

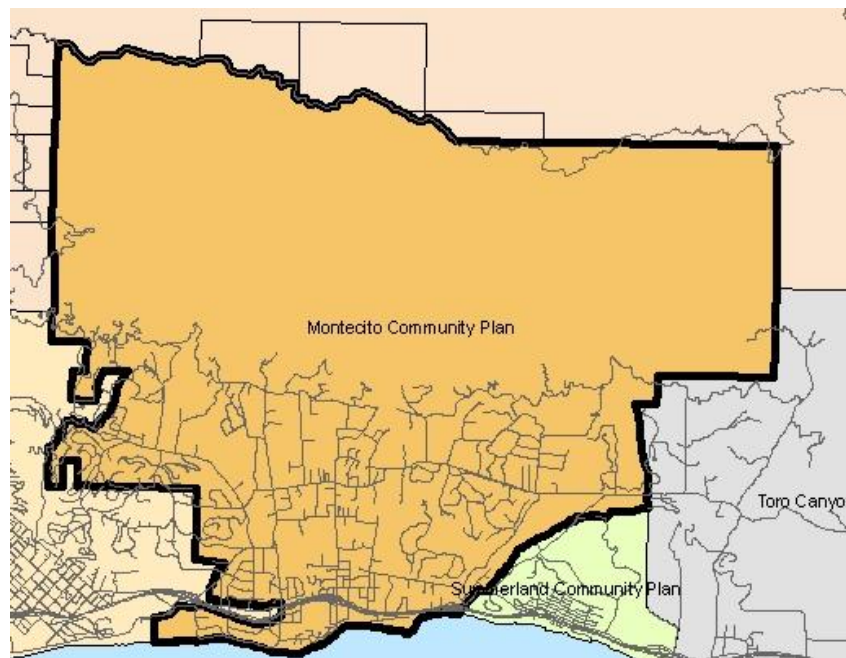
MONTECITO PLANNING COMMISSION
Staff Report for
Montecito Growth Management Ordinance Amendments and
Extension
09ORD-00000-00014

Hearing Date: August 25, 2010
Staff Report Date: August 15, 2010
Supervisorial District: 1st District

Deputy Director: Vicki Parker
Division: Long Range Planning
Planner: Holly Bradbury
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Environmental Document:

Supplemental EIR (SEIR) 10EIR-00000-00003, State Clearinghouse # 2010041043, supplementing and revising 92-EIR-03.



Montecito Planning Area, First Supervisorial District

1.0 Request

Hearing on the request of the Planning and Development Department to consider a recommendation to the Board of Supervisors regarding Case No. 09ORD-00000-00014, proposing to:

- 1) Amend the existing Montecito Growth Management Ordinance (MGMO) (Ordinance 3916 and subsequent amendments) and extend the program to December 31, 2030 (09ORD-00000-00014) by amending Chapter 35B of the Santa Barbara County Code (No. 3916 as amended by Ordinances 4105, 4133, 4140, 4148, 4190, 4381, 4587, and 4724), and
- 2) Certify the Montecito Growth Management Ordinance Amendments and Extension Supplemental EIR (10EIR-00000-00003, SCH #2010041043) revising 92-EIR-03, as adequate environmental review for Case No. 09ORD-00000-00014 pursuant to the State Guidelines for implementation of the California Environmental Quality Act (CEQA Sections 15121 and 15163). As a result of this

project, new or substantially increased effects on the environment are anticipated in the following categories:

Class I: Fire Protection, Sewer, and Traffic/Circulation.

Class II: Air Quality and Water Resources.

The Supplement to the EIR and all documents referenced therein may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara. The Supplement to the EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa Barbara.

The project involves the Montecito Planning Area in the First Supervisorial District.

2.0 Recommendations and Procedures

Staff recommends that the Montecito Planning Commission forward a recommendation to the Board of Supervisors to approve Case No. 09ORD-00000-00014 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the appropriate findings, including project findings, CEQA findings, and a Statement of Overriding Considerations, for adoption of the MGMO Amendments and Extension (Attachment A);
2. Recommend that the Board of Supervisors certify the Final Supplemental Environmental Impact Report (10EIR-00000-00003) as revisions to 92-EIR-03 (Attachment B);
3. Recommend the Board of Supervisors adopt Exhibit 1, 09ORD-00000-00014 as an amendment to Chapter 35B of the County Code, the Montecito Growth Management Ordinance, extending the life of the ordinance to December 31, 2030, and making other revisions, as specified. (Attachment C); and
4. Adopt Exhibit 2, a Resolution recommending that the Board of Supervisors approve the project and forward the MGMO Amendments and Extension (Case #09ORD-00000-00014) to the California Coastal Commission as an amendment to the Local Coastal Program for the portion of the affected area in the Coastal Zone (Attachment D).

Please provide direction to staff if the Montecito Planning Commission takes actions other than those recommended.

3.0 Issue Summary

This staff report provides the Montecito Planning Commission and public with an overview of primary issues to consider when reviewing the proposed MGMO Amendments and Extension.

Purpose and Expiration

The current MGMO was adopted in March 1991 and is set to expire on December 31, 2010. The adopted purpose of the Montecito Growth Management Ordinance is to pace growth while allowing opportunity to bring resources and services such as water, fire and transportation into balance with development. Through its adoption and continued implementation, the County recognizes that infrastructure and services are constrained in the Montecito Community, thus jeopardizing the public health and safety.

The ordinance would not change any land use or zoning designations, directly result in any physical development, or would amend the Montecito Land Use and Development Code. The MGMO is a stand-alone ordinance which has been in effect since 1991.

Section 35B.12.1 of the ordinance specifies that the MGMO will expire on December 31, 2010, unless extended by amendment. Staff's recommendation is that the ordinance be extended to December 31, 2030 and that the MGMO's criteria for the ultimate expiration of the ordinance be updated to include new information. Balancing service needs with development requires a multi-year public infrastructure improvement process, thus the 20 year MGMO planning horizon. The MGMO draft ordinance will continue to require annual reports on the status of public services, as well as, a review of the ordinance's overall efficacy once every five years. In addition, 20 years of past implementation of the original MGMO has shown that certain clarifications and corrections would result in an ordinance which is better understood and more easily applied. Those revisions are also being proposed. The revised draft, shown as Attachment C to this staff report, also incorporates the mitigation measures from the SEIR.

Environmental Review

The Montecito Growth Management Ordinance Amendment and Extension Supplemental EIR (Attachment B) augments the Montecito Community Plan Program EIR (92-EIR-03) and as required by law, analyzes impacts associated with the amendment and extension of the MGMO. The SEIR has been prepared in accordance with the requirements of the State CEQA Guidelines and County of Santa Barbara CEQA Guidelines and Thresholds. In accordance with §15121 (a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

Inform public agency decision-making and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

State CEQA Guidelines §15163(a) directs the preparation of a supplement to a previously certified Environmental Impact Report when a project will have one or more new or substantially increased significant effects not discussed in the previous EIR and requires an examination of mitigation and alternatives accordingly.

This project's environmental document supplements the Montecito Community Plan EIR (92-EIR-03) and evaluates environmental conditions where circumstances have changed since its 1992 certification. The SEIR reviews these changes and their effects for the 20 year proposed project scope. The MGMO

process carries forward and reinstates the regulatory requirement that an allocation be obtained as the first step in the entitlement process for construction of a new dwelling. The MGMO does not alter the ultimate build-out potential of the Montecito Community Plan Area; however, it is the first step in the permit process for a new dwelling. Generally, project impacts for the MGMO Amendments and Extension are the same or less than what the impacts would be in the absence of the MGMO (i.e., “No Project”). As a pacing mechanism, the MGMO’s extension would allow for continued management of the timing and balance of resources and infrastructure in the Plan area.

4.0 Project Description

A. Summary

The project consists of text amendments to the Montecito Growth Management Ordinance that include:

- Extending the ordinance’s expiration date from December 31, 2010 to December 31, 2030 (Revised Section 35B11.1).
- Updated point allocation and expiration criteria (Revised Sections 35B.7 and 35.11).
- Administrative corrections throughout the ordinance.

The full text of the proposed revised MGMO Ordinance is attached to this report and shown as Attachment C. The ordinance amendments do not change the basic structure of the MGMO, its growth rate or allocation process, nor does it include changes to existing land use or zoning designations in Montecito.

The County and other agencies have taken steps to program, fund and carry out important infrastructure improvements affecting services in Montecito. However, SEIR data indicates that these services are not yet in balance with the area’s existing and potential development. Therefore, staff’s recommendation is that the ordinance be extended to December 31, 2030 and that the MGMO’s criteria for the ultimate expiration of the ordinance be updated to include new information regarding area roadways and intersections, water supply and availability, sewage infrastructure, and fire protection.

B. Background

Current MGMO History

The Board of Supervisors originally adopted the MGMO in 1991 to pace development in step with service and resource available in the Montecito Community Plan Area. Prior to its adoption, the rate of growth in population and housing units was substantially higher than recommended for Montecito in the Comprehensive Plan. The MGMO grew out of community concerns over the long term pattern of accelerated residential growth and its effect on infrastructure and services. The originally adopted MGMO was one component of what was considered Phase I of the Montecito Community Plan (known as the Growth Management Plan) and its original adoption pre-dates the adoption of the Montecito Community Plan in 1992. Phase I also included a GMO Overlay that is currently in place for the entire Montecito Community Plan Area. No changes to this zoning overlay are proposed as part of this project. Phase I General Plan designations and rezones were later replaced by adoption of the Montecito Community Plan in 1992.

Completion of the original MGMO was part of a growth management package and included a Planning and Development study of resources and constraints, followed by extensive community dialogue and environmental review of impacts and growth rate alternatives. The Growth Management Environmental Impact Report (90-EIR-15) was completed in 1991 and analyzed a 20-year planning horizon. Mitigation measures were incorporated as policy and action items in the subsequently adopted Montecito Community Plan (MCP) in September 1992. The MCP was evaluated in a new EIR (92-EIR-03), and the Board of Supervisors adopted findings and overriding considerations for impacts that remained significant.

Prior to its initial expiration date in 1999, the MGMO was extended to 2005. In 2005, the MGMO was extended a second time based on the recognition of an imbalance between residential growth and road capacity. The 2005 extension renewed the ordinance until December 31, 2010, which was still within the original 20-year planning horizon.

General Requirements for Growth Management Ordinances

Under State law, growth management regulations must bear a substantial and reasonable relationship to the public health and safety and must be consistent with general plan policies, such as Community Plan, Coastal Plan and Housing Element policies. The MGMO is consistent with State law as it includes provisions for periodic review of the status of services and resources, prioritizes or exempts affordable units, and is consistent with the Comprehensive Plan including the Local Coastal Plan. Some progress towards relieving the constraints has been made since the original inception of the MGMO. Montecito Water District (MWD) connected to the State Water System, the Montecito Fire Protection District (MFPD) is in the process of analyzing the need and feasibility of a third fire station, and some of the specified transportation/circulation improvements have been made.

Current MGMO Provisions and Criteria

The MGMO applies to any new residential dwelling that adds new housing stock to the Montecito Planning Area, except where specifically exempted. The MGMO does not regulate non-residential development, residential remodels or additions, or demolition and construction of new homes on the same site. County-approved affordable units, second residential units, condominium conversions, special care/senior facilities, as well as specifically identified “grandfathered” projects, are exempt. The MGMO allocation award is based on a competitive allocation system with points given based on site specific resource protection measures. The dwelling unit allocation must be granted prior to applying for a design review or zoning permit for residential development.

The ordinance sets an annual growth limit of ½% for new homes that are subject to its restrictions. This growth rate cap results in a maximum of 19 allocations each year. The MGMO process aids in pacing the timing of construction activities by dividing the allocation process into two distribution cycles per year. The allocation system gives priority through its point assignments to projects that minimize or avoid impacts on services, infrastructure, and resources.

The MGMO may expire at any time that the Board of Supervisors finds that public health and safety are no longer jeopardized. By the terms of the current ordinance, public health and safety will be considered no longer jeopardized if water resource, fire protection, and traffic criteria are met (see Attachment A, Section 35B.12 for criteria). Yearly MGMO status reports are sent to the Board of Supervisors with status of the expiration criteria.

Ordinance Implementation

Each parcel in the Montecito Planning Area is zoned with a GMO (Growth Management Ordinance) Overlay in addition to its applicable base zone district. The GMO Overlay requires compliance with the MGMO, in addition to any other zoning regulations affecting the parcel. Although consistency findings are not required for granting allocations under the MGMO, consistency with the Comprehensive Plan is required prior to any subsequent zoning permit approval for the residential development.

Regulatory actions required for the implementation of the MGMO require that an applicant must:

1. Apply for and obtain a MGMO allocation prior to filing for Montecito Architectural Review or zoning permits.
2. Apply for Montecito Board of Architectural Review (MBAR) within six months of receiving an allocation.
3. Obtain a zoning permit (e.g., LUP, CDP, or ZCI) issuance within three years of receiving an allocation.
4. Obtain building permits prior to the expiration of the applicable zoning permit.

C. 2010 MGMO Extension and Amendment Discussion

The MGMO Amendments and Extension project is funded as part of the P&D Long Range Planning Division work program for fiscal year 2009/2010 and the first half of fiscal year 2010/2011. The project has included meetings and discussion between other P&D Divisions and County agencies, community groups, the MPC, and the Montecito service districts.

Amendments and Extension

The draft revised MGMO (Attachment C) includes the following changes:

- Extension: Section 11.1- Extending the expiration from December 31, 2010 to December 31, 2030.
- Administrative Ordinance Changes: Since the 1991 adoption of the program, 20 years of administrative practices and implementation of have provided opportunities for refinement, modernization, and clarification including:
 - (Original) Section 9.1.4- Removed the exception for grandfathered projects that have already been built.
 - Section 6.7- Clarification that “carry over” allocations are only allowed within a single calendar year.
 - Section 6.1, 6.2, and 6.9- Clarification of individual allocation procedure and expiration provisions.
- Point and Expiration Criteria Adjustments: Edits to reflect updated resource conditions.
 - Section 7.2.2a,b- Revised to include a Montecito Water District (MWD) water allocation. Removal of groundwater point criteria to reflect updated regulation and water availability.
 - Sections 7.2.7 and 7.2.8- Increase in points for biological resource protection.
 - Section 7.2.3- Revision of traffic measurement methodology.
 - Section 7.2.9- Point reductions for projects outside a 100 year floodplain from 10 to 5.

- Section 11.4- Removal of expiration criteria of 439 acre feet of available water to reflect the arrival of State Water and Montecito Community Plan policies requiring a 10% buffer.
- Updated References and Text Changes:
 - Amended to include Land Use Element Policy I.A.1 and I.A.2.
 - Zoning Ordinance and General Plan reference updates.
 - Minor text amendments to reflect the existing setting.
- SEIR Mitigations: In addition, the proposed draft MGMO (Attachment C) includes the SEIR mitigations proposed for the MGMO. These mitigations are summarized in the chart below.

Constraint and Mitigation Type		Mitigation Summary
Water Supplies	<i>Points</i>	Water certificate and submittal of a conceptual water conservation plan approved by the MWD. (MM-Water-3)
	<i>Expiration and Monitoring</i>	The Board shall continue to monitor water availability. If demand approaches or exceeds water supply, the Board can reduce allocations. (MM-Water-1)
Fire Protection	<i>Points</i>	Awards for projects located below hydraulic gradelines or a certificate from the MWD and MFPD. (MM-Fire-2)
		Awards to reflect fire severity by geographic location. (MM-Fire-1)
	<i>Expiration</i>	Expiration upon the completion of a third fire station and/or MFPD 5 minute response times within urban areas of the plan boundaries. (MM-Fire-2)
Transportation/ Circulation	<i>Point</i>	Project demonstrates that it does not allow direct vehicular access or send measurable traffic to impacted roadways. (MM-Trans-2d)
		Awarded for trail dedication acceptable to the County and consistent with community plans. (MM-Trans-3b)
		Awarded where the road right-of-way would fully conform to Public Works' Encroachment Policy. (MM-Trans-3a)
	<i>Expiration</i>	Expiration upon completion of improvements to the impacted, intersections and interchanges identified in MGMO SEIR, or completion of any equivalent or more effective measures. (MM-Trans-2e)
	<i>Monitoring</i>	Construction of the 101 improvements shall be monitored and included in the annual MGMO Board reports. When improvements are complete, a traffic study shall be conducted to reassess how Highway 101 affects traffic. (MM-Trans-2f)
Waste Water Systems	<i>Expiration and Monitoring</i>	MGMO expiration when MSD infrastructure sufficient to serve urban areas at build-out. Sewer infrastructure status will be included in annual Board Reports. (MM-WW-1)

5.0 Environmental Review

A. Supplemental EIR

A supplement (SEIR) to the 1992 Montecito Community Plan Environmental Impact Report was prepared to support the County's consideration of the project in accordance with Section §15121(a) and §15163 of the State CEQA Guidelines (California Code of Regulation, Title 14, Division 6, Chapter 3). Section 15162 of the State CEQA Guidelines states that, for a project covered by a certified EIR, preparation of a subsequent or supplemental EIR rather than an addendum is required only if one or more of the following conditions occur:

1. Substantial changes are proposed in the project that will require major revisions of the previous due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete show any of the following:
 - a) The project will have one or more significant effect not discussed in the previous EIR or;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the State CEQA Guidelines provides that the lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

1. Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
2. Only minor revisions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

The MGMO Initial Study process was completed in spring 2010 and found instances of changes circumstances and new impacts since the MCP EIR (92-EIR-03). The Supplemental Environmental Impact Report (10EIR-00000-00003) (Attachment B) addresses the potential impacts which could result from the proposed 20 year life of the project. The SEIR analyzes the project description contained within the MGMO Amendments and Extension, determines whether the level of environmental impact significance has changed for each indentified change in circumstance, and proposes mitigation measures where feasible to lessen environmental impacts. Several mitigation

measures identified in the SEIR have been incorporated as revisions to the MGMO's point assignment and expiration criteria as described above. Others, such as including fire safety considerations into future plan updates, are not included in the ordinance are discussed in the SEIR and the Mitigation Monitoring and Reporting Plan.

In accordance with Section 15063 of the CEQA Guidelines, the Initial Study (IS) and Notice of Preparation (NOP) was prepared and distributed to responsible and affected agencies and other interested parties for a 30-day public review. The public review period for the IS/NOP began on April 8, 2010, and ended on May 12, 2010. In addition to filing a notice at Santa Barbara County Clerk's office and the State Clearinghouse at the Governor's Office of Planning and Research, A notice was published in The Santa Barbara daily Sound on April 8, 2010. A scoping hearing was held on April 20, 2010. The topical contents of the Supplemental EIR were established based on the findings in the IS/NOP as well as public and agency input.

The Draft SEIR was noticed and released for a 45-day public comment period from, June 15, 2010 to August 2, 2010. A public Environmental Hearing was held on June 24, 2010 at the Santa Barbara County Planning Commission Hearing Room. Public comment was received until the end of the noticed comment period, Monday, August 2, 2010. Additions from the Draft SEIR are marked in ~~strikeouts~~ and underlines and with a bar in the margin of the text.

Draft SEIR Public Review

Staff reviewed comments on the Draft SEIR and prepared written responses (SEIR Section 9.0 and text changes where appropriate) in accordance with CEQA Guidelines Section 15088. Staff received and responded to a total of five letters and an email, as well a verbal comment from one speaker at the Environmental Hearing. Comments address cultural resources, transportation, air quality, water resources, and baseline approach.

Baseline

This SEIR evaluates the incremental *spacing* of the build-out in the Montecito Planning Area under the 20 year life of the MGMO in relation to what exists on the ground and the MCP EIR (92-EIR-3). The MGMO was first adopted in 1991 and evaluated under 90-EIR-15. In 1992, the Montecito Community Plan, including new land use designations, was adopted and evaluated under 92-EIR-3. This subsequent EIR analyzed the effects of new policies and ultimate build-out of the plan area, relaying on the provisions of the effective MGMO spacing mechanism. The MGMO is not a new program, but rather renews, extends, and updates a pre-existing program. The MCP EIR baseline is retained unless there is an indentified substantial change in circumstance, in which case baseline is taken from current conditions.

Build-out with the spacing under the MGMO (as compared to community plan build-out) refers to the total expected number of new residential dwelling units if maximum growth management allocations were granted over the life of the project based on existing land use designations and zoning. No changes to land use designations would occur as part of the MGMO Amendments and Extension.

The 1992 Montecito Community Plan projected a build-out of 598 base potential market-rate units and 362 affordable units for a total of 960 units. Under current circumstances remaining build-out is summarized in the chart below

	No Project Alternative	MGMO Renewal: 20 year build-out
Units subject to MGMO	517	380
Units exempt from MGMO ¹	75	75
Total Units	592	455

Build-out with pacing under the MGMO would result in an estimated additional 455 primary residential units over the existing number of units currently within the Planning Area, versus 592 additional units at ultimate Plan build-out without the MGMO pacing mechanism. See SEIR Section 3.2, *Environmental Baseline Approach*, for more detail on remaining Plan build-out.

B. Summary of Environmental Analysis:

Impacts

The SEIR identifies areas where circumstances have changed. For each of these areas the SEIR analyses whether the change either has: 1) no substantial effects on impacts previously identified in 92-EIR-03 or 2) a new effect that increases or decreases an already identified impact, or results in a new impact. The SEIR identifies changed circumstances resulting in new impacts or an increase in impact severity levels for the following resource areas:

Class I (Significant and Unavoidable)

- Fire Protection
- Wastewater Disposal
- Transportation

These impacts will be partially reduced by the implementation of the proposed mitigation measures, but will remain significant.

Fire Protection: The SEIR found that Fire Protection impacts would continue to be significant but with an increase in severity as highlighted by recent wildfires and studies showing that the Eastern part of the community and other fringe areas are outside the MFPD 5 minute response time. Mitigations include:

- Point criteria awards for projects located:
 - Outside Very High fire and High Fire Zones
 - Below hydraulic gradelines (or with certification of adequate water pressure)
- Expiration criteria amended to include construction of a third fire station.

The mitigations have been included in the updated ordinance (Attachment C). When a third fire station is constructed the response time component of the impact should be partially alleviated.

Waste Water Infrastructure: The 1992 EIR identified Class I impacts for private septic disposal systems. Impacts to sanitary systems would remain Class I with the proposed project because the

¹ Estimated Residential Second Units and Neighborhood Commercial Affordable Housing

existing sewage disposal infrastructure would need to be upgraded to serve the Plan Area at build-out. Mitigation includes monitoring the status of Montecito Sanitary District infrastructure as part of the annual BOS report. The ordinance also provides that the MGMO may expire when MSD infrastructure is sufficient serve build-out under existing land uses.

Transportation- Roadways and Intersections: Traffic counts were taken in December 2009 to assess circulation changes in Montecito since 1992. Impacts remain significant after mitigation; however impacted roadways and intersections have shifted due to circulation changes and improvements in last 20 years. The traffic study found the following roadways and intersections would be impacted under MGMO build-out:

- Exceedence of MCP capacities for the following roadways:
 - N Jameson Ln. between Santa Isabel Ln. and La Vereda Rd. N. Jameson Ln. between La Vuelta Road and Arroqui Rd
 - Olive Mill Road between Olive Mill Ln. and Hot Springs Rd
 - Sheffield Dr. between Jelinda Drive and Birnam Wood Dr
 - E Valley Rd. between Cota Ln. and Picacho Ln
- Increase V/C ratios or delay at intersections:
 - Barker Pass Road & Sycamore Canyon Rd
 - Olive Mill Road & Coast Village/N Jameson Ln./US 101 NB
 - Olive Mill Road & Spring Rd
 - San Ysidro Road & E Valley Rd
 - #12. San Ysidro Rd & N Jameson Ln./US 101 NB

Ongoing Highway 101 projects have affected circulation in recent years, and the mitigation measures also include a requirement for a new traffic assessment upon the completion of highway widening and improvement projects.

Class II (Significant but Mitigable)

- Greenhouse Gasses (GHG)
- Public Water Supplies
- Multi-modal Transportation

The impacts will be reduced to a less than significant level with the implementation of the mitigations measures.

Greenhouse Gas (GHG) Emissions: GHG emissions are a new and emerging topic. The original MCP EIR did not include analysis of GHGs. Using the County's interim GHG criteria, the SEIR found cumulatively significant GHG emissions. The emissions would be mitigated to less than significant levels at the individual project phase through implementation of measures such as energy conservation and green building. The applicant would prepare a greenhouse gas reduction plan as part of the follow up zoning permit or clearance.

Water Supply: The Montecito Water District (MWD) connected to the State Water Project (SWP) in 1998. The State Water Project (SWP) allocations fluctuate due to periodic drought conditions and the Delta Smelt legal ruling. Water supplies are less reliable than anticipated under the MCP EIR.

In addition to conservation efforts on the part of the MWD, SEIR mitigation includes:

- Monitoring of long and short term water availability at the state and local level. If water demand approaches or exceeds water supply, allocation may be reduced. MGMO may expire if a reliable long term water supply is achieved,
- Point criteria awards for a water certificate and submittal of a conceptual water conservation plan approved by the MWD.
- Requiring MGMO projects to submit a MWD approved allocation and conceptual water conservation plan at the follow up permit/clearance phase.
- Amend the ordinance to assure that applications substantially comply with the point assignment categories awarded.

The above mitigations would reduce the impacts to public water supply to less than significant.

Multi-modal Transportation: The SEIR found pedestrian and bicyclist safety to be impacted due to potential traffic increase and additional rights-of-way encroachments that may result from project development and roadway improvements. Mitigations include point assignment criteria for pedestrian pathways and conformance to the County's Encroachment Policy.

Alternatives

CEQA Guidelines Section 15126.6 requires examination of alternatives to the proposed project that potentially reduce environmental impacts while achieving most of the main project objectives. The alternatives assessed in this SEIR include:

- *No Project:* Build-out of the MCP without a pacing mechanism.
- *¼% Growth Rate:* A yearly rate of 10 units over 20 years.

This alternative would result in fewer impacts on the overall environment than the proposed project, but would not reduce any significant and unavoidable project impacts to a level of insignificance. The value of the both project and project alternative is in the actual pacing mechanism which allows the incremental ability to review constraints and maintain balanced services and resources. A ¼% change in the number of allocations would not measurably improve the environment and the ½% meets the objectives within the community.

Additionally, Land Use Element Policy I.A.2 and SEIR MM-Water-1 allow for a temporary reduction in allocations below the ½% rate by the Board of Supervisors if the short term availability of resources is jeopardized by the continued allocation of such permits. The ¼% Growth Rate alternative would be environmentally superior, but only very slightly. However, this alternative would represent a major change and reduction in historic land use patterns with very little quantifiable benefits and without the flexibility to adjust to changing circumstances as provided in the project.

Policy Consistency Analysis

The policy consistency section of the SEIR includes a review of the project’s potential consistency with the adopted plans and policies contained in the County’s Comprehensive Plan. The SEIR found all proposed Plan policies and goals to be consistent with the County of Santa Barbara Comprehensive Plan, including the Local Coastal Plan and Montecito Community Plan. The current MGMO and amended MGMO would augment and implement goals, policies and objectives expressed in General Plan

REQUIREMENT	DISCUSSION
Services and Housing	
<p><i>Coastal Land Use Plan Section 3.2.1, and Coastal Act section 30250.</i> New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.</p> <p><i>Land Use Element GOAL 1.A:</i> Maintain orderly growth consistent with available resources and the semi-rural character of the community.</p> <p><i>Housing Element Policy 7.3:</i> The County will continue to work with local service districts to help determine what capital improvements are necessary to eliminate service constraints to housing development.</p> <p><i>MCP Goal LUG-M-1.</i> Comprehensively plan for, and maintain, an ultimate community build-out that is based on the conservation of limited resources, infrastructure and services. Planning shall respect the need to preserve the community's existing quality of life and community character and shall be scaled to accommodate growth provided within the context of the adopted land use maps and this Plan.</p> <p><i>GOAL LUG-M-2.</i> Achieve residential development patterns that maintain the desired balance between growth and availability of community resources and services.</p>	<p><i>Consistent.</i> The intent of the current and amended MGMO is to monitor infrastructure and ensure that residential development is within resource capacity for the community.</p> <p>Section 7 of the MGMO provides point awards which give priority to projects utilizing urban services such as sewer connection or are accessible to transit lines.</p> <p>Section 11 of MGMO requires the monitoring of water, fire, sewer, and transportation through annual reports to the Board of Supervisors. Infrastructure status would continue to be measured against specific ordinance expiration criteria. Through this monitoring, resource deficiencies are identified and under growth management law the County must takes steps to alleviate the constraints.</p>
<p><i>Housing Element Policy 8.1.</i> The County shall</p>	<p><i>Consistent.</i> The Montecito Planning Area is a</p>

REQUIREMENT	DISCUSSION
<p>give high priority and/or provide strategies (e.g., fee waivers or reductions, regulatory incentives) for the development of affordable housing when preparing and amending land use and/or community plans, the zoning ordinance, and growth management plans, particularly with regard to policies and development standards related to the allocation of limited services and resources, including but not limited to water, sewage treatment capacity, and roadway and intersection capacity.</p> <p><i>Housing Element Policy 8.2.</i> During the development or update of any community plan and/or the zoning ordinance, the economic consequences of design guidelines and/or development standards for affordable and special needs housing projects shall be considered.</p> <p><i>Housing Element Policy 8.5.</i> Applicable County departments shall provide incentives for the development of affordable, special needs, and rental housing</p> <p><i>MCP Policy H-M-1.2.</i> Affordable housing in Montecito should be provided through a variety of means and distributed geographically throughout the community to the extent that environmental and public service constraints allow. The County shall encourage the production of affordable housing in areas identified by an affordable housing overlay or where allowed by applicable zone districts. Such development must be consistent with the architectural and development standards mandated by this community plan and consistent with other applicable goals and policies of this community plan.</p> <p><i>MCP Policy H-M-1.1.</i> In addition to the application of the policies and programs embodied in the County's Housing Element, the County shall continue to seek feasible methods for the provision of affordable housing within the Montecito Planning Area.</p>	<p>mostly built out community of single family homes. The remaining build-out potential is infill development of single family homes on vacant and underdeveloped lots. The MGMO Amendments and Extension is consistent with affordable because it exempts affordable housing, senior/disabled/group care facilities, and residential second units. The exemptions which provides incentives for their construction because of the reduced regulatory requirement.</p>
<p><i>Housing Element Policy 5.5.</i> The County shall</p>	<p><i>Consistent:</i> The MGMO provides point awards</p>

REQUIREMENT	DISCUSSION
<p>continue to encourage development within existing urban boundaries of the County and the preservation and/or protection of rural land uses outside the urban boundaries.</p>	<p>for projects which connect urban services, such as sewer, and provides monitoring to ensure these services are adequate. The point awards provide priority for projects with available urban services including transit, sewer service, and fire protection availability.</p>
<p><i>Housing Element Policy 5.1.</i> The County shall encourage compatibility of new construction, rehabilitation or renovation of existing housing units with surrounding structures and their setting in an effort to maintain or enhance harmony and balance in the community</p>	<p><i>Consistent.</i> The MGMO only applied to new units, and exempts the remodel of existing houses and the addition of residential second units. This exemption incentivizes the rehabilitation of existing housing stock.</p>
<p><i>Housing Element Policy 5.2.</i> The County shall promote quality residential design standards to guide residential development Countywide.</p> <p><i>Housing Element Policy 5.3.</i> The County shall encourage well-designed, energy efficient units in new residential development that will minimize maintenance costs over time.</p>	<p><i>Consistent.</i> The point awards encourage quality residential design through categories which promote conservations of resources. The MGMO is part of a process that requires MBAR review and approval and a review of policy and regulation standards prior to the approval of zoning permits.</p> <p>The GHG mitigation would ensure consistency with Housing Element Policy 5.3 though requiring energy efficiency and green building techniques.</p>
Growth Rate	
<p><i>Land Use Element Policy I.A.1.</i> In order to pace development within long-term readily available resources and services (i.e., water, sewer, roads, schools), the County shall not permit the number of primary residential units to exceed an annual rate of one half of one percent of the permitted 1989 housing stock unless specifically exempted by ordinance. This rate shall represent the maximum allocated residential growth rate until such time that the County determines, through a periodic public review of the status of services and infrastructure in the Montecito Planning Area, that further growth can be accommodated by acceptable and reliable supplies and capacities without diminishing the quality of life in the community.</p>	<p><i>Consistent.</i> The ordinance augments and implements Land Use Element Policy I.A.1 and I.A.2, which require a ½% growth rate in Montecito as long as resources and infrastructure are strained, and allows the Board to lower the growth rate if short term.</p>

REQUIREMENT	DISCUSSION
<p><i>Land Use Element Policy I.A.2.</i> Temporary reduction in the annual one-half percent dwelling unit permit rate and corresponding reduction in number of permit allocations for the Montecito Planning Area may be enacted by the Board of Supervisors, if the short term availability of resources is jeopardized by the continued allocation of such permits</p>	
Water Supply	
<p><i>Coastal Land Use Plan Policy 2.2.</i> The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected... If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded...</p> <p><i>Land Use Element South Coast Policy 1.</i> The Board of Supervisors and/or Planning Commission shall not approve new housing developments within the unincorporated South Coast Area which would utilize new extractions or increases in extractions of groundwater from any physically overdrafted groundwater basin, or which through such new or increased groundwater extractions would create a condition of physical overdraft in any groundwater basin. A condition of existing physical overdraft or project-induced physical overdraft shall be verified by the County Water Agency.</p> <p><i>MCP Policy WAT-M-1.3.</i> The County (in conjunction with the Montecito Water District) shall monitor the effects of development on water sources and the County shall prepare and make public a report regarding the status of Montecito Planning Area water supply and demand every five years or when circumstances substantially change (e.g., new water supplies become available).</p> <p><i>MCP Policy WAT-M-1.5.</i> When supplemental</p>	<p><i>Consistent:</i> Water supplies, including groundwater, would be monitored as part of the GMO reporting requirement. MM SEIR-Water-1 stipulates that, the Board may reduce the allocations if water supplies are inadequate to serve new development.</p>

REQUIREMENT	DISCUSSION
<p>alternative water sources become available, a buffer of 10 percent between supply and demand should be maintained in reserve for periods of drought condition.</p>	
Transportation/Circulation	
<p><i>MCP GOAL CIRC-M-1A.</i> Permit reasonable development of parcels within the community of Montecito based upon the policies and Land Use Designations adopted in this Community Plan, While maintaining safe roadways and intersections that operate at acceptable levels.</p> <p><i>MCP Policy CIRC-M-1.3.</i> The County shall regularly monitor the operating conditions of designated roadways and intersections in Montecito. If any roadway or intersection is found to exceed the acceptable capacity level defined by this community plan, the County shall reevaluate, and if necessary, amend the community plan in order to reestablish the balance between allowable land uses and acceptable roadway and intersection operation...</p>	<p><i>Consistent.</i> The yearly Board Supervisors reporting and monitoring requirement would continue to inform decision makers of the status of traffic and improvements in Montecito. The SEIR has identified and updated intersections and roadways that would be impacted as a result of Plan build-out. Additionally, mitigation SEIR MM-Trans-2f requires a traffic study upon completion of the Highway 101 improvements to assess how they affect circulation on Montecito.</p>
<p><i>MCP Policy CIRC-M-1.8.</i> New development shall be sited and designed to provide maximum access to non-motor vehicle forms of transportation.</p> <p><i>MCP GOAL CIRC-M-2.</i> Recognize That Montecito Roadways Are Important Components Of The Community Character In Addition To Their Primary Role As Corridors For Various Forms Of Transportation (e.g., Automobile, Pedestrian, Equestrian, Bicycle) Through The Community.</p> <p><i>Policy CIRC-M-2.1.</i> In order to provide for the safety of pedestrians, informal unpaved pathways (rather than paved sidewalks) shall be encouraged within the County road right-of-ways. Priority shall be given to providing and protecting pedestrian pathways when the County grants encroachment permits along County roadways to private land owners.</p>	<p><i>Consistent:</i> The amended MGMO provides points for the following categories:</p> <ul style="list-style-type: none"> ● Proximity to transit ● Dedication of pathways ● Adherence to County road right-of-way policies <p>Therefore, the MGMO prioritizes projects that are conducive to non-motorized transit.</p>

The Montecito Growth Management Ordinance promotes orderly development and is aligned with Comprehensive Plan goals and policies. The point award system gives priorities to projects which avoid

resources Montecito Community Plan and General Plan goals, policies, and development standards aim to protect.

7.0 Processing Timeline and Requirements

Montecito Planning Commission: The project requires that the Montecito Planning Commission review and consider the proposed amendments along with the draft SEIR and render its decision in the form of a written recommendation (resolution) to the Board of Supervisors.

Board of Supervisors: This type of ordinance amendment also requires a noticed public hearing by the Board of Supervisors; as well as a certification of the SEIR and a Resolution transmitting the project to the California Coastal Commission (CCC). Pursuant to Section 35B12.1. of the current MGMO, the ordinance would be extended and not expire if the Board of Supervisors takes action prior to December 31, 2010.²

California Coastal Commission: Commission staff advised that MGMO Amendments and Extension will require a Minor Amendment to the Local Coastal Program.³ Staff will submit the package to the CCC after Board of supervisors Approval. Per Coastal Commission staff, this type of change to a Local Coastal Program is not required to meet the Coastal Act's limitations of three amendments per year. Approval of the Minor Amendment by the CCC is anticipated prior to the expiration of the ordinance at the end of the 2010.

Attachments:

- A. Project Findings, Statement of Overriding Considerations (SOC)
- B. MGMO Extension and Amendment Final Supplemental EIR, Summary Impact Table
Also see: <http://longrange.sbcountyplanning.org/planareas/montecito/mgmo.php>
- C. Draft Amended MGMO Incorporating Mitigations from 10EIR-00000-0003
- D. Resolution Recommending the Board of Supervisors Approve the Minor Changes to the Local Coastal Program

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² In the Inland Area. The Coastal Zone requires CCC Certification.

³ Per California Coastal Commission staff, 7/14/2010.

Attachment A:
Project Findings, Statement of
Overriding Considerations (SOC)

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ATTACHMENT A

Montecito Planning Commission Project Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program Recommending the Montecito Growth Management Ordinance Amendments and Extension 09ORD-00000-00014

The Montecito Planning Commission recommends that the Board of Supervisors make the following Montecito Growth Management Ordinance (MGMO) Amendments and Extension findings.

1.0 CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090, 15091, 15092, 15162 AND 15163.

1.1 CONSIDERATION OF THE SUPPLEMENT

The Supplemental Environmental Impact Report (EIR), 10EIR-00000-00003, was presented to the Montecito Planning Commission and their recommendation was forwarded to the Board of Supervisors and all voting members of the Board who have reviewed and considered the SEIR, 10EIR-00000-00003, and associated appendices prior to approving this proposal. In addition, all voting members of the Board of Supervisors have reviewed and considered testimony and additional information presented at or prior to the public hearing on October 5, 2010. The Supplemental EIR reflects the independent judgment of the Board of Supervisors and, together with the Montecito Community Plan (MCP) Programmatic EIR, 92-EIR-03, is adequate for this proposal.

1.2 FULL DISCLOSURE

The Board of Supervisor finds and certifies that the Final Supplemental EIR, together with the MCP Programmatic EIR, 92-EIR-03, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board further finds and certifies the Final Supplemental EIR has been completed in compliance with CEQA.

1.2 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Clerk of the Board of Supervisors at 105 E. Anapamu St., Santa Barbara, CA 93101.

1.3 FINDINGS ADDRESSING THE ISSUES ANALYZED IN THE SUPPLEMENTAL EIR

1.3.1 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Supplemental Environmental Impact Report (10EIR-00000-00003) for the Montecito Growth Management Ordinance Amendments and Extension project identifies three resources areas where new significant impacts have occurred, because of changed circumstances or new impacts resulting in increase in severity, which cannot be fully mitigated and are therefore considered unavoidable (Class I). Those impact areas include: Fire Protection, Wastewater Disposal, and Transportation. To the extent the impacts remain significant and unavoidable; such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations, including beneficial effects of the pacing mechanism in the Statement of Overriding Considerations included herein. For each of these "Class I" impacts identified by the Final Supplemental EIR (10EIR-00000-00003) feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

a. Fire Protection

Impact: Development in high fire hazard areas with inadequate response times and greater wildfire threat than originally evaluated (SEIR IMPACT-FIRE-1).

Mitigation Measures: Four new mitigations were identified in the Final SEIR; adjustments to point allocation and expiration criteria are included in the amended MGMO.

MM-Fire-1a: The MGMO shall be amended to include point criteria to reflect fire severity as follows:

- Not in High Fire or Very High Fire Zones:... 10 points, or
- Not in Very High Fire Hazard Areas:.....5 points

MM-Fire-1b: The MGMO shall be amended to include point assignment criteria awarding 5 points for projects located below hydraulic gradelines or projects with a certificate from the MWD and MFPD certifying adequate water pressure and/or the installation of private water tanks and pumps for fire protection.

MM-Fire-1c: MGMO expiration criteria shall be adjusted to include the development of a third fire station and/or 5 minute response MFPD times.

MM-Fire-1d: Update the MBAR Architectural Guidelines to include specific "Fire wise" building and landscaping provisions.

Findings: Impacts from the MGMO Renewal, Amendments and Extension would continue to be significant as identified in 92-EIR-3, but with an increase in severity as

highlighted by recent wildfires and studies showing that the eastern portion of the Plan Area and other fringe areas are outside the MFPD 5 minute response time. The Board of Supervisors finds that the impacts as stated above are substantially reduced by the identified mitigation measures, and no other feasible mitigation measures within the scope of the project are known. The Board of Supervisors further finds, to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 1.5. of these Findings).

b. Public Facilities: Waste Water Disposal

Impact: Existing sewage disposal infrastructure is inadequate to serve MGMO build-out (SEIR IMPACT WW-1).

Mitigation Measures: The Final SEIR identified one new mitigation requiring P&D to monitor Montecito Sanitary District (MSD) infrastructure and modify MGMO expiration criteria to include sewage infrastructure which is included in the amended MGMO.

SEIR MM-WW-1: As part of the MGMO required annual report, P&D shall continue to monitor MSD infrastructure requirements. The MGMO shall include an ordinance expiration criterion that allows expiration when MSD infrastructure is sufficient to serve urban areas of the Montecito area at build-out under land uses established as part of the Montecito Community Plan.

Findings: The Board of Supervisors finds that the impacts as stated above are substantially reduced by the identified mitigation measure, and no other feasible mitigation measures within the scope of the project are known. The Board of Supervisors further finds that although the above new impact would be potentially significant and unavoidable, such impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 1.5 of these Findings).

c. Transportation/Circulation

Impact: Updated traffic counts were taken in December 2009 to assess circulation changes in Montecito since 1992. Impacts remain significant (Class I); however site specific impacted roadways and intersections have shifted due to circulation changes and improvements in last 20 years. The Final SEIR identified the following two new significant impacts as a result of changed circumstances:

- Future roadway conditions would generate additional vehicle trips that exceed circulation element capacities for roadways. (SEIR Impact Trans-1).
- Build-out of the MGMO would generate additional vehicle trips that would increase Volume to Capacity ratios or delay at intersections within the Plan Area (SEIR Impact Trans-2).

Mitigation Measures: The Final SEIR identified nine mitigations, including revised MGMO expiration criteria and amendments to the point allocation categories which have been incorporated into the ordinance. Ongoing Highway 101 improvements have affected circulation in recent years, and the mitigation includes a requirement for a new traffic assessment after improvements are completed (SEIR MM-Trans-2f). Potentially significant impacts as a result of build-out are anticipated for the roadways and intersections described below.

SEIR MM-Trans-1a: An amendment to the Montecito Community Plan should be considered to reclassify Sheffield Drive from a Secondary to Primary roadway. Classification shall only occur after an updated study is prepared following the completion of proposed Highway 101 improvements affecting Montecito.

SEIR MM-Trans-1b: Consider widening impacted roadways from 2 lanes to 3 or 4 lanes for the following segments:

Segment #4. N Jameson Lane between Santa Isabel Lane and La Vereda Road.

Segment #5. N Jameson Lane between La Vuelta Road and Arroqui Road.

Segment #6. Olive Mill Road between Olive Mill Lane and Hot Springs Road

Segment #10. Sheffield Drive between Jelinda Drive and Birnam Wood Drive

Segment #16. E Valley Road between Cota Lane and Picacho Lane.

SEIR MM-Trans-2: Intersection traffic or equivalent measures for intersections.

SEIR MM-Trans-2a: Convert the following intersections to all way stop controls:

Intersection #2. Barker Pass Road & Sycamore Canyon Road

Intersection #9. Olive Mill Road & Spring Road

SEIR MM-Trans-2b: Signalize the following intersections:

Intersection #8. Olive Mill Road & Coast Village/N Jameson Lane/ US 101 NB Ramp (portion in the City of Santa Barbara and under Caltrans jurisdiction).

Intersection #12. San Ysidro Road & N Jameson Lane/US 101 NB Ramps (portion under Caltrans jurisdiction).

SEIR MM-Trans-2c: Intersection #10. San Ysidro Road & E Valley Road.

Restriping the eastbound approach to the intersection of San Ysidro Road & E. Valley Road to provide one left-turn lane, one through lane, and one right-turn lane (portion under Caltrans jurisdiction).

SEIR MM-Trans-2d: MGMO Point Award Criteria shall be amended as follows:
(Roadway changes are shown in strikeout and bold)

7.2.3 Project demonstrates that it does not allow direct vehicular access or send measurable traffic to any of following roadways:

1. ~~Hot Springs Road~~ **North Jameson Lane**
2. Olive Mill Road
3. ~~San Ysidro Road, south of East Valley intersection~~ **Sheffield Drive between Jelinda Drive and Birnam Wood Drive**
4. East Valley Road, between ~~San Ysidro and Sheffield~~ **Cota and Picacho Lane**

Number of points.....20

SEIR MM-Trans-2e: MGMO expiration criteria shall be amended as follows:

Transportation/Circulation: Completion of improvements to the following roadways, intersections and interchanges identified in the Montecito Growth Management Ordinance Amendments and Extension Supplemental EIR, or completion of any equivalent or more effective measures: (Roadway changes are shown in strikeout and bold)

ROADWAYS

~~Hot Springs Road, south of Sycamore Canyon Road~~ **North Jameson Lane**
~~San Ysidro Road, south of North Jameson Lane~~ **Sheffield Drive between Jelinda Drive and Birnam Wood Drive**
E Valley Road between Cota Lane and Picacho Lane
Olive Mill Road between Olive Mill Lane and Hot Springs Road

INTERSECTIONS

~~Hot Springs Road/Coast Village Road~~
~~Hot Springs Road/East Valley Road~~
~~Sycamore Canyon Road/East Valley Road~~ **Barker Pass Road**
~~San Ysidro Road/North Jameson Lane~~
Olive Mill Road & Spring Road
San Ysidro Road & E Valley Road

U.S. 101 INTERCHANGES

~~Hot Springs Road~~
Olive Mill Road
San Ysidro Road
Sheffield Drive

SEIR MM-Trans-2f: Construction of the 101 improvements shall be monitored and included in the annual MGMO Board of Supervisors reports. Upon the conclusion of the Highway 101 improvements, a traffic study shall be conducted to reassess how post construction 101 improvements affect traffic in the Montecito area.

Findings: The Board of Supervisors finds that the impacts as stated above are substantially reduced by the identified mitigation measures, and no other feasible mitigation measures within the scope of the project are known. The Board of Supervisors further finds, to the extent the impacts remain significant and unavoidable, such impacts

are acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 1.5).

1.3.2 *FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE*

The Final Supplemental EIR (10EIR-00000-0003) identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impact (Class II). For each of these Class II impacts identified by the Final SEIR (10EIR-00000-00003), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

a. Air Quality

Impact: Recent State Legislation, SB 97, requires local jurisdictions to analyze impacts related to GHG emissions under CEQA review. In response to SB 97, the State Office of Planning and Research (OPR) promulgated new regulations on March 18, 2010 amending the CEQA Guidelines to address evaluation of green house gas (GHG) emissions in CEQA documents. The Final SEIR found new cumulatively significant Greenhouse Gas (GHG) emissions, based on the current County guidelines that establish a criterion of 6.6 Metric Tons a year per Service Population.

Mitigation Measures: The emissions would be mitigated to less than significant levels at the individual development project phase through implementation of measures such as energy conservation and green building. GHG mitigation would be applied to individual projects at the zoning permit/clearance phase.

SEIR MM-AQ-1: The project will reduce operational greenhouse gas emissions to less than significant levels through implementation of one of the following measures.

Montecito Planning Area development projects shall either:

- A. Comply with the adopted Climate Action Plan, if it is approved and in place, prior to permit approval, or
- B. Purchase carbon offsets, or
- C. Prior to permit issuance, the applicant shall develop a GHG reduction plan that reduces annual green house gas emissions from the project by a minimum of 5.10 Metric Tons per year per unit for the operational life of the project. The plan shall be implemented on site by the project applicant and may include, but is not be limited to, the following components:
 1. Alternative fuel vehicles
 2. Energy conservation policies
 3. Energy efficient equipment, appliances, heating and cooling
 4. Energy efficient lighting
 5. Green building and roofs
 6. Water conservation and recycling
 7. Renewable energy production

- 8. Trip reduction
- 9. Carbon sequestration

Findings: The Board of Supervisors finds that implementation of the adopted mitigation measure reduces the above impact to a level of insignificance.

b. Water Supplies

Impact: The Montecito Water District (MWD) connected to the State Water Project (SWP) in 1996. SWP allocations fluctuate due to drought and the State’s Delta Smelt legal ruling. Water supplies are less reliable than anticipated under the MCP EIR (SEIR Impact Water-1).

Mitigation Measures: The SEIR identified five new mitigations include monitoring, point criteria adjustments, and expiration provisions that are incorporated into the ordinance and discussed below.

SEIR MM-Water-1a: As part of the required annual report, Planning and Development shall continue to monitor long and short term water availability at the state and local level. If water demand approaches or exceeds water supply, as stated in MCP Policy WAT-M-1.5, the bi-annual allocation may be reduced until the situation is alleviated. The expiration section of the MGMO shall include a criterion that if a reliable long term water supply is achieved, the MGMO may expire.

SEIR MM-Water-1b Update the Montecito Architectural Guidelines to include review of indoor/outdoor water conservation plans.

SEIR MM-Water-1c: Point assignment criteria shall be adjusted to provide points for a water certificate and submittal of a conceptual water conservation plan approved by the MWD.

7.2.2 *Project demonstrates that it has obtained a Certificate of Water Service Availability or its equivalent and had submitted a conceptual water conservation plan approved by the MWD.*

Number of points10

SEIR MM-Water-1d: As part of a follow-up development permit or zoning clearance application submittal, projects that have received an MGMO allocation shall submit a Montecito Water District approved allocation and conceptual water conservation plan.

SEIR MM-Water-1e: Consistent with the draft proposed ordinance Section 35B-6.9 (Procedures for Allocations) the procedures shall be amended to assure that applications substantially comply with the point assignment categories relied upon when granting an allocation.

Findings: In addition to recent conservation efforts by the MWD and State mandated 20% conservation by 2020 (SB 7), the Board of Supervisors finds that implementation of the identified mitigation measures reduce the water supply impacts to a level of insignificance.

c. Transportation/Circulation

Impact: Pedestrian and bicycle safety impacts as a result of roadway improvements.

Mitigation Measures: The SEIR identified two new mitigations consisting of point criteria adjustments that have been incorporated into the ordinance.

SEIR MM-Trans-3a: Revise the existing MGMO point criteria to add a new 5 point assignment criteria for sites that conform to the County’s Encroachment Policy (April 10, 2008). All zoning permits and clearances associated with granting of an allocation where points are assigned to this category shall be conditioned to reflect conformity with this policy.

SEIR MM-Trans-3b: Amend the existing MGMO Ordinance as follows: (changes shown in bold)

7.2.11 **Dedicated pedestrian pathways, and** public hiking and/or equestrian trail(s) acceptable to the County and consistent with community plans is/are offered as part of the application for point assignment and allocation for dedication to the County.

Points awarded20

Findings: The Board of Supervisors finds that implementation of the adopted mitigation measure reduces the above impact to a level of insignificance.

1.3.3 FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

The Final SEIR finds that portions of mitigation measures MM-Trans-2b and MM-Trans-2e (intersection and interchange improvements and signalization), which could substantially lessen significant traffic impacts, are the responsibility and within the jurisdiction of California Department of Transportation (Caltrans) and the City of Santa Barbara, not entirely within the County. Such changes can and should be adopted by such other agencies.

1.3.4 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES OR MITIGATION MEASURES ARE NOT FEASIBLE

The Board of Supervisors finds that the following mitigation measure identified in the Final SEIR is infeasible for the following reasons discussed below.

Mitigation SEIR MM-Trans-1b: This mitigation measure considers widening impacted roadways from 2 lanes to 3 or 4 lanes. Widening of these roads from a 2-lane roadway to a 3- or 4-lanes would improve level of service, but would be inconsistent with the Montecito Community Plan Policy M-2.2. Therefore widening is not a viable mitigation.

1.4 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final Supplemental EIR (10EIR-00000-00003) for the Montecito Growth Management Ordinance (MGMO) Amendments and Extension identifies project impacts to Fire Protection, Wastewater Disposal, and Transportation as significant environmental effects which are considered unavoidable. The Board of Supervisors therefore makes the following Statement of Overriding Considerations which warrants approval of the project notwithstanding that all identified effects on the environment are not fully mitigated. With respect to each of the environmental effects of the project listed below, the Board of Supervisors finds that the stated overriding benefits of the project outweigh the significant effects on the environment and that there is no feasible way to lessen or avoid the significant effects. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15091, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations.

Montecito Community Plan (MCP) EIR (92-EIR-03): The Montecito Community Plan EIR (92-EIR-03) identified project Class I impacts under MCP build-out and prepared a Statement of Overriding Considerations for these impacts, which the Board of Supervisors adopted on September 14, 1992 (Shown as Appendix 1 attached to these findings) to address identified Class I impacts to Air Quality, Biological Resources, Flooding and Drainage, Fire Hazard, Historic Resources, Land Use, Police Protection, Sewage, and Schools. The Board of Supervisors made this Statement of Overriding Considerations for the MCP for the following reasons:

1. *Build-out Reduction*: The MCP reduced build-out from approximately 3,000 residential units to approximately 930 units, which was more in balance to with available resources.
2. *Air Quality*: The Community Plan provided consistency with Air Quality Attainment Plan (AQAP) requirements for monitoring growth and stayed within the growth projection used in the AQAP.
3. *Affordable Housing*: The MCP:
 - Established new programs for the provision of affordable housing units. Specifically, these provisions included affordable residential units in
 - Included the application of an affordable housing overlay to provide incentives to develop affordable housing to specific parcels within the Planning Area.
4. *Goals, Policies, Actions, and Development Standards*: The Community Plan incorporated numerous Goals, Policies, Actions, and Development Standards that provide mitigation for actions proposed or allowed under the Plan. These also protect

Montecito's unique natural resources and community character, as well as protect its residents from natural and man-made hazards (i.e. fire hazards, flooding, noise, electromagnetic radiation, traffic hazards).

The above discussion still pertains to the MGMO impacts in instances where circumstances have not changed since MCP adoption in 1992.

MGMO Final Supplemental EIR (10EIR-00000-00003): The Montecito Growth Management Ordinance Amendments and Extension project is a pacing mechanism which would manage impacts originally anticipated in the Montecito Community Plan by instituting a balancing and timing mechanism for resources, service capacity, and development. All anticipated MGMO build-out impacts would be the same or less than those anticipated under Montecito Community Plan build-out, due to pacing requirements of the MGMO and the predictable number of new units over the life of the MGMO, which is less than the remaining full build-out of the MCP.

Class I impacts identified in 10EIR-00000-00003 due to changes circumstances or an increase in severity including Fire Protection, Wastewater Disposal, and Transportation are acceptable based on the MCP Statement of Overriding Considerations and for the following considerations:

1. *Affordable Housing:* County approved affordable housing and residential second units are either exempted and/or prioritized in the MGMO which encourages their construction.
2. *Comprehensive Plan Consistency:* The MGMO would implement and further the intent of the Montecito Community Goal in the Land Use Element Policy I.A.2 which calls for maximum of a ½% growth rate unless the County determines through a public process that further growth can be accommodated by acceptable and reliable services. Land Use Element Goal I.A requires economic and population growth to proceed at a rate that can be sustained by available resources. Extension of the amended MGMO would allow development to continue only at a level consistent with resources and available services. Maintaining a maximum of ½% growth rate would continue to implement the rate of develop prescribed in the in the Comprehensive Plan.
3. *Resources Protection/Public Service Facilities:* The MGMO prioritizes and establishes a mechanism to work towards bringing future growth into balance with existing community resources and services, as discussed below.
 - Water supply would continue to be closely monitored by the County and reviewed regularly in light of the fluctuating availability to the MWD from the State Water Project. Under the amended ordinance, if water supplies are insufficient to meet demand created by allowing 19 units per year the Board of Supervisors may adjust the number of allocations per year accordingly.

- The MGMO would provide an important benefit by protecting and tracking wastewater infrastructure in the Montecito Community Plan Area and in providing a forum for ongoing County and Montecito Sanitary District coordination.
- Transportation and circulation in the Montecito Planning Area would be monitored to assess the local and regional effect of area traffic and mobility. Intersection, roadway, pedestrian paths and bikeways would be reviewed for operational improvement needs. Projects with minimal affect on vehicular transportation and non-motorized mobility would be prioritized through the MGMO point assignment process.
- Fire hazards would be minimized through an MGMO allocation process that prioritizes projects outside high fire hazard areas, within a five minute fire district response time area, and that incorporate “fire-wise” landscaping into the project design.
- Point Assignment: MGMO points are awarded to projects based on resource protection criteria. The competitive point assignment system gives preference to projects that avoid sensitive resources and are serviced by available and adequate infrastructure. The granting of points for transfer or reduction of development rights would continue to enhance the semi-rural character on Montecito and open space preservation in the area.

Section 35B-7 of the MGMO awards for points for projects that provide resource protection in the following areas:

- Biological Resources (resource protection and restoration)
 - Fire Protection (geographic location, response times)
 - Geology (slope avoidance)
 - Land Use (lowered development potential)
 - Public Services (school district location, sewer system connection, private disposal criteria)
 - Transportation (impacted roadway trip reduction, proximity to transit)
 - Water Resources (water conservation, located outside floodplain)
- The annual Board of Supervisors report would provide a forum that would allow the County to assess and avoid future impacts by maintaining a balance between growth and available resources. Sewer infrastructure, water supply, fire protection response times, and traffic improvements status would be monitored annually.

1.5 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has

adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The previously approved monitoring program associated with the original adoption of the Montecito Growth Management Ordinance and Montecito Community Plan, together with the MGMO amended provisions and SEIR reporting and monitoring requirements are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE ORDINANCE (MGMO) FINDINGS

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

The MGMO renewal, amendments, and extension is in the interest of the orderly development of the County, particularly within the resource and public facility areas that lie within the Montecito Community Plan Area, and is important to the preservation of the health, safety, and general welfare of the County and its residents. It protects the unique, hill-surrounded and coastal environment; enhances the quality of life; and ensures that future demands for such essential services as fire protection, sewer infrastructure, and water supplies are met. It accomplishes this by limiting the rate, distribution, quality, sustainability and type of new residential dwellings on an annual basis, with periodic reviews of the ongoing situation. The County seeks to protect the general welfare and ensure that services and resources needs are met.

2.2 The request is consistent with the Comprehensive Plan, including the Coastal Land Use Plan, and the requirements of State and local planning and zoning laws.

The Montecito Growth Management Ordinance promotes orderly development and is aligned with the plans and policies contained in the various elements of the Comprehensive Plan, including those of the Montecito Community Plan. Specifically, the project implements Land Use Element Policy I.A.2 which calls for a maximum ½ % growth rate. Further, the MGMO implements the purpose of the Growth Management Overlay (GMO) which is applied to all parcels in the Montecito Plan Area pursuant to the Montecito Land Use and Development Code and the Article II, Coastal Zoning Ordinance.

2.3 The request is consistent with good zoning and planning practice.

The MGMO promotes a balance of resources, services, and land use development for the Montecito Plan Area. It also contributes to good zoning and planning practices by focusing competitive point assignments on the conservation of resources and infrastructure capacity as a pre-requisite for approval of development permits for new dwellings in the Montecito Community Plan Area. The MGMO will require annual reports on the status of public services, as well as, a review of the ordinance's overall efficacy once every five years; thereby providing a tracking and monitoring system for the pacing of development with public service improvements. Balancing service needs with development requires a multi-year public infrastructure improvement process, thus the 20 year MGMO extension and planning horizon.

MONTECITO COMMUNITY PLAN ENVIRONMENTAL IMPACT REPORT (92-EIR-03) STATEMENT OF OVERRIDING CONSIDERATIONS

Having balanced the benefits of the Montecito Community Plan against its significant and unavoidable impacts, the Board of Supervisors hereby determines that the benefits outweigh the significant unavoidable impacts and that these impacts are nonetheless acceptable, based on the following individual and collective overriding considerations:

1. The Community Plan reduces build-out from 3,000 residential units (or 1,500 units if Institutional uses are not counted) to approximately 930 units. This reduction is more in balance with available resources than the existing plan and meets the County Housing Element requirement for the provision of affordable housing.
2. The Community Plan includes numerous goals, policies, actions, and development standards that protect Montecito's unique natural resources and community character, as well as protect its residents from natural and man-made hazards (i.e. fire hazards, flooding, noise, electromagnetic radiation, traffic hazards) .
3. The Community Plan adopts portions of Alternative 2 in order to meet State requirements for the provision of affordable housing.
4. The Community Plan provides consistency with Air Quality Attainment Plan (AQAP) requirements for monitoring growth and stays within the growth projection used in the AQAP.
5. While overall buildout in the area's housing stock will be limited and regulated, the Community Plan establishes new programs for the provision of affordable housing units. Specifically, these provisions include affordable residential units in Neighborhood and Visitor-Serving Commercial Districts and on potentially parcels with a Comprehensive Plan designation of Educational Facility. In addition, an affordable housing overlay which provides incentives to develop affordable housing will be applied to specific parcels within the Planning Area.
6. The Community Plan incorporates numerous Goals, Policies, Actions, and Development Standards that provide mitigation for actions proposed or allowed under the Plan and the Plan is thus "self-mitigating" or "self-regulating" to a large degree.

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Attachment B:
MGMO Extension and Amendment
Final Supplemental EIR, Summary
Impact Table

For Draft Final Supplement EIR Visit:
<http://longrange.sbCountyplanning.org/planareas/montecito/mgmo.php>

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Montecito Community Plan Impact Table Updated to Incorporate MGMO Amendments and Extension SEIR

Issue	Original MCP EIR Description of Impact	Original MCP EIR Mitigation	Original MCP EIR Residual Impact	New SEIR Impacts and Descriptions	New SEIR Mitigation
SEIR Class I Impacts- Potentially Significant and Unavoidable					
Transportation: Roadways and Intersections	<p>The 9,600 additional vehicle trips at Plan buildout would cause potentially significant impacts to:</p> <ul style="list-style-type: none"> - Hot Springs Road, south of Sycamore Canyon Road - San Ysidro Road, south of North Jameson Lane - Sycamore Canyon/Hot Springs intersection - Hot Springs/Coast Village intersection - Hot Springs/East Valley intersection - Olive Mill/Coast Village intersection - San Ysidro/N. Jameson Lane intersection - Hot Springs/Old Coast Road - San Ysidro/101 SB Off-Ramp 	<ul style="list-style-type: none"> • Add lane to San Ysidro Road between North and South Jameson Lanes. • Add left-turn lane or signal to Hot Springs/East Valley intersection. • Add left turn lane or signal to Sycamore Canyon/Hot Springs Road intersection. • Install traffic signal at Olive Mill Road/Coast Village Road intersection. • County to monitor operating conditions and amend Community Plan if necessary. • Plan Amendment shall demonstrate that traffic levels for parcel are not higher than anticipated. • Project consistency with proposed Plan shall constitute consistency with Land Use Policy 4. • County shall permit reasonable development while maintaining safe roadways/intersections that operate at acceptable levels. 	Significant	<p><i>Significant</i></p> <p>Exceedence of MCP capacities for the following roadways: N Jameson Ln. between Santa Isabel Ln. and La Vereda Rd. and between La Vuelta Rd. and Arroqui Rd. Olive Mill Rd. between Olive Mill Ln. and Hot Springs Rd. Sheffield Dr. between Jelinda Drive and Birnam Wood Dr. E Valley Rd. between Cota Ln. and Picacho Ln.</p> <p>Increase V/C ratios or delay at the following intersections: Barker Pass Road & Sycamore Canyon Rd. Olive Mill Road & Coast Village/N Jameson Ln./US 101 NB Olive Mill Road & Spring Rd. San Ysidro Road & E Valley Rd. #12. San Ysidro Rd & N Jameson Ln./US 101 NB</p>	<p>Reclassify Sheffield Drive from a Secondary to Primary after an updated study following the Highway 101 improvements affecting Montecito.</p> <p>All way stops or traffic lights were applicable and consistent with MCP. <u>(MGMO Language)</u></p> <p>Consider widening impacted roadway segments from 2 lanes to 3 or 4 lanes.</p> <p>Point criteria adjustments to reflect impacted intersections and roadways. <u>(MGMO Language)</u></p> <p>Monitoring HWY 101 improvements. After completion, prepare a traffic study to assess how traffic is affected.</p>
Public Facilities: Wastewater Disposal (Sewage)	Private septic systems may potentially impact local water quality.	None identified	Significant	<p><i>Significant</i></p> <p>Existing sewage disposal infrastructure inadequate to serve MGMO Build-out</p>	P&D shall monitor MSD infrastructure. MGMO may expire when MSD can serve build-out under land use. <u>(MGMO Language)</u>
Fire Protection/Hazards	Development in high fire hazard area; development in inaccessible, unprotected areas with inadequate fire protection infrastructure; development which may hamper fire prevention techniques.	None identified	Significant	<p><i>Significant</i></p> <p>Inadequate response times and wildfire danger.</p>	<p>Point criteria awards for projects outside Very High Fire and High Fire Zones. <u>(MGMO Language)</u></p> <p>Point criteria awards for projects project located below hydraulic gradelines or with MWD/MFPD certification of adequate water pressure. <u>(MGMO Language)</u></p> <p>Expiration criteria amended to include construction of a third fire station. <u>(MGMO Language)</u></p> <p>Future MCP updates to include “firewise” building and landscaping guidance with findings.</p>
Public Facilities: Police Protection	Additional service demands resulting in the need for at least 1.8 additional officers.	None identified	Significant	No change from MCP EIR.	No new mitigations.

Issue	Original MCP EIR Description of Impact	Original MCP EIR Mitigation	Original MCP EIR Residual Impact	New SEIR Impacts and Descriptions	New SEIR Mitigation
Public Facilities: Schools	Potentially significant increase in student/teacher ratio at elementary, Jr. High and High School levels.	None identified	Significant	No change from MCP EIR.	No new mitigations.
Public Facilities: Solid Waste	1% increase in annual landfill volumes at Tajiguas Landfill.	None identified	Significant	No change from MCP EIR.	No new mitigations.
Public Facilities: Storm Water Water Resources: Flooding	Potential development in 100-year flood zone. Increased storm runoff impacting inadequate storm drainage system.	<ul style="list-style-type: none"> • County shall ensure that adequate drainage is provided. • County Flood Control District shall prepare Master Drainage Plan. • New development shall contribute fair share to improvement costs. • On-site drainage system shall be designed for any new development which would be subject to, or create, drainage impacts. • New development constructed prior to Master Drainage Plan implementation shall be responsible for constructing needed drainage system elements. 	Significant	No change from MCP EIR.	No new mitigations.
Aesthetics/ Visual Resources	Potential obstruction of scenic vistas; negative impacts to the aesthetic character of the area; potential for glare and night lighting.	<ul style="list-style-type: none"> • County shall adopt Architectural Guidelines. • Amend Community Architectural Guidelines to include guidelines and provisions for commercial development. • Architectural Guidelines shall protect identified view corridors. • Include Montecito in County-wide Open Space District. • Incorporate language into Architectural Guidelines promoting protecting and preserving views, scenic character and architectural design. • Address street lighting in Architectural Guidelines. • Define "minor alteration or addition" in Architectural Guidelines. • Include sign guidelines in Architectural Guidelines. • Specific "acceptable", "encouraged", "conditionally acceptable" and "unacceptable" styles and materials in the Architectural Guidelines. • Establish clear and objective residential FAR, height limitations, and setback standards in the Architectural Guidelines. 	Significant	No change from MCP EIR.	No new mitigations.

Issue	Original MCP EIR Description of Impact	Original MCP EIR Mitigation	Original MCP EIR Residual Impact	New SEIR Impacts and Descriptions	New SEIR Mitigation
Biological Resources	Potentially significant impacts to environmentally sensitive habitats of coastal sage scrub, riparian oak woodland, hard chaparral, eucalyptus woodland, pine tree groves, significant ornamentals, tide pools, orchards and grassland habitats within the Planning Area. Specifically, 14 sensitive plant species and 15 wildlife species may be impacted.	<ul style="list-style-type: none"> • Require appropriate protective measures during all construction. • Establish buffer zone within 100 of environmentally sensitive habitat. • Implement restoration plan when native habitat is degraded. • County-approved biologist shall monitor construction near sensitive resources. • County-approved biologist shall assure compliance with construction-related mitigation measures. • Significant biological communities shall not be fragmented into small non-viable pocket areas by development. • Prohibit grading or development within 200 feet of known or historic butterfly roosts between November 1 and April 1. • Applicant to submit a Butterfly Roost Protection Plan when applicable. • No trimming or clearing of vegetation within 50 feet of a known Monarch Butterfly Habitat. • Trimming/clean-up plan shall include supervision by qualified biologist. • Encourage use of drought-tolerant and native landscaping. • Invasive species shall be prohibited in or near environmentally sensitive habitat areas. • Tree protection plan shall be required when new development may impact native and specimen trees. • Require riparian protection measures. • Require on-site restoration of project disturbed buffer of riparian vegetation. 	Significant	No change from MCP EIR.	No new mitigations.
Historical Resources	Potentially significant adverse physical or aesthetic impacts to historical structures.	None identified	Significant	No change from MCP EIR.	No new mitigations.
SEIR Class II Impacts- Potentially Significant but Mitigable to Level of Insignificance					
Air Quality	Long-term exceedance of SBCRMD NOx and ROC thresholds due to additional vehicle emissions associated with Plan buildout.	<ul style="list-style-type: none"> • County shall require existing and future employers to implement TDM. 	Significant	<i>Significant but Mitigable</i>	Individual projects required to reduce operational green house gas emissions

Issue	Original MCP EIR Description of Impact	Original MCP EIR Mitigation	Original MCP EIR Residual Impact	New SEIR Impacts and Descriptions	New SEIR Mitigation
Air Quality	Potential short-term exceedance of SBCRMD NO _x , ROC and PM ₁₀ thresholds due to grading activities.	<ul style="list-style-type: none"> Impose control measures on construction activities. Impose BACT on future construction activities. 	Insignificant	Cumulatively Significant Green House Gas Emissions	<u>per household through measures such as energy conservation and green building. (Follow-up permit/clearance)</u>
Water Resources: Public Supplies/ Groundwater	Net increase in water demand of 899.7 AFY. Demand can be accommodated by anticipated future State water supplies.	<ul style="list-style-type: none"> County shall halt all discretionary approvals until State water is determined to be a firm and long-term source. MWD shall be encouraged to use new water supplies to reduce any overdraft to the maximum extent feasible. 	Insignificant	<p><i>Significant but Mitigable</i></p> <p>State Water Project supplies are less reliable than anticipated under the MCP EIR.</p>	<p>Monitoring of long and short-term water availability at the state and local level. If water demand approaches or exceeds water supply, allocation may be reduced. MGMO may expire if a reliable long-term water supply is achieved. <u>(MGMO Language)</u></p> <p>MCP updates to include review of indoor/outdoor water conservation plans.</p> <p>Point criteria awards for a water certificate and submittal of a conceptual water conservation plan approved by the MWD. <u>(MGMO Language)</u></p> <p><u>All projects receiving an allocation shall submit MWD allocation and conceptual water conservation plan approval. (Follow-up permit/clearance)</u></p> <p><u>MGMO shall be amended to required application substantially comply with point assignment categories. (Follow-up permit/clearance)</u></p>
Transportation: Multi-modal	N/A	N/A	Insignificant	<p><i>Significant but Mitigable</i></p> <p>Pedestrian and bicyclist safety impacts.</p>	Point criteria awards for ROW conformance and dedication of pedestrian trails. <u>(MGMO Language)</u>

Issue	Original MCP EIR Description of Impact	Original MCP EIR Mitigation	Original MCP EIR Residual Impact	New SEIR Impacts and Descriptions	New SEIR Mitigation
Recreation (and Parks)	Additional park and recreation demands, generated by increased population, can be accommodated by existing Manning and Toro Canyon Parks. Increased use of existing trails and coastal access points considered to be potentially significant. Coastal access issues are considered to be sufficiently addressed by Draft Coastal Access Implementation Plan.	<ul style="list-style-type: none"> • Protect, preserve and provide recreational trails within general corridors identified on PRT Map. • No encroachment of designated trail corridors to the extent feasible. • Condition development to dedicate useable public trails where designated. • County shall actively pursue acquisition of interconnecting useable public trails. • County shall design phasing and priority program for trails identified on PRT Map. • County shall provide appropriate trail signage and necessary trail maintenance. • New development shall not adversely impact existing recreational facilities and uses. 	Insignificant	No change from MCP EIR.	No new mitigations.
Geologic Process	Development may cause unstable earth conditions, extensive grading, permanent changes in topography, increase in wind/water erosion of soils, changes in siltation, deposition, erosion of beach sands or stream channels and exposure to hazards such as earthquakes, tsunamis and liquefaction.	<ul style="list-style-type: none"> • Amend Hillside Overlay Zone to include all areas of >20% slopes. • Avoid construction within 50 feet of Historically Active or Active Fault traces. • Require development restrictions for soils or slopes hazards. • Prepare grading plan for all development. • No issuance of grading permits until Final BAR approval. • Require a detailed drainage plan for all development. • Prepare landscape plan for development on slopes >20%. • Prohibit excessive grading for the sole purpose of creating or enhancing views. 		No change from MCP EIR.	No new mitigations.
Cultural Resources	Potential disruption, alteration, destruction of recorded archaeological sites. Potential trespassing and vandalism of resources. Potential disturbance by water/sewer pipeline expansion.	<ul style="list-style-type: none"> • RMD shall determine whether the project site is located in either a known archaeological site or in an area of potential archaeological resources. 	Insignificant	No change from MCP EIR.	No new mitigations.

Issue	Original MCP EIR Description of Impact	Original MCP EIR Mitigation	Original MCP EIR Residual Impact	New SEIR Impacts and Descriptions	New SEIR Mitigation
Risk of Upset/Hazardous Material (Electromagnetic Fields)	Additional populations exposed to the potential hazards associated with electromagnetic fields	<ul style="list-style-type: none"> RMD shall require adequate building setbacks from EMF-generating sources for sensitive uses. RMD shall consult with SCE, County/State Health Services and outside experts on the appropriate setback from powerlines and substations. 	Insignificant	No change from MCP EIR.	No new mitigations.
SEIR Class III Impacts- Adverse but not Significant					
Land Use	Potential land use incompatibility as a result of implementation of the Mixed Use Affordable Housing Overlay.	None identified	Significant	<i>Less than Significant</i> (Mixed Use Overlay never Adopted)	No new mitigations.
Land Use	Development pressures on agricultural lands and natural open space. Pressure to expand Sanitary District Boundaries.	None required	Insignificant	<i>Less than Significant</i>	No new mitigations.
Public Facilities: Wastewater Disposal Sewage (Sewage)	Additional sewage treatment demands on Montecito Treatment Plant.	None required	Insignificant	<i>Less than Significant</i>	No new mitigations.
Noise	<p>Excessive construction related noise can be mitigated through implementation of Plan policies.</p> <p>Existing noise sensitive uses would not be exposed to ambient noise levels exceeding 65 dB(A) as a result of Plan buildout.</p> <p>Development of future noise sensitive uses in areas exceeding 65 dB(A) shall be protected through existing regulatory procedures.</p>	None required	Insignificant	<i>Less than Significant</i>	No new mitigations.

Cumulative Impacts					
Issue	Original MCP EIR Description of Impact	Original MCP EIR Mitigation	Original MCP EIR Residual Impact	Original MCP EIR New SEIR Impacts and Descriptions	Residual impact after SEIR Mitigations
Transportation	Similar impacts to those described in the proposed plan.	Same as Plan mitigation	Significant	Same as SEIR Mitigation.	Significant
Public Facilities: Wastewater Disposal Sewage (Sewage)	Future potential degradation of water quality.	Same as Plan mitigation	Insignificant	Same as SEIR Mitigation.	Significant
Fire Protection (Hazard)	Increased risk to public safety, property, and natural resources.	None identified	Significant	Same as SEIR Mitigation.	Significant
Water Resources: Public water supply and Groundwater	Development outside MWD boundaries could over commit groundwater basin.	Same as Plan mitigation	Insignificant	Same as SEIR Mitigation.	Insignificant
Air Quality	Further exceedance of short-term and long-term SBCRMD NO _x and ROC thresholds.	Same as Plan mitigation	Significant	GHG emission significant, but mitigable.	Insignificant
Land Use	Slight economic growth inducement in other communities; impacts on Montecito's resources from surrounding development.	None required	Insignificant	No change from MCP EIR.	Insignificant
Public Facilities: Police Protection	Further service demands requiring additional officers.	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant
Parks and Recreation	Development in surrounding areas would further increase	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant

	demands on existing resources.				
Public Facilities: Schools	Further increase in student/teacher ratio at elementary level, Jr. High, and High School level.	Same as Plan mitigation	Insignificant	No change from MCP EIR.	Insignificant
Public Facilities: Solid Waste	Further reduction of Tajiguas Landfill lifespan.	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant
Geology	Exposure of additional people to unstable earth conditions and seismic hazards.	Same as Plan mitigation	Insignificant	No change from MCP EIR.	Insignificant
Water Resources: Storm Drainage/ Flooding/Water Quality	Further development with 100-year flood zone and increased storm run-off.	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant
Noise	Impacts as described in the MCP.	None required	Insignificant	No change from MCP EIR.	Insignificant
Biological Resources	Further loss of significant habitat areas and potential loss of sensitive species.	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant
Cultural Resources (Archeology)	Further potential for disturbance or destruction of unknown site.	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant
Historic Resources	Further potential for adverse physical or aesthetic impacts to historical resources.	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant
Visual/Aesthetic Resources	Further alteration of the areas community character.	Same as Plan mitigation	Significant	No change from MCP EIR.	Significant
Risk of Upset/Hazardous Material (Electromagnetic Fields)	Impacts the same as described in the MCP.	Same as Plan mitigation	Insignificant	No change from MCP EIR.	Insignificant

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Attachment C:
Draft Amended MGMO Incorporating
Mitigations from 10EIR-00000-0003

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Revised Draft

MONTECITO GROWTH MANAGEMENT ORDINANCE

ORDINANCE NO. _____

(Case #: 09ORD-00000-00014)

ORDINANCE AMENDING CHAPTER 35B, MONTECITO GROWTH MANAGEMENT ORDINANCE OF THE SANTA BARBARA COUNTY CODE, 35B TO RENEW AND EXTEND THE PROVISIONS OF CHAPTER 35B TO DECEMBER 31, 2030; AMEND SECTIONS 35-1, SHORT TITLE PURPOSE;, 32B-2, FINDINGS; SECTION 35B-3, APPLICABILITY; SECTION 35B-4, DEFINITIONS; SECTION 35B-5, ESTABLISHMENT OF ANNUAL DWELLING UNIT PERMIT ALLOCATIONS; SECTION 35B-6, PROCEDURES FOR ALLOCATIONS; SECTION 35B-7, POINT ASSIGNMENT SYSTEM; DELETING SECTION 35B -8 AND RENUMBERING SUBSEQUENT SECTIONS; AMENDING SECTION 35B-9, EXEMPTIONS; SECTION 35B-10, MODIFICATIONS; AND SECTION 35B-11, EXPIRATION

WHEREAS, the public health and safety, the preservation of the semi-rural character of the Montecito area and the necessity of assuring adequate services consistent with available resources and environmental constraints require adoption of a system for growth management in the Montecito Planning Area;

WHEREAS, the County, in consultation with the General Plan Advisory Committee (GPAC), has completed studies, including an Environmental Impact Report, which evaluate the need for and effects of a comprehensive Growth Management Plan for the Montecito Planning Area as defined in the County Comprehensive Plan, including management of residential development; and

WHEREAS, the County has prepared a Montecito Growth Management Plan, consisting of this ordinance, ~~amendments to the Comprehensive Plan and Coastal Plan Text which add new goals, policies and implementation measures and change residential land use designations, and a zoning ordinance amendments which add a growth management overlay to all zone districts in the Montecito Planning area;~~ and

WHEREAS, the Growth Management Ordinance is necessary to implement certain provisions of the Montecito Growth Management Plan; and

WHEREAS, the County has determined that the most effective method of preserving opportunities to meet the County's affordable housing needs in the Montecito Planning Area is to provide priorities and/or exemptions under a growth management plan as implemented by this growth management ordinance while continuing to explore other feasible alternative methods by which these needs might be met; and

WHEREAS, duly noticed public hearings have been held pursuant to Government Code §§ 65090 and 65091 before the Montecito Planning Commission and the Board of Supervisors to allow participation and comments on the adequacy of the MCP EIR (92-EIR-03), the SEIR (10EIR-00000-00003), and the provisions of this ordinance, and which have afforded an opportunity for all interested parties and affected property owners to appear and present testimony in connection with these matters; and

WHEREAS, the County has completed and certified the Environmental Impact Report (EIR), including the 2010 Supplement to the EIR, which analyzed appropriate management programs for the Montecito area and assessed a range of alternative growth scenarios; and

~~WHEREAS, the annual one percent permit allocation rate alternative as analyzed in the EIR would result in significantly increased adverse environmental impacts; and~~

WHEREAS, the annual one-fourth percent permit allocation rate alternative, which provides for a total permitted number of 10 units a year, as analyzed in the EIR had no significant benefits compared to the project special affordable housing provisions; and

~~WHEREAS, the annual one eighth percent permit allocation rate alternative, which provides for a total permitted number of 5 dwelling units a year, as analyzed in the EIR would impede the County from meeting its affordable housing needs in the South Coast Housing Market Area; and~~

WHEREAS, the County-adopted permit allocation growth rate of one-half percent along with exemptions will enable the County to meet its affordable housing obligations in the most feasible and environmentally protective manner; and

WHEREAS, prior to the growth management ordinance the Montecito Planning Area currently has an average population increase of 2.26 percent per year which was out of balance with community resources inconsistent with the recommended population growth rate of the Land Use Element adopted in 1980; and

WHEREAS, Land Use Policy Number 4 of the Land Use Element obligates the County to perform its long-term and land use permitting functions for new development consistent with available groundwater resources and other resource and public service constraints; and

WHEREAS, the Montecito Growth Management EIR, and the Montecito Community Plan EIR and its 2010 Supplement, confirmed existing resource and service deficiencies including but not limited to the following areas: water supply and demand, traffic capacity and levels of service, air quality, ~~and~~ fire protection, sanitary services; and

WHEREAS the primary purpose for adoption of a growth management ordinance is to pace development at a rate appropriate for the community and that affords the best opportunity for bringing resources related to water, fire, ~~and~~ sanitary services, transportation infrastructure and service, and air quality into balance with development; and

WHEREAS, the estimates of existing water supply are subject to uncertainties in the quantities of water delivered from year to year involving 1) existing and potential legal challenges affecting the water rights and entitlements of the Montecito Water District, 2) pending revisions to contractual arrangements affecting deliveries from major water sources of supply; and 3) changes in hydrologic and physical conditions affecting the method of determining the availability of water; and

WHEREAS, estimates of water demand are subject to uncertainties involving 1) the effect of long term water conservation measures, 2) the use of ground water by private pumpers, and 3) pricing and water use policies of the Montecito Water District; and

WHEREAS, because uncertainty in both supply and demand figures will affect the available balance of water supplies in the Montecito Planning area, it is the policy of Santa Barbara County to closely monitor this data on an ongoing basis and to evaluate supplies and adjust development controls and allowable rates accordingly; and

WHEREAS, traffic levels on Montecito Planning Area roads are exceeding or approaching their design and acceptable capacities and pacing development will allow the County to plan for a more efficient use of its transportation network before roadways are additionally and unduly strained; and that is consistent with Montecito Community Plan policies that protect narrow road widths and minimal traffic lights in order to maintain community character; and

WHEREAS, meeting community needs for fire protection services would be impaired by lack of adequate water supply and pressure, and uncontrolled residential development increases the probability of inadequate response times; and

WHEREAS, the ~~capacity infrastructure~~ of the existing sanitary service area sewer plant may not be adequate to meet build-out of the Montecito Planning Area under current general plan designations; ~~dewatered sludge disposal is a local and regional problem, and reports of failed individual sewage disposal systems are causing concern in parts of the community;~~

THEREFORE, the Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Chapter 35B of the Santa Barbara County Code is hereby amended ~~to add Section 35B~~ as follows:

Section 35B-1 SHORT TITLE. PURPOSE.

- 1.1 This Section 35B shall be known as the "Montecito Growth Management Ordinance" and is referred to herein as "this Ordinance."
- 1.2 It is the purpose of this Ordinance to accomplish the following:
 - 1.2.1 Pace residential growth and prevent rapid depletion of constrained resources in the Montecito Planning Area until such time as development and growth can be brought into balance with resources, services, and infrastructure.
 - 1.2.2 Augment and implement goals, policies and objectives expressed in the Comprehensive Plan, including the Local Coastal Plan and Zoning Ordinances relating to water resources, transportation/circulation, fire protection, public sanitary services and housing.
 - 1.2.3 Preserve the semi-rural character, quality of life, open space and environmental resources of the community.

SECTION 35B-2: FINDINGS

The provisions of this Ordinance are based on the following Findings:

2.1 Necessity of Growth Management Ordinance. The County must plan for a steady, rather than fluctuating, overly rapid rate of growth each year so as to allow resources, services, and infrastructure capacities in the County to be properly and effectively monitored and provided without further overextending existing facilities or incurring the increasing cost of short-sighted facility expansion, and to bring all deficient services to required standards through long-range planning.

2.2 Existing Policies. The County has adopted a Comprehensive Plan ~~and including a Local Coastal Program Plan~~ consisting of land use designations, and development goals and policies as well as ~~and~~ zoning ordinances regulating residential, commercial and industrial development in the Montecito area. The Comprehensive Plan ~~and including the Coastal Land Use Plan and the Montecito Community Plan~~, contain the following applicable policies, which mandate that growth occur at a steady, defined rate and within existing resources and service levels:

- 2.2.1 "Environmental constraints on development shall be respected. Economic and population growth shall proceed at a rate that can be sustained by available resources." (Land Use Element: Countywide Goals and Policies 1.a. Environmental Goal)

"In order to pace development within long-term readily available resources and services (i.e., water, sewer, roads, schools), the County shall not permit the number of primary residential units to exceed an annual rate of one half of one percent of the permitted 1989 housing stock unless specifically exempted by ordinance. This rate shall represent the maximum allocated residential growth rate until such time that the County determines, through a periodic public review of the status of services and infrastructure in the Montecito Planning Area, that further

growth can be accommodated by acceptable and reliable supplies and capacities without diminishing the quality of life in the community.” (Land Use Element Policy I.A.1)

“A temporary reduction in the annual one-half percent dwelling unit permit rate and corresponding reduction in number of permit allocations for the Montecito Planning Area may be enacted by the Board of Supervisors, if the short term availability of resources is jeopardized by the continued allocation of such permits.” (Land Use Element Policy I .A. 2)

- 2.2.2 “Prior to issuance of a development –use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.” (Land Use Element Policy 4, Coastal Land Use Plan Policy 2.6)
- 2.2.3 “The Board of Supervisors and/or Planning Commission shall not approve new housing developments within the unincorporated South Coast Area which would utilize new extractions or increases in extractions of groundwater from any physically overdrafted groundwater basin, or which through such new or increased groundwater extractions would create a condition of physical overdraft in any groundwater basin. A condition of existing physical overdraft or project-induced physical overdraft shall be verified by the County Water Agency.” (Land Use Element South Coast Policy 1)
- 2.2.4 “The Board of Supervisors strongly encourages the governing Board of the various water purveyors within the unincorporated area of the County to take steps to increase their firm water supplies, including but not limited to placing water supply augmentation projects and/or funding measures on the ballot for decision by the voters.” (Land Use Element South Coast Policy 2)
- 2.2.5. “New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.” (Coastal Land Use Plan Section 3.2.1, and Coastal Act section 30250)
- 2.2.6. “The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded...” (Coastal Land Use Plan Policy 2.2)

2.3 Service and Resource Constraints. The rate of growth in the Montecito Planning Area prior to growth management for the last five year period from 1985–1990 has averaged 2.26 percent per year, which is in excess of the one half percent annual rate of primary units specified in the Land Use Element, of population growth recommended in the 1980 Comprehensive Plan.

2.3.1 ~~Documents prepared by the Resource Management Department staff, County Water Agency staff,~~

~~and the Montecito Water District demonstrate that~~ There is a documented limited amount of water available to the Montecito Planning Area for new construction, and ~~that the~~ available water resources must be carefully managed for the protection of the groundwater basin, the current users, and the potential new users.

- 2.3.2 Roadway Segments and intersections of four main roadways in the Montecito Planning Area are currently operating close to or exceed the current design or acceptable capacity ~~or average daily trips~~ identified in the current Circulation ~~Chapter Element~~ of the Montecito Community Comprehensive Plan.
- 2.3.3 ~~Eight~~ Other roadway segments or intersections are projected to exceed acceptable or design capacity ~~the Circulation Element~~ standards over the next twenty years, ~~if unregulated growth continues~~.
- 2.3.4. The South Coast of Santa Barbara County is state federally designated in non-attainment for ozone and particulate matter and is striving to reach attainment through measures adopted in the Air Quality Attainment Clean Plan ~~Air Plan~~ including the encouragement of growth management.
- 2.3.5 ~~The "Montecito Community Plan Existing Setting Report, Part I, June 1990" found that~~ There approximately 3,84000 existing permitted dwelling units in the Montecito Planning Area on record with the County.
- 2.3.6 Montecito is a wildland-urban interface area and experiences periodic wildland fires, including the 2008 Tea Fire and the 2009 Jesusita Fire.
- 2.3.7 A substantial portion of the Montecito Planning Area lies outside the five minute response time for fire protection. Montecito public facilities, such as sanitary infrastructure and pump station locations will need improvements and upgrades to keep pace with existing and future build-out.

2.4 Growth Rate.

- 2.4.1 In view of the documented limited resources available ~~as documented in the Existing Setting Report~~, it is necessary and appropriate to establish an annual permit allocation for new dwelling units of not more than one-half percent of the currently existing permitted units.
- 2.4.2 The annual permit allocation for new dwelling units is a flat rate percentage of the base number of existing legally permitted dwelling units (approximately 3,800), using 1989 as a base year count. The one-half percent permit allocation limit will allow the County to work towards a balance between growth and resources. It is recognized that the short term annual increase in dwelling units may in fact exceed one half ~~approach one~~ percent due to construction of units exempted from this ordinance, but that the cumulative impacts of these exemptions would not add substantially to the resource constraints already present in the community. ~~A one half percent annual permit allocation would not cause any roadway currently operating below its designated Circulation Element capacity to exceed that capacity as a result of project buildout, and, given current water supply and demand,~~ One half percent would continue to be the most feasible rate for providing consistency with public resource goals conservation of ground water resources for the long-term planning horizon.
- 2.4.3 An annual permit allocation of one-half percent, for purposes of this ordinance, is 19 dwelling units per year. Periodic resource and infrastructure constraint reports may cause the Board of Supervisors to further reduce this number. The growth rate will be monitored by tracking with allocations permits to be granted issued according on a to a bi-annual ~~basis~~ allocation system. One-half of the yearly allocation will be distributed each six months.

2.4.4 The growth management ordinance establishes a priority for the distribution and timing of development which slows the service demands on the community by limiting the number of new dwellings allowed each year and by prioritizing those units based on a point system designed to give credit to development that demonstrates particularly reduced impacts on the services and resources which can best benefit from the establishment of such a point system.

2.4.5 A growth management ordinance establishes a mechanism that is "self-monitoring" and "self-regulating" because:

1. Resources will be closely monitored by the County and will be reviewed regularly in light of the demand created by the allowed growth rate. If the allowed growth rate is found to exceed the availability of water (or of other service and infrastructure constraints) the ordinance growth rate would be reassessed, and
2. Conversely, if water or the availability of various services are found to be sufficient to allow for a higher rate of growth, the ordinance would be reviewed for an increase in the growth rate, and
3. The periodic review procedure allows the County to assess and avoid possible future environmental impacts by maintaining a balance between growth and available resources, and
4. The review procedure also provides for the establishment of a database containing current and periodically updated information on resources. ~~Such a database is not now available.~~

2.4.6 The limitation on the rate of development of new dwelling units provided by this plan is consistent with the County Comprehensive Plan, including the Montecito Community Plan, and the Local Coastal Plan, and the Air Quality Attainment Plan. The growth management program as implemented through this Ordinance will augment policies and goals of the Comprehensive Plan, including the Montecito Community Plan and the Local Coastal Plan. The Growth Management Ordinance, ~~the Groundwater Resources section of the initiated Conservation Element, the initiated amendments to Circulation Element, and the Montecito Community Plan policies initiated as part of the Montecito Growth Management Plan will~~ pace development in order not to exacerbate the existing constraints that have required its implementation ~~of this Ordinance.~~

2.5 In addition, the pacing of new development is reasonably expected to:

2.5.1 Prevent the accelerated rate of depletion and/or overdrafting of the groundwater basin while encouraging cooperative efforts with Water Agencies and purveyors to obtain a long range, acceptable, and reliable source of water to serve the community.

2.5.2 Reduce growth in future demand on the roadways while exploring Circulation Element and Montecito Community Plan alternatives and implementing new roadway and planning strategies which reduce the need for future capital improvements and increase efficiency.

2.5.3 Encourage water conservation and monitoring the efficient use of available supplies.

2.5.4 Prevent rapid depletion of service resources by monitoring and ~~bi~~annually reporting on the status of services.

2.6 Housing Element Consistency.

2.6.1 The growth rate is consistent with Housing Element identified goals as follows:

The identified Regional Housing Needs Allocation for the South Coast Housing Market Area is ~~1,821~~ 1,182 units as identified in the ~~2003-2008~~ 1993-Housing Element.

2.6.2__This ordinance provides for exemptions for affordable units and second residential units.

- 2.6.3 Based on the exemption provisions of affordable units, the delay in the construction of market rate and luxury units will have a negligible effect on the provision of housing opportunities in the region.
- 2.6.4 To achieve an appropriate balance in the type of housing provided, exemptions and incentives for affordable housing are provided in the growth management ordinance.
- 2.6.5 The Board of Supervisors finds, pursuant to Government Code §65863.6, that the public service needs of the residents of the region and the lack of availability of fiscal and environmental resources outweigh any effect of this ordinance on the housing needs of the region in limiting the number of housing units which may be constructed on the annual basis.

SECTION 35B-3: APPLICABILITY.

The provisions of this Ordinance shall apply to the following:

- 3.1 All ~~Land Use Permit, Zoning Clearance, and eCoastal dDevelopment permit~~ applications sought under Chapter 35, Zoning, of the Santa Barbara County Code, including the Montecito Land Use and Development Code and Articles II or its successor and IV of the County Zoning Ordinances which add or create the potential for additional new residential units in the Montecito Planning Area.
- 3.2 All new applications for Subdivisions (Tentative Maps), Lot Line Adjustments, Development Plans, Conditional Certificates of Compliance or any other action excluding applications for certain exempted classes, which could result in the potential to add a new primary residential unit where that potential did not previously exist.

SECTION 35B-4: DEFINITIONS.

For the purposes of this ordinance, the following terms shall be defined as follows:

"Calendar Year" shall be defined as January 1 through December 31 of each year.

"Group Quarters" shall be defined as a lodging or boarding house, residence hall, sanitarium, or special care home.

"Dwelling Unit" shall be defined pursuant to the definition in ~~the Montecito Land Use and Development Code and Articles II or its successor and IV.~~

"Allocation" shall be defined as a written authorization which enables a property owner or agent to apply for a development permit or Zoning Clearance for a ~~primary~~ dwelling unit.

SECTION 35B-5: ESTABLISHMENT OF ANNUAL DWELLING UNIT PERMIT ALLOCATIONS.

~~Allocations for Land Use Permits and Coastal Development Permits~~ for new dwelling units hereinafter ~~to be granted~~ issued while this ordinance is in effect shall be ~~issued~~ granted ~~at a rate of 19 per year.~~ Certain projects are exempt from the annual permit allocation pursuant to Section 35B-~~89~~.

SECTION 35B-6: PROCEDURES FOR ALLOCATION.

- 6.1 Determination of points and ~~issuance~~ granting of an allocation shall be made in writing by the ~~Resource Management Department Director of P&D staff~~ on applications ~~that which~~ do not require approval by ~~the Zoning~~ the Zoning Administrator, Montecito Planning Commission, or Board of Supervisors. Allocations shall be based on point assignments and, as necessary, lottery.
 - 6.1.1 The point assignment shall be adopted by the ~~decision maker review authority~~ as a finding of approval on discretionary projects. A subsequent allocation shall be granted by the Director of

Pof P&D if appropriate using the point assignment adopted by the review authority.

- 6.2 ~~Appeals.~~ All appeals of actions on determinations of points and allocations shall be filed within the 10 calendar days following of such action in compliance with pursuant to Article II or its successor and Article IV the Montecito Land Use and Development Code requirements governing appeals.
- 6.2.1 If an appeal of point assignment is granted such that the point assignment is increased, and the new assignment, when competitively ranked against other applications for allocation received in the allocation period in which the appealed point assignment was received, would result in an allocation being granted, then the allocation shall count toward the available allocation in the then current six month period. If the available allocations in the then current six month period are insufficient to distribute to all successful appellants, the allocations for the succeeding six month period shall be reduced accordingly.
- 6.3 Each allocation shall be valid only for the specific ~~parcel~~ lot for which application was made, and the allocation shall run with the land.
- 6.4 Application for an ~~land use~~ allocation may be made at any time during the year, except within the 45-day period prior to June 15 and December 15 of each calendar year. With the exception of Category B exemptions, issuance granting of allocations shall occur no later than the subsequent June 15 or December 15 following the date of their approval.
- 6.5 Applicants for an allocation not granted an allocation in one biannual period, may request in writing reconsideration in subsequent periods without re-application, if no substantial changes are made in the project description. Such application shall be required to compete against all other applications considered in the new period.
- 6.6 In the event that there are an insufficient number of allocations for distribution to all applicants for affordable projects, or to a group of applicants with an equal number of total points, available allocations will be awarded by lottery from amongst the applicants in that group, with priority given to the affordable housing units.
- 6.7 The number of allocations ~~assigned shall granted shall~~ not exceed 19 per ~~calendar~~ year, nine to be ~~issued by granted by~~ June 15, and 10 to be granted issued by December 15, except as otherwise provided in this ordinance. Allocations left unassigned may carry ~~over over to the next cycle of that calendar year providing that the annual distribution shall not exceed 19 allocations in the calendar year. into future years.~~
- 6.8 Upon request of the applicant, which may only be made at the time of submittal of an application for point assignment and allocation, duplexes, condominiums and adjacent parcels in identical ownership may be reviewed as though they are one application and allocations shall be awarded for each dwelling unit, ~~if successful in the point system, sufficient number of points are assigned~~ Points. ~~The point assignment shall be an the average of the total for of the number of points assigned to each parcel divided by the total number of parcels.~~ If assignment of allocations of the aforementioned application results in the distribution of more than nine allocations for the first six month period or 10 allocations for the second six month period for the calendar year, available allocations for the ~~succeeding following~~ six month period shall be reduced accordingly.
- 6.9 ~~An Aallocation shall must~~ be obtained prior to ~~commencing~~ submittal of an application for the Montecito Board of Architectural Review (MBAR) process and development permit or zoning clearance. An allocation ~~granted issued~~ by the County shall expire, unless an application for MBAR review has been submitted within the six months following the granting of the application of issuance. An allocation shall be valid for no longer than three years following the granting of an

~~allocation issuance, with one ninety day extension allowed, which may be granted by~~ The Director of ~~P&D the Planning and Development Department~~ may extend this three year period one time for 90 days based upon documentation of active and substantial effort toward issuance of a Coastal Development Permit, Land Use Permit, or Zoning Clearance completion of the land use permitting process. An application for a development permit or zoning clearance shall substantially comply with the project submittal relied upon in granting the allocation; however withdrawal and submittal of applications for a “Minor Change” to a Coastal Development Permit, Land Use Permit, or Zoning Clearance in compliance with the Montecito Land Use and Development Code, Article II or its successor and Montecito Board of Architectural Review approval is allowed within this three year period. A change in the project submittal which could affect the assignment issuance of points in any individual category, the affordability of a dwelling unit, and/or the potential number of units, as determined by the Director of ~~P&D the Planning and Development Department,~~ shall invalidate the ~~granted issued~~ allocation.

- 6.9.1 In addition to the 90 day time extension provided in Subsection 6.9, above, the Director for good cause may extend one time the expiration of an active, unexpired allocation for an additional 24 months in compliance with the following:
- a. The Director has determined that an additional time extension is necessary due to an economic hardship resulting from a national economic recession.
 - b. The time extension request is filed with the Department before the expiration of the allocation that is the subject of the time extension request.

This Subsection 6.9.1 shall expire, and be of no further force or effect, on January 12, 2012, unless extended by ordinance.

- 6.10 Appropriate fees as established by resolution of the Board of Supervisors shall be charged for processing ~~allocation applications~~ for allocations, reconsideration, and point assignments.

SECTION 35B-7: POINT ASSIGNMENT SYSTEM

- 7.1 Allocations for dwelling units subject to the allocation system shall be awarded twice a year, on the basis of a point assignment system. Projects with the highest number of points will be awarded available allocations for each six month period.

- 7.2 ~~Competing p~~Projects shall be evaluated under the following:

- 7.2.1 Project includes an irrevocable agreement running with the land or change to a Comprehensive Plan Designation that reduces or eliminates potential residential development.

Number of pPoints for one or the first more potential residential units removed..... 20

b. ~~Points for the second and each subsequent unit potential removed~~10

- 7.2.2 Project may receive points for the following categories:

a. ~~Project demonstrates that it that it has obtained a Certificate of Water Service Availability or its equivalent and had submitted a conceptual water conservation plan approved by the MWD.~~

~~does not increase net water usage for the parcel in question above historic level of 1979 to 1988, or above current water use, whichever is less.~~

Number of points10

b. ~~Project utilizes a private on site well from demonstrated perennial sources located outside of the Montecito groundwater basin or water allotment from the City of Santa Barbara~~

Number of points10

- 7.2.3 Project demonstrates that it does not direct vehicular access ~~measurable traffic~~ to any one or more of the following roadways:
 - 1. ~~Hot Springs Road~~ North Jameson Lane
 - 2. Olive Mill Road
 - 3. ~~San Ysidro Road, south of East Valley intersection~~ Sheffield Drive between Jelinda Drive and Birnam Wood Drive
 - 4. East Valley Road, between ~~San Ysidro and Sheffield~~ Cota and Picacho Lane

Number of points 20
- 7.2.4 Project is within 1/4 mile walking distance along roadways from a bus stop 5
- 7.2.5 Project complies with all of the following:
 - a. Travel distance from nearest Montecito Fire Protection District fire station to proposed structure is less than three miles.
 - b. Response time for fire apparatus from fire station to proposed structure does not exceed five minutes.
 - c. The project shall be served by a fire district approved water supply system which satisfies fire flow criteria identified in Montecito Fire Protection District Standards, ~~88-3~~

Number of points 20 points
- 7.2.6 Project is located below hydraulic grade lines or a project certificate from the Montecito Water District (MWD) and Montecito Fire Protection District (MFPD) certifying adequate water pressure and/or the installation of private water tanks and pumps for fire protection.
Number of points 5
- 7.2.7 Project proposed for development is located is located outside of:
 - High Fire or Very High Fire Zones: 10 points
 - Very High Fire Zone.....5 points
- ~~7.2.86~~ Portions of the site which would be disturbed for preparation and construction activities (including access, roads, structured pads, accessory structures and buildings, and exterior accessory areas) shall not exceed 10 percent slope
Number of points 20
- ~~7.2.97~~ Project site does not ~~contains no~~ any mapped habitat areas 15
Number of points 20
- ~~7.2.108~~ Project may receive ~~a maximum of 10 points from~~ in the following categories; points may be awarded only if the applicant has the ability to site the project so that it would be located closer than the distances specified:
 - a. Project protects oak trees and oak woodland areas by providing a minimum of a ~~20~~ 25 feet undisturbed buffer around all oak woodlands and all mature individual oak trees on site as measured from the tree trunk 10
..... 5
 - b. Project ~~includes protection of~~ protects ~~mapped~~ monarch butterfly wintering sites from development by providing a minimum 100 foot undisturbed buffer from all encroachment within 100 feet of the nearest butterfly trees 10 5
 - c. Project includes restoration of all disturbed and/or artificially channelized wetlands or riparian areas and surrounding stream habitats on the parcel 10 5

d. Project protects undisturbed or restored stream(s), creek(s), and riparian vegetation by providing a minimum 75 foot undisturbed buffer strip of 75 feet from the top of the bank for urban area streams and 125 feet in other areas 10 5

7.2.119 Project proposed for development is located site is outside the 100 year floodplain 10
Number of points 10

7.2.120 Project is outside Cold Springs and Montecito Union School District Boundaries
Number of points 10

7.2.134 ~~Dedicated pedestrian pathways, and Ppublic hiking and/or equestrian trail(s) is/are offered as part of the application for point assignment and allocation for dedication to the County adjacent to or along public right of ways and/or which connect other public trail segments acceptable to the County and consistent with community plans is/are offered as part of the application for point assignment and allocation for dedication to the County~~
Number of points 205

7.2.14 Existing and proposed Right-Of-Way encroachments conform to the County’s Encroachment Policy (April 10, 2008, or its successor).
Number of points 5

7.2.152 Project connects hooks up to Montecito Sanitary District sewer system 5
Number of points 5

7.2.136 For projects that propose use of private septic-sewage disposal systems, soil type indicates a less than moderate restriction for sanitary facilities, as indicated on the Soil Conservation Service Maps, unless the factors which indicate a moderate or severe restriction are not present on the specified project site
Number of points 5

SECTION 35B-8: (Deleted by Ordinance 4133)

SECTION 35B-89: EXEMPTIONS

There shall be three classes of exemptions:

- 89.1 Category A: Projects which are exempt from all provisions of this ordinance.**
 - 89.1.1 Any second residential dwelling unit located in a single family zone district, which provides complete independent living facilities for one or more persons ~~pursuant to in compliance with Sections 35-442.160 70 of the Montecito Land Use and Development Code Santa Barbara County Zoning Ordinance, Article IV, and Section 35-142, of the Article II Coastal Zoning Ordinance or its successor.~~
 - 89.1.2 Facilities that provide housing for supervised seniors and/or handicapped persons, or group quarters.
 - 89.1.3 Reconstruction or replacement of permitted or ~~legal~~ nonconforming units consistent with the nonconforming ~~use or structure~~ provisions of Article II and ~~Article IV~~. The Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance or its successor.
 - 9.1.4 ~~Units subject to an approved and recorded phasing agreement under Section 2.h. of Interim Ordinance 3763.~~
 - 89.1.45 Conversions Condominium of existing units condominiums. Conversions of existing units.

~~89.1.56~~ ~~Permittable structures inhabited as a dwelling unit and not requiring a land division, documented to exist prior to August 3, 1990. Structures documented to exist prior to August 3, 1990 that have been continuously inhabited since that time than may be permitted as a dwelling unit in compliance with the Montecito Land Use and Development Code or the Article II Coastal Zoning Ordinance, as applicable, without requiring a land division.~~

~~9.1.7~~ ~~Projects with final Board of Architectural Review approval as of the effective date of this ordinance. Projects under appeal of a Board of Architectural Review decision as of the effective date of this ordinance, and subsequently granted approval shall also be exempted.~~

89.2 Category B: High Priority Units.

~~89.2.1~~ Units not subject to the yearly allocation permit caps: Up to a maximum of eight affordable units per year, on a first come basis, which meet the requirements of the County's Housing Element ~~and the Resource Management Department Housing Guidelines, shall have the highest priority and shall not be counted against the yearly permit allocation cap of 19 units per year, nor subject to the biannual allocation system described in Section 35B-6.~~

~~8.2.2~~ Units subject to the yearly allocation ~~permit~~ cap, but exempt from the point allocation system: Up to ~~the maximum number of allocations (19)~~ allocations may be granted in a calendar year shall be allowable for the following type of projects, per year. Allocations shall be made prior to the granting ~~issuing~~ of any other allocations subject to the cap for a given six month period.

- a. Affordable units that meet the requirements of the County's Housing Element in excess of eight per year;
- b. Market rate units that are part of a 50 percent or more affordable project qualifying under 9.2.1 above;

89.3 Category C: Hardship.

A hardship exemption may be granted ~~issued~~ by ~~the~~ the Montecito Planning Commission ~~Zoning Administrator or his/her designee~~, upon notice and hearing, if all of the following findings can be made:

~~89.3.1.~~ The application is for a ~~S~~single ~~f~~Family ~~R~~Residence dwelling that ~~which~~ will be occupied as the primary residence of the applicant.

~~89.3.2.~~ The applicant is not entitled to any other exemption enumerated in this ~~the~~ ordinance.

~~89.3.3.~~ The applicant has either applied for and made a good faith effort to compete with the maximum number of points possible, but failed to receive an allocation under the ordinance in the allocation period immediately preceding the request for exemption, ~~or participated in the Interim Ordinance 3763 lottery process pursuant to Section 3.e.,~~ but failed to receive an allocation.

~~89.3.4.~~ Strict application of the ordinance will cause a substantial and irrevocable interference with owner's good faith, reasonable investment backed expectations.

~~89.3.4.1~~ For purposes of this subsection, purchase of the subject property on or after April 4, 1989 shall not be deemed to provide the basis for a reasonable expectation of development.

~~89.3.4.2~~ For purposes of this subsection, historic cash investment and carrying costs may be considered but shall not be determinative of entitlement to a hardship exemption. Factors which may be considered include, but are not limited to: date of purchase, purchase price, value of parcel in relation to other assets, financial impact of delayed development, location and value of current primary residence, purchase date and rental history of current primary residence, other real estate holdings, unanticipated unusual circumstances creating hardship, health considerations, household size.

~~89.3.5.~~ The grant of the exemption shall not impair the purpose and intent of the ordinance. This finding shall not be made unless the applicant demonstrates that the dwelling will not measurably cause or exacerbate service and resource constraints enumerated in this ordinance and analyzed in ~~the~~ EIRthe Montecito Community Plan EIR (92-EIR-03), including the SEIR (10EIR-00000-0003) or other relevant studies or documents.

~~89.3.6~~ An allocation based on hardship pursuant to this section shall automatically expire upon transfer of the property.

~~89.3.7~~ Decisions of the Montecito Planning Commission Zoning Administrator or his/her designee shall be the final decision of the County, pursuant to notwithstanding the provisions of Section 35.-492.0540327.3.1 of the County Code, Montecito Land Use and Development Code and Section 35-182 (A) (3) of Article II or its successor.

~~89.3.8~~ Applicant shall deposit fees to cover the costs of processing the exemption application pursuant to a schedule established by the Planning and Development Department, the fee resolution adopted by the Board of Supervisors

~~89.3.9~~ The Montecito Planning Commission Zoning Administrator shall establish rules of procedure pursuant to County Code Section 2-31.

SECTION 35B-910: MODIFICATION AND AMENDMENT OF ORDINANCE.

This ordinance shall be reviewed for possible amendments by the Board of Supervisors at least once every five years during its life. This ordinance may be ~~modified~~ amended as necessary by the Board of Supervisors to account for:

~~910.1~~ Changes in County-wide or Montecito Community Plan Area Plans and policies. Consistency between this ordinance and the Comprehensive Plan, including the Montecito Community Plan, and the updated Land Use and Circulation Elements and Local Coastal Plan shall be reassessed after adoption of said future updates of said elements and plan and this ordinance shall be amended a necessary to comply with those documents.

~~910.2~~ Changes in County or Montecito Community Plan A ~~area fair share of~~ regional housing needs. Once the Housing Element is updated ~~based on 1990 census data and new fair share~~ housing estimates are produced, the residential growth rate shall be re-evaluated to ensure that affordable housing needs can be met.

~~910.3~~ Need for additional encouragement of the construction of affordable units.

~~910.4~~ Additions to or deletions from projects exempt under Section 35B-9.

~~910.5~~ Need for adjustment of the maximum number of yearly allocations based on information in the reports on available services and resources presented to the Board at the time of periodic ordinance review as provided by this section.

~~910.6~~ Need for additional or revised point assignment categories.

SECTION 35B-101: SEVERABILITY

This ordinance shall be fully severable. If any portion of this ordinance is determined to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 35B-112: EXPIRATION

~~112.1.~~ This ordinance shall expire on December 31, ~~2010~~ 2030 unless the Board of Supervisors extends its provisions by amendment. It shall also cease to be in effect at any time the Board of Supervisors determines that public health and safety are no longer jeopardized by residential

construction regulated by this ordinance.

- 112.2. The Planning and Development Department ~~and~~, ~~in conjunction with the~~ Public Works Department, shall annually compile and forward to the Board for consideration a report on the considerations relevant to the public health and safety findings in Section 35B-2 regarding water resources, transportation/circulation and traffic, wastewater infrastructure, and fire protection services. Construction of the Highway 101 improvements shall also be monitored and reported on. Upon the conclusion of the Highway 101 improvements, a traffic study shall be conducted to reassess how post-construction Highway 101 improvements affect transportation/circulation in the Montecito Planning Area. The Director of the Planning and Development Department shall report sooner upon receipt of information indicating that the public health and safety is no longer jeopardized by residential construction regulated by this ordinance.
- 112.3. The Board of Supervisors shall receive the Director's report and may schedule a hearing to determine, for purposes of Section 35B-12.1, whether the public health and safety are no longer jeopardized by residential construction regulated by this ordinance.
- 112.4 For the purpose of Section 35B-12.1, the public health and safety will be considered no longer jeopardized and this Ordinance shall terminate if all of the following criteria are met:

Water Resources: ~~Supplemental water resources, including but not limited to State Water, physically deliver 439 Acre Feet a Year in additional water above the current levels identified in the Montecito Community Plan EIR;~~ Long and short term water demand is within reliable long and short term supply and is consistent with the 10 percent buffer as required by the Montecito Community Plan Policy WAT-M-1.5. and If water demand approaches or exceeds water supply, the bi-annual allocation may be reduced until the situation is alleviated.

Fire Protection: The ratio of firefighters per population served has been reached and ~~been~~ maintained at one-per-2000 or better, and response time to all areas within the Urban Boundary of Montecito is five minutes or better and/or a third fire station is operational;

~~and~~ **Waste Water Disposal:** Montecito Sanitary District infrastructure is sufficient to serve urban areas of the Montecito Planning Area at build-out under the land uses established as part of the Montecito Community Plan

Traffic and Circulation: Completion of improvements to the following identified roadways, intersections and interchanges ~~identified in the Montecito Community Plan EIR,~~ or completion of any equivalent or more effective ~~measures;~~ measures that meet the goals of the Comprehensive Plan, including the Montecito Community Plan and Local Coastal Plan, and its associated implementation.

ROADWAYS

~~Hot Springs Road, south of Sycamore Canyon Road~~ North Jameson Lane

~~San Ysidro Road, south of North Jameson Lane~~ Sheffield Drive between Jelinda Drive and Birnam Wood Drive

East Valley Road between Cota Lane and Picacho Lane

Olive Mill Road between Olive Mill Lane and Hot Springs Road

INTERSECTIONS

~~Hot Springs Road/Coast Village Road~~
~~Hot Springs Road/East Valley Road~~
~~Sycamore Canyon Road/East Valley Road~~ Barker Pass Road
~~San Ysidro Road/North Jameson Lane~~ East Valley Road
Olive Mill Road/Spring Road

U.S. 101 INTERCHANGES

~~Hot Springs Road~~
Olive Mill Road
San Ysidro Road
Sheffield Drive.

SECTION 2

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 3:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2010, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JANET WOLF
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy Clerk

By _____
Deputy County Counsel

Attachment D:
Resolution Recommending the Board of
Supervisors Approve the Minor Changes
to the Local Coastal Program

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ATTACHMENT D: RESOLUTION AND ORDINANCE

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

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF)
AN AMENDMENT TO CHAPTER 35B OF THE)
COUNTY CODE, TO RENEW, EXTEND AND)
AMEND THE MONTECITO GROWTH)
MANAGEMENT ORDINANCE.)

RESOLUTION NO.: 10 - ____

CASE NO.: 09ORD-00000-00014

WITH REFERENCE TO THE FOLLOWING:

- A. On March 12, 1991, by Ordinance 3916, the Board of Supervisors adopted the Montecito Growth Management Ordinance as Chapter 35B of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 09ORD-00000-00014) amending Chapter 35B of the Santa Barbara County Code, to renew, extend and revise the Montecito Growth Management Ordinance.

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

- C. The proposed Ordinance is consistent with the Comprehensive Plan including the Montecito Community Plan and the Coastal Land Use Plan, the Coastal Act of 1976, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it provides for orderly development and protects the unique, hill-surrounded environment; enhances the quality of life; promotes public health, safety, welfare and the general well-being of the community, and ensures that future demands for such essential services as fire protection, sewer infrastructure, and water supplies are met.
- E. This Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

PASSED, APPROVED AND ADOPTED August 25, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

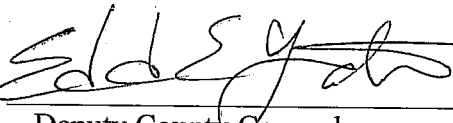
MICHAEL PHILLIPS, Chair
Santa Barbara County Montecito Planning Commission

ATTEST:

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBIT 1: 09ORD-00000-00014