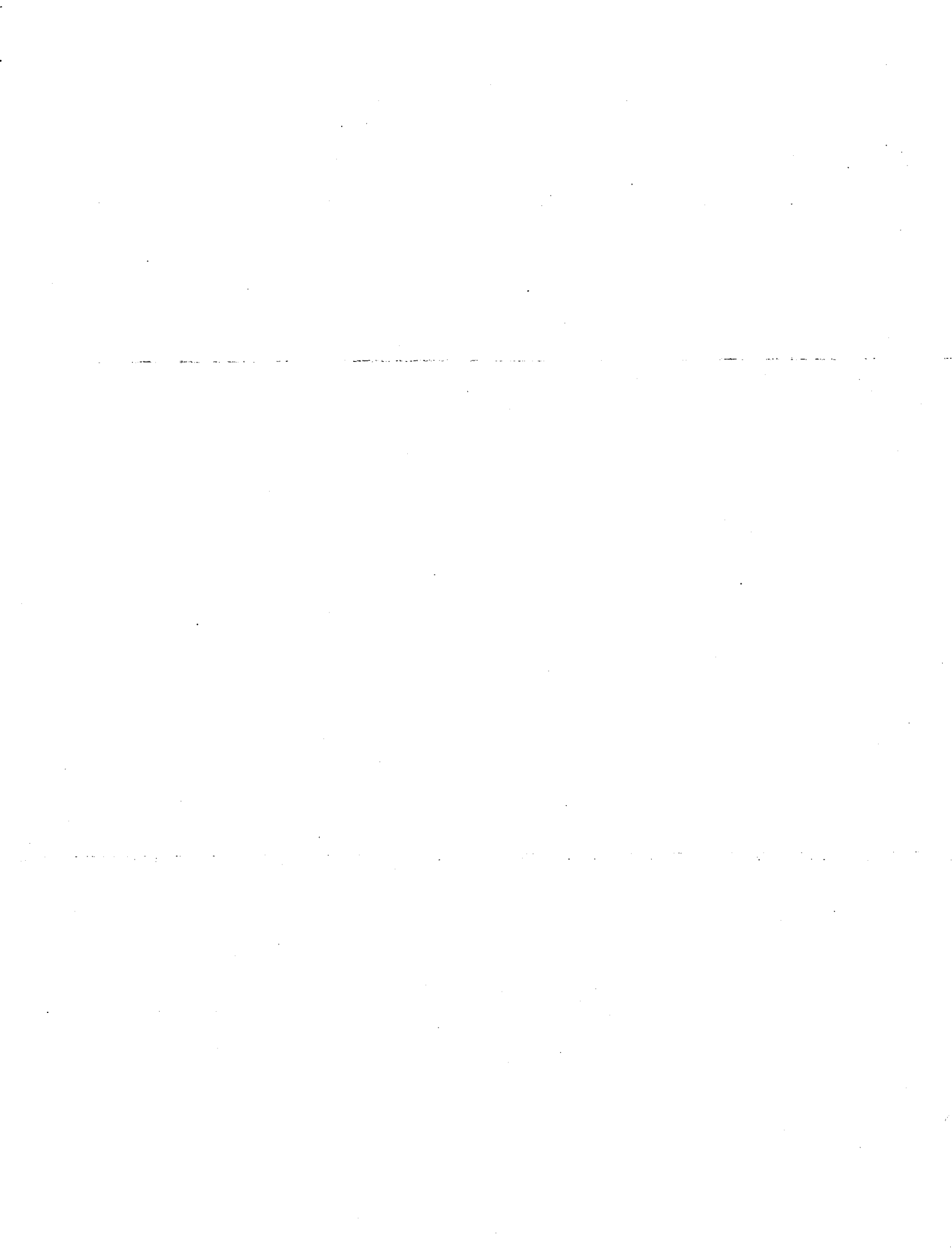
At SDRC on 10/2 in discussion the Staal Lot Line Adjustment, you stated that we'd need to confirm that the driveway to 1812 San Marcos Pass was built per the variance approval letter dated 11/9/05 (attached).

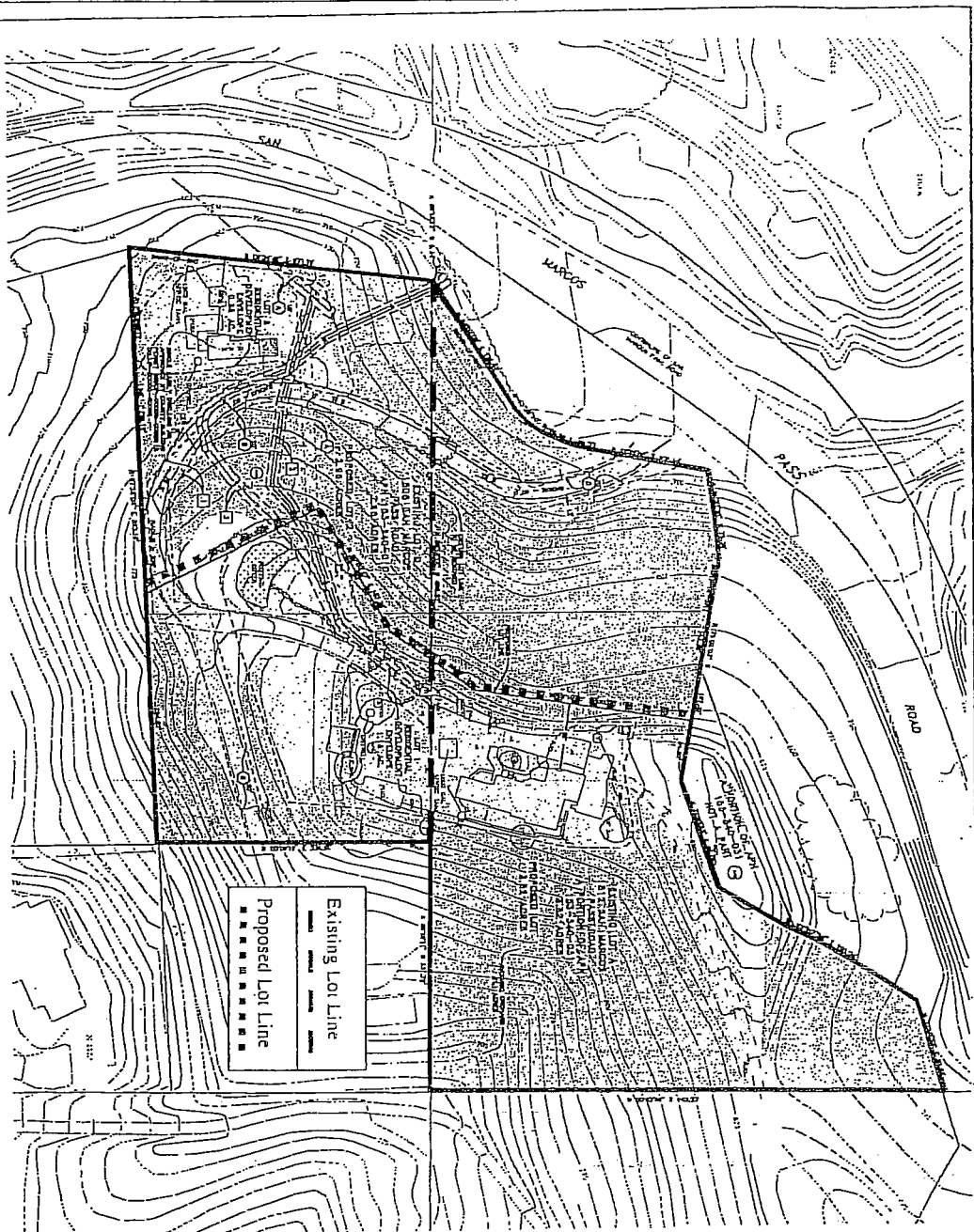
This request was in regard to 05BDP-00000-01893. I have attached a copy of an inspection card for 05BDP-00000-01893 on which the Fire Dept. inspection has been signed off by "B.H." (Brian Hayden?) on 7/18/08. Does this suffice to confirm that the driveway was built per the 11/9/05 variance letter? If not, please let me know what would suffice.

Thank you,

Steve Fort, AICP
Associate Planner
Suzanne Elledge Planning & Permitting Services
800 Santa Barbara Street
Santa Barbara, CA 93101
office: (805) 966-2758 x21
cell: (805) 455-4988
fax: (805) 966-2759

11/18/2008

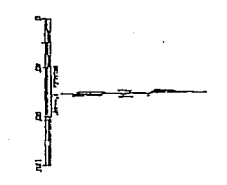




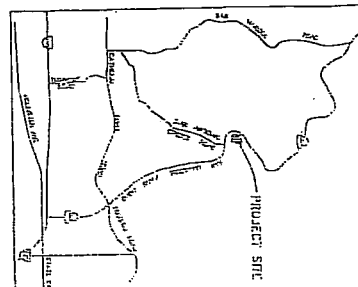
LOCAL DESCRIPTION:
 The proposed lot line is shown in solid black. The existing lot line is shown in dashed black. The map shows a residential area with various lot sizes and boundaries. The proposed lot line is located in the central part of the map, running north-south.

RECORD EVIDENCE:
 The proposed lot line is shown in solid black. The existing lot line is shown in dashed black. The map shows a residential area with various lot sizes and boundaries. The proposed lot line is located in the central part of the map, running north-south.

PROPOSED EVIDENCE:
 The proposed lot line is shown in solid black. The existing lot line is shown in dashed black. The map shows a residential area with various lot sizes and boundaries. The proposed lot line is located in the central part of the map, running north-south.



ADDITIONAL NOTES:
 1. The proposed lot line is shown in solid black. The existing lot line is shown in dashed black. The map shows a residential area with various lot sizes and boundaries. The proposed lot line is located in the central part of the map, running north-south.



DATE	BY	DESCRIPTION
10/15/10	JLD	PRELIMINARY PLAN
11/15/10	JLD	FINAL PLAN
12/15/10	JLD	AS-BUILT PLAN

PROJECT NO.	10000
PROJECT NAME	10000
PROJECT ADDRESS	10000
PROJECT CITY	10000
PROJECT STATE	10000
PROJECT ZIP	10000
PROJECT COUNTY	10000
PROJECT DISTRICT	10000
PROJECT ZONE	10000
PROJECT PHASE	10000
PROJECT STATUS	10000
PROJECT OWNER	10000
PROJECT ARCHITECT	10000
PROJECT ENGINEER	10000
PROJECT SURVEYOR	10000
PROJECT CONTRACTOR	10000
PROJECT SUBMITTER	10000
PROJECT REVIEWER	10000
PROJECT APPROVER	10000
PROJECT DATE	10000
PROJECT SCALE	10000
PROJECT SHEET NO.	10000
PROJECT SHEET TOTAL	10000
PROJECT PLAN NO.	10000
PROJECT PLAN TOTAL	10000
PROJECT DRAWING NO.	10000
PROJECT DRAWING TOTAL	10000
PROJECT RECORD NO.	10000
PROJECT RECORD TOTAL	10000
PROJECT AS-BUILT NO.	10000
PROJECT AS-BUILT TOTAL	10000

