

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for the Melliar-Smith/Moser Rezone and Lot Line Adjustment**

**Hearing Date: February 27, 2008**  
**Staff Report Date: February 8, 2008**  
**Case Nos.: 05LLA-00000-00009, 06RZN-00000-00008**  
**Environmental Document: Exempt per CEQA**  
**Guidelines Sections 15305(a) and 15061(b)3**

**Deputy Director: Dave Ward**  
**Division: Development Review**  
**Staff Contact: Selena Buoni**  
**Supervising Planner: June Pujo**  
**Planner's Phone #: (805) 568-2910**

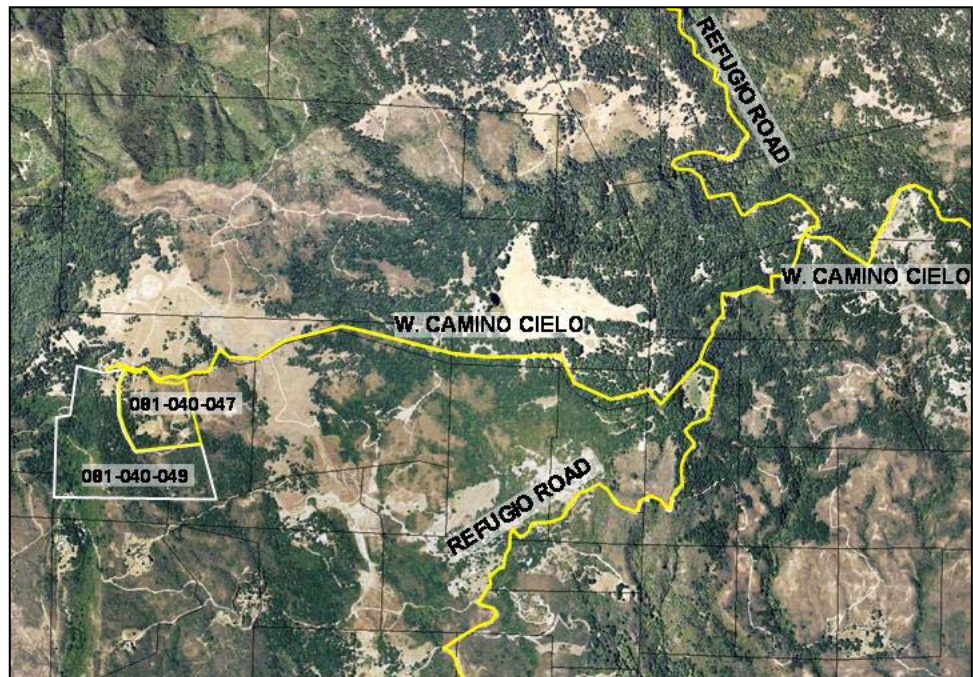
**OWNERS/APPLICANTS:**

P. Michael Melliar-Smith  
and Louise Moser  
P.O. Box 13963  
Santa Barbara, CA 93107  
(805) 448-8249

**SURVEYOR:**

L&P Consultants  
3 West Carrillo Street, Suite 205  
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(805) 962-4611

Application Complete:  
February 14, 2007  
Processing Deadline:  
60 days from NOE



This site is identified as Assessor Parcel Numbers 081-040-047 and 081-040-049, approximately 1.5 miles west of Refugio Road at 2375 Refugio Road, Goleta, Third Supervisorial District.

## 1.0 REQUEST

Hearing on the request of Michael Melliar-Smith and Louise Moser to consider the following:

- a) **Case No. 06RZN-00000-00008** [application filed on November 1, 2006] to rezone both parcels 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 & Development Code (LUDC);
- b) **Case No. 05LLA-00000-00009** [application filed on June 1, 2005] for a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21, to adjust the existing lot lines between Assessor's Parcel Numbers 081-040-047 and 081-040-049, to reconfigure into one lot of 20.00 acres and one lot of 44.20 acres, on property located in the 100-AG zone under Ordinance 661;

and to accept the Exemption pursuant to Section 15305(a) and 15061(b)3 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves Assessor's Parcel Numbers 081-040-047 and 081-040-049, located at 2375 Refugio Road in the Goleta area, Third Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and recommend for approval Case Nos. 05LLA-00000-00009 and 06RZN-00000-00008 marked "Officially Accepted, County of Santa Barbara February 27, 2008 Planning Commission Exhibit No. 1," based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors adopt the required findings for the proposed Lot Line Adjustment, Case No. 05LLA-00000-00009, specified in Attachment A, including the California Environmental Quality Act (CEQA) findings.
2. Recommend that the Board of Supervisors adopt the required findings for the proposed rezone, Case No. 06RZN-00000-00008, specified in Attachment B, including the California Environmental Quality Act (CEQA) findings.
2. Recommend that the Board of Supervisors accept the Notice of Exemption pursuant to Section 15305(a) and 15061(b)(3) of the "Guidelines for Implementation of California Environmental Quality Act," included as Attachment C.
3. 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.

Alternatively, refer back to staff if you take other than the recommended action for appropriate findings.

## **3.0 JURISDICTION**

For Lot Line Adjustments, Section 21-6 of the Santa Barbara County Subdivision Regulations (Chapter 21) states that, "the Santa Barbara County Planning Commission shall be the decision-maker, except that the Zoning Administrator shall be the decision-maker for the following: (2) Lot Line Adjustments.... of parcels located within the Rural Area... that do not exceed a ten percent increase or decrease in the area of the smallest existing parcel."

However, Section 35.80.020.B.2 of the County Land Use & Development Code (LUDC) states that, "if the Board is the review authority for a project, due to a companion discretionary application (e.g., Zoning Map amendment), the Commission shall make an advisory

recommendation to the Board on each project.” Section 35-80.020, Table 8-1 of the LUDC requires that for Zoning Map Amendments, the Planning Commission make a recommendation and the Board of Supervisors is the decision-maker. Section 35.104.050 of the LUDC states that the Planning Commission shall hold at least one noticed public hearing on the proposed Amendment. The Commission’s recommendation shall be transmitted to the Board. Following the Commission’s recommendation for approval or where a hearing has been requested, the Board shall hold at least one noticed public hearing on the proposed Amendment.

#### **4.0 ISSUE SUMMARY**

In June 2005, the owners applied for a Lot Line Adjustment between two adjacent parcels that total 66.40 acres in size. Both existing parcels are currently zoned 100-AG under Ordinance 661. A consistency rezone to the AG-II-100 zone under the County LUDC is being processed concurrently with this Lot Line Adjustment, as required by the Board of Supervisors. The Lot Line Adjustment request is to reconfigure one existing lot of 44.20 acres (Parcel A, APN 081-040-049) and one existing lot of 20.00 acres (Parcel B, APN 081-040-047) into two new lot configurations, but not change the resultant parcel sizes of 20.00 acres (Lot 1) and 44.20 acres (Lot 2). Development envelopes are proposed on Lots 1 and 2 of 1.0 acres and 0.70 acres, respectively.

The existing and proposed parcels contain mature chaparral vegetation, such as madarones and manzanitas, as well as mature oaks and rare and protected species such as Refugio Manzanita (*Arctostaphylos refugioensis*). Proposed development envelopes avoid these sensitive species, except for two mature Refugio Manzanitas within the development envelope on Lot 2, which the applicants agreed will remain in place as part of any future development on the lot. Although another cleared and relatively level area also exists to the northwest of these development envelopes, this clearing also contains a large microwave tower and other regional communications infrastructure, and is therefore constrained and not compatible with potential future residential development. The Lot Line Adjustment will be conditioned so that a future driveway on Lot 2 will be sited to avoid mature Refugio Manzanitas to the maximum extent feasible.

Both existing and proposed parcels slope down from West Camino Cielo Road, and in some portions have slopes greater than 20%. However, both of the development envelopes contain slopes of less than 10% (approximately 3-5%). A site visit by two County grading inspectors determined that a soils report was sufficient to determine whether the development envelopes and proposed access for Lot 2 will be safe for future residences and structures. The soils report, prepared by Coast Valley Testing for both development envelopes, concluded that future development can be accommodated, with suggested recommendations for grading and building foundations.

Both existing and proposed parcels are in a High Fire Hazard Area. Stored water and sprinklers will be required at the time of any future development on either parcel. In addition, a Vegetation Management Plan, showing a firebreak of 100 feet (or to the property line, whichever is nearer) around any future structures on either parcel is required by the Santa Barbara County Fire Department before the erection of any combustible materials. The vegetation clearance

requirement does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to a structure onsite.

Neither of the existing parcels are currently used for agriculture, or were historically used for agriculture. The Lot Line Adjustment is not expected to have any impact on existing agricultural operations in the greater Refugio Road / West Camino Cielo Road area.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

<b>Site Information</b>	
Comprehensive Plan Designation	A-II-100 (Agriculture, 100-Acre Minimum Lot Area)
Ordinance, Zone	Ordinance 661, 100-AG (General Agriculture District, 100-Acre Minimum Lot Area)
Site Size	64.20 acres
Present Use & Development	APN 081-040-0047 is developed with a single-family residence; APN 081-040-049 is undeveloped
Surrounding Uses/Zone(s)	<i>North:</i> AG-II-100 (Agriculture Zone, County LUDC), graze land under a Williamson Act Agricultural Preserve Contract <i>South:</i> U (Unlimited Agriculture, Ordinance 661), vacant <i>East:</i> 100-AG (General Agriculture District, Ord. 661), vacant <i>West:</i> Ag-I-100 (Agricultural Zone, County LUDC), graze land under a Williamson Act Agricultural Preserve Contract
Access	West Camino Cielo from Refugio Road
Public Services	Water Supply: private water well Sewage: private septic system Fire: Santa Barbara County Fire Department

### 5.2 Description

The subject parcels are located in the area of Refugio Road and West Camino Cielo, approximately 1.5 miles west of Refugio Road. The subject parcels total 64.20 acres in size, one 44.20 acre parcel (Parcel A, APN 081-040-049) and one 20-acre parcel (Parcel B, APN 081-040-047). Parcel A is undeveloped, and Parcel B is developed with a single-family residence. The existing residence on Parcel B was permitted by Land Use Rider 56168 on February 15, 1973, when the parcel was zoned 20-AG (20-acre minimum lot size). It is served by a private water well and septic system. Access is provided by a private driveway from West Camino Cielo Road. A future residence on Lot 2 would also be served by a private water well and septic system, and access would be provided by a new driveway from West Camino Cielo Road.

### **5.3 Background Information**

In the 1960's, the County adopted Ordinance 661. This ordinance includes numerous zoning districts, including nine agricultural zoning districts. In 1983, the County updated the zoning ordinances, and in 2007 the Board of Supervisors approved the County Land Use & Development Code (LUDC). However, the subject parcel and numerous other rural parcels are still subject to portions of the outdated Ordinance 661.

The County has initiated a consistency rezone program whereby property currently zoned under Ordinance 661 will be rezoned to the County LUDC when a permit application is submitted for a parcel zoned under Ordinance 661. Also, an owner applying for a ministerial permit on property zoned under Ordinance 661 may request a rezone to the County LUDC when the proposed project cannot be permitted under Ordinance 661 but is allowed under the LUDC. Under the current 100-AG zoning of Ordinance 661, the development of a new residence on existing Lot B would not be permitted because Ordinance 661 does not permit the development of a residence on a legal non-conforming parcel. This Lot Line Adjustment request is not a ministerial permit and does not propose any development. However, if the current property owners applied for a new single-family residence on either existing parcel today, they may also request a concurrent rezone to the LUDC. Under the County LUDC, a single-family residence would be allowed on each existing or proposed parcel, since they have been found to be legal parcels. This is consistent with the intent of the A-II-100 Comprehensive Plan designation.

Existing Parcel A (APN 081-040-049) is a legal parcel per a Certificate of Compliance recorded as Instrument No. 2005-0107963. Existing Parcel B (APN 081-040-047) was created by Parcel Map 11,810, approved on April 12, 1973, and is a legal parcel.

## **6.0 PROJECT ANALYSIS**

### **6.1 Environmental Review**

#### Lot Line Adjustment:

Section 15305 of the "Guidelines for Implementation of the California Environmental Quality Act" exempts certain minor alterations in land use limitations from the requirements of CEQA. Section 15305 exempts "*minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.*" The proposed lot line adjustment does not result in the creation of a new parcel, and does not result in any changes in land use or density. Both new parcels would be the same sizes as the original parcels. Areas outside of the proposed development envelopes contain slopes over 20%, but the proposed development envelopes restricts existing and future structures and associated grading to areas with only 3-5% slopes. The project will be conditioned to disallow development and grading outside of the development envelopes, except to provide access to the site and to maintain water wells and septic systems. The proposed

project would not change the land use designation or intensity of use of the parcels. Adequate access exists to both parcels, and all environmentally sensitive resources will be protected through the location of development envelopes and conditioning of future residential development.

Consistency Rezone:

Section 15061(b)(3) of the “Guidelines for Implementation of California Environmental Quality Act” exempts projects from the requirements of CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed rezone is a legislative action that would replace an outdated agricultural zoning district under Ordinance 661 with a modern agricultural zoning district under the County Land Use and Development Code. It does not involve any development. The nature of future development is unknown at this time. When future development is proposed on Lot 1 or additional development on Lot 2, Planning & Development will review it for any potential constraints and for policy consistency. Any future development on the subject parcel would be subject to further environmental review. If appropriate, Planning & Development would evaluate the use of CEQA Section 15303 that provides a categorical exemption for construction of small structures. As a result, the Consistency Rezone is exempt from CEQA under Section 15061(b)(3) because there is no potential for it to have a significant effect on the environment.

## 6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<p><b>Land Use Element Designation:</b> Agriculture II, 100-acre minimum lot area (A-II-100)</p>	<p><b>Consistent.</b> Neither the existing nor the proposed parcels conform to this size designation. However, the two new parcels, Lots 1 and 2, would be the same sizes as the existing Parcels A and B. The reconfigured parcels would not become more non-conforming.</p>
<p><b>Comprehensive Plan, Land Use Element Policy #2:</b> <i>“The densities specified in the Land Use Plan are maximums and may be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site . . .”</i></p>	<p><b>Consistent.</b> Under the AG-II-100 zone in the County LUDC, one single-family dwelling is allowed per lot, plus agricultural employee housing and second units where applicable. The two reconfigured parcels do not have active agricultural operations, so the maximum density allowed on each would be one single-family residence. With the proposed development envelope, residential development can be accommodated on vacant reconfigured Lot 2.</p>
<p><b>Land Use Element Development Policy 4:</b> <i>“Prior to issuance of a use permit, the County shall make the finding, based on information</i></p>	<p><b>Consistent.</b> Proposed reconfigured Lots 1 and 2 both have adequate private services (water wells and septic systems), as approved by</p>

REQUIREMENT	DISCUSSION
<p><i>provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.”</i></p>	<p>Environmental Health Services, to serve the existing and future residential development. Both lots also have adequate public services (Santa Barbara County Fire Department) to serve the existing and future development. The proposed driveway shown on proposed Lot 2 has been designed according to County Fire Department purposes, but is being shown for informational purposes. When a future Land Use Permit is submitted for a residence on Lot 2, the proposed driveway may be modified slightly to conform to current Fire Department regulations or Lot Line Adjustment conditions of approval.</p>
<p><b>Land Use &amp; Development Policy 7:</b> <i>Lot line adjustments involving legal, non-conforming parcels as to size may be found consistent with the Comprehensive Plan if:</i></p> <p><i>a. No parcel involved in the lot line adjustment that is conforming as to size prior to the adjustment shall become non-conforming as to size as a result of the adjustment; and,</i></p> <p><i>b. 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:</i></p> <p><i>a. The Lot Line Adjustment satisfies all of the following requirements:</i></p> <p><i>i. Four or fewer existing parcels are involved in the adjustment; and,</i></p> <p><i>ii. The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,</i></p> <p><i>The Lot Line Adjustment shall not result in a</i></p>	<p><b>Consistent.</b> Neither of the existing parcels are conforming as to size, either under Ordinance 661 or the County LUDC. However, the two proposed reconfigured parcels will not become more non-conforming, since they will be the same sizes as the existing parcels. Fewer than four existing parcels are involved in the lot line adjustment. Neither of the two proposed parcels could be further subdivided in the future, since they would both be less than the required size (100 acres).</p>

REQUIREMENT	DISCUSSION
<p><i>greater number of residential developable parcels than existed prior to the adjustment.</i></p>	
<p><b>Land Use Element, Hillside and Watershed Protection Policy 2:</b>  <i>“All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.”</i></p>	<p><b>Consistent.</b> The proposed Lot Line Adjustment and Rezone does not include any proposed development. However, development envelopes are proposed on both proposed reconfigured Lots 1 and 2, to contain future development and site disturbance. The proposed development envelope on Lot 1 is approximately 1.0 acres and includes slopes of 3-5%. The development envelope includes the existing residence but does not include the existing driveway, water well, or dry well for the septic system.</p> <p>The proposed development envelope on Lot 2 is approximately 0.70 acres and includes slopes of 3-5%. The development envelope would include future residential development, dry wells for the septic system, and a Fire Department required hammerhead turnaround, but would not include a future driveway or water well. All future development and site disturbance, excluding that required for installation and maintenance of the driveway and water well, will be located within the proposed development envelope. In addition, the Refugio Manzanitas (<i>Arctostaphylos refugioensis</i>) located within the proposed building envelope on Lot 2 will be avoided and protected during future construction to the maximum extent feasible.</p> <p>Soils reports prepared by Coast Valley Testing, Inc. for both development envelopes concludes that future development can be accommodated within the envelopes, with suggested recommendations for grading and building foundations.</p>
<p><b>Land Use Element, Visual Resource Policy 2:</b> <i>“In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the</i></p>	<p><b>Consistent.</b> No development is included with the project description for the Lot Line Adjustment or Rezone. However, future development will be required to comply with</p>



REQUIREMENT	DISCUSSION
<p><i>character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.”</i></p>	<p>this policy. The existing residence on Parcel B is subordinate to natural landforms and does not intrude into the skyline as seen from public viewing places. Future development, contained within the proposed development envelopes, would not intrude into the skyline as seen from public viewing places, because there are not any nearby public viewing places. This portion of West Camino Cielo is gated so is not accessible to the public. The closest public road is Refugio Road, approximately 1.5 miles to the east, but existing or future development would not be visible from the road because of mature vegetation along the sides of the road. Existing or future development would also not be visible by the unassisted eye from Broadcast Peak as accessed from Tequepis Trail, or by hikers on North Refugio Road as accessed from Solvang.</p>
<p><b>Comprehensive Plan, Agricultural Element, Goal I:</b> <i>“Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County.”</i></p> <p><b>Agricultural Element, Goal III:</b> <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.”</i></p> <p><b>Agricultural Element, Policy II.D.</b>  <i>“Conversion of highly productive agricultural lands, whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.”</i></p>	<p><b>Consistent.</b> No existing or historical agricultural activities have occurred on either of the existing parcels. Large parcels to the north and west are under Agricultural Preserve Contracts for graze land, but no other agricultural operations are located on adjacent parcels. The soils on Parcels A and B are Class VII and are not considered “prime farmland”.</p> <p>County staff consulted with the County Agricultural Planner and reviewed the existing parcels for agricultural viability according to the points system contained in the County of Santa Barbara Environmental Thresholds and Guidelines manual, with the goal of identifying if the lot line adjustment would have a potentially significant impact on agricultural resources, and to review consistency with policy. Under this system, both existing parcels scored low on the points range due to the small sizes of the parcels, unsuitability for pasture or grazing land, poor soil quality, and a lack of historical agricultural uses. Both</p>

REQUIREMENT	DISCUSSION
	existing parcels fell well below the threshold of 60 points needed to designate the existing parcels as agriculturally viable. The proposed lot line adjustment will not have an impact on agricultural resources, and the proposed new parcels will not become less agriculturally viable than the existing parcels. In addition, future development on either parcel would not increase the potential for conflicts to occur between residential and agricultural uses.

### 6.3 Zoning: Land Use and Development Code Compliance

The subject parcels are currently zoned 100-AG under Ordinance 661. The proposed rezone would replace this antiquated agricultural zoning designation with the modern agricultural zoning designation of AG-II-100 under the County Land Use & Development Code (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 existing or proposed parcels would have to be in compliance with all applicable provisions in the LUDC. All types of agriculture and farming, including commercial raising of animals, are allowed within the AG-II zone district (subject to the zone district limitations). In addition, one single-family dwelling is allowed per lot, in addition to one guest house or artist studio, and uses, buildings, and structures accessory and incidental to these uses.

Although the existing parcels do not conform to the size requirements of the AG-II-100 zone district, the proposed reconfigured parcels are not less conforming because they will be the same sizes as the existing parcels. Future single-family residences and accessory structures may be located on smaller, legal lots within the AG-II-100 zone district, unless they are fraction lots, which the proposed parcels will not be. Fraction lots are defined by the County LUDC as “a lot created as a result of an instrument of conveyance, in which the lot is not separately conveyed as a distinctly described parcel”, and are not deemed to be residentially developable. The proposed development envelopes are located on the proposed reconfigured parcels so that future development will conform to current setback standards.

### 6.4 Subdivision/Development Review Committee

The proposed Lot Line Adjustment went to the Subdivision/Development Review Committee (SDRC) on June 23, 2005. Recommended Conditions of Approval were that stored water and sprinklers per Fire Department standards will be required at time of development, and Building

and Grading permits will be required at time of development. These conditions have been included with the Conditions of Approval for the proposed Lot Line Adjustment.

## 6.5 Design Review

The proposed project was not subject to Design Review, since no development is proposed under the Lot Line Adjustment or Rezone permits.

## 6.6 Mapping Tool Determination

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

### Analysis:

The project site is located in an area containing steep slopes and sensitive biological resources that constrains the amount and location of development on the parcel. The proposed project requires implementation of development envelopes in order to protect sensitive biological resources such as Refugio Manzanitas and mature oak trees, and avoid slopes greater than 20%. Designation of the development envelopes will be subject to recordation, concurrent with the filing of the Lot Line Adjustment, as indicated in condition number 2 (see Attachment E).

## 6.7 Agricultural Preserve Advisory Committee

Although the existing and proposed reconfigured parcels are agriculturally zoned, they do not have active or historical agricultural uses, and are not part of a Williamson Agricultural Preserve Contract. Therefore, the proposed Lot Line Adjustment and Rezone were not reviewed by the Agricultural Preserve Advisory Committee.

## 7.0 APPEALS PROCEDURE

A Zoning Map Amendment recommended for approval is automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required. The Lot Line Adjustment will be heard concurrently with the Amendment by the Board of Supervisors, for final action.

A Zoning Map Amendment denied by the Commission must be appealed to the Board within 10 days after the Commission's report is filed with the Clerk of the Board of Supervisors. The appeal fee to the Board of Supervisors is \$443.

## **ATTACHMENTS**

- A. Lot Line Adjustment Findings
- B. Rezone Findings
- C. CEQA Notice of Exemption
- D. Draft Ordinance/Resolution
- E. Conditions of Approval with attached Departmental letters
- F. Site Plan

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## **ATTACHMENT A: LOT LINE ADJUSTMENT FINDINGS**

### **1.0 CEQA FINDINGS**

Find that the project is exempt from environmental review pursuant to CEQA Guidelines Section 15305(a). Attachment C, Notice of Exemption, is hereby incorporated by reference.

### **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 all of the following findings pursuant to Chapter 21 of the County Code, *Subdivision Regulations*, Sec. 21-93, and Chapter 35 of the County Code, County Land Use & Development Code, Section 35.30.110. A Lot Line Adjustment application shall only be approved provided the following findings are made:

***2.1.01 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, 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.

***2.1.02 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.***

No parcel that conforms to the minimum parcel size would become non-conforming as a result of this lot line adjustment. The required minimum parcel size in the AG-II-100 zone district is 100 acres. Neither existing Parcel A nor Parcel B currently meets this requirement, at 44.20 acres and 20.0 acres, respectively. However, the reconfigured Parcels 1 and 2 do not become more non-conforming, at 20.0 and 44.20 acres, respectively. Therefore, this finding can be made.

***2.1.03 Except as provided herein, all parcels 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 Subsections B.3.a or B.3.b below:***

***a) The Lot Line Adjustment satisfies all of the following requirements: 1) Four or fewer existing lots are involved in the adjustment; and, 2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot; and 3) The Lot Line Adjustment will not result in a greater number of residential developable lots than existed prior to the adjustment...***

At 44.20 acres and 20.0 acres in size, both existing Parcels A and B are non-conforming as to size. The proposed Lot Line Adjustment would create two

differently shaped parcels, but they would have the same sizes as the original parcels. Parcel 1 would be 20.0 acres, and Parcel 2 would be 44.20 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.

**2.1.04 *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.

**2.1.05 *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 the 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.

**2.1.06 *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. Therefore, this finding can be made.

## **ATTACHMENT B: REZONE FINDINGS**

### **1.0 CEQA FINDINGS**

Find that the project is exempt from environmental review pursuant to the CEQA General Rule Section 15061(b)(3). Attachment C, Notice of Exemption, is hereby incorporated by reference.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 REZONE FINDINGS**

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

The purpose of the proposed rezone is to bring the subject parcel into conformance with the County Land Use & Development Code (LUDC). The rezone would not change the fundamental intent of the current zone district. The subject parcel is currently zoned for agricultural use and would remain zoned for agricultural use. All types of agriculture allowed under the current zoning district (100-AG) would be allowed under the proposed zoning district (AG-II-100). Rezoning the parcel would also facilitate permitting for new agricultural or other types of development. 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 would rezone the subject parcel from the antiquated 100-AG zoning district under Ordinance 661 to the modern AG-II-100 zoning district under the LUDC. The AG-II-100 zoning 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 parcel is 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 in 2007. However, the subject parcel 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 C: 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.

APN(s): 081-040-047 and 081-040-049 Case Nos.: 05LLA-00000-00009, 06RZN-00000-00008

Location: 2375 Refugio Road, Goleta area

Project Title: Melliari-Smith/Moser Lot Line Adjustment and Rezone

**Project Description:** The proposed project is a Lot Line Adjustment and Rezone, to adjust the existing lot lines between Assessor's Parcel Numbers 081-040-047 and 081-040-049, to reconfigure into one lot of 20.00 gross acres (19.29 net acres) and one lot of 44.20 gross acres (43.31 net acres), on property located in the 100-AG zone under Ordinance 661; and to rezone both parcels 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 & Development Code (LUDC). The application involves Assessor's Parcel Nos. 081-040-047 and 081-040-049 located at 2375 Refugio Road in the Goleta area, Third Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Michael Melliari-Smith and Louise Moser (owners)

**Exempt Status:** (Check one)

Ministerial

Statutory Exemption

Categorical Exemption

No Possibility of a Significant Effect on the Environment

Cite specific CEQA and/or CEQA Guideline Section: Section 15305(a) and Section 15061(b)(3)

Reasons to Support Exemption Findings:

**Lot Line Adjustment:** Section 15305 of the "Guidelines for Implementation of the California Environmental Quality Act" exempts certain minor alterations in land use limitations from the requirements of CEQA. Section 15305(a) exempts "*minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back*



*variances not resulting in the creation of any new parcel.”* The proposed lot line adjustment does not result in the creation of a new parcel, and does not result in any changes in land use or density. Both reconfigured parcels would be the same sizes as the original parcels. Areas outside of the proposed development envelopes contain slopes over 20%, but the proposed development envelopes restricts existing and future structures and associated grading to areas with only 3-5% slopes. The project will be conditioned to disallow development and grading outside of the development envelopes, except to provide access to the site and to maintain water wells and septic systems. The proposed project would not change the land use designation or intensity of use of the parcels. Adequate access exists to both parcels, and all environmentally sensitive resources will be protected through the location of development envelopes and conditioning of future residential development.

Rezone: Section 15061(b)(3) of the “Guidelines for Implementation of California Environmental Quality Act” exempts projects from the requirements of CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed rezone is a legislative action that would replace an outdated agricultural zoning district under Ordinance 661 with a modern agricultural zoning district under the County Land Use and Development Code. It does not involve any development, and the associated Lot Line Adjustment does not propose any development. The nature of future development is unknown at this time. When future development is proposed on either subject lot, Planning & Development will review it for any potential constraints and for policy consistency. Any future development on the subject parcels would be subject to further environmental review. If appropriate, Planning & Development would evaluate the use of CEQA Section 15303 that provides a categorical exemption for construction of small structures. As a result, the Consistency Rezone is exempt from CEQA under Section 15061(b)(3) because there is no potential for it to have a significant effect on the environment.

Lead Agency Contact Person: Selena Buoni Phone #: (805) 568-2910

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 (Selena Buoni, Planner)

Date Filed by County Clerk

**ATTACHMENT D:**

LAND USE DEVELOPMENT CODE (ZONING MAP AMENDMENT)  
DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ASSESSOR PARCEL NUMBERS 081-040-047 & -049

Case No. 06RZN-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 repealed as they related to Assessor's Parcel Numbers 081-040-047 and 081-040-049 shown on the map attached hereto as Exhibit A and incorporated by reference.

**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 \_\_\_\_\_, 2008, which redesignates Assessor's Parcel Numbers 081-040-047 and 081-040-047, from AG-100 to AG-II-100, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

**SECTION 3**

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 4

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 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage it, or 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 \_\_\_\_\_, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Santa Barbara  
State of California

## ATTACHMENT E: LOT LINE ADJUSTMENT CONDITIONS OF APPROVAL

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit #1, dated February 27, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

**The project is to adjust the lot lines between two legal, non-conforming parcels as to size, situated off of West Camino Cielo Road and west of Refugio Road. Existing Parcel A (APN 081-040-049) is 44.20 acres in size. Existing Parcel B (APN 081-040-047) is 20.00 acres in size. Parcel B is currently developed with a single family dwelling, a driveway, a private water well, and a private septic system. Parcel A is undeveloped, but a private water well and test wells and borings for a septic system have been installed in order to make the required findings for the Lot Line Adjustment.**

**If approved, the Lot Line Adjustment will result in two lots of approximately the same sizes as the existing lots. Proposed Lot 1 will be 20.0 gross acres (19.29 net acres), and proposed Lot 2 will be 44.20 gross acres (43.31 net acres). The existing single-family residence and appurtenant development will be located on Lot 1. Lot 2 will be vacant, with a private water well and dry wells.**

**Development envelopes are located on each reconfigured lot. The configurations of the development envelopes have been reviewed by P&D staff to ensure that each is located in an area that avoids or minimizes impacts to the native vegetation onsite, and avoids steep slopes. The development envelope on proposed Lot 1 would be approximately 1.0 acre in size and would contain the existing residence. The development envelope on proposed Lot 2 would be approximately 0.70 acres in size.**

**The application involves Assessor's Parcel Nos. 081-040-047 and 081-040-049 located at 2375 Refugio Road in the Goleta area, Third Supervisorial District.**

2. The Planning Commission has determined a development envelope is necessary to identify the location and limit the area of all ground-disturbance activities, except required vegetation removal as part of the Fire Protection Plan, and to protect on-site resources. **Project Applicability:** Development envelopes shall be restricted to those areas shown on Exhibit I, dated February 27, 2008, to avoid impacts to steep slopes and native vegetation. No development or earth disturbance shall occur outside of these areas, except for that required for the installation and maintenance of water wells, septic dry wells, driveways, and any retaining walls necessary to construct the driveways as approved by Planning & Development

(P&D). Construction equipment operation shall be confined to the approved development envelopes. Development envelope boundaries shall be staked in the field. Notwithstanding the above, development or construction activities required to protect the public health, safety and welfare of the community may be permitted outside of the development envelope subject to a determination by the Director of P&D.

**Plan Requirements:** Development envelope locations shall be described by metes and bounds and recorded on the final map. This condition shall be recorded with the lot line adjustment and shown with the development envelope on all grading and construction plans submitted for land use clearance. **Timing:** Development envelopes shall be staked prior to the start of grading or structural development.

**MONITORING:** During plan check, the planner shall ensure that all restricted ground disturbance, grading, and construction is confined to approved envelopes and in approved areas as noted above. Staking shall be checked during pre-construction meeting. P&D grading inspectors and planners shall inspect and photo document during all grading and construction phases to ensure development is confined to development envelopes and that staking remains in place during site grading and construction.

3. Two copies of the document that will be recorded to effectuate the Lot Line Adjustment and any required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue clearance for recordation to the County Surveyor.
4. 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 lot line adjustment. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
5. The lot line adjustment 05LLA-00000-00009 shall expire three years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
6. The following language shall be included on the deeds arising from the lot line adjustment:  
  

*This deed arises from the lot line adjustment 05LLA-00000-00009 and defines a single parcel within the meaning of California Civil Code §1093. Any document used to record the lot line adjustment shall include a statement that the document arises from a lot line adjustment that is intended to identify two legal parcels.*
7. 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.

8. 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:
  1. Legal description for each adjusted parcel, and
  2. Statement of the findings and conditions approving the Lot Line Adjustment.
9. Recordation of the Lot Line Adjustment and approval of future Land Use Permits shall be in compliance with the following Departmental Letter:
  - a. Santa Barbara County Fire Department letter dated July 7, 2005 and updated on January 16, 2008
10. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain Land Use and Building Permits from Planning and Development. These permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Zoning Administrator. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
11. The applicant shall hire a P&D-qualified biologist to evaluate all proposed native tree and vegetation removals within 25 feet of potential ground disturbances, including disturbances during construction for the storage of construction materials and disturbances required by the County Fire Department as part of the Fire Protection Plan. The biologist report shall present biologically favorable options for access roads, utilities, drainage and structure placement taking into account native tree and shrub species, age, and health with preservation emphasized. All development and potential ground disturbances shall be designed to avoid the maximum number of natives possible. **Plan Requirements and Timing:** Prior to approval of Land Use Permits the applicant shall submit the above report to P&D for review and approval. Recommendations in the report shall be incorporated into the project prior to approval of Land Use Permits.  
**MONITORING:** P&D shall check all plans for incorporation of recommendations and shall site inspect as appropriate.
12. In order to protect existing native vegetation, specifically, Refugio Manzanita (*Arctostaphylos refugioensis*), and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree and manzanita protection and replacement plan. No ground disturbance including grading for buildings, accessways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree or Refugio Manzanita unless specifically authorized by the approved tree and Manzanita protection and replacement plan. The tree and manzanita protection and replacement plan shall include the following:

- a. An exhibit showing the location, diameter and critical root zone of all native [and specimen] trees and Refugio Manzanitas located onsite.
- b. Fencing of all trees to be protected at or outside of the critical root zone, and protective fencing for onsite Refugio Manzanitas. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every 6 feet. The applicant shall place signs stating "tree and Manzanita protection area" at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree and Manzanita protection exhibit, shall be installed prior to land use permit issuance and shall remain in place throughout all grading and construction activities.
- c. The tree and Manzanita protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree, or impact the root zone of onsite Refugio Manzanitas. All encroachment is subject to review and approval by P&D.
- d. Construction equipment staging and storage areas shall be located outside of the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree and Manzanita protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- f. Any proposed tree wells or retaining walls shall be shown on the tree and Manzanita protection plan exhibit as well as grading and construction plans and shall be located outside of the critical root zone of all protected trees and Refugio Manzanitas unless specifically authorized.
- g. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
  - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
  - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
  - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- h. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.

- i. No permanent irrigation shall occur within the critical root zone of any native [or specimen] tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- j. Only trees designated for removal on the approved tree and Manzanita protection plan shall be removed.
- k. Any protected trees which are removed, relocated and/or damaged (more than 20% encroachment into the critical root zone) shall be replaced on a 10:1 (15:1 for blue oak trees) basis with 1 gallon size saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to certificate of occupancy and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
- l. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for blue oak trees) ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

**Plan Requirements:** Prior to approval of a Land Use Permit, the applicant shall submit grading plans, building plans and the tree and Manzanita protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to issuance of Land Use Permits, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D to guarantee tree and Refugio Manzanita replacement. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

**MONITORING:** P&D shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree and Manzanita protection and replacement measures. Release of performance security requires P&D staff signature.

13. Excavation work within or adjacent to sensitive habitats including native trees and the Refugio Manzanita (*Arctostaphylos refugioensis*) shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215



or smaller track hoe) may be used as determined by P&D staff. **Plan requirements:** The above measure shall be noted on all grading and construction plans.

**MONITORING:** P&D shall ensure compliance on site during construction.

14. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Lot Line Adjustment 05LLA-00000-00009. 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.
  
15. 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 in the time period provided for in section 66499.37, 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 Zoning Administrator and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.

# Memorandum

**Date:** January 16, 2008

**To:** Selena Buoni  
Planning & Development  
Santa Barbara

**From:** Glenn Fidler, Inspector  
Fire Department

**Subject:** APN: 081-040-047/049; Case #: 05LLA-00009  
Site: 2375 Refugio Road, Gaviota  
Project Description: Lot Line Adjustment



*This Memorandum Supersedes the Previous Memorandum Dated July 7, 2005  
Changes to Stored Water, Propane, Knox Box*

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

**PRIOR TO MAP RECORDATION  
THE FOLLOWING CONDITIONS MUST BE MET**

1. All access ways (public or private) shall be installed and made serviceable. Roadway/driveway plans shall be submitted to the fire department for approval.

Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Driveway shall have a minimum width of 12 feet. Driveways serving one residential dwelling are required to have a minimum width of 12 feet. Driveways serving two residential dwellings are required to have a minimum width of 16 feet. Driveways serving three to nine residential dwellings are required to have a minimum width of 20 feet. If any future development is planned for this parcel or will be served by this driveway, the applicant is encouraged to coordinate these standards into their plans and with other interested parties.

No portion of the driveway shall have a grade that exceeds 12 percent. Any portion of the driveway with a grade exceeding 10 percent shall be paved.

### GENERAL NOTICE

2. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

### PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

3. Because the proposed project is located within the mapped boundaries of the High Fire Hazard Zone of Santa Barbara County, a Vegetation Management Plan is required. Refer to Santa Barbara County Fire Department Development Standard #6.

Special provisions of the Building Code will apply. These provisions will influence both the design of the project and the type of building materials that may be utilized. Please refer to the Santa Barbara County Building and Safety Division for details.

**Note:** Owners of property located within a designated "Very High Fire Hazard Severity Zone" are required by state law (Public Resources Code, Section 4291) to create a firebreak of 100 feet (or to the property line, whichever is nearer) around any structures on their property. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any dwelling or structure.

4. Plans for a stored water fire protection system shall be submitted and approved by the fire department. After plans have been approved, the stored water system shall be installed and made serviceable prior to erection of combustible building materials.
5. A Knox entry system shall be installed at the existing gate which accesses the property immediately off of Refugio Road. Plans shall be submitted to the fire department for approval prior to installation.

**PRIOR TO OCCUPANCY CLEARANCE  
THE FOLLOWING CONDITIONS MUST BE MET**

6. Propane tanks shall be installed per Article 82 of the California Fire Code.
7. Building address numbers must be a minimum height of three (3) inches and a color contrasting to the background color. The address number shall be elevated at least three (3) feet from the ground for clear visibility and easy directional identification. The numbers shall be visible from the access road when traveling in either direction. If the driveway is over 150 feet in length or the building is obstructed from view at the access road, numbers shall be posted at any driveway and road intersections as is necessary.
8. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot

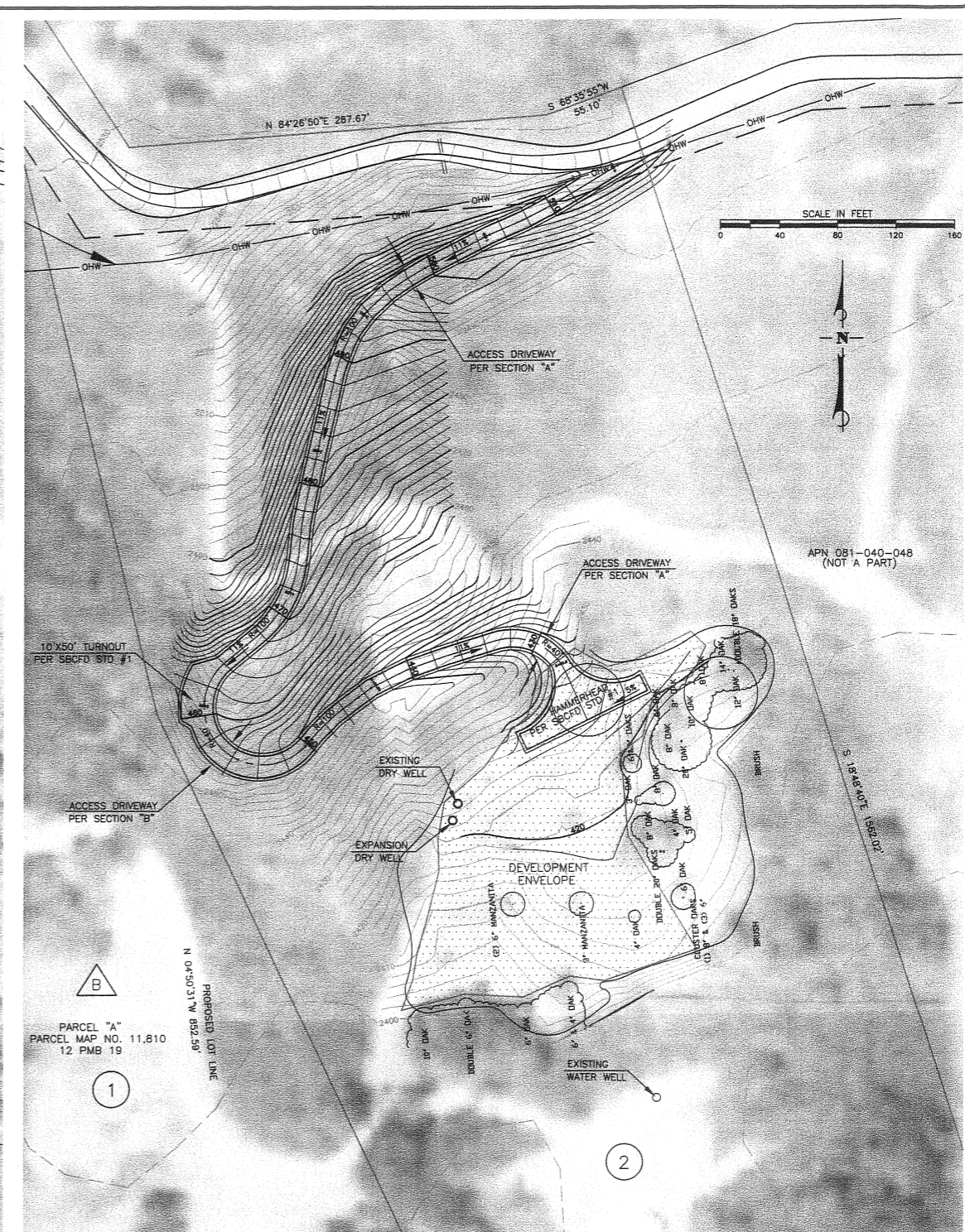
These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at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

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

GF:reb



c: Price & Associates, 3200 Serena Ave., Carpinteria, CA 93013  
APN/Chron



**GENERAL NOTES**

- STATE SUBDIVISION MAP ACT & COUNTY SUBDIVISION ORDINANCE:  
THIS MAP REPRESENTS A PROPOSED LOT LINE ADJUSTMENT OF LAND PURSUANT TO PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, GOVERNMENT CODE SECTION 66412(d), AND SANTA BARBARA COUNTY CODE CHAPTER 21 (SUBDIVISION REGULATIONS).
- BOUNDARY & TOPOGRAPHIC SURVEY:  
BOUNDARY INFORMATION SHOWN HEREON IS COMPILED FROM RECORD DOCUMENTS, MAPS, SURVEYS AND PRELIMINARY TITLE REPORT DESCRIPTIONS. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A COMBINATION OF USGS QUADRANGLE MAPPING AND FIELD SURVEYS PERFORMED BY L & P CONSULTANTS IN 2004.
- LAND USE & ZONING DESIGNATIONS:  
GENERAL PLAN: COMPREHENSIVE PLAN - AGRICULTURE; A-11-100  
ZONING: ZONING ORDINANCE No. 661; 100-AG (100 ACRE MINIMUM PARCEL SIZE)

**UTILITIES:**

WATER SOURCES: PRIVATE WELLS. WASTEWATER DISPOSAL: SEPTIC TANKS AND DRY WELLS.  
TELEPHONE: VERIZON CALIFORNIA. ELECTRIC: PG&E. GAS: PROPANE STORAGE

**DEVELOPMENT ENVELOPE:**

THE "DEVELOPMENT ENVELOPE" AREAS SHOWN HEREON ARE INTENDED TO DESIGNATE POTENTIAL AREAS WHERE DEVELOPMENT OF NON-AGRICULTURAL STRUCTURES AND IMPROVEMENTS ARE ALLOWED. SUCH STRUCTURES AND IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO, PRIMARY RESIDENCES, GUEST HOUSES, CABANAS, TENNIS COURTS, POOLS AND OTHER INCIDENTAL STRUCTURES AND IMPROVEMENTS. THIS DESIGNATION DOES NOT PRECLUDE OR PROHIBIT AGRICULTURAL RELATED DEVELOPMENT OVER OTHER AREAS OF THE LOTS SHOWN HEREON, NOR THE CONSTRUCTION OF INFRASTRUCTURE AND INCIDENTAL IMPROVEMENTS NECESSARY FOR THE USE AND OPERATION OF THE DEVELOPMENT ENVELOPE SUCH AS UTILITIES, DRIVEWAYS, WALKWAYS AND LANDSCAPE AREAS.

**LEGEND:**

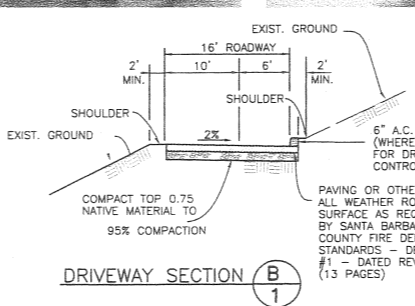
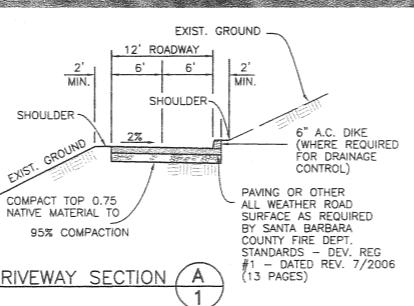


**EXISTING AND PROPOSED LOT AND ENVELOPE DATA:**

PROPOSED LOT	GROSS AREA (ACRES)	NET AREA (ACRES)	DEVELOPMENT ENVELOPE (AC)
1	20.00	19.29	1.00
2	44.20	43.31	0.70

EXISTING LOT	GROSS AREA (ACRES)	NET AREA (ACRES)	DEVELOPMENT ENVELOPE (ACRES)
A	44.20	43.78	N/A
B	20.00	18.82	N/A



**LEGAL DESCRIPTION:**

BEING PORTION A PORTION OF PARCEL 2 OF PARCEL MAP NO. 11,697, PER MAP FILED IN BOOK 11, PAGE 40 OF PARCEL MAPS, AND PARCEL "A" OF PARCEL MAP NO. 11,810, PER MAP FILED IN BOOK 12, PAGE 19 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA BARBARA COUNTY, CALIFORNIA.

**EARTHWORK QUANTITY ESTIMATES:**

CUT: 2900 CY FILL: 2500 CY SHRINKAGE: 400 CY IMPORT: 0 CY EXPORT: 0 CY  
THE ABOVE QUANTITIES ARE APPROXIMATE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISH GRADE OR SUBGRADE. EXISTING GROUND IS DEFINED BY THE CONTOURS ON THE PLAN. PROPOSED FINISH GRADE IS DEFINED AS THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED. PROPOSED SUBGRADE ELEVATION IS DEFINED AS THE DESIGN SURFACE ELEVATION OF EARTH TO BE CONSTRUCTED BENEATH PAVEMENTS OR STRUCTURES.

THE EARTHWORK QUANTITIES ABOVE ARE FOR PRELIMINARY PLANNING PURPOSES ONLY. THEY HAVE NOT BEEN FACTORED TO ACCOUNT FOR CHANGES IN VOLUME DUE TO BULKING, CLEARING AND GRUBBING, SHRINKAGE, OVER EXCAVATION AND RECOMPACTION, AND CONSTRUCTION METHODS.

**EASEMENTS:**

- A SIXTY (60.00) FOOT WIDE EASEMENT RESERVATION FOR INGRESS AND EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED JANUARY 4, 1973 IN BOOK 2441, PAGE 213 OF OFFICIAL RECORDS.
- B SIXTY (60.00) FOOT WIDE RIGHT-OF-WAY AS SHOWN ON PARCEL MAP 11,343 RECORDED IN BOOK 9, PAGE 6 OF PARCEL MAPS.
- C TEN (10.00) FOOT WIDE EASEMENT TO GENERAL TELEPHONE CO. FOR PUBLIC UTILITY PURPOSES PER DOCUMENT RECORDED JANUARY 17, 1972 IN BOOK 2382, PAGE 1373 OF OFFICIAL RECORDS.
- D SIXTY (60.00) FOOT WIDE EASEMENT FOR ROAD PURPOSES TO S.D.E. CORPORATION PER DOCUMENT RECORDED OCTOBER 15, 1973 IN BOOK 2485, PAGE 1108 OF OFFICIAL RECORDS.
- E SIXTY (60.00) FOOT WIDE EASEMENT RESERVATION FOR INGRESS AND EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED NOVEMBER 2, 1983 AS INSTRUMENT NO. 83-59054 OF OFFICIAL RECORDS.
- F SIXTY (60.00) FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED APRIL 17, 1963 IN BOOK 1987, PAGE 629 OF OFFICIAL RECORDS.

**OWNER'S STATEMENT:**

WE HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN ON THIS PLAT AND CERTIFY THAT WE ARE THE LEGAL OWNERS OR THE AUTHORIZED AGENT OF THE LEGAL OWNERS OF SAID REAL PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.  
*p.m. Malliar-Smith*  
BY: *Louise Moser*  
LOUISE MOSER (OWNER)  
P.O. BOX 13963  
SANTA BARBARA, CA 93107  
(805) 448-8249



PROFESSIONAL LAND SURVEYOR  
MARK LLOYD  
NO. 9470  
EXPIRES 9-30-08  
STATE OF CALIFORNIA  
PREPARED UNDER THE DIRECTION OF:  
*Mark Lloyd*  
MARK LLOYD P.L.S. 9470 EXP. 9-30-08

**05LLA-00000-00009**

BEING A LOT LINE ADJUSTMENT OF LOTS WITHIN ASSESSOR'S PARCELS 081-040-047 AND 081-040-049; IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

MARCH 2005 SHEET 1 OF 1  
REVISED JUNE 2006 REVISED SEPTEMBER 2006  
REVISED FEBRUARY 2007

