



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

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

MONTECITO PLANNING COMMISSION
HEARING OF AUGUST 25, 2010

**RE: *Montecito Growth Management Ordinance Amendments and Extension;
09ORD-00000-00014***

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, 15162, 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 and

Class II: Air Quality, Traffic/Circulation, and Water Resources.

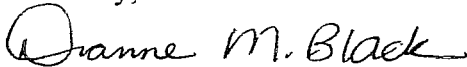
The Supplement to the EIR and all documents referenced therein may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara. The Supplement to the EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa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

Dear Honorable Members of the Board of Supervisors:

At the Montecito Planning Commission hearing of August 25, 2010, Commissioner Overall moved, seconded by Commissioner Eidelson and carried by a vote of 4 to 0 (Phillips absent) to:

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 of the staff report, dated August 15, 2010);
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 of the staff report, dated August 15, 2010);
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 of the staff report, dated August 15, 2010); 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 of the staff report, dated August 15, 2010).

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: Case File: 09ORD-00000-00014
Montecito Planning Commission File
Dianne M. Black, Director Development Review
Ed Yates, Deputy County Counsel
Supervisor Carbajal, First District
Commissioner Eidelson
Commissioner Burrows
Commissioner Phillips
Commissioner Overall
Commissioner Gottsdanker
Vicki Parker, Deputy Director
Jine Pujo, Supervising Planner
✓ Holly Bradbury, Planner

Attachments: Attachment A – Project Findings, Statement of Overriding Considerations (SOC)
Attachment D – Resolution Recommending the Board of Supervisors Approve the Minor Changes to the Local Coastal Program

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LONG RANGE PLANNING

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.

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) RESOLUTION NO.: 10 - 03
COUNTY CODE, TO RENEW, EXTEND AND)
AMEND THE MONTECITO GROWTH) CASE NO.: 09ORD-00000-00014
MANAGEMENT ORDINANCE.)

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: Overall, Gottsdanker, Burrows, Eidelson

NOES:

ABSTAIN:

ABSENT: Phillips


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

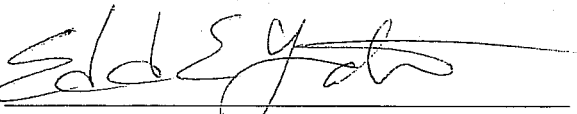
By 
Deputy County Counsel

EXHIBIT 1: 09ORD-00000-00014