

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF FEBRUARY 9, 2011

RE: Kong Lot Line Adjustment; 08RZN-00000-00008, 08LLA-00000-00011

Hearing on the request of Steve Fort, agent for the owner, Michael Kong, to consider the following:

- a) **08RZN-00000-00008** [application filed on August 27, 2008] to rezone 106.4 acres from General Agriculture, 100-acre minimum lot area (100-AG) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the County Land Use and Development Code;
- b) **08LLA-00000-00011** [application filed on August 27, 2008] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21 and Ordinance 661 to adjust lines between two lots of 40.6-acres (Lot A, Assessor's Parcel Number 081-040-052) and 65.8-acres (Lot B, Assessor's Parcel Number 081-040-012) to reconfigure into two lots of 40.0 acres (Parcel 1) and 66.4 acres (Parcel two), on property zoned AG-100;

and to determine that the project is exempt from CEQA pursuant to Sections 15061(b)(3) and 15305(a) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No's 081-040-052 and 081-040-012, located at 2377 Refugio Road, in the Gaviota area, Third Supervisorial District.

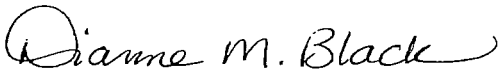
Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of February 9, 2011, Commissioner Brooks moved, seconded by Commissioner Brown and carried by a vote of 5 to 0 to:

1. Recommend that the Board of Supervisors make the required findings for the proposed Rezone specified in Attachment A of the staff report, dated January 21, 2011, including CEQA findings;
2. Recommend that the Board of Supervisors make the required findings for the proposed Lot Line Adjustment specified in Attachment B of the staff report, dated January 21, 2011 including CEQA findings;
3. Recommend that the Board of Supervisors determine that the project is exempt pursuant to Sections 15061(b)(3) and 15305(a) of CEQA (Attachment-C of the staff report, dated January 21, 2011);

4. Recommend that the Board of Supervisors adopt a Rezone Ordinance for APN Nos. 081-040-047 and 081-040-049, amending the Inland Zoning Map, included as Attachment D of the staff report, dated January 21, 2011; and,
5. Recommend that the Board of Supervisors approve the project subject to the conditions included as Attachment E of the staff report, dated January 21, 2011.

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: Case File: 08LLA-00000-00011, 08RZN-00000-00008
Planning Commission File
Dianne M. Black, Director Development Review
Agent: Steve Fort, SEPPS, 1029 Santa Barbara Street, Santa Barbara, CA 93101
Applicant: Michael Kong, 367 Rimpau Blvd., Los Angeles, CA 90020
Rachel Van Mullem, Deputy County Counsel
Nicole Lieu, Planner

Attachments: **Attachment A – Rezone Findings**
 Attachment B – Lot Line Adjustment Findings
 Attachment D – Draft Ordinance/Resolution
 Attachment E – Conditions of Approval

DMB/dmv

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ATTACHMENT A: REZONE FINDINGS

1.0 CEQA FINDINGS

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3). Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE FINDINGS

In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

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

The purpose of the proposed rezone is to bring the subject parcels into conformance with the County Land Use & Development Code (LUDC). The rezone will not change the fundamental intent of the current zone district. The subject parcels are currently zoned for agricultural use and will remain zoned for agricultural use. All types of agriculture allowed under the current zone district (100-AG) will be allowed under the proposed zone district (AG-II-100). Therefore, the project is in the interest of the general community welfare.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

State law requires zoning ordinances to be consistent with the comprehensive plan. The subject parcel is designated Agriculture II, 100-acre minimum lot area (A-II-100) under the County Comprehensive Plan. The request will rezone the subject parcel from the antiquated 100-AG zone district under Ordinance 661 to the modern AG-II-100 zone district under the LUDC. The AG-II-100 zone district is consistent with the objectives, policies and general land uses in the A-II-100 plan designation. Therefore, the proposed rezone is consistent with this finding.

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

The subject parcels are currently zoned under Ordinance 661. In 1983, the County replaced Ordinance 661 with Article III, which was replaced with the County Land Use & Development Code (LUDC) in 2007. However, the subject parcels and numerous other parcels in rural areas are still subject to the outdated Ordinance 661. The request would replace the existing antiquated zoning in Ordinance 661 with the modern zoning in the LUDC. This will help implement a uniform and up-to-date zoning ordinance throughout the inland area. The benefits of the proposed rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. In addition, the property owner would enjoy full use of the parcel consistent with similar parcels in other areas of the county that are already subject to the LUDC. Therefore, the proposed rezone is consistent with this finding.

ATTACHMENT B: LOT LINE ADJUSTMENT FINDINGS

1.0 CEQA FINDINGS

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15305(a). Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 Chapter 21 Land Division Findings

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

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

As discussed in Sections 6.2 and 6.3 of this Staff Report dated February 9, 2011, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan and with all requirements of the County Land Use & Development Code. Therefore, this finding can be made.

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

The required minimum parcel size in the AG-II-100 zone district is 100 acres. Neither existing Lot A (40.63-acres) nor existing Lot B (65.80-acres) currently meets this requirement. Therefore, there is no potential for the proposed Lot Line Adjustment to create new parcels that would be nonconforming as to size and this finding can be made.

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

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

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

Otherwise, to be deemed a residentially developable parcel for the purposes of this subsection only, existing and proposed parcels shall satisfy all of the

following criteria as set forth in the County Comprehensive Plan and zoning and building ordinances . . .

At 40.6 acres and 65.8 acres in size, both existing Lot A and B are non-conforming as to size. The proposed Lot Line Adjustment would create two differently shaped parcels, but they would have approximately the same sizes as the original parcels. Proposed parcel 1 would be 40.0 acres, and proposed Parcel 2 would be 66.4 acres. The Lot Line Adjustment would not result in increased subdivision potential for either reconfigured parcel, since both parcels would be less than the required size for the AG-II-100 zone district. Additionally, no new parcels would be created as part of the Lot Line Adjustment. Therefore, this finding can be made.

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

The Lot Line Adjustment would not result in a violation of parcel width, setback, lot coverage, parking, or other requirement of the AG-II-100 zone district, or the County Land Use & Development Code. As there are no existing violations on either site, the Lot Line Adjustment does not have the potential to make any existing violations more onerous. Therefore, this finding can be made.

2.1.5 The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: Article II (Sections 35-161 and 35-162).

The subject properties are currently in compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks, and all other applicable provisions of 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.

The Lot Line Adjustment will not require relocation of any utilities, infrastructure, or easements. An existing 50 foot wide access and utilities easement over existing Lot A in favor of existing Lot B would be abandoned as a part of the project. Therefore, this finding can be made.

2.2 Santa Barbara County Land Use and Development Code LLA Findings

In compliance with Section 35.30.110.B, of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

2.2.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and this Development Code.

As discussed in Sections 6.2 and 6.3 of this Staff Report dated February 9, 2011, and incorporated herein by reference, the proposed project is consistent with all applicable policies of the County Comprehensive Plan and with all requirements of the County Land Use & Development Code. Therefore, this finding can be made.

2.2.2 *No parcel 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 required minimum parcel size in the AG-II-100 zone district is 100 acres. Neither existing Lot A (40.63-acres) nor existing Lot B (65.80-acres) currently meets this requirement. Therefore, there is no potential for the proposed Lot Line Adjustment to create new parcels that would be nonconforming as to size and this finding can be made.

2.2.3 *Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirements 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.***
- b. *The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot.***
- 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 B.3 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 B.3 if it has an existing one-family dwelling constructed in compliance with a valid County permit, or existing and proposed lots comply with all of the following criteria . . .***

At 40.6 acres and 65.8 acres in size, both existing Lot A and B are non-conforming as to size. The proposed Lot Line Adjustment would create two differently shaped parcels, but they would have approximately the same sizes as the original parcels. Proposed parcel 1 would be 40.0 acres, and proposed Parcel 2 would be 66.4 acres. The Lot Line Adjustment would not result in increased subdivision potential for either reconfigured parcel, since both parcels would be less than the required size for the AG-II-100 zone district. Additionally, no new parcels would be created as part of the Lot Line Adjustment. Therefore, this finding can be made.

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

The Lot Line Adjustment would not result in a violation of parcel width, setback, lot coverage, parking, or other requirement of the AG-II-100 zone district, or the County Land Use & Development Code. As there are no existing violations on either site, the Lot Line Adjustment does not have the potential to make any existing violations more onerous. Therefore, this finding can be made.

2.2.5 *The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of 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).*

The subject properties are currently in compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks, and all other applicable provisions of the County Land Use & Development Code and Chapter 21. Therefore, this finding can be made.

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

The Lot Line Adjustment will not require relocation of any utilities, infrastructure, or easements. An existing 50 foot wide access and utilities easement over existing Lot A in favor of existing Lot B would be abandoned as a part of the project. Therefore, this finding can be made.

ATTACHMENT D: DRAFT RESOLUTION

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

IN THE MATTER OF RECOMMENDING THAT THE) RESOLUTION NO. 11- 03
BOARD OF SUPERVISORS ADOPT AN ORDINANCE)
AMENDING SECTION 35-1, THE SANTA)
BARBARA COUNTY LAND USE AND)
DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF) Case No: 08RZN-00000-00008
THE COUNTY CODE, BY AMENDING THE)
COUNTY ZONING MAP BY CHANGING THE)
ZONING OF ASSESSOR'S PARCEL NUMBERS)
081-040-052 AND 081-040-012)

WITH REFERENCE TO THE FOLLOWING:

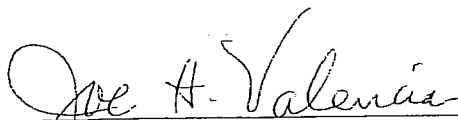
- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 08RZN-00000-00008) amending the County Zoning Map. Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- D. The proposed Rezone is in the interest of the general community welfare because it will bring the subject parcels into conformance with the County Land Use & Development Code.
- E. Public officials and agencies, civic organizations, and citizens have been consulted and have advised the Planning Commission on the proposed amendments in a duly noticed public hearing pursuant to Sections 65853 of the Government Code.
- F. The Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.
- G. The Planning Commission of the County of Santa Barbara, after holding duly noticed public hearings on the above described item, has endorsed and transmitted to the Board of Supervisors said recommended change by resolution pursuant to Government Code Section 65855.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. A copy of this resolution shall be transmitted to the Board of Supervisors.

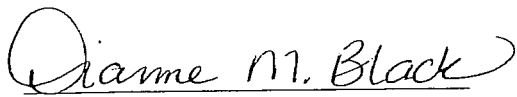
PASSED, APPROVED AND ADOPTED this 9th day of February 2011 by the following vote:

AYES: Cooney, Brown, Brooks, Valencia, Blough
NOES:
ABSTAIN:
ABSENT:



JOE VALENCIA, Chair
Santa Barbara County Planning Commission

ATTEST:



DIANNE BLACK
Secretary of the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By 

Deputy County Counsel

EXHIBITS:

1. Zoning Map Amendment (Rezone) Ordinance 08RZN-00000-00008

EXHIBIT 1

ZONING MAP AMENDMENT (REZONE) ORDINANCE

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 BY CHANGING THE ZONING OF ASSESSOR'S PARCEL NUMBERS 081-040-052 AND 081-040-012.

Case No. 08RZN-00000-00008

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

SECTION 1:

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby amended as they relate to the Assessor's Parcel Numbers 081-040-052 and 081-040-012.

SECTION 2:

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated _____, which redesignates Assessor's Parcel Numbers 081-040-052 and 081-040-012 from General Agriculture, 100-acre minimum lot area (100-AG) to Agriculture II, 100-acre minimum lot area (AG-II-100).

SECTION 3:

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

SECTION 7:

Except as amended by this Ordinance, Section 35.14.020 of the Land Use Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

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, 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 _____, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA WALLAR
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

Attachments

Exhibit A: Area to be Rezoned from General Agriculture (100-AG) to Agriculture II (AG-II-100).

ATTACHMENT E: 08LLA-00000-00011 CONDITIONS OF APPROVAL

1. **Proj Des-01 Project Description.** This Lot Line Adjustment is based upon and limited to compliance with the project description, hearing exhibit # 1 dated February 16, 2011, and all conditions of approval set forth below, including specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

Lot Line Adjustment to adjust lines between two lots of 40.6-acres (Lot A) and 65.8-acres (Lot B) to reconfigure into two lots of 40.0 acres (Parcel 1) and 66.4 acres (Parcel 2), on property zoned AG-100.

	Parcel 1 (081-040-052)	Parcel 2 (081-040-012)	Total
Existing	40.6 acres	65.80 acres	106.4
Proposed	40.0 acres	66.40 acres	106.4

A 2.1 acre Development Envelope is proposed on proposed Parcel 1. The Development Envelope surrounds a portion of proposed Parcel 1 that contains slopes under 20% and that is relatively un-vegetated due to previous clearance. An existing 50 foot wide access and utilities easement over Lot A, in favor of Lot B, would be abandoned.

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.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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 thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

PROJECT SPECIFIC CONDITIONS

3. **DevEnv-01a Development Envelope.** All structural development shall be limited to the development envelope(s) designated on Exhibit 1 dated February 16, 2011. All site preparation, ground disturbances and construction activities including those for structures, subsurface grading, drainage components, irrigation, landscaping, and the first 30 feet of vegetation clearance for fuel management purposes, shall occur within the designated development envelope. No field alteration to plans shall allow construction, storage or staging outside of these development envelopes. **PLAN REQUIREMENTS:** The Development Envelope shall be described by metes and bounds and, with this condition, shall be recorded with the final map on the deed.. The Development Envelope shall be depicted on all plans submitted for Land Use Permits and building permits.

TIMING: The development envelope shall be staked in the field prior to approval of the Land Use Permit. **MONITORING:** During plan check, the P&D permit processing planner shall confirm that all structural development is confined to the approved development envelope. Staking shall be verified by compliance monitoring staff at the preconstruction meeting or prior to building permit approval. P&D building inspectors and compliance monitoring staff shall ensure that structural development is confined to the development envelopes and that staking remains in place during construction.

- Special Parcel 1 Sanitary Service.** Due to rapid percolation rates, future development of sanitary service facilities on proposed Parcel 1 shall observe a 250 foot setback from any domestic water supply well or any surface water feature, including, but not limited to, wetlands and seasonal and year-round streams, creeks and other drainages. **PLAN REQUIREMENTS:** Proposed sanitary service facilities shall be shown on project plans. The location of any domestic water supply well or any surface water feature, including, but not limited to, wetlands and seasonal and year-round streams, creeks and other drainages shall be shown on project plans. **TIMING:** The location of sanitary service facilities and the location of any domestic water supply and surface water features shall be shown any project plans at the time of submittal for permits to develop the site. **MONITORING:** P&D and Environmental Health Services shall review project plans for conformance with this condition. Environmental Health Services and Building and Safety staff shall confirm compliance in the field.

LOT LINE ADJUSTMENT CONDITIONS

- Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Lot Line Adjustment, the Owner/Applicant shall submit a Final Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
- Map-15 LLA-Deed Recordation.** The following language shall be included on the deeds used to finalize (or any document used to record) the lot line adjustment: "This deed/document arises from the lot line adjustment 08LLA-00000-00011 and defines a single parcel within the meaning of California Civil Code Section 1093 2 legal parcels created by 08LLA-00000-00011." The County Surveyor shall determine the appropriate documents necessary to record with the deeds.

COUNTY RULES AND REGULATIONS

- Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 project. In the event that the County fails promptly to notify the Owner / 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.
- Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other 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 in 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 review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.

9. **Rules-36 Map/LLA Expiration.** This Lot Line Adjustment shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.